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federal register

WEDNESDAY, APRIL 13, 1977

highlights

PART I:

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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Title 3—The President

PROCLAMATION 4497

Older Americans Month, 1977

By the President of the United States of America

A Proclamation

Nearly 33 million Americans are at least 60 years old, and the number is growing by 500,000 a year.

Older Americans can provide our youngsters with an awareness of their heritage, and with a sense of family continuity.

And older Americans can pass on to our children not only the knowledge and wisdom that come with age, but also the values that guided our forebears in building a great republic.

We must find ways to assure that older citizens will continue to lead useful and productive lives. And we must find ways to use their experience, judgment and ability.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the month of May, 1977, as Older Americans Month.

I call upon all Federal, State and community agencies, educators, the communications media, the clergy, and concerned organizations and individuals to do all that lies within their power to help assure that our older citizens have an adequate personal income, access to housing facilities responsive to their needs, adequate services such as health care and transportation, fair employment opportunities, and opportunities for continued involvement in our Nation's activities. Let each of us resolve to do all that is possible to guarantee to these Americans that their later years will be rich, secure and filled with the dignity that is, and ought to be, the birthright of all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, 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.

Jimmy Carter

[FR Doc.77-10965 Filed 4-11-77;4:08 pm]

PROCLAMATION 4498

Earth Week, 1977

By the President of the United States of America

A Proclamation

Since the beginning of this decade, we have begun to recognize that our planet's capacity for satisfying the needs of mankind has limits. We have begun to see that we are its stewards, not its masters. Human activities, even well-intentioned ones, can inflict deep and lasting damage to the earth, the air, and the living plants and animals on which we depend. Protection of the environment is a debt we owe to ourselves and to those who will follow us.

During this same decade we have seen the effects of our activities grow increasingly severe. In the poorer nations, population growth on limited land has placed pressure on the environment. In the industrialized world, patterns of production and consumption have increased pollution, begun to deplete resources, and generated hazardous substances which the earth does not naturally assimilate.

Some have questioned whether we can afford to pay the costs of reducing pollution, protecting our health, and preserving our national heritage. The truth is that environmental controls are consistent with a sound economy, and if we ignore the care of our environment our economy will eventually suffer.

It is appropriate, as spring brings warmth and the flowering of life, that we celebrate Earth Week. The concerns which it symbolizes must become a part of our private and public philosophies.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate and proclaim the week beginning April 17, as Earth Week, 1977. I call upon officials and employees of all levels of government, business leaders, the communications media, and all Americans to join me in making environmental protection a fundamental concern that underscores all our actions.

In particular, I ask all educators to consider introducing an ecological perspective into every scholastic or academic discipline to encourage future application by graduates to protect the health of our planet.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of April, 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.

Jimmy Carter

[FR Doc.77-11030 Filed 4-12-77;11:51 am]

PROCLAMATION 4499

Law Day, U.S.A., 1977

By the President of the United States of America

A Proclamation

The rule of law protects our individual rights and defines our individual responsibilities.

Our commitment to the law deepens when we know that justice will not be delayed, denied, or dispensed with favoritism.

Our respect for the law grows when we are confident that it will remain a true champion of our basic liberties.

The duty of the legal profession is to help rather than to hamper the pursuit of these goals.

And the duty of each citizen is to work peacefully to bring about any changes in the law or its administration that might be needed to assure fair and objective treatment for all.

If our legal heritage is to be preserved, laymen and lawyers alike must understand and appreciate the role of our courts, and work to strengthen and improve our legal system.

To encourage the American people to reaffirm their commitment to the rule of law, the Congress has requested the President to issue a proclamation calling upon the American people to celebrate the first day of May of each year as Law Day, U.S.A. (75 Stat. 43, 36 U.S.C. 164).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon the American people to celebrate Sunday, May 1, 1977, as Law Day, U.S.A., and to reflect upon their individual and collective responsibilities for the effective administration of the law.

I call upon the clergy, educators, the communications media, the courts, the legal profession, and all interested individuals and organizations to mark this twentieth annual nationwide observance of Law Day, U.S.A. with programs and ceremonies as befits our Nation's devotion to the principle of equal justice for all. To that end, I call upon all public officials to display the flag of the United States on all government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of April, 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.

Jimmy Carter

[FR Doc.77-11031 Filed 4-12-77;11:55 am]

rules and regulations

Title 7—Agriculture

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

PART 981—ALMONDS GROWN IN CALIFORNIA

Amendment of Various Subparts

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule makes some changes in the administrative procedures of the marketing order for California almonds. The changes involve the marketing order quality and volume controls, and financial operations. Some of the changes simplify procedures as recommended by the Almond Board of California, while others reflect conforming changes required by an amendment of the marketing order.

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The October 13, 1976, issue of the FEDERAL REGISTER contained a notice of proposed rulemaking to delete § 981.300 in Subpart—Budget of Expenses and Rate of Assessment (7 CFR 981.300; 981.326; 41 FR 37761), and to amend Subpart—Administrative Rules and Regulations (7 CFR 981.441-981.481; 42 FR 3159, 5341, 5677) by deleting §§ 981.453 and 981.481 and revising §§ 981.450, 981.455, 981.467, 981.472, 981.473 and 981.474. The subparts are issued under the marketing agreement, as amended and Order No. 981, as amended (7 CFR Part 981; 41 FR 26852, 27827, 53650). The marketing agreement and order are collectively referred to in this document as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposals were based on a unanimous recommendation of the Almond Board of California.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal; the Almond Board of California submitted the one comment received. The comment took exception to several changes in the wording of the proposals recommended by the Board. The Board contends that in some cases, the wording proposed by it was clearer. To the extent necessary and appropriate, several changes from the wording contained in the Notice, have been made. The changes are noted in the following discussion of the rules.

The amendment of the order, effective July 1, 1976, made several changes which require corresponding conforming changes in two subparts. Therefore, §§ 981.300 and 981.481, which pertain to an operating reserve and to refund of assessments, are deleted since the amendment of § 981.81 makes these rules unnecessary. Also, § 981.453 is deleted since the corresponding order provision, § 981.53, has been deleted.

The order now permits the kernelweight of almonds disposed of by a handler for crushing into oil, or for poultry or animal feed, to be excluded from his receipts and exempted from reserve obligations and assessments, so long as the handler qualifies as, or delivers such almonds to, an exempt outlet. Prior to the order amendment, such exemption was given only after the end user of the almonds had disposed of them. Therefore, paragraph (c) of § 981.450, which deals with certification by the receiver (user), is deleted. The remaining provisions in § 981.450 are combined into one paragraph and revised to allow the exemption for deliveries to dealers in nut wastes, so long as the dealers are acceptable to the Board.

Paragraph (a) of § 981.455 requires interhandler transfers to be reported to the Board and prescribes the form to be used. This paragraph is revised to reduce the amount of information required to be shown on the form and the number of copies of the form to be submitted.

The notice proposed that paragraph (b) of § 981.455 be revised to restrict the amount of reserve credit one handler may transfer to another handler, and to prohibit transfer of reserve credit to satisfy a handler's inedible disposition obligation incurred pursuant to § 981.42(a). In its comment, the Board stated that the proposal lacked clarity and was subject to misinterpretation. Therefore, paragraph (b) has been revised to make it clear that (1) a handler may transfer credit for reserve disposition to another handler only if this disposition is in excess of the transferring handler's reserve obligation, and (2) the handler may transfer all or part of this credit.

Section 981.467 is amended by deleting provisions pertaining to the physical setaside of reserve, and by revising provisions pertaining to the agency agreement for the disposition of reserve almonds. However, based upon a Board comment, and consistent with the change in § 981.455(b), the words "credit may be transferred" in the final clause of the concluding sentence in § 981.467 (b), as proposed, has been replaced with the words "disposition may be credited."

Section 981.472 has been rewritten without substantive change to improve understanding of its provisions. Section 981.473 is revised by deleting obsolete provisions, changing information required of handlers on redetermination reports, and making other changes in the reporting requirements for greater flexibility.

Section 981.474(a), pertaining to shipments of almonds, is revised to conform with the order changes with respect to the method of establishing the salable and reserve percentage. On the basis of the Board's comment that the proposal would be costly and unnecessary, the wording proposed in the notice is changed. The second sentence in paragraph (a) is revised to require handlers to maintain files of shipment invoices—not to file invoices (with the Board), as proposed.

Section 981.474(b) is added to require submission by handlers of appropriate reports pertaining to exports. Also, § 981.474(c) is added to cover reports of diversion to noncompetitive outlets, and to permit the Board to waive this reporting requirement under certain circumstances. The proposal in the notice would have permitted the Board to waive the requirement to file ABC Form 13 for diversion of almonds to noncompetitive outlets which the Board had "previously declared eligible for reserve credit". In its comment, the Board said the proposed wording might have incorrectly required it to waive the reporting requirement on diversion to outlets previously approved but no longer acceptable to the Board. Therefore, the wording of paragraph (c) is revised to permit the Board to waive the reporting requirements when the diversion of almonds is to a noncompetitive outlet acceptable to the Board.

Finally, "Control" is deleted wherever it appears in those sections which, under the proposal, would be revised. The order amendment changed the name of the Board from the "Almond Control Board" to "Almond Board of California".

After consideration of all relevant matter presented, including that in the notice, the comment received and the recommendation submitted by the Board, and other available information, it is found that to amend the administrative rules and regulations as herein set forth will tend to effectuate the declared policy of the act.

Accordingly, Subpart—Budget of Expenses and Rate of Assessment and Subpart—Administrative Rules and Regulations are amended as follows:

§ 981.300 [Deleted]

1. Section 981.300 is deleted.

2. Section 981.450 is revised to read as follows:

§ 981.450 Exempt dispositions.

As provided in § 981.50 any handler disposing of almonds for crushing into oil, or for poultry or animal feed, may have the kernel weight of these almonds excluded from his receipts, and exempt from program obligations so long as the handler qualifies as, or delivers such almonds to, a crusher, a feeder, or a dealer in nut waste; the crusher, feeder, or dealer are acceptable to the Board; each delivery is made directly to the crusher, feeder, or dealer, by June 30 of the crop year; and each delivery is certified to the Board by the handler on ABC Form 8.

§ 981.453 [Deleted]

3. Section 981.453 is deleted.

4. Section 981.455 is revised to read as follows:

§ 981.455 Interhandler transfers.

(a) *Transfers of almonds.* Interhandler transfers of almonds pursuant to § 981.55 shall be reported to the Board on ABC Form 7. The report shall contain the following information: (1) Date of transfer; (2) the names and plant locations of both the transferring and receiving handlers; (3) the variety of almonds transferred; (4) whether the almonds are shelled or unshelled; and (5) the name of the handler assuming reserve and assessment obligations on the almonds transferred. ABC Form 7 shall be signed by the transferring handler and by the receiving handler if the latter is assuming the obligation(s).

(b) *Transfers of reserve credits.* If a handler has reserve disposition in excess of his reserve obligation, all or part of his excess disposition may be credited to another handler. The transferred credit shall not exceed the quantity needed by the receiving handler to cover his reserve obligation. The Board shall complete the transfer upon receipt of an ABC Form 11 executed by both handlers. No transfer of reserve credits shall be made to satisfy a handler's inedible disposition obligation incurred pursuant to § 981.42(a).

5. Section 981.467 is revised to read as follows:

§ 981.467 Disposition in reserve outlets by handlers.

(a) *Agents of Board.* Beginning with July 1 of any crop year, a handler may become an agent of the Board pursuant to § 981.67 for the purpose of disposing of reserve almonds of such crop year in the authorized outlets. The agency shall be established upon a handler executing a reserve agreement (ABC Form 12), applicable to export or diversion, or both, containing terms and conditions specified by the Board.

(b) *Reserve credit.* Credit in satisfaction of a reserve obligation shall not exceed the accrued reserve obligation derived by applying the reserve percentage to the quantity of almonds received by a handler for his own account during the crop year. Disposition by an agent of the Board in eligible reserve outlets within a crop year in excess of his reserve obligation shall be held to be a disposition of salable almonds. Whenever such disposition has been inspected and certified, if required, and has complied with the terms, conditions, and documentation applicable to disposition of reserve almonds as determined by the Board, the disposition may be credited against any reserve obligation subsequently incurred by the handler during that crop year, or the disposition may be credited pursuant to § 981.455(b) against the reserve obligation of another handler.

6. Section 981.472 is amended by revising the first sentence of paragraph (a) and by revising (b) in its entirety.

§ 981.472 Report of almonds received.

(a) Each handler shall report to the Board on ABC Form 1 the total pounds of almonds, unshelled and shelled, by varieties, received by him for his own account within any of the hereinafter prescribed reporting periods. * * *

* * * * *

(b) For the reporting periods July 1 through December 31, and January 1 through March 31, each handler shall submit a summary report to the Board, within 30 days after the end of the reporting period, which shall show the quantity of almonds received for the handler's own account by county of production and such varieties as may be requested by the Board.

7. Section 981.473 is revised to read as follows:

§ 981.473 Redetermination reports.

Each handler shall furnish for use by the Board in redetermination of the kernel weight of almonds received for his own account and for marketing policy considerations, the information listed and described in this section. Such information shall be reported within the applicable times specified in § 981.73 on forms provided by the Board.

(a) *Handler carryover.* A report of the weight of all almonds, whether unshelled or shelled, whereover located, held by the handler for his own account, whether or not sold.

(b) *Reserve.* A report of all reserve almonds, net weight, which have been disposed of in the manner provided in § 981.66 and 981.67.

(c) *Delivered sales.* A report of salable almonds sold and delivered, showing the weight, and whether unshelled or shelled, except those disposed of pursuant to the requirements for reserve disposition, or to crushing or feed outlets, or used in almond products.

(d) *Almond products.* A report of all almonds used by the handler in the manufacture of any almond product as defined in § 981.15.

(e) *Transfers.* A report of almonds transferred to another handler showing the weight of each lot transferred and whether unshelled or shelled.

(f) *Undelivered sales.* A report of all almonds sold but not delivered, showing the weight of such almonds and whether they are unshelled or shelled.

8. Section 981.474 is revised to read as follows:

§ 981.474 Report of shipments.

(a) Each handler shall report all shipments of almonds, unshelled and shelled and by classification, on ABC Form 25. In support of this report, the handler shall keep invoices on the shipments, or such other documentation as may be acceptable to the Board. The reports shall be filed with the Board within five business days after the close of each month of the crop year.

(b) At the time of each export sale, each handler shall report it to the Board on ABC Form 18 and upon delivery into export shall report this on ABC Form 19. If any export is not made directly by the handler, he shall send the ABC Form 19 to the broker-exporter and request him to make the report to the Board. These forms shall include the number and type of container, net weight, variety and whether unshelled or shelled, time of export and destination. In years of minimum export prices applicable to reserve almonds, ABC Form 19 shall include the grade and size, the inspection certificate number, the price and any terms defining the price.

(c) In any crop year when reserve almonds are diverted to noncompetitive outlets, such handler shall report his intentions to divert on ABC Form 13 and the completion of diversion on ABC Form 14. Upon notice to all handlers the Board may waive the requirements to file ABC Form 13 for diversion of almonds to noncompetitive outlets which are acceptable to the Board.

§ 981.48 [Deleted]

9. Section 981.481 is deleted.

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

Dated: April 8, 1977.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.77-10774 Filed 4-12-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

Subchapter G—Miscellaneous Regulations

[FmHA Instruction 440.3]

PART 1888—SPECIAL ASSISTANCE TO DROUGHT STRICKEN AREAS

Addition of Part

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: USDA-FmHA issues regulations to provide special assistance to farmers and ranchers suffering from extreme drought conditions. This regulation is necessitated by the needs of drought affected areas. FmHA recognizes that many rural areas have suffered

substantial losses and hardships due to abnormal drought conditions and that special assistance is needed because of diminished water supplies.

DATE: This addition is effective on April 13, 1977. Comments must be received on or before May 13, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Denton E. Sprague, (202—447-4597).

SUPPLEMENTAL INFORMATION: USDA-FmHA amends Chapter XVIII, Title 7 Code of Federal Regulations, Subchapter G, "Miscellaneous Regulations," to add a new Part 1888, "Special Assistance to Drought Stricken Areas," (§§ 1888.1–1888.50). The purpose of this new Part 1888 is to establish Agency policy for making loans to farmers and ranchers, who may have suffered substantial losses and hardships as a result of abnormal drought conditions. Areas of eligibility for financial assistance will be designated by the President, the Secretary of Agriculture and the FmHA State Director, subject to conditions set forth in § 1888.12. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemptions in 5 U.S.C. 553. This addition, however, is not published for proposed rulemaking since the purpose is to provide needed financial assistance to farmers and ranchers, who may have suffered losses and extreme privation as a result of abnormal drought conditions, and any delay in administering this assistance would be contrary to the public interest. However, comments will be accepted and material thus submitted will be evaluated and acted upon in the same manner as if the document were a proposal. However, this addition will remain effective until amended in order to permit the public business to proceed expeditiously. Accordingly, a new Part 1888, as added, is set forth below.

Sec.

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

§ 1888.1 Purpose.

This Part prescribes the policies, procedures, and guidelines of the Farmers Home Administration (FmHA) for providing special assistance to farmers and ranchers, suffering from extreme drought conditions.

§ 1888.2 Policy

FmHA recognizes that many rural areas have suffered substantial losses and hardships due to abnormal drought conditions and special assistance is needed because of diminished water supplies. FmHA will utilize existing authorities and regulations to provide the assistance authorized by this Part to meet the needs of these areas.

§ 1888.3 [Reserved]

§ 1888.4 Areas of eligibility.

Loans under this Part are to be made in the following areas:

(a) Areas currently designated by the President, the Secretary of Agriculture, or the FmHA State Director as emergency loan areas because of drought.

(b) Those areas subsequently designated because of drought in accordance with § 1832.10 of this chapter.

§ 1888.5–1888.11 [Reserved]

§ 1888.12 Emergency loans.

(a) *Production losses.* (1) *Drought production losses.* Farmers, ranchers and persons engaged in aquaculture (including private domestic corporations and partnerships) otherwise eligible may be eligible for 5% interest rate loss loans under this provision when due to the drought provided:

(i) They are unable to plant all or a portion of their normal crops, including feed crops, or are unable to graze pastures, or

(ii) They will be unable to produce all or a portion of their normal perennial crops already growing such as fruits and nuts, or

(iii) They will be precluded from harvesting all or part of the crops they have planted.

(2) *Decrease in production.* Drought production losses must represent a decrease in production of at least 20 percent below normal in a basic farming enterprise to establish eligibility. See Subpart A of Part 1832 of this chapter.

(3) *Amount of EM loan.* The amount of the drought production loss (which will establish the amount of the 5 percent interest loan) will be calculated by determining normal income in accordance with Subpart A of Part 1832 of this chapter and subtracting therefrom the amount of any income that may be derived from the disaster-affected enterprise(s), plus the costs which will not be incurred because of the drought. Such costs will be derived from current crop enterprise budgets prepared by State Agricultural Extension Service economists which are based on normal farming conditions in the designated drought area.

(4) *Additional loans for actual production losses.* Additional loans for actual production losses later determined at the end of the crop season will be made at the 5 percent interest rate in accordance with Subpart A Part 1832 of this chapter. The amount of any drought loss loan must be deducted from any additional actual production loss loans made to borrowers based on losses from the same disaster to the same enterprise(s) for which an applicant later qualifies.

(5) *Physical loss loans.* Loans for physical losses may be made at the 5 percent interest rate in accordance with Subpart A Part 1832 of this chapter.

(b) *Annual operating and major adjustment loans.* Farmers, ranchers, and persons engaged in aquaculture (including private domestic corporations and partnerships) found eligible for loss loans as prescribed in this part may be eligible for major adjustment and operating loans at the prevailing market rate of interest, in accordance with Subpart A Part 1832 of this chapter.

(c) *Procedure for loan making and servicing.* Loans shall be made and serviced in accordance with Subpart A Part 1832 of this chapter except as modified in this section of this Part.

§ 1888.13–1888.16 [Reserved]

§ 1888.17 Termination provisions.

(a) Any assistance provided under this Part must be for an applicant with an application on file and found eligible on or before September 30, 1977.

(b) Projects or measures should be completed by no later than November 30, 1977. Under special circumstances or hardship situations an extension of completion time may be granted by the FmHA Administrator.

§ 1888.18–1888.19 [Reserved]

§ 1888.20 Request for obligation of funds.

(a) Loans and grants approved under this part will be identified with the appropriate disaster designation number and as special drought loans by typing in "D" between "EM Loans Only" and "24 Disaster Code" in Part II of Form FmHA 440–1, "Request for Obligation of Funds."

(b) The Finance Office will not process Form FmHA 440–1 for loans approved under this part that are not coded with a disaster designation number in Part II of the form.

§ 1888.21–1888.50 [Reserved]

Effective date: This addition is effective on April 13, 1977.

Dated: April 8, 1977.

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

[FR Doc.77-10765 Filed 4-12-77;8:45 am]

Title 11—Federal Elections

CHAPTER I—FEDERAL ELECTION COMMISSION

[Notice 1977-23]

PROMULGATION OF REGULATIONS

AGENCY: Federal Election Commission.

ACTION: Final Regulation.

SUMMARY: This rule establishes the effective date for Commission regulations implementing the Federal Election Campaign Act of 1971, as amended, that were published earlier. The delay in setting the effective date is the result of the Congressional review period required by statute for Commission regulations.

EFFECTIVE DATE: April 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Swillinger, Assistant General Counsel, (202-523-4060).

SUPPLEMENTARY INFORMATION: The Commission, by this notice, is promulgating its regulations interpreting the Federal Election Campaign Act of 1971, as amended. The regulations were published in proposed form on May 26, 1976, June 25, 1976 and July 9, 1976 in the FEDERAL REGISTER. The regulations were adopted by the Commission and transmitted to the Congress on August 3, 1976, as required by 2 U.S.C. § 438(c), and 26 U.S.C. §§ 9009(b) and 9039(b). The regulations were published in the FEDERAL REGISTER on August 25, 1976 at 41 FR 35932. Because the 30 legislative day review period did not run prior to Congressional adjournment, the regulations were resubmitted to the Congress on January 11, 1977, containing amendments to the August 25 version published on September 10, 1976, at 41 FR 38522 and October 18, 1976 at 41 FR 45952 and subsequently adopted by the Commission.

The 30 legislative day period having run on March 30, 1977, the Commission now promulgates the regulations as published on August 25, as amended by the notices of September 10 and October 18. Reprints of the FEDERAL REGISTER publication may be obtained from the Commission's Office of Public Information, 1325 K Street, N.W., Washington, D.C. 20463, (202) 523-4068.

VERNON W. THOMSON,
Chairman for the Federal Election Commission.

11 CFR Chapter I is adopted, effective April 13, 1977, as published on August 25, 1976 (41 FR 35932), with the following changes:

PART 102—REGISTRATION AND ORGANIZATION OF POLITICAL COMMITTEES

1. Section 102.9 is amended by revising (c)(3)(iii); the introductory text of (c)(4); and (c)(4)(ii) to read as follows:

§ 102.9 Accounting for contributions and expenditures.

* * * * *

(c) * * *

(3) * * *

(iii) The particulars of the expenditures; and

* * * * *

(4) When a receipted bill is not available, the treasurer may keep—

* * * * *

(ii) The bill, invoice or other contemporaneous memorandum of the transaction supplied to the committee by the payee containing the same information as referred to in paragraph (3) of this paragraph.

* * * * *

2. The second sentence of § 102.10 is revised as follows:

§ 102.10 Petty cash fund.

* * * If a petty cash fund is maintained, it shall be the duty of the treasurer of the political committee to keep and maintain a written journal of all disbursements, including the particulars of each disbursement from the fund. Such a change would make this section consistent with § 102.9(c)(3)(iii) as revised in subparagraph (1) above. * * *

PART 104—REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

3. In § 104.2(b)(9), the text beginning with "together with the amount, date, and purpose * * *" is deleted and the following substituted therefor:

§ 104.2 Form and content of reports.

* * * * *

(b) * * *

(9) * * * together with the amount, date and particulars of each such expenditure and the name, address of, and office sought by, each candidate on whose behalf such expenditures were made.

* * * * *

PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

4. Paragraph (c)(2) of § 114.4 is revised as follows:

§ 114.4 Nonpartisan communications.

* * * * *

(c) * * *

(2) A corporation or labor organization may distribute or reprint (in whole) any registration or voting information, such as instructional materials, which have been produced by the official election administrators for distribution to the general public. A corporation or labor organization may distribute official registration-by-mail forms to the general public if permitted by the applicable State law. The registration forms must be distributed in a nonpartisan manner, and the corporation or labor organization may not, in connection with the distribution, endorse, support, or otherwise promote registration with a particular party.

* * * * *

PART 134—EXAMINATIONS AND AUDITS; REPAYMENTS

5. Paragraph (c)(2) of § 134.3 is revised as follows:

§ 134.3 Liquidation of obligations; repayment.

* * * * *

(c) * * *

(2) If on the last day of candidate eligibility there are net outstanding campaign obligations, any matching funds received thereafter may be retained for a period not exceeding 6 months after the end of the matching payment period in order to liquidate those obligations. However, as of the date when the amount or amounts of matching funds received after ineligibility equal(s) the amount of the candidate's net outstanding campaign obligations, the candidate shall be obliged to repay to the Treasury that portion of any unexpended balance remaining on that date in the candidate's accounts (less the matching payments so received) which bears the same ratio to such balance as the total amount received from the matching payment account bears to the aggregate of all contributions and matching funds deposited in all the depositories through that date. Repayment shall be made within 30 days thereafter, but not later than 6 months after the end of the matching payment period.

* * * * *

[FR Doc.77-10890 Filed 4-12-77;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Withdrawal Prior to Maturity of a Time Deposit Which Has Become Uninsured by Virtue of a Bank Merger

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final Rule.

SUMMARY: This rule allows for withdrawal prior to maturity of all or part of a time deposit, without penalty, in those cases where, as the result of a bank merger, a depositor has deposits which have become partially uninsured. Also, in view of the fact that this rule constitutes the third distinct exception to the withdrawal penalty provisions of FDIC's regulations, the text of these provisions has been slightly reworded for the sake of clarity. The FDIC is taking this action in response to public inquiry.

EFFECTIVE DATE: April 13, 1977.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202-389-4324.

SUPPLEMENTARY INFORMATION: For some time the federal financial supervisory agencies have been considering the advisability of allowing a partial exception to the withdrawal penalties which otherwise apply to the premature withdrawal of time deposits where, as the result of a bank merger, a depositor

has deposits which have become partially uninsured. After consultation with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation has decided to provide an exception from the withdrawal penalties in merger situations.

However, the exception will be limited to the withdrawal of no more than the uninsured amount in the resulting bank, the extent of insurance being determined by reference to Parts 330 and 331 of FDIC's regulations governing the insurance of deposit accounts, including trust funds.

A few brief illustrations will help to clarify the exception:

(1) Assume that John Doe has a $40,000 time deposit in bank A and a $10,000 time deposit in bank B. Banks A and B merge; the result being bank AB. John has a total of $50,000 in bank AB. As a result of the merger, $10,000 is uninsured. John will be entitled to withdraw $10,0000 of the $50,000 without penalty, thereby reducing his deposit in bank AB to the $40,000 maximum covered by deposit insurance.

(2) Assume that John Doe has a $40,000 time deposit in bank A and his wife, Mary, has a $40,000 time deposit in bank B. As a result of the merger, John has a $40,000 time deposit in bank AB and Mary has a $40,000 time deposit in bank AB. Neither John nor Mary will be entitled to withdraw any funds prior to maturity, without penalty, since their deposits in bank AB are both fully insured. The same result would follow if John had held a $40,000 time deposit in his own name in bank A and John and Mary had held a $40,000 joint time deposit in bank B, since individual and joint accounts are separately insured.

(3) Assume that John Doe has a $100,000 time deposit in bank A and a $100,000 time deposit in bank B. The uninsured portion in each bank is $60,000, or $120,000 in the aggregate. As a result of the merger John has $200,000 in bank AB. The uninsured amount has thus increased to $160,000. John will be allowed to withdraw up to $40,000 from AB without penalty; that amount constituting the difference between the pre-merger uninsured amount of $120,000 and the post-merger uninsured amount of $160,000.

As noted in the Summary this is the third exception to the withdrawal penalties contained in § 329.4(d) of FDIC's regulations (12 CFR 329.4(d)). However, no substantive changes have been made in any of the other exceptions. Those exceptions allow withdrawal prior to maturity, without penalty, in certain instances upon the death of the depositor or where the deposit consists of funds contributed to an IRA or a Keogh Plan fund.

12 C.F.R. Part 329 is amended by deleting the last three sentences of § 329.4 (d) and substituting the following sentences in their place:

§ 329.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty on payment of time deposits before maturity.* * * *

The prohibitions contained in this paragraph (d) shall not apply to the withdrawal of all or part of a time deposit prior to maturity under any of the following circumstances: (1) On the death of any owner of time deposit funds. An "owner" of time deposit funds is any individual who at the time of his or her death has full legal and beneficial title to all or a portion of such funds or, at the time of his or her death, has beneficial title to all or a portion of such funds and full power of disposition and alienation with respect thereto, including but not limited to a power of revocation with respect to any trust of which the funds comprise all or part of the assets, whether or not such owner is acting as trustee; (2) where the time deposit consists of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. 408 or to a Keogh (H.R. 10) plan established pursuant to 26 U.S.C. 401 and the individual for whose benefit the account is maintained is 59½ years of age or older or has become disabled within the meaning of 26 U.S.C. 72(m) (7); or (3) where the funds constituting the time deposit consist of funds transferred to a new or resulting insured nonmember bank as the result of the merger of insured banks,[11b-1] but only to the extent that the funds sought to be withdrawn were insured prior to the merger and have become uninsured as a result thereof, and provided that notice of withdrawal is given the new or resulting bank not later than twelve months after consummation of the merger.

* * * * *

(12 U.S.C. 1819; 12 U.S.C. 1828(g).)

Since the above amendment relaxes a restriction imposed by prior regulation and does not interfere with existing or future contractual relations between insured banks and their customers, the requirements of Sections 553(b) and 553 (d) of Title 12 of the United States Code and Sections 302.1, 302.2 and 302.5 of FDIC's Rules and Regulations with respect to notice, public participation and deferred effective date were not followed by FDIC's Board of Directors in connection with its promulgation. Although the Board of Directors decided that a pre-promulgation notice and comment period would not serve a useful purpose, it will review all post-promulgation comments and suggestions and will consider revising the amendment, if necessary, in light of the comments and suggestions submitted.

By order of the Board of Directors, April 5, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77-10888 Filed 4-12-77;8:45 am]

[11b-1] The term "merger" includes all forms of corporate consolidations which are considered de facto mergers under applicable statute or case law.

PART 342—APPLICATIONS FOR A STAY OR REVIEW OF ACTIONS OF BANK CLEARING AGENCIES

Adoption of Final Regulation

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: This Part establishes procedures to be followed by insured nonmember State banks who are appealing from an adverse action by a bank clearing agency. These banks have had this right of appeal for over a year. This Part is intended to provide a specific procedure for these appeals.

EFFECTIVE DATE: May 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald J. Gervino, Legal Division, Federal Deposit Insurance Corporation, Washington, D.C. 20429. (202-389-4384).

SUPPLEMENTARY INFORMATION: On page 28544 of the FEDERAL REGISTER of July 12, 1976, there was published a proposal to add a new Part 342. The Part sets procedures for appeals by insured nonmember State banks from adverse actions of bank clearing agencies. It requires that requests for stays of adverse actions be in writing and include a statement as to why a stay should be granted. It also establishes certain formal requirements in connection with a subsequent appeal. Interested persons were given 30 days in which to comment upon the proposed Part. No written comments have been received and the proposed Part is hereby adopted without change and is set forth below.

By Order of the Board of Directors, April 5, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

Sec.

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

§ 342.1 Scope of part.

This part is issued by the Federal Deposit Insurance Corporation (the "Corporation") pursuant to sections 17A, 19 and 23 of the Securities Exchange Act of 1934 as amended (15 U.S.C. 78) (the "Act"). It applies to applications by banks insured by the Corporation (other than members of the Federal Reserve System) for a stay or review of certain actions by clearing agencies registered under the Act for which the Securities

and Exchange Commission is not the appropriate regulatory agency under section 3(a)(34)(B) of the Act ("bank clearing agencies").

§ 342.2 Applications for stays of disciplinary sanctions or summary suspensions by a bank clearing agency.

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

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

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

(b) An application for review pursuant to section 19(d)(2) of the Act shall be filed with the Corporation within 30 days after notice thereof was filed pursuant to section 19(d)(1) of the Act and received by the aggrieved person applying for review, or within such longer period as the Corporation may determine. The Executive Secretary of the Corporation shall serve a copy of the application on the bank clearing agency, which shall, within ten days after receipt of the application, certify and file with the Corporation one copy of the record upon which the action complained of was taken, together with three copies of an index to such record. The Executive Secretary shall serve upon the parties copies of such index and any papers subsequently filed.

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

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

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

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

(g) The rules of practice contained in Part 308 shall apply to review proceedings under this rule to the extent that they are not inconsistent with this section. Attention is directed particularly to § 308.20 of these regulations relating to the form of papers and number of copies to be filed.

[FR Doc.77-10687 Filed 4-12-77;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 77-107]

PART 159—LIQUIDATION OF DUTIES CERTAIN FISH FROM CANADA

Countervailing Duties To Be Imposed Under Section 303, Tariff Act of 1930, as Amended, by Reason of the Payment or Bestowal of a Bounty or Grant Upon the Manufacture, Production or Exportation of Certain Fish From Canada

AGENCY: Customs Service, Treasury.

ACTION: Final countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a determination that the Government of Canada has given benefits which constitute bounties or grants under the countervailing duty law on the manufacture, production or exportation of certain fish. However, countervailing duties will be waived due to actions by the Government of Canada to reduce significantly the bounty or grant.

EFFECTIVE DATE: April 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTAL INFORMATION On October 7, 1976, a "Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (41 FR 44196). The notice stated that it preliminarily had been determined that benefits had been received by Canadian exporters of certain fish which may constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

Fish imports covered by this investigation are classifiable under items 110.-3560, 110.3565, and 110.5545, Tariff Schedules of the United States Annotated.

The notice stated that the programs under which these benefits were conferred included payments to fishermen and processors for catches and production of first quality fish and fish products under the Groundfish Temporary Assistance Program. A program preliminarily determined not to be a bounty or grant within the meaning of the Act included the payment of financial assistance toward the construction of certain fishing vessels built and registered in Canada. The notice further stated that before a final determination would be made consideration would be given to any relevant data, views, or arguments submitted in writing, on or before November 8, 1976 with respect to the preliminary determination.

After consideration of all information received, it is determined that exports of certain fish from Canada are subject to bounties or grants within the meaning of section 303 of the Act. Further inquiry into the vessel assistance payments has resulted in a determination that these payments do constitute bounties or grants within the meaning of the Act, in view of the fact that benefits in relation to total fish sales are more than de minimis and that over 75 percent of Canada's fish production is exported.

Payments under the Groundfish Temporary Assistance Program were discontinued on January 1, 1977, on exports of the fish and fish products which are within the scope of this investigation. Consequently, there are no longer any payments being made under this program to items subject to the investigation which would constitute bounties or grants within the meaning of section 303 of the Act.

Accordingly, notice is hereby given that the dutiable fish, which is the subject of this investigation, imported directly or indirectly from Canada, if en-

tered, or withdrawn from warehouse, for consumption on or after April 13, 1977, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

Effective April 13, 1977 and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable fish from Canada, which benefit from these bounties or grants and are subject to this order, liquidation shall be suspended pending declarations of the net amounts of the bounties or grants paid.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be credited or bestowed, directly or indirectly, upon the manufacture, production or exportation of such dutiable fish from Canada.

Notwithstanding the above, a "Notice of Waiver of Countervailing Duties" is being published concurrently with this order which covers fish from Canada subject to this investigation in accordance with section 303(d) of the Act. At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting for the deposit of estimated countervailing duties which will be required at the time of duty, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR § 159.47(f)) is amended by inserting after the last entry for Canada the words "Certain Fish" in the column headed "Commodity", the number of this Treasury Decision in the column headed "Treasury Decision", and the words "Bounty Declared—Rate" in the column headed "Action".

(Sec. 303 of the Act. (R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; 19 U.S.C. 66, 1303, as amended, 1624).)

Approved: April 5, 1977.

VERNON D. ACREE,
Commissioner of Customs.

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

[FR Doc.77-10747 Filed 4-12-77;8:45 am]

[T.D. 77-108]

PART 159—LIQUIDATION OF DUTIES CERTAIN FISH FROM CANADA

Determination Under Section 303(d), Tariff Act of 1930, as Amended, To Waive Countervailing Duties

AGENCY: Department of the Treasury.

ACTION: Waiver of Countervailing Duty.

SUMMARY: This notice is to inform the public that a determination has been made to waive the countervailing duties that would otherwise be required by section 303 of the Tariff Act of 1930. The countervailing duties are waived on bounties or grants paid by the Canadian Government on the manufacture, production or exportation of certain fish. The waiver is being issued, among other reasons, because of actions by the Government of Canada to reduce significantly the bounty or grant. The waiver will expire on January 4, 1979 unless revoked earlier.

EFFECTIVE DATE: April 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C. (202-566-8256).

SUPPLEMENTAL INFORMATION: In T.D. 77-107, published concurrently with this determination, it has been determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), are being paid or bestowed directly or indirectly, upon the manufacture, production or exportation of certain fish from Canada.

Section 303(d) of the Tariff Act of 1930, as added by the Trade Act of 1974 (Pub. L. 93-618, January 3, 1975), authorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the 4-year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) Adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(2) There is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) The imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Based upon analysis of all the relevant factors and after consultations with interested agencies, I have concluded that steps have been taken to reduce substantially the adverse effects of the bounty or grant. Specifically the Government of Canada has removed a direct subsidy payment to Canadian fish processors under the Groundfish Temporary Assistance Program for those categories of fish covered by this investigation which are exported. This resulted in a 97 percent reduction in the bounty or grant.

After consulting with appropriate agencies, including the Department of State, the Office of Special Representative for Trade Negotiations, and the Department of Commerce, I have further concluded (1) That there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and (2) That the imposition of countervailing duties on certain fish from Canada would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303 (d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties as well as the suspension of liquidation ordered in T.D. 77-107 on certain fish from Canada.

This determination may be revoked, in whole or in part, at any time and shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of the Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.

On or after April 13, 1977, of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of Congress of a resolution disapproving this "Waiver of Countervailing Duties", or January 4, 1979, whichever occurs first, countervailing duties will be assessable on certain fish imported directly or indirectly from Canada in accordance with T.D. 77-107 published concurrently with this determination.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR § 159.47(f)) is amended by inserting after the last entry from Canada under the commodity heading "Certain Fish" the number of this Treasury Decision in the column heading "Treasury Decision", and the words "Imposition of countervailing duties waiver" in the column headed "Action".

(R.S. 251, secs 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2051, 2052; 19 U.S.C. 66, 1303, as amended, 1624.)

JOHN H. HARPER,
Acting Assistant Secretary of the Treasury.

APRIL 5, 1977.

[FR Doc.77-10746 Filed 4-12-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER XX—OFFICE OF ASSISTANT SECRETARY FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-394]

PART 3500—REAL ESTATE SETTLEMENT PROCEDURES ACT

Requirements for Special Information Booklets

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule eliminates the requirement that lenders provide the Equal

Credit Opportunity Act notice on the inside rear cover of the Special Information Booklet required by the Real Estate Settlement Procedures Act. This change makes the RESPA Special Information Booklet comply with recent changes in the ECOA regulations.

EFFECTIVE DATE: April 13, 1977.

ADDRESSES: Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Telephone: 202-755-6703.

FOR FURTHER INFORMATION CONTACT:

Charles Field, Director Real Property Practices Staff, Office of Consumer Affairs and Regulatory Functions, Department of Housing and Urban Development, Washington, D.C. 20410, (202-755-5860).

SUPPLEMENTARY INFORMATION: This Department issued final regulations on June 4, 1976, implementing the Real Estate Settlement Procedures Act of 1974 (RESPA), 41 FR 22702. One of the requirements set forth in those regulations dealt with the Equal Credit Opportunity Act (ECOA) notice and the delivery of that notice on the inside rear cover of the Special Information Booklet, also required by RESPA; both were to be delivered at the time of loan application. 24 CFR 3500.6(a). The Board of Governors of the Federal Reserve has recently amended Regulation B, which implements ECOA, altering the notice delivery requirements; 12 CFR 202.9 requires that the ECOA notice need only be provided when a creditor takes adverse action regarding an application for credit. This makes current RESPA requirements inconsistent with new ECOA procedures.

It is the purpose of this rule, therefore, to amend Part 3500 to eliminate that inconsistency. Since the adoption of this rule conforms HUD regulations to other agency requirements which were adopted after public comment the Department has determined that notice and public comment concerning this amendment is unnecessary. Moreover, it was considered important to provide as much advance notice of this amendment as possible to allow for printing changes in the Special Information Booklet which makes reference to the now-obsolete notice requirement. (Textual amendments are dealt with under separate notice published this date, April 13, 1977.)

A Finding of Inapplicability of section 102(2)(c), National Environmental Policy Act of 1969, has been made with regard to this rule in accordance with HUD Handbook 1390.1. A copy of the Finding of Inapplicability is available for public inspection during regular business hours at the Rules Docket Clerk at the above address. Further, it is hereby certified that the economic and inflation impacts of this rule have been carefully evaluated in accordance with OMB Circular A-107.

§ 3500.6 [Amended]

Accordingly, Part 3500 is amended by deleting the last sentence in § 3500.6(a).

(Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C. on April 5, 1977.

RANDOLPH S. KINDER,
Acting Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.77-10684 Filed 4-12-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G-39]

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

Reporting Motor Vehicle Data to GSA

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation codifies the provisions of FPMR Temporary Regulation G-22, published September 2, 1975 (40 FR 40215), which require Federal agencies to report motor vehicle data to GSA on Standard Form 82-D, Agency Report of Sedan Data. The information received by GSA in these reports is used to develop and maintain energy conservation policies and guidelines for the operation, procurement, and replacement of motor vehicles. Because the conservation of energy is a matter of continuing importance, this regulation has been developed to establish this reporting requirement on a permanent basis.

EFFECTIVE DATE: This regulation is effective April 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Procedures Management Division, Office of Customer Service and Support, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

The table of contents for Part 101-38 is amended to include the following new and revised entries:

Subpart 101-38.1—Reporting Motor Vehicle Data

1. Section 101-38.100-1 is revised as follows:

§ 101-38.100-1 Reporting forms.

Federal agencies shall use Standard Form 82, Agency Report of Motor Vehicle Data, and Standard Form 82-D, Agency Report of Sedan Data, to report vehicle inventory, cost, and operating data to GSA. Interagency Report Control Number 1102-GSA-AN has been assigned to these reporting requirements. (Standard Forms 82 and 82-D are illustrated in §§ 101-38.4901 and 101-38.4901-1, respectively.)

2. Section 101-38.100-2 is revised as follows:

§ 101-38.100-2 Federal Motor Vehicle Fleet Report.

From the data submitted by Federal agencies on Standard Forms 82 and 82-D, GSA will compile the "Federal Motor Vehicle Fleet Report." This report is a summary of the data submitted on these forms and is used to evaluate and analyze operations and management of the Federal fleet. GSA supplies copies of this report to Federal agencies and to other organizations as requested.

3. Section 101-38.102 is revised as follows:

§ 101-38.102 Preparation of forms.

The Standard Forms 82 and 82-D are each divided into two sections. Section I of each form is for reporting data relating to agency-held and -rented vehicles. Federal agencies are to report data in section I as holding agencies, using agencies, or both, as appropriate. Section II of each form is for reporting data for large fleets of agency held vehicles. Detailed instructions for preparing these forms are located on the reverse of each form.

4. Section 101-38.102-1 is revised as follows:

§ 101-38.102-1 Reporting period and submission.

Each Federal agency, as holding agency, using agency, or both, shall submit Standard Forms 82 and 82-D to GSA not later than 75 days after the end of the fiscal year.

5. Section 101-38.102-2 is revised as follows:

§ 101-38.102-2 Reporting domestic and foreign vehicles.

Agencies shall report data for domestic fleets and foreign fleets on separate Standard Forms 82 and 82-D.

Subpart 101-38.49—Forms and Reports

Section 101-38.4901-1 is added as follows:

§ 101-38.4901-1 Standard Form 82-D, Agency Report of Sedan Data.

NOTE.—The form illustrated in § 101-38.4901-1 is filed with the original document.

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

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

Dated: April 1, 1977.

ROBERT T. GRIFFIN,
Acting Administrator of General Services.

[FR Doc.77-10794 Filed 4-12-77;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1005—FREEDOM OF INFORMATION ACT REGULATIONS

Change of Regional Office Address

Correction

In FR Doc. 77-9194, appearing on page 16625 in the issue for Tuesday, March 29, 1977, in the second paragraph beneath the signature, the address now listed as "Box 3608" should be changed to read "Box 36008".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20561; FCC 77-205]

PART 76—CABLE TELEVISION SERVICES

Definition of a Cable Television System and Creation of Classes of Cable Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission amends its definition of a cable television system to define a system in terms of technical considerations, reduces the number of rules covering cable television systems with less than 500 subscribers, and clarifies its exemption from regulation for systems serving multiple unit dwellings. These actions are taken to reduce confusion created by the old definition of a cable television system and to reduce the regulatory burden on small cable television systems.

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

James A. Hudgens, Policy Review and Development Division, Cable Television Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-6468).

Adopted: March 9, 1977.

Released: April 6, 1977.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

1. By Notice of Proposed Rule Making in Docket 20561, FCC 75-850, 54 FCC 2d 825 (1975) the Commission announced its intention to review and possibly modify § 76.5(a) of its rules, which defines a "Cable Television System" as follows:

Cable television system (or CATV system). Any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service, but such term shall not include (1) any such facility that serves fewer than 50 subscribers, or (2) any such facility that serves only the residents of one or more apartment dwellings under common ownership, control, or management, and commercial establishments located on the premises of such an apartment house.

NOTE.—In general, each separate and distinct community or municipal entity (including unincorporated communities within unincorporated areas and single, discrete, unincorporated areas) served by cable television facilities constitutes a separate cable television system, even if there is a single headend and identical ownership of facilities extending into several communities. See e.g., *Telerama, Inc.*, 3 FCC 2d 585 (1966); *Mission Cable TV, Inc.*, 4 FCC 2d 236 (1966).

2. As delineated in the Notice, the reasons for this review of the Commission's definition of a cable television system are two-fold: first, over eleven years' experience with the present language has resulted in numerous requests for interpretations, and clarification is in order, and, secondly, the Cable Television Re-Regulation Task Force has recommended to the Commission that the occasion of the clarification be used as a vehicle for certain deregulatory relief. The Task Force has suggested that some of the burdens of our cable television rules may be removed from small systems either through a change in the definition or through the adoption of a separately defined class of small systems to which only limited parts of the rules would apply, and has further suggested that additional regulatory relief may be accomplished through modification of the "separate community" aspect of the definition and through increased use of the "headend" concept.

3. Accordingly, the Notice stated that this proceeding would furnish an opportunity for reviewing all aspects of our definition of a cable television system and, in the course of the redefinition process, serve as an appropriate vehicle for considering the following matters as well:

Recognition in the rules that cable television systems, as technical and economic units, do not stop at precise political community boundaries, and, accordingly, a consideration of regulatory relief and possible changes in the definition's "separate community" and "headend" concepts;

Clarification of our definition vis-a-vis "MATV" systems serving multiple family dwelling units; a consideration of appropriate regulation for systems serving large units; and a clarification of other aspects of the definition such as payment; and

Relief for small cable television systems from inappropriate and burdensome regulation through a change in the existing 50 subscriber exemption or the creation of a category of small cable television systems to which only limited regulation applies, or some combination of both of these, and a related consideration of the possible creation of a "reception only" class of cable systems.

4. Over 50 separate parties, representing a broad range of interests, filed comments and/or replies in this proceeding.[1] The major cable and broadcasting trade associations submitted their views—National Cable Television Association, Community Antenna Television Association, National Association of Broadcasters, and the Association of Maximum Service Telecasters. The ABC Television Network submitted both comments and reply comments. The National Association of Theatre Owners participated in this proceeding as did major program suppliers—MCA, Inc. and a joint filing on behalf of Columbia Pictures, MGM, 20th Century-Fox, and United Artists. Five state cable associations participated—Arizona, California, Florida, Kentucky, and Nebraska. State and local regulatory agencies were represented—the State of Minnesota Cable Communications Board, the New York State Commission on Cable Television, and San Diego County. Numerous cable multiple system operators made filings herein as did numerous television station licensees and the South Carolina Educational Television Network. And, significantly, many small, independent cable operators submitted their views. Lengthy submissions were made on behalf of the Citizens for Cable Awareness in Pennsylvania and the Philadelphia Community Cable Coalition. Technically oriented organizations also participated: RCA Corporation, Jerrold Electronics Corporation, Theta-Com, and Comlab Corporation (U.S. Communities, Inc.) submitted their views, as did the Manufactured Housing Institute, a trade association representing 80 manufacturers of mobile and modular homes. Comments were submitted on behalf of Mark Winkler Management, Inc., the operator of a large apartment complex in Alexandria, Virginia, and by a California real estate consultant. Comments also were filed by a cable television audience ratings organization, VideoProbeIndex, Inc. Many of these participants directed their comments only to one or two of the issues treated herein, while others discussed the entire panoply of subjects.

[1] We note that several parties were unable to make timely filings of their initial comments herein; in view of the fact that the mails were partially responsible for this result and because such comments were filed many weeks prior to the replies herein, we shall grant late acceptance of these submissions.

SUMMARY OF ACTIONS TAKEN

5. Based on an evaluation of the comments received and our experience, we have determined to redefine what constitutes a cable television system and to create a class of small cable systems for regulatory purposes. The actions taken today may be briefly summarized.

The term "cable television system" will be redefined to reflect the technological and functional characteristics common to all such systems.

Although the revised definition will reflect the "headend" concept, the remainder of the rules will not be amend ed ipso facto to apply on a systemwide, rather than a per-community basis. To clarify the applicability of those rules intended to apply on a per-community basis, the term "system community unit" will be added to the rules.

The signal carriage rules will continue to apply on a community-by-community basis. In cognizance of the burden borne by system operators required to carry different signal complements on different units of a technically-integrated system, we have articulated

the criteria we will apply in judging requests for waivers. These include:

Whether the affected community(ies) could feasibly obtain cable television service without grant of the requested waiver;

Whether the remainder of the system could be constructed if the affected segment were not;

The number and type of inconsistent signals proposed for carriage;

Whether the inconsistent signals' carriage is mandatory in any segment of the system;

The percentage of the local broadcaster's total service area affected;

The local broadcaster's financial condition, if put in issue in the proceeding;

The extent to which the market has already been penetrated with cable carriage of the signal(s) in question;

The extent to which the system may contemplate future expansion involving similar waivers.

Section 76.54 of the rules will be amended to permit the taking of one prescribed audience survey per system, rather than per community, to show that a signal is significantly viewed.

To facilitate the natural extension of existing systems, we shall apply the cross-ownership proscriptions of Section 76.501 on a per-system basis.

The franchise standards and certification rules will continue to apply on a per-community basis.

Systems serving only subscribers in one or more multiple unit dwellings under common ownership, control, or management and those with fewer than 50 subscribers will remain unregulated.

A class of smaller systems having between 50 and 499 subscribers will be created to which only a limited number of regulations will apply. These systems will remain subject to the mandatory signal carriage rules, will continue to have certain information reporting obligations, and will remain subject to compliance with the Commission's technical standards. They will be exempt from the requirement that technical standard performance tests be performed, from the distant signal carriage limits, from the franchise standards, from the public inspection file requirements, and from the requirement that a certificate of compliance be obtained. Other rules already do not generally apply to systems of this size (network nonduplication, syndicated exclusivity, and access requirements) or are expected to have little impact on systems in this class. Systems exceeding 500 subscribers will not be grandfathered, will have to come into full compliance with the rules for larger systems, and must be certified prior to serving the 500th subscriber.

Simultaneously with the release of this Report and Order a Further Notice of Proposed Rule Making is being issued to consider and obtain additional comment on whether the new limited regulations now applicable to systems of between 50 and 499 subscribers should be extended to systems of between 500 and 999 subscribers.

6. We shall present a subject-by-subject summary of the comments dealing with each of these matters, analyze them and set forth our conclusions. We will consider first the question of whether the rules should apply to each system as a technical and operational unit rather than to each cable community separately. Second, we will consider the question of whether a de-regulated class of small cable systems should be created. Finally, we will consider questions relating to the scope of the definition and whether systems serving the residents of apartment buildings and similar establishments should be brought within the scope of the rules.

II. "Community" Versus "Head-End" Definition

7. The first aspect of our definition to be discussed is the "Note", which provides that for definitional purposes each separate community shall be considered to be served by a separate cable television system, regardless of whether that "system" is simply a segment of a larger, technically-integrated facility serving several communities. At Paragraph 40 of the Notice, we explained several reasons why this approach had been considered necessary. First, we sought to assure the efficacy of our signal carriage rules, and particularly to prevent the spread of grandfathered, or otherwise inconsistent, signals from one portion of a technically-integrated system to subsequently-built extensions thereof. Additionally, the adoption of rules requiring a complement of access channels for each community located in a major television market required that a cable facility be separated into its community components, as did the adoption of rules on franchise standards. However, comments received by the Re-Regulation Task Force questioned the advisability and necessity of retaining the "separate community" provision. Accordingly, we elicited comment as to whether and how a cable television system might be redefined integrally, in terms of its technical configuration, rather than severally, in terms of the individual communities served.

Comments Supporting "Headend" Definition

8. Virtually all of the commenters favored amending the definition of a cable television system to incorporate, for some purposes, a technical or headend definition as opposed to a community definition. Most would abolish the separate-community doctrine entirely, while several would retain it for purposes of compliance with our signal carriage rules. Several of those favoring its deletion would place specific mileage of population limitations on the definition for signal carriage purposes.

9. Only two commenters expressed apparent reservations about adoption of the headend concept for definitional purposes. The Kentucky CATV Association, with whose remarks Vilas Cable, Inc., generally agrees, posits that a technically-integrated cable facility does not necessarily constitute a "system" as the subscribing public understands it; instead, these commenters emphasize that communities identify with their individual "system" instead. This reservation over system nomenclature as not shared by other cable interests commenting, who support a shift to the headend concept on the grounds that it reflects the realities of system planning and construction. In support of this argument, several of the commenters point to our recent amendments of the exclusivity, access, and reporting rules, all of which now utilize the headend concept.[1] Manhattan Cable Television, Inc., and Cablevision Systems Corporation, among others, argue that these recent rule amendments exemplify the fact that the headend concept is a more realistic basis on which to build the rules. The Minnesota Cable Communications Board states that it regards every community served off a single headend as constituting part of one cable communications system, and declares that this method has proven advantageous in facilitating franchise planning and in extending service to rural communities. The New York State Commission on Cable Television, which has also adopted a headend-type definition, concurs in its practicality and urges us to amend our definition accordingly.

10. Other proponents of the headend concept have concentrated their arguments on the disadvantages of the separate community concept, and urge that it be abandoned. Central New York Cable TV points out that the Commission's primary concern in adopting the separate community provision was to prevent the extension of grandfathered or otherwise inconsistent signals from smaller communities to larger ones. However, Central New York argues that the separate community provision has actually had the opposite effect, and has instead prevented existing systems from serving smaller, outlying communities that cannot be economically served by a separate system or by the existing system providing a different signal complement. Welch Antenna Company and Cablevision Systems Corporation agree with Central New York that deletion of the separate community provision would be unlikely to cause mass system extension with inconsistent signals because the communities already served are the large ones, and because extension of service beyond a 55-amplifier cascade is technically difficult because of progressive signal degradation.

11. Different proposals for redefining a cable television system in terms of the headend concept have been submitted. Cablevision Systems Corporation

[1] See First Report and Order in Docket 19995, FCC 75-413, 52 FCC 2d 519 (1975), Report and Order in Docket 20482, FCC 75-541, 53 FCC 2d 391 (1975), Report and Order in Docket 20247, FCC 75-658, 54 FCC 2d 811 (1975). Our access rules were amended subsequent to the filing of the comments in this proceeding. Report and Order in Docket 20508, FCC 76-448, 59 FCC 2d 378 (1976). See also Report and Order in Docket 19988, FCC 74-1279, 49 FCC 2d 1090 (1974).

suggests that the present note be modified to provide that "in general," a commonly-owned and technically-integrated cable facility serving more than one community from a single headend, either by cable or microwave, constitutes a single cable television system. Allen's Cable TV, in a comment jointly filed with 68 other cable systems, would redraft the note to provide that cable television facilities employing a single headend with an integrated distribution system, or a primary headend with subheadends or hubs connected to the primary headend by means of cable and/or other radio signals, and which are operated under common ownership and control, constitute a cable television system. While favoring a headend-type definition, Theta-Com maintains that the definition should be neutral with respect to technical configuration, thus assuring system operators the freedom to choose that which offers subscribers the best service.

12. A number of the proponents have responded at length on the question of whether and how the adoption of a headend-type definition can be reconciled with other aspects of our rules, most particularly our signal carriage rules. At one end of the spectrum, Storer Cable, Inc., would preserve the separate community concept for signal carriage purposes. Becker Communications would also retain the separate community approach for signal carriage purposes and further suggests that, where the question of different signal carriage in a portion of a system is presented, the Commission evaluate the need for unified signal carriage on the basis of the type of technical integration, the number of inconsistent signals involved, the size of the community, and so forth. Becker recommends that the rules be amended to require submission of all such pertinent documentation whenever it is proposed to extend an existing system into a community where its signal complement would be inconsistent with the rules. Where the record shows that the new system could not be constructed unless its signal carriage were the same as that carried in other portions of the system, Becker proposes that the new segment be permitted to carry the same complement of signals. Where a system serves communities located in different television markets, Becker recommends that the signal carriage rules applicable to the system's headend apply throughout. Sammons Communications and several other multiple system operators, filing jointly, concur in these remarks. Cablevision Systems Corporation would require different levels of service only where the system serves communities located in two different major markets, and would do so only on an ad hoc basis. It proposes that the applicable signal carriage rule be determined on the basis of the total area served by the system, rather than on the rules applicable to the headend community or the community with the largest population. Others recommend specific formulas to resolve signal carriage issues in place of the separate community provision. Allen's TV Cable et al. suggest that signal carriage be equalized throughout all areas of a system within 20 miles of the headend and having a population no greater than 10,000. Allen's notes that 20 miles is the natural limit of a cable system using either CARS LDS microwave equipment or amplifiers, and the 10,000 population figure is the equivalent of 3,500 subscribers, the cutoff figure for compliance with our new access rules. Communications Properties, Inc., would permit the same signals to be carried by a system within a 25-mile radius of the original community served, and would place a limit of 500 subscribers on such extensions. As an alternative to its main proposal, Cablevision Systems Corporation would limit the definition of a system for signal carriage purposes to a 40-mile radius of the lead community. At the opposite end of the spectrum, the Arizona Cable Television Association recommends that the headend concept be used for all regulatory purposes, and that the extension of grandfathered signals into small adjacent communities be permitted. The Florida CATV Association, Susquehanna Broadcasting Corporation, and Cablecom-General, Inc., agree, and Cablecom and Florida state that the certification procedure will provide an adequate method of monitoring system development for potential abuses without the more substantial inhibition contained in the separate community limitation. Indian River Cablevision would allow all technically-integrated systems to carry the same signal complement throughout, unless the system is transmitting signals from its headend to a distant point simply to avoid building a separate headend.

13. A less obvious question raised is whether a change should be made in the method whereby special surveys may be taken to show that signals are significantly viewed in a community. Currently, where a system serves two or more communities § 76.54 (b) and (c) of the Rules requires that prescribed audience surveys be taken in every affected community to determine whether the unlisted signals are significantly viewed there. Video-ProbeIndex, one company performing audience surveys, points out that this application of the separate community limitation can be unduly burdensome to some system operators. Specifically, VPI states that taking the required survey costs $30 per home, a cost that does not vary with the size of the community being surveyed. Thus, VPI avers that systems serving smaller communities bear a disproportionate burden in taking such surveys, and declares that the results of surveys in small communities are not always adequate even under the best of circumstances. VPI urges that such surveys are probably unnecessary because most cabe television systems have an effective radius of only 15 to 20 miles; therefore, under normal circumstances the signals significantly viewed in a system's headend community will be significantly viewed at its extremities as well. Therefore, VPI recommends that we amend our rules to permit the taking of one survey for a technically-integrated system where (1) a contiguous or nearly contiguous franchise area, with a radius of 15 or 20 miles, is served by a single headend, and (2) the individual communities served do not exceed 5,000 households. The New York State Commission on Cable Television concurs with VPI's assessment and advocates that signals significantly viewed in one county be deemed significantly viewed in any community outside or adjacent to it if the affected communities are served by a technically-integrated system.

14. Several of the commenters, including the County of San Diego, Central New York, and Cablecom-General, urge that we amend our rules on certification to permit the filing of one application for certification per system instead of per community. These commenters would continue the present requirement of Section 76.31 that a franchise or other appropriate authorization be submitted for each community to be served. Allen's Cable TV et al. are in basic agreement, but urge that where one community cannot grant a franchise the system operator should be bound by the terms of the franchise granted by the community from which the system is expanding or another adjacent franchise area. Only where no franchising authority exists in the area, Allen's et al. insist, should the operator's adherence to an alternative proposal be required. CSC recommends that an abbreviated application, with franchise, be filed for extensions of existing systems.

COMMENTS OPPOSING DELETION OF SEPARATE COMMUNITY PROVISION

15. As previously stated, most of the commenters favor adoption of the headend concept for definitional purposes but several vigorously oppose deletion of the separate community provision. For instance, the American Broadcasting Company proposes that the headend concept be adopted for purposes of calculating exemption levels under our various rules, as we have done with respect to our access and reporting requirements rules. The Association of Maximum Service Telecasters concurs in these remarks. Specifically, ABC and AMST suggest that "technical integration" be defined, as in the note to Section 76.161, as integration accomplished by a local cable or microwave interconnection; satellite or microwave networking to geographically separated systems would not constitute technical integration. The named parties would retain the separate community concept, however, arguing that it is necessary to preserve the integrity of the signal carriage rules. AMST and MCA, Inc. observe that the extension of grandfathered signals from one community to another was intended to be precluded regardless of the relative size of the communities. Indeed, AMST notes that many operators serve very small communities from separate headends, and fears that allowing the extension of grandfathered signals may unduly prejudice franchisee selection in the extension community. The licensees argue that complex mileage zone formulas

to limit inconsistent signal carriage throughout an integrated system are unworkable, and that the headend concept is at odds with the market zone concept. Finally, AMST argues that other rule revisions based on the headend concept are no basis for weakening the signal carriage rules; the signal carriage rules look to specified areas and their populations, rather than cable systems happening to be in them. ABC and the licensees would, however, contemplate ad hoc waiver of the signal carriage rules if a headend-type definition were adopted. The licensees would require a special justification and a showing of minimal adverse impact on local broadcasters; similarly, ABC would be "liberal" in granting waivers of the signal carriage rules where a showing of minimal adverse impact is made.

DISCUSSION

16. The Commission's definition of a cable television system possesses three distinct elements. It first sets forth the essential technological characteristics shared by all cable television facilities: namely, they receive television broadcast signals, amplify or otherwise modify them, and distribute the signals to subscribers. It then specifies several categorical exclusions. Facilities possessing the stated technological characteristics but lacking 50 paying subscribers are exempted, as are so-called MATV (master antenna television) facilities serving the residents and commercial establishments of commonly-owned apartment facilities. A last qualification is imposed in the separate community provision. (See "Note," § 76.5(a).)

17. Obviously these qualifying elements do not determine whether or not a given facility is a cable television system in a technical sense. They reflect instead certain public interest judgments made by this Commission with respect to regulating cable television systems. For instance, cable facilities serving 50 or fewer subscribers were presumed to be too small and too few in number to engender any realistic concern over their potential impact on local over-the-air television, either singly or in the aggregate, and thus the relative burden such systems would bear in complying with our rules would be excessive and unnecessary. For this reason such cable facilities were exempted from our definition, not because they could not rightly be defined as "systems," but because we had determined that it would not serve the public interest to regulate them as such. The separate community concept was adopted for policy reasons to insure compliance with signal carriage rules and was incorporated in the definition when we adopted the current rules in 1972 for purposes of compliance with the new access and franchise rules as well.

18. Based on our experience with the existing definition and a consideration of the comments filed in this proceeding we have decided to make a number of changes in the definition to resolve some ambiguities and make more understandable the terminology employed. The principal change is to delete from the definition the Note following it which specifies that each community will be treated as having a separate cable system. For those rules that we will continue to apply on a community-by-community basis a new cable "system community unit" defintion will be included in the rules. (Para. 20, infra.) The new general defintion is as follows:

CABLE TELEVISION SYSTEM

A nonbroadcast facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment, under common ownership and control, that distributes or is designed to distribute to subscribers the signals of one or more television broadcast stations, but such term shall not include (1) any such facility that serves fewer than 50 subscribers, or (2) any such facility that serves or will serve only subscribers in one or more multiple unit dwellings under common ownership, control or management.

Aside from eliminating the separate community note, a number of other changes which we believe are useful have also been made. The reasons for some of these changes, such as the deletion of the phrase "who pay for such service", as well as reasons why some of the changes suggested were not made are discussed further in this Report in relation to the question of what action should be taken with respect to apartment house MATV type systems. Other changes were an effort to be more technically precise and do not at this time have major substantive consequences. Thus, substitution of "associated signal generation, reception, and control equipment" is a simple but technologically precise way of describing the hardware components of "any facility that, in whole or in part, receives directly or indirectly over the air, and amplifies and otherwise modifies * * * (television broadcast) signals." This more general terminology thus describes the hardware in question in comprehensive terms, making it unnecessary to include a variety of specific terms such as single and primary headends, subheadends, hubs, and so forth, in an attempt to achieve the same inclusiveness. Because it was not definitionally significant we have also eliminated carriage of radio broadcast programming as an element of the amended definition. The chief function of most cable television systems, at present, is the retransmission of television broadcast signals and, indeed, it is upon this "ancillary to broadcasting" function that our jurisdiction over cable television was first exercised.[1] Many cable systems do not carry radio broadcast signals, and none of those that do features them as its primary service offering. The same situation presently pertains to carriage of cablecast programming. We therefore find it appropriate not to include the provision of either radio broadcast or cablecast programming as an essential constituent of a cable television system. Naturally, should the type of service offered preeminently by cable television systems change in ensuing years to feature either radio broadcast or cablecast programming, we may revisit our definition and amend it appropriately.

19. Another important amendment to our definition is accomplished by substituting the term "a set of transmission paths" for "by wire or cable." The amended language has the advantage of anticipating new developments in system interconnection, thus obviating the need to revisit the definition to make continuing adjustments. The new definition's neutrality respecting technical configuration will allow system operators the flexibility to design the type of system best suited to the needs of subscribers in a given area while permitting us the latitude to fashion all or any part of our rules to apply to any current or future type of cable television system, as the public interest may require. To assure that the technological neutrality of the amended definition is not interpreted to include such non-cable television broadcast station services as Multipoint Distribution Systems, common carrier network-to-affiliate station program transmission links, telephone lease-back arrangements, or other specialized common carrier services, we have adopted a separate definition of "subscriber," as follows:

Subscriber: A member of the general public who receives broadcast programming distributed by a cable television system and does not further distribute it.

The term "subscriber" includes the occupants of one or more multiple-occupancy buildings who receive signals distributed by an MATV system that is interconnected to a cable television system for this purpose. Where a cable television system's rates for this service are charged on a bulk-rate basis, the actual number of subscribers served shall continue to be computed in the manner prescribed in Section 1.1116 (b) of the Commission's rules.

20. Having determined that it is appropriate to define a cable television system in technical terms, we also find it useful to define, for purpose of those rules which will continue to be applied on a community-by-community basis, a term describing that part of a system which is located within a single community. This definition is as follows:

System Community Unit (community unit): That portion of a cable television system that operates or will operate within a separate and distinct community or municipal entity (including unincorporated communities within unincorporated areas and including single, discrete unincorporated areas).

21. *Effect of redefinition on other rules.* The various sections of the cable television rules adopted in 1972 continue, of course, to reflect the definition adopted at that time, and thus treat the term "system" as being coextensive with "community." In deleting the separate community concept from the definition,

[1] *United States* v. *Southwestern Cable Company*, 392 U.S. 157 (1968). See also *U.S.* v. *Midwest Video Corp.*, 406 U.S. 649 (1972).

we may affect the applicability of one or more of these other rules. Moreover, in amending the medium of interconnection in the definition from "wire or cable" to "a set of transmission paths," we potentially render all cable facilities interconnected by privately-owned microwave one system for regulatory purposes.[4] This, in turn, could have an effect on the applicability of the access, exclusivity, and equal employment opportunity rules, the jurisdictional limits of which are based on the size of a technically-integrated system as a whole.

22. *Signal carriage rules.* Our first area of concern is the extent to which our signal carriage rules may be affected by deletion of the separate community concept from the definition. We must emphasize that this change in the definition does not change the signal carriage rules at all. By their own terms our signal carriage rules are applicable on a community-by-community[5] basis, and deleting the separate community proviso from the definition does not affect that. We do not agree with the views of several of the proponents that identical signal carriage ought to be permitted throughout all portions of any technically-integrated system regardless of the applicable signal carriage rules.

Over-the-air television relies on local audience support for its continued existence. Where a portion of this audience resides in communities served by a cable television system, the limitations contained in our signal carriage rules are designed to assure the local broadcaster's continued viability by providing for carriage of the local station on the system while limiting the number of distant signals imported to that whose competition the local station presumably can withstand. Accordingly, retention of the separate community concept in our signal carriage rules is necessary.

23. We are not insensitive to the burden borne by the system operator where different signal carriage rules apply in different communities served by one technically-integrated system. The necessity of obtaining and maintaining the equipment required to provide different levels of service within one system is translated into added costs incurred by the system operator and passed along to subscribers. The assumption necessarily made in imposing such burdens on the system is that they are required to insure that the local broadcaster will not suffer a worse burden of adverse competitive impact.

24. In a series of opinions centering on the issue of whether to waive our signal carriage rules in such instances to permit the carriage of inconsistent signals in all portions of a technically-integrated system, we have sought to apply the test of balancing the burden of compliance with the public-interest need for compliance. In each situation we have ascertained the cost of compliance and, where it is disproportionate either because the system is very small,[6] or because trapping out the inconsistent signals is technologically difficult and prohibitively expensive,[7] and because the potential impact of inconsistent signal carriage is minimal,[8] we have granted waivers. The problems posed in determining whether or not to waive our signal carriage rules to permit carriage of the same signal complement throughout a technically-integrated system thus existed under our old definition, and they will persist under the new. Because deletion of the separate community provision likely will increase attention to the grounds for waiver, we find it appropriate to discuss briefly the difficulties we perceive in the signal-trapping process and enunciate the factors we will consider in evaluating whether a waiver of the rules is warranted.

25. The problem of deleting, or "trapping," inconsistent signals from a segment of a system varies, depending on the system's technical configuration, its channel array, and whether signals have to be deleted and/or added to comply with the applicable signal carriage rule. The cost of the traps similarly varies, and so does their effectiveness. For instance, traps may cost as little as $10 per channel in the low-band channels, but these inexpensive traps have significant drawbacks. These traps typically allow all the audio portion of the programming and some residue of the video to be received. Thus, not only is the programming not totally deleted, but the system operator receives complaints and requests for service from subscribers who believe their receivers are malfunctioning. For this reason, many operators do not use them. To completely delete both audio and video, the price of the traps increases to between $1,000 and $4,000 per channel. Where deletion of signals from channels in the higher band is involved, however, the cost of full video and audio trapping jumps to a minimum of $3,000 to $4,000 per channel. These devices are prone to malfunction when the weather changes suddenly; to assure satisfactory performance regardless of climatic conditions, it is likely that a subheadend must be installed. Installation of a subheadend in turn entails construction of a building to house the necessary equipment, and the costs of land acquisition and construction generally make compliance to this extent an impossible burden for many systems.[9] Where compliance with the signal carriage rules would require a signal to first be deleted and then reintroduced, a subheadend is again required. In this situation, the usual subheadend costs mentioned are increased by the cost of microwave or cable to transmit the signal to the subheadend and processors with which to reintroduce it into the system. These total costs would be prohibitive for all but the very largest of systems."[10]

26. In deciding whether to waive our signal carriage rules to eliminate the necessity of trapping, we attempt to analyze each situation by applying the traditional balancing test of cost of compliance versus necessity of compliance. That is, the cost of trapping is estimated and then contrasted with the necessity for compliance as demonstrated by the likelihood of the inconsistent signals producing an adverse impact on local broadcasting. From this perspective it is apparent that the issue we seek to isolate is whether the burden of compliance on the cable operator is warranted, regardless of its magnitude. Thus, the fact that in certain situations traps may cost less than $1,000 to provide may not be determinative. Even where the cost is not excessive, the unevenness of the trap's performance—coupled with the possibility that the inconsistent signals' carriage will cause little or no impact on local broadcasting—could make installing the traps needlessly burdensome. Because the specific factors weighed in reaching a decision on whether or not to waive the signal carriage rules have not been comprehensively articulated to date, we find it appropriate in the context of this discussion to do so.

27. We first look to the cost of compliance to predict whether the affected area

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[4] Common carrier microwave service interconnecting commonly-owned cable television facilities cannot render the facilities to be one system. Our revised definition specifies that the "transmission paths and associated signal generation, reception and control equipment" must be "under common ownership and control."

[5] The meaning of the term "community" as used in the rules is a matter which we have indicated must be determined on a case-by-case basis depending on the circumstances involved. See Second Report and Order in Docket 15971, FCC 66-220, 2 FCC 2d 725, para. 149 (1966). The definition is usually coincident with a municipal boundary, but that is not always the case. See *Telerama, Inc.*, 3 FCC 2d 585 (1966) and *Mission Cable TV, Inc.*, 4 FCC 2d 236 (1966) (the cases cited in the note to the present cable television system definition). See also *Calvert Telecommunications Corp.*, FCC 74-1095, 49 FCC 2d 200 (1974). Because the term community is used in Section 307(b) of the Communications Act there has been some judicial and Commission discussion of the meaning of the term as used in that context. See e.g., *St. Louis Telecast, Inc.*, FCC 57-294, 12 RR 1289, 1369 (1957).

[6] See, e.g., *Micro-Cable Communications Corp. d/b/a Florida Cablevision* (St. Lucie Village, Florida), FCC 75-45, 50 FCC 2d 804 (1975).

[7] See, e.g., *Hoosier Hills Cable Co.* (Orleans, Ind.), FCC 75-295, 51 FCC 2d 1137 (1975), granting recons. of FCC 74-842, 48 FCC 2d 138 (1974); *Sammons Communications, Inc. d/b/a Turlock Cablevision* (Unincorporated area 7 of Stanislaus County, Cal.), FCC 74-973, 48 FCC 2d 1105 (1974), granting recons. of FCC 73-363, 40 FCC 2d 462 (1973).

[8] See, e.g., *Hoosier Hills* and *Micro-Cable, supra*; see also *Clearview Cable TV* (Lynn Haven, Fla.), FCC 75-1266, 56 FCC 2d 739 (1975).

[9] See *Hoosier Hills, supra.*

[10] See *Pioneer Cablevision Corporation* (Village of Endicott, New York), FCC 75-1140, 56 FCC 2d 111 (1975); see also *Sammons, supra.*

could feasibly obtain cable service without grant of the requested waiver.[11] In so doing we shall eliminate at the outset those systems having such a large subscriber potential that compliance with the rules is not only attainable but also necessary, because of the potentially substantial impact on local broadcasting.[12] A related factor which we would also consider is whether construction of the remainder of a technically-integrated system would be possible if the affected area were not constructed because the waiver request was denied. This, of course, is the converse of the first proposition; if denial of the waiver would result in a system's not being constructed, there is no reason to differentiate between whether the portion of the system that will fail is the portion with the inconsistent signals or that on which signal carriage would have been consistent.

28. Where the system likely would not be built absent waiver, we must inquire further whether so extreme a result is nevertheless necessary to protect local stations. Conversely, even where the cost of cable system compliance would not be prohibitive, it is proper to inquire whether even that relatively small burden is warranted in the public interest. Thus, we shall look further to see the number and nature of inconsistent signals proposed for carriage, and whether their carriage is mandatory in any other community served by the system. Waivers seeking carriage of larger numbers of inconsistent signals, for example, might be harder to sustain than those proposing carriage of only one inconsistent signal, or a signal subject to substantial deletion under our network or syndicated exclusivity rules. We shall also ascertain the percentage of the local broadcaster's total service area affected by the inconsistent signal carriage, the financial condition of the station, if put in issue in the proceeding, and the likelihood of its being able to withstand the proposed distant signal importation.[13] The weaker the local station the more important it may be that inconsistent signal carriage be prevented regardless of the cost to the system operator; conversely, where the local station is very strong, it may be needlessly burdensome to require the system operator to sustain the burdens of subscriber dissatisfaction, lower penetration, and technical unevenness entailed in providing even the simplest traps. Finally, we shall consider the extent of existing market penetration with the inconsistent signals, and whether the system plans any further expansion of such signals. In the latter respect, we shall seek to prevent a system's using one waiver as grounds for bootstrapping itself into successive waivers.[14] Similarly, where previous market penetration with inconsistent signal carriage can be shown to have produced a marked adverse effect upon a local licensee, we will deny a waiver request, however meritorious it may otherwise appear.[15]

29. Analyzing each request for waiver of our signal carriage rules in accordance with the factors enumerated above should produce a rational and consistent balancing of the interests of the system operator wishing feasibly to extend existing service to outlying communities and local broadcasters fearing sizable cable encroachments on their markets. In granting such waivers in the past, we consistently have held that the petitioning cable system bears the burden of making a convincing showing on the cost of compliance and the lack of public interest therefor.[16] This will continue to be so. We expect applicants for waivers to submit specific and verified factual data on the cost of complying with our rules, and to show how this cost is excessive. Where the cost of compliance is not such that compliance is impossible, but simply unwarranted because the danger of adverse economic impact to local broadcasters is slight, we will require the applicant to offer facts sufficient to prove this point. Above all, we will require applicants for waivers to demonstrate by means of maps or other persuasive showings that the waiver requested will not be followed by others for the same system. We are concerned that our waiver procedure not be subverted into a means of achieving successive waivers which would not have been granted if requested at one time. To this end, we shall require that applicants for waiver document the fact that, in requesting a waiver, the entirety of the system's planned development has been considered and that no further extensions of the same system, requiring further waivers, are contemplated. At a minimum, we will expect the applicant to submit his master construction plan, illustrating existing communities and planned future development. This will be regarded as a conclusive representation of the full extent of planned system construction, and it will be retained and referred to in the event a future waiver is requested. Applicants seeking successive waivers must submit, in addition to the verified factual data discussed previously, clear and convincing proof that the need for the further waiver could not have been foreseen at the time the original waiver request was filed. Although these standards may appear rigorous, we deem them necessary. Our signal carriage rules are the core of our regulatory program for cable television, and thus we find this burden of proof justified. Of course, local broadcasters remain free to object to any waiver request.

30. *Syndicated and network program exclusivity rules.* The syndicated and network program exclusivity rules are like the signal carriage rules in that they apply to systems on a community-by-community basis, but differ in that systems having fewer than 1,000 subscribers are exempt from compliance. This regulatory approach is sound, we think, because it protects local broadcasters from the possible adverse impact of cable carriage of duplicating signals while placing the burden of protection on those cable facilities having sufficient size to bear it. The question of whether or not to waive the exclusivity rules to permit a technically-integrated system to provide a signal with the same degree of protection throughout is similar in some respects to the question of whether to waive the signal carriage rules in like situations. In both situations we apply the same balancing test of cost of compliance versus necessity for compliance, because the costs and burdens of signal trappings are involved in both instances.[17]

31. *Significantly viewed signals.* As in the case of the signal carriage rules, eliminating the separate community limitation from the definition will produce no effect on § 76.54 (b) and (c) of the rules, which prescribe the method for showing that stations in operation in 1972 but not listed in Appendix B of the Reconsideration, are significantly viewed in the cable community. Like the signal carriage rules, this section specifies compliance on a community-by-community basis. Unlike the signal carriage rules, however, we find the separate community requirement in § 76.54 (b) and (c) serves no overriding public purpose. We are persuaded that: (a) the cost saving to the cable operator involved in making this change may be significant; (b) the information gained through having a separate survey for each community is not great; and (c) there is no inherent bias in this change, either for the introduction of more signals or for

[11] See, e.g., *Hoosier Hills, supra.* "The minimum standard of proof for waivers of this type would be specific and substantiated data clearly showing that the choice is between (inconsistent signal carriage) for the expansion system or no service at all * * *" *Pioneer Cablevision, supra* at 115.

[12] See, eg., *Telco Cablevision of the Township of Ocean, Inc.* (Township of Ocean, New Jersey), FCC 75-168, 57 FCC 2d 578 (1975).

[13] With respect to noncommercial educational television stations, somewhat different considerations may be involved. See e.g., *Colby-Bates-Bowdoin Educational Telecasting Corp.* v. *F.C.C.*, Case No. 75?1425 (1st Cir., April 30, 1976.)

[14] In granting waivers of this nature we regularly require a showing that the number of potential subscribers affected is clearly defined and that the same arguments will not lead to unlimited extension of the inconsistent signals. See, e.g., *Pioneer Cablevision Corporation, supra.*

[15] Similarly, where carriage of a signal consistent with our Rules can be shown likely to produce a deleterious effect on a local broadcaster, certification will not be granted. *Big Valley Cablevision, Inc.*, FCC 73-1245, 44 FCC 2d 3 (1973), modifying FCC 73-187, 39 FCC 2d 642 (1973); recons. denied FCC 74-947, 48 FCC 2d 94 (1974), remanded for further proceeding, *Big Valley Cablevision, Inc.* v. *FCC*, Civil No. 74-1961 (D.C. Cir. January 12, 1976). *Compare Clearvicw Cable TV* (Lynn Haven, Fla.), FCC 75-1266, 56 FCC 2d 739 (1975).

[16] See, e.g., *Micro-Cable Communications Corp. d/b/a Valley Telecasting Co.* (Somerton, Arizona), FCC 74-428, 46 FCC 2d 613 (1974); *Lima Cablevision Co.* (Elida, Ohio), FCC 74-1300, 52 FCC 2d 1016 (1974).

[17] See, e.g., *Hamburg TV Cable, Inc.*, (Hamburg, Pennsylvania), FCC 74-376, 46 FCC 2d 552 (1974); *TelePrompTer of Florida, Inc.* (Polk County, Florida), FCC 75-106, 51 FCC 2d 195 (1975); *Harrisburg Cablevision* (Middletown, Pennsylvania), FCC 74-290, 45 FCC 2d 863 (1974).

a reduction in the number of signals likely to achieve significantly viewed status. The surveys taken will, in any event, remain considerably more specific than the county data which we relied on in the Cable Television Report and Order, and which is the standard unit of data commonly employed by television stations and advertising agencies. For these reasons, plus the additional fact that technology imposes a practical limit on the reach of all systems, we are persuaded to permit such technically-integrated systems to take one survey per system rather than one survey per community in complying with § 76.54 (b) and (c), and these paragraphs will be amended accordingly.

In the absence of objections thereto, we shall presume the results valid for each community served by the system. Of course, any of the parties served with notice of the prospective survey pursuant to § 76.54(c) remain free to voice any objections or reservations to the system operator, and may renew them subsequently in the context of an objection to an application for certification to carry the disputed signal. We will presume the regularity of the results of surveys taken in accordance with these procedures. Thus, objections to the results of such surveys must allege facts sufficient to rebut the presumption of regularity.

32. *Franchise standards.* Eliminating the separate community concept from the definition could render the applicability of § 76.31 ambiguous, in that this section requires a "system" to have an appropriate local authorization. We shall amend § 76.31 to the extent necessary to clarify its continued applicability on a community-by-community basis. This, of course, is entirely consistent with the purpose of that section as well as with efficient administrative practice. We require that a franchise or other appropriate non-federal authorization be obtained prior to processing an application for certification to insure the integrity of our certification procedure, to assure that all necessary non-federal requirements have been met by the applicant before this Commission's authorization is granted. Matters of preeminent federal concern are established by § 76.31 for inclusion in the franchise. Because franchises are usually granted by each community served by the system, we shall continue the applicability of § 76.31 on a per-community basis.[18] Whether the franchises granted to systems having fewer than a stated number of subscribers should be held to strict compliance with the provisions of § 76.31, or to some lesser standard, is a different question, addressed at para. 64 infra.

33. *Certification process.* Deleting the separate community limitation from the definition also affects §§ 76.11 and 76.13, which require "systems" to apply for and be granted certificates of compliance. Absent clarifying language, these sections could be read to intend that one application for certification be filed per system rather than per community, as presently done, and indeed several commenters urge this to be desirable. However, because we are retaining the separate community approach insofar as the applicability of our signal carriage and franchise rules are concerned, we find it most practicable administratively to retain the requirement that a separate application for certification be filed for each community served by a system. Before making this determination we carefully explored the possible effects of permitting one consolidated application to be filed and of issuing one certificate of compliance to grant it either totally or, if necessary, in part. This approach impresses us as unwildy. Issuing one certificate of compliance for several communities, with several corresponding expiration dates and perhaps different signal complements, could prove impossibly confusing, particularly if the certificate were required to be amended to add or delete signals, include new communities, and so forth. In sum, given the fact that our key signal carriage and franchise rules are still applicable on a community-by-community basis and that, for this reason, issuance of separate certificates of compliance is also advisable, we find that allowing the filing of consolidated applications would not promote ease of administration or be cost-effective for the Commission or for the applicant. We shall therefore retain our present application procedure.[19] We should emphasize that our procedure of certificating cable television systems on a community-by-community basis does not, in itself, answer whether the cable facility in question constitutes one or several systems for purposes of complying with other sections of our rules, such as access, exclusivity, etc. Where a particular certification or special relief proceeding specifically raises this substantive issue we shall resolve it as described at para. 38, infra.

34. *Cross-ownership.* Section 76.501 prohibits the cross-ownership of co-located television broadcast stations and cable television systems. Section 76.501 (a)(2) prohibits co-ownership of a television broadcast station whose predicted Grade B contour overlaps "in whole or in part the service area of the system (i.e., the area within which the system is serving subscribers)," and § 76.501(a)(3) prohibits cross-ownership between a system and a television translator station "licensed to the community of such system." Both of these provisions reflect the separate community concept. We now believe it appropriate to use the new integrated system definition for purposes of the cross-ownership rules. The principal result of this will be to permit those systems with existing cross-interests that are not subject to the divestiture requirement to fill out their operations by developing contiguous communities that are a logical part of their operations from a technical point of view.

While we recognize that some additional cross-owned cable service may result as a consequence of this change, we believe whatever adverse consequences might result from this are more than outweighed by the potential benefits to the public in the form of more economical and efficient service from the technical completion of existing cross-owned systems.

35. *Technical standards.* Deletion of the separate community proviso from the definition could also affect the applicability of our technical standards, § 76.601 et seq. In this respect we wish to note that a pending rulemaking proceeding will resolve the issue of which technical unit appropriately constitutes a "system" for purposes of measuring compliance with our technical standards. Notice of Proposed Rulemaking in Docket 20765, FCC 76-310, 58 FCC 2d 1035 (1976). Accordingly, the action taken today in amending the definition of a cable television system is not determinative of the applicability of § 76.601. This issue will be resolved separately in the pending rulemaking proceeding.

36. *Access, exclusivity and nonduplication, and equal employment opportunity rules.* In some respects our rules already anticipate the appropriateness of applying some rules, not to each cable system as defined by community boundaries, but to each system as a technical or economic unit. The channel capacity and access rules apply to:

> Any conglomerate of commonly-owned and technically-integrated cable television systems having a total of 3500 or more subscribers * * *. Sections 76.252 and 76.256.

Likewise, we have exempted from compliance with the syndicated program exclusivity and network nonduplication

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[18] Consideration of possible substantive changes in Section 76.31 is currently the subject of a separate proceeding: Notice of Proposed Rule Making in Docket 21002, FCC 76-1070, FCC 2d (1976). Pursuant to interim procedures adopted in that proceeding, a franchise need not be submitted in conjunction with an application for certification, although the franchise standards of Section 76.31 remain in effect. Id. at para. 36. This policy also applies to the submission of alternative proposals for compliance with the substance of Section 76.31 in situations where no franchising authority exists. See e.g., *Mahoning Valley Cablevision*, (Austintown Township, Ohio), FCC 73-347, 40 FCC 2d 439 (1973); *Better-View Cable Vision*, (Green District, Oregon), FCC 74-1065, 49 FCC 2d 193 (1974); *Village CATV, Inc.*, (Bella Vista Village, Arkansas), FCC 74-642, 47 FCC 2d 952 (1974); *Leacom, Inc.*, (Playas, New Mexico), FCC 74-1358, 50 FCC 2d 381 (1974); *Sanwick Cablevision, Inc.*, (Sudden Valley, Washington), FCC 74-888, 42 FCC 2d 615 (1974); See also *V-R Corporation of Virginia*. (Unincorporated portions of Carroll County, Virginia), FCC 75-385, 52 FCC 2d 719 (1975).

[19] A technical change will be made in the certification rules to make it clear that we will continue the policy of not requiring a certificate for those community units with fewer than 50 subscribers even though these are part of a system with more than 50 subscribers. We will also not require these "fewer than 50 subscriber" units in operation prior to the effective date of these rule changes to otherwise comply with the signal carriage limitations until the 50th subscriber is connected. Newly commencing operations will be required to comply from the outset unless otherwise exempted.

rules: "cable systems serving fewer than 1,000 subscribers or * * * a conglomerate of commonly-owned and technically-integrated systems serving fewer than 1,000 subscribers." Sections 76.95(b) and 76.161. Some parts of the equal employment opportunity rules refer to employment units as well as cable television systems. Section 76.311(b)(3). For purposes of our Annual Financial Report (Form 326) a consolidated form, in certain circumstances, may be filed for systems under common ownership and managed as a single operating entity. No change in the substantive application of these rules is contemplated by the revised definition, although they will be amended where appropriate to conform them to the new terminology we are now adopting. Any EEO amendment should await the outcome of the pending proceeding in Docket 20829 (60 FCC 2d 618).

37. The rules do not now require system operators to file an annual report (FCC Form 325) for any system community unit serving fewer than 50 subscribers. With the adoption of a head-end-oriented definition and with the creation of different classes of systems based on total number of subscribers served, it has become most important for regulatory purposes that our records reflect as accurately as possible the size of each system in its entirety. Without receiving annual reports on every community a system serves, the Commission would have no means of ascertaining the total number of subscribers any system actually has. We therefore find it appropriate to require henceforth that an annual report be filed for each system community unit regardless of the number of subscribers served. We do not believe that the augmented filing requirement will place an undue burden on the system operator, since in most cases only the first two portions of the form, containing information on the community and number of subscribers served and signals carried, need be completed and returned; the more extensive information on ownership may simply be cross-references to the complete "master" form filed for the chief community served by the system. Therefore, because the extra filing burden is minimal and because the information obtained is necessary for the new regulatory program we are adopting, we shall require the filing of an annual reporting form for each system community unit served.[38A]

38. *Interconnection Problems.* Under the new definition of system, it should be clear that all trunk and distribution cable operating off one headend is a single cable television system. More difficult definitional problems arise when contiguous population centers are served by cable facilities connected by microwave facilities, or interconnected by cables that relay only a small part of the overall communications each distributes to its subscribers. In particular, the improved technical performance, added flexibility, and costs saving enabled by use of multi-channel local microwave distribution systems now make it common for systems to be constructed with multiple headends or subheadends connected by microwave radio links. If these facilities are under common ownership, are technically integrated, are reasonably contiguous, and are generally managed as a unit, we believe it appropriate to define them as parts of a single system. We recognize that certain cases will arise where the applicability of the definition may not be clear. There may be commonly-owned facilities many miles apart that share common microwave service and may, in some respects, receive common management services. Within the bounds specified, we believe it appropriate to leave the initial judgment to the system operator as to how the facilities involved conform to the definition. This judgment will be subject to review either in the certificate of compliance process or, if raised, in special relief or enforcement proceedings to assure that the judgment made is a reasonable one.

III. Exceptions to the Definition

39. Historically, we have excluded from the cable television system definition and, hence, from the coverage of our cable television regulations certain types of facilities which like cable systems are engaged in the distribution by wire of television broadcast signals to members of the public. Those operations with fewer than 50 subscribers have been excluded, as have facilities serving apartment buildings and those where there is no payment for the service provided. In our view, certain exemptions are entirely proper. Accordingly, we consider below not only whether to continue in effect the previous exceptions but also the new proposals for regulatory relief set forth in the Notice herein. The following broad areas will be treated: the element of payment; the appropriate exemption level; the creation of a class of small cable systems; consideration of a "reception only" class of system; and the appropriate regulatory approach for Master Antenna Television (MATV) Systems serving multiple family dwelling units.

PAYMENT

40. Since 1966, the cable television definition has applied only to systems distributing signals "to subscribing members of the public who pay for such services."[39] Over the years we have interpreted this language to include indirect as well as direct payment. As we summarized in the Notice:

> In short, we have not found the manner of payment to be of jurisdictional significance. For definitional purposes, it does not matter whether the payment is separate or combined with a general service, recreational, or rental fee, whether the payment is made directly or through some intermediary such as a homeowners association, whether the payment is in the form of a capital contribution or service fee, or whether the bulk payment is made for a number of subscribers rather than an individual payment for each subscriber.

However, we further observed in our Notice that several parties had suggested the Commission not interpret the element of payment so strictly and should, for example, permit an exemption where cable service is only an unspecified portion of a management fee or is made to a non-profit corporation. We observed:

> The rationale of such comments is that such parties do not intend to engage in the "cable television business," often do not seek to make a profit from such service, and often furnish only an off-the-air reception service. While we understand the desire not to be subject to our regulations, we believe that should be accomplished through a rule change rather than through a rule interpretation. The possibility of such a change is appropriate for comment * * *

41. Many parties did not direct comments to this point at all. Those who did respond covered several viewpoints. Illustrative of those supporting a "relaxation" of our interpretation is Cablecom-General, which urges that "the Commission should draw a clear distinction between those entities primarily engaged in the business of providing cable television services and those primarily engaged in meeting the housing needs of the nation." Parties such as Allen's TV Cable Inc. et al., Atlantic Coast TV Cable, et al., Liberty Communications, Inc., and the Arizona Cable Television Association, however, do not wish any changes. Liberty cautions, for example, that any exception premised upon the manner, as opposed to the fact, of payment would allow systems "to avoid cable regulation merely through the adjustment of bookkeeping techniques." Several parties suggest that perhaps the best solution is to eliminate the element of pay from the definition. Welch Antenna Company and Viacom International, Inc. both feel that "payment" is not critical to the definition. Welch cryptically stating that "there is no such thing as a free lunch," and Viacom stating that "for all practical purposes, all persons receiving cable television service must pay for it * * *" Even the 1000-unit apartment building which advertises free master antenna service to its tenants is said to include the cost of that service in its rentals. Manhattan Cable Teleyision, Inc. similarly states that "the continued existence (of payment) will inevitably stimulate further disguished payment schemes which will unnecessarily burden the FCC's limited resources." NCTA opines that the element of payment is not a critical aspect of the definition, but opposes any suggestion that payment be redefined to only include an identifiable, direct charge.

42. In redefining a cable television system as a technical entity we have elimi-

[38A] In conjunction with the amendments to the rules indicated at paragraphs 18-37 and consistent with our recent adoption of a separate definition of "system operator" (FCC 76-1110, adding new Section 76.5(11)), we shall further amend the rules to substitute the term "system operator" for "system," wherever appropriate.

[39] Second Report and Order in Dockets 14895, 15233, and 15971, FCC 66-220, 2 FCC 2d 725 (1966).

nated the element of payment. The issue left to be determined is whether for other reasons we wish to retain this concept. We decline to do so, for several reasons. The first reason is totally pragmatic—a cable television system is a technically integrated system of transmission paths which distributes television signals, and the manner in which it is financed is irrelevant to our regulatory objectives. Equitably speaking, we decline to treat one system differently from another based on distinctions in how they meet their costs. We concur with those parties who caution against the creation of an exception for indirect payment which would be susceptible to abuse. Lastly, while we are sympathetic to certain operators of multiple housing units who seek to avoid regulation, it is better to create exceptions for such entities on grounds which are more valid than the standard of "payment", and this is accomplished infra in connection with the subjects of exemption level, small cable systems, and MATV systems.

CHANGES IN EXEMPTION LEVEL AND CLASSES OF SYSTEMS

43. Since the initial adoption of the rules for cable systems[28] we have provided for an exemption for "any such facility that serves fewer than 50 subscribers," a judgment that systems of this size are of minimal regulatory concern. The Notice herein proopsed that this number might be raised as high as 250 subscribers, explaining:

> In the main, it is not anticipated that a change upward in the system size to be exempt would have an adverse impact, either upon broadcasters or upon our broad regulatory program. And it would lift a potentially heavy burden of regulation from these small operations. Indeed it seems reasonable to assume, as comments to the Re-Regulation Task Force have suggested, that this exemption may permit some systems to come into being where that would not otherwise have been possible. The systems with which we are here concerned already are exempt from our network exclusivity rules and are proposed for exemption from our syndicated exclusivity and access and channel capacity requirements. Insofar as signal carriage is concerned, these systems overwhelmingly function as off-the-air reception services only. Systems under 250 subscribers, for example, do not generally use microwave services. With respect to the regulatory importance of such systems, it would appear that collectively they neither affect a substantial portion of nationwide subscribers nor, even when there are direct charges, do their revenues have substantial impact. Rather, with the administrative burden of regulating systems of smaller size put aside, we could better concentrate our regulatory efforts on the emerging aspect of this technology.

The Notice herein also solicited comments concerning the establishment of a defined class of small cable systems to which only limited regulation would apply. In support thereof, we stated (Para. 21):

> First, functions performed by systems of small size may differ considerably from those of larger systems. Small systems are typically passive and perform antenna functions alone without engaging in program origination or the provision of access services. Second, the cost of compliance with particular rules may fall disproportionately heavily on small systems. With a large subscriber base such costs, on a per subscriber basis, may be negligible. With a small subscriber base they are likely to be of far greater consequence. Third, small systems in performing their broadcast signal distribution functions may, even in the aggregate, have sufficiently few subscribers so that their operations are unlikely to impact significantly on over-the-air television broadcast service to the public. Finally, in terms of our own limited administrative resources, we may accomplish more by focusing our energies on larger operations than by attempting to regulate all systems regardless of size. These, and related considerations, have resulted in our recent decision to exempt from compliance with our nonduplication rules, systems and conglomerates of systems serving fewer than 1,000 subscribers.

To aid in our consideration, we listed broad categories of our rules and inquired as to which were most appropriate for regulatory relief. A third possible course of action suggested by the Notice for deregulatory relief and upon which comments also were solicited was the creation of a "reception only" class of cable systems. Finally, the Notice acknowledged that any modifications of the present definition, whether by changing the exemption criteria or by establishing different classes of systems with varying regulatory obligations, raises "grandfathering" issues, particularly for systems changing from one class to another, and solicited comments as to the proper regulatory approach for such situations.

COMMENTS

44. Comments on the subject of raising the exemption level cover a broad range. Parties who oppose any change from the present exemption level of 50 include broadcasting interests, state and local cable regulatory authorities, some cable operators, and some state cable trade associations. The broadcasting interests—such as NAB, AMST, ABC,[29] and a group of Television Licensees—oppose any action which could affect signal carriage requirements. MST takes issue with all of the reasons cited for considering raising the exemption level, asserting that the "passive" nature of such systems does not justify weakening or eliminating the signal carriage rules, the "cost of compliance" with the carriage rules is not burdensome, the aggregate impact of systems of this size is not known, and the conservation of Commission resources is not important because systems of this size seldom request special relief. MST further asserts that raising the exemption level would pose new problems—i.e. a "quiltpatch" of signal carriage leading to further erosion of the rules, severe transitional problems for systems growing in size and, occasionally, a disincentive for system expansion. The commenting regulatory authorities—New York State Commission on Cable Television (CCT), State of Minnesota Cable Communications Board (MCCB), and San Diego County—want the present level of 50 maintained so as to keep smaller systems subject to regulation, but then propose various forms of partial regulatory relief for classes of smaller systems. Indeed, MCCB cautions that even if the Commission changes the federal exemption level "MCCB, representing the sovereign State of Minnesota, will continue to use its present definition * * * until we have completed our current developmental studies." The cable interests which oppose any rise in the exempiton level do so for two different reasons. Parties such as the Florida CATV Association and Storer Cable TV do so because of the impact such an action would have on MATV systems operating in areas served by cable television systems, and not because of opposition to the re-regulation of smaller cable systems. Parties such as Atlantic Coast TV Cable want the present exemption level of 50 maintained because of "the overriding need for uniform regulation as to all systems except for those few instances where the de minimis nature of the operations does not justify the time or expense * * *."

45. Support for raising the exemption level above 50 subscribers comes from certain cable interests, who generally cite the burden of regulation and the negligible impact upon broadcasters as their chief rationales. Small cable systems such as Eagle River and Park Falls, Wisconsin and Cumberland, Maryland support raising the number to 250, the latter noting that if this were done "many more rural subscribers would logically be served by the local operator." These same parties, however, would welcome an even higher exemption level than 250. Indeed, two state cable associations—Nebraska and California—commented that raising the level to 250 was of no significance to them. The Nebraska Association stated that only 6 systems in its state would be affected, but added that more small systems might be built if regulations were reduced. California noted that only two of its member systems would be affected and that such an exemption level would only serve to encourage "pockets" of MATV systems cumulatively serving hundreds of thousands of dwelling units in California. Two other parties focused their attention upon the 250 exemption level vis-a-vis MATV units. Cablevision Systems Corporation states that it supports raising the exemption level to 250 so as not to "perpetuate" the current competitive imbalance between regulated systems and MATV systems.

46. Several parties such as the Kentucky CATV Association suggest that the appropriate exemption level is 500 subscribers. However, a significant number of commenting parties, including CATA, the Arizona Cable Television Association, and 68 CATV companies, recommend the 1,000 subscriber level for total exemption, and still other parties,

[28] First Report and Order in Dockets 14895 and 15233, 38 FCC 683 (1965).

[29] See Appendix A for a full identification of groups whose names are abbreviated in the text.

such as NCTA and Viacom, proffer the 1,000 subscriber level for almost total regulatory relief. CATA advocates "an irreducible minimum of federal CATV regulation" and urges that this docket be utilized by the Commission as a "grand experiment" in deregulation and, in addition to several other proposals, urges that all systems with under 1,000 subscribers, wherever situated, be totally exempt from regulation. The comments of Atlantic Coast TV Cable et al., in support of the 1,000 exemption level, state that this action would eliminate the need to distinguish between cable and MATV and would have no measurable impact upon the television industry. NCTA, citing the minimal impact of systems under 1,000 determined in the Commission's exclusivity proceedings, proposes exemption of such systems from all rules except a simplified reporting requirement and minimum technical standards. In its reply comments, MCA, Inc. takes strong exception to the proposals for raising the exemption level to 1,000, stating that such parties have gone far beyond the suggested approaches in the Commission's Notice (i.e., a proposed exemption level of 250 and major regulatory relief for systems with 250–1,000 subscribers). MCA urges that the proposals advanced by cable interests to increase the definitional exemption level should be rejected because, inter alia, such proposals are inconsistent with the policies underlying the distant signal and exclusivity protections of the Commission's rules.

47. The range in proposals received for classes of cable systems was even broader than the proposals for establishing a new exemption level. Opposing the creation of any new classes were essentially the same parties who objected to any increase in the exemption level. Several cable interests voiced approval of the suggestion in the Notice that a "small" class of the size of 250–1,000 subscribers be established, with minimum regulation, but the majority of the cable interests submitted proposals for a total restructuring of the Commission's regulatory program premised upon various sized classes, most going far beyond the suggested 1,000 subscriber level. Illustrative of the range of comments on this subject and the various classes proposed, are the following: San Diego County proposes three classes: (1) Master Antenna System—under 50, no regulation; (2) Community Antenna System—located in a community with under 5,000 units, modified regulation; and (3) Cable Television System—located in a community over 5,000 units, full regulation. Welch Antenna Company proposes four classes: (1) under 1,000—no regulation; (2) Small System—1,000–3,500, required only to submit a simplified annual report; (3) Medium System—3,500–5,000; and (4) Large System—over 5,000. (Further, Welch proposes that all "reception only" systems be totally exempt, irrespective of size.) Allen's Cable TV et al propose a three part approach: (1) Exempt System—under 1,000; (2) Small System—1,000–3,500, with many rules either modified or eliminated; and (3) Standard System—over 3,500. Communications Properties, Inc., utilizes subscribers per community and headend in its proposals: (1) Exempt System—1,000 subscribers per community, but no more than 2,500 per headend; (2) Small or Reception Only System—1,000–2,000 for community but no more than 3,500 per headend, with substantial regulatory relief; and (3) Large System—those exceeding the latter sizes. CATA has submitted a proposal premised upon total exemption for systems outside all markets and the following for systems incide 35-mile zones: (1) Class I—under 1,000, total exemption; (2) Class II—1,000–5,000 and either utilizing only off-air signals or utilizing mircowave signals to reach a complement of 3 network and 3 independent stations, to which limited regulation would apply; and (3) Class III—either over 5,000 or more than 12 channel system, full regulation. EMCO, a cable system operator, advocates four classes; (1) Class D—under 500; (2) Class C—500–1,200; (3) Class B—1,200–2,500; and (4) Class A—over 2,500, with graduated regulation, but only very limited regulation applying to Class C and D systems. The Kentucky CATV Association proposes: (1) Exempt Systems—under 500; (2) Class II—500–3,500 or reception only, to be subject only to limited technical standards and "almost automatic certification"; and (3) Class I—over 3,500, subject to most regulations. The most elaborate scheme was submitted in the "Joint Comments" of Atlantic Coast TV Cable Corp. et al. which proposes six classes: (1) Class I—20 channel, broadband system, subject to full regulation; (2) Class II—12 channel, mandatory signals and minimum complement of distant signals, no pay, exempt from access and expansion; (3) Class III—12 channel, off-air signals only or grandfathered signals, no access obligations; (4) Class IV—CATV or MATV serving less than 250, exempt from most rules; (5) Class V—MATV, exempt from same rules as co-located CATV system; and (6) Class VI—any system interconnecting with Class I–V systems, exempt from same requirements as interconnected systems. Comments submitted by NCTA emphasize its major concern for obtaining CATV/MATV "parity"—to be treated infra—but also propose three essential classes: (1) under 1,000—exempt from most rules, simplified reporting and testing procedures; (2) 1,000–3,500 and Reception-Only Systems—new simplified set of rules; and, (3) over 3,500—full regulation.

48. With respect to which of the Commission's present regulations should either be modified or made inapplicable to small systems, the comments again represent a wide spectrum. ABC and the Television Licensees oppose across-the-board exemption for even the smallest systems from the franchise, certification, and filing requirements, urging that the Commission's public interest and informational needs outweigh any insubstantial inconveniences imposed on smaller systems. Conversely, NCTA urges total exemption for systems under 1,000 and practically no requirements for systems under 3,500. CATA's approach is similar. The Citizens for Cable Awareness in Pennsylvania would remove many of the existing cable rules—distant signal carriage restrictions, exclusivity, anti-siphoning, etc.—yet would strengthen others such as ownership, EEO, access, reporting, public inspection files, etc. Communications Properties, Inc. states that the Commission's past regulation has served to "discourage and foreclose" cable development in smaller, often rural, communities, and that this docket should be utilized to make cable service more easily available to such communities. However, Minnesota All-Channel Cablevision, Inc., operator of 12 small systems, only two of which have over 1,000 subscribers, cautions the Commission against complete relinquishment of jurisdiction, fearing that state and local authorities will fill the void with onerous regulation.

49. The subject of signal carriage drew totally polarized comments. NAB, MST and others, as already mentioned, oppose any change whatsoever in mandatory or distant signal limitations, while many cable operators, particularly smaller ones, urge either total deletion of the carriage rules for small systems or permission to carry all signals available off-the-air. Western Cable, Inc., for example, the operator of four post-1972 systems in Texas, each of which has fewer than 1,000 subscribers, states that the lack of otherwise available signals has injured the financial growth and development of its systems. Comments directed to the issue of continued application of the anti-siphoning rules to small systems also diverged. The New York State Commission on Cable Television would totally exempt smaller systems from the pay rules, while ABC and the Television Licensees desire the rules to remain applicable. Cable interests universally seek modification or elimination of the franchising and certification requirements for small systems. "Minimal" regulation, "simplified" procedures, "automatic certification," etc. reflect the tenor of such comments. The same is true of the various reporting and recordkeeping requirements, with requests for "less stringent" rules and even total deletion of all "paperwork" requirements. With respect to the applicability of technical standards to small systems, most cable interests urge either "less expensive testing procedures," lesser standards, or elimination of the technical requirements, particularly for small, rural systems. Regulatory relief also was requested from our various other requirements for small systems—fees, EEO requirements and ownership restrictions. Several parties made the point that the local television station or telephone company often is the only entity willing to undertake the construction of new small systems, and thus should be exempted from our cross-ownership rules.

50. Comments on the possible creation of a "reception only" class of system did not draw the number of comments which

might have been expected. Here again the positions recommended extend from total adoption to total rejection. CATA indicated the strongest support for this proposal, urging that the Commission exempt upon a "jurisdictional" basis all systems located beyond the Grade B contour of any stations and further exempt, upon a "policy/jurisdictional" basis all systems beyond the 35 mile zones of television stations but nevertheless within Grade B contours (with a provision for ad hoc regulation of the latter systems for purposes of mandatory carriage and nonduplication requests). NCTA proposes a simplified set of rules for either "reception type only" systems carrying no more than 3 network, 1 independent, and 1 educational stations, even if the latter utilize microwave. The Kentucky CATV Association proposes total regulatory relief for all reception only systems, no matter how large, and the Arizona Cable Television Association seeks similar relief and requests a further proviso that would not prohibit originations or access on such systems. (We note that our new channel capacity and access rules now place access programming obligations upon all systems with 3,500 subscribers, irrespective of location.) Other interests, particularly the broadcasting parties, are opposed to the establishment of a reception only" class of any size, and the Minnesota Cable Communications Board (MCCB) takes a pragmatic approach and suggests that the Commission drop any serious consideration of such a class as totally unworkable.

DISCUSSION

51. Our Notice herein set forth for comment many areas of deregulatory relief in order to solicit the widest possible spectrum of suggestions as to feasible courses of action. The extensive comments filed indicate that this has been accomplished. Having considered the comments it is our view that the most appropriate resolution is to create a new class of "small" system to which only the most minimal of regulation will be applicable and not to raise the present exemption level or to establish a "reception only" class of system. Our deliberations today lead us to the conclusion that a 50-500 subscriber level, calculated upon a headend basis, consitutes the correct scope for this new class; additionally, in a companion Further Notice of Proposed Rule Making in Docket 20561 issued this day we inquire whether justification exists for the future extension of some or all of the new provisions for systems under 500 subscribers to a larger number such as 1,000 subscribers.

52. Initially, we have concluded that the establishment of a "reception only" class of cable system, irrespective of system size and other considerations, is not workable. While presenting an initial allure, particularly for deregulatory purposes, upon closer view this general grouping of systems lacks sufficient homogeneity upon which to premise any valid action. Clearly a general "reception only" class of system, including as it would small and large systems, traditional and newly constructed systems, systems in major or minor markets or outside all markets, etc., is too amorphous an entity for regulatory classification purposes. The creation of such a class would additionally produce very strong incentives for systems not to originate and distribute their own programming. Because we regard the distribution of nonbroadcast programming—whether the operator's own creation or that provided by access channel users—as having real potential public benefits, we believe it would be inappropriate to create a regulatory structure which discouraged the distribution of this programming.

53. We have also rejected the idea of simply raising the present 50 subscriber exemption level to some higher figure such as the 250 subscriber level mentioned in our initial proposal in this proceeding. The basic reason for this decision is our belief that there are some rules which are so fundamentally important, and at the same time are so minimally burdensome, that they ought apply to even very small operations. At the same time, we believe that there are a number of rules that have been inappropriately applied to these small systems and from which they may now be exempted. That is, we have concluded that it is appropriate to create a class of small systems with between 50 and 500 subscribers to which only a limited number of rules would apply.

54. The primary reason for our decision to reduce the burden of regulation on systems of this size is our conviction that they are substantially different from larger systems and can be accorded lesser regulation without disruption of our overall regulatory program. Typically, systems of this size furnish their subscribers with only off-air signals. These systems usually do not offer distant signals either because the cost of constructing their own CARS microwave facilities is prohibitive—estimated at $25,000 per 30-mile "hop"—or because service via common carrier microwave does not exist or is too expensive for systems with such a small subscriber base. Also, from a functional standpoint, these systems generally are "reception only" facilities and do not engage in either program origination or access services. Indeed, our actions in Dockets 19988 (program origination) and 20508 (access) concluded that systems with less than 3,500 subscribers were too small to be subject to these obligations. Our analysis herein suggests that these 50-500 subscriber systems generally are older, mature systems serving remote, smaller communities. While we recognize that systems of this size could exist in "pocket" areas of larger communities, the bulk of such systems for which we are here affording regulatory relief do not. They are genuinely small "community" systems. We also recognize that the establishment of this new class of systems could lead to the construction of such systems in larger metropolitan areas, but, because of inherent economic limitations upon systems of this size, and the limited service which would be provided by such systems, it is not felt that even a proliferation of them would be injurious either to local broadcast service or to our regulatory objectives for cable television.

55. Another principal purpose in providing deregulatory relief for small systems is to alleviate the disproportionate burdens of regulation. Per subscriber, the cost of regulatory compliance is quite substantial for such systems. We note that here again, although the outside figure of 500 is utilized for "worst case" analysis, many of these systems do not approach the maximum of 500 nor do they have the potential of achieving such a subscriber level. Even utilizing the maximum figure of 500 subscribers, with a subscriber rate of $6 per month, a system of this size would generate gross annual revenues of only some $36,000. When considering construction costs of a separate headend, up to 10 or more miles of trunking and distribution system, and routine maintenance and operating costs, there is little profit margin. Indeed, we are informed that many small systems do not achieve return on their original investment until 6 or more years after the commencement of operation. Such systems, unless owned by a cable television company serving larger communities in the area, generally cannot support a full time staff, and the burden of regulation falls particularly heavily upon systems of this size. With only this minimal economic base, compliance with many of the same rules as much larger systems is understandably difficult. For example, the burden of our franchising and certification requirements and of all our various reporting and recordkeeping requirements often falls upon one part-time employee with no detailed knowledge of our multiple requirements, and the burden of compliance with our technical requirements falls upon one part-time technician who frequently has available neither the necessary expertise nor equipment.

56. From the Commission's standpoint, the regulatory supervision of systems of this size is likewise burdensome and inefficient as well. Again utilizing headend calculations, the 50-500 sized systems constitute 24.5% of all systems (740 of 3016) which we regulate, yet their impact upon broadcasting and their consequent importance to our regulatory program is not at all of proportionate weight. Systems of this size represent some 190,238 subscribers constituting only 2% of the total nationwide cable subscribers and only .27% of the 68,771,000 total nationwide television households.[*] We note that many of these systems are located outside all markets, and thus affect television market stations very little. Nevertheless, each certificate application, each

[*] These figures are extrapolated from data reported to the Commission on FCC Form 325 and information gathered by Television Digest, Inc. and reported in the Services Volume, Television Factbook, 1976 edition. A detailed study of systems in this smaller size class is attached to the Further Notice of Proposed Rule Making in Docket 20561, also adopted this day.

request for special relief, and every enforcement proceeding involving these systems consumes as much of our time and resources—and actually often consumes more—as similar actions involving cable systems having 500 or more subscribers.

57. We have settled upon the system size of 500 subscribers as the present limit of the new small class for several reasons, some of which already have been mentioned. That number, combined with the fact that the calculation must be made upon a headend basis, assures us that we are dealing with genuinely small operational and business entities. Systems of this size generally would be expected to serve communities with a population of less than 5,000. We also observe that systems with 500 or fewer subscribers typically are not very profitable operations and that profitability does not appear until a system increases in size beyond the 500 subscriber level. The regulatory burdens upon these systems and upon our processes have been described, yet we find no corresponding impact upon local broadcasting service to warrant these burdens. We are satisfied that our action of lifting the distant signal limitations from systems of this size, with their fewer than 200,000 nationwide subscribers, does not pose an adverse impact threat to local broadcasting services. Accordingly, in creating this new "class" we can effectuate a major deregulatory action affecting almost 25% of the regulated systems without causing corresponding adverse impact upon local broadcast service. In the selection of small class system, we have reviewed suggestions for higher figures such as 1,000, 2500, or even 5,000 subscribers. Levels of 3,500 or higher simply are not realistic in this search for small system parameters. In our 1976 proceedings in Docket 20508 the number of 3,500 subscribers was found appropriate as the threshold level for our access obligations because it was felt that the economic base generated by systems of that size was necessary to bear the financial burden of access services, but that number is inordinately high for use in this proceeding. In point of fact, the highest number which we considered herein was that of 1,000 subscribers, the subscriber level settled upon in our network [24] and syndicated [25] exclusivity proceedings. However, we are reluctant at this time to further utilize this 1,000 subscriber figure, which represents an additional 360,000 subscribers above the 500 subscriber level, because we are uncertain of the impact of such systems upon local broadcasting service, particularly when considering the potential cumulative impact in particular market situations. Therefore, we have settled upon the 500 subscriber figure for the purpose of this proceeding and are issuing a companion Further Notice of Proposed Rule Making inquiring into the appropriateness of extending some or all of the new provisions to systems having 1,000 subscribers.

58. Bearing in mind the general conclusion that systems in this class are small enough to be severely burdened by regulation and sufficiently small individually and collectively that their exemption from regulation is not likely to have an adverse impact on broadcast service to the public, it is necessary to consider individually the effect of each of the existing rules to determine if its continued application is warranted. As we indicated in our Notice, we seek a "simplified, streamlined" set of rules for this new class of small systems.

59. *Signal Carriage.* The signal carriage rules promulgated in our 1972 Cable Television Report and Order categorize television broadcast signals as either "must carry" (mandatory) or "may carry" (optional) and set up standards of television service (variously referred to as signal complements, quotas, or limitations) which vary with market size. Our first determination in connection with the applicability of our signal carriage provisions to small systems is that our mandatory carriage rules should remain in effect. These rules were designed and function to assure carriage to "local" stations within whose local carriage area a cable system operates. Retention of this provision is beneficial not only to the local station which has ascertained the needs and interests of its service area and designed programming to meet such needs and interests, but also is beneficial to local viewers. Our second determination is that small systems should have more flexibility afforded them with respect to the remainder of their signal carriage selection. We therefore shall remove all limitations on distant signals from these small systems. With respect to the likely effect of this deletion of our distant signal rules, we note initially that many of the existing "under 500" systems are located outside all markets as well as the Grade B zones of any television station and already are exempt from such provisions, and further note that still many others are older systems which carry numerous "grandfathered" signals. With respect to the future carriage of otherwise inconsistent distant signals by exempt systems, we believe that the practical impact upon local broadcast service would be quite small. Such systems seldom can bear the cost of importing distant signals via microwave and in most instances would be carrying only "off-air" signals. We would not envision adverse impact from such carriage, not only because of the minimal size of such systems but also because the signals often already are available to many households in the area. Moreover, from the signal carriage patterns we observe in our certification process, the majority of inconsistent signals generally received "off-air" would be duplicating network or educational stations which offer much of the programming already viewed on the local stations. There are less than 100 independent stations in the country, 26 of which are "specialty" stations now entitled to unrestricted carriage, and the remainder of the independent stations are unevenly distributed geographically and are thus not widely available for importation except through microwave. We note also that if such small systems could afford the expense of a special relief proceeding and could make the requisite financial showing they could obtain waivers permitting carriage of distant network signals in lieu of the unavailable independent complement. In brief, carriage by these systems of additional off-air signals is not expected to fractionalize the viewing levels of the local stations which are the source of local news and other programming and which traditionally are dominantly viewed by area residents.[26] Further, we also reject MST's assertion that such signal carriage should not be allowed because a "quiltpatch" of signal carriage would lead to the ultimate erosion of our rules.

60. A final restriction upon signal carriage by small systems remains to be treated, that of the "sports blackout" provisions of Section 76.67 of our rules (Report and Order in Docket 19417, FCC 75–819, 54 FCC 2d 265 (1975)). With our nonduplication and syndicated exclusivity rules inapplicable because these systems have fewer than 1,000 subscribers, and with systems under 500 now required to observe only the mandatory carriage rules, the sports programming provision constitutes the only remaining signal carriage restriction. In the reconsideration of the adoption of the subject rules (Memorandum Opinion and Order in Docket 19417, FCC 75–1235, 56 FCC 2d 651 (1975)), we indicated (Para. 29) our intention to review this matter in this proceeding:

> Although not brought up by the parties to this proceeding, we believe some consideration should be given to the impact of the sports rule on small cable television systems. We have exempted individual and conglomerate cable systems serving fewer than 1,000 subscribers from our network nonduplication and syndicated exclusivity rules. The arguments in favor of these exemptions appear to equally favor exempting small cable systems from the requirements of Section 76.67. However, because this issue has not been addressed by the parties, we are reluctapt to provide such an exemption at this time. For the present, we will rely on our special relief provisions to remedy situations where it can be demonstrated that the requirements of Section 76.67 place an unreasonable burden on small cable television systems. We will also continue to review the impact on small systems of Section 76.67 as well as that of all our cable rules as part of the proceeding commenced by our Notice of Proposed Rule Making in Docket 20561, FCC 75–896, 54 FCC 2d 824 (1975).

Consistent with the broad goals of this overall proceeding, we have concluded that this rule does indeed constitute an unreasonable burden upon small systems and should be rendered inapplicable to them. Having determined that it is burdensome for systems under 1,000 to have

[24] First Report and Order in Docket 19995, FCC 75–413, 52 FCC 2d 519 (1975).

[25] Report and Order in Docket 20482, FCC 75–1065, 55 FCC 2d 529 (1975).

[26] See study referred to at n. 23 and attached to the Further Notice.

to purchase and operate switching equipment for network and syndicated program exclusivity, it hardly is justifiable to require systems with half that number to "black out" the remaining type of programming. Moreover, as we stated in Paragraph 42 of the Report and Order in Docket 19417, supra, it is our view that sports is but one form of television programming and is not sufficiently dissimilar from other programming to warrant special treatment because of its impact upon local television audiences. Thus, having broadly concluded that small systems should be as unrestricted as possible in carrying television programming, sports programming is not a valid exception to that conclusion."

61. *Technical Standards.* The final broad area of our rules to be considered in connection with potential reduced regulation for small systems is that of our technical standards. We still are of the same view espoused in our Notice that these standards represent a justifiable minimum set of specifications for the protection of cable subscribers and that we are hesitant to lesson these standards. There is, however, a means of achieving regulatory relief in this area without compromising our technical standards. As we acknowledged in the Notice, which has been reinforced by the comments received, a major complaint by small systems is not with our technical standards per se but rather with the present methodology and equipment necessary to conduct the actual performance tests to demonstrate compliance with the standards. Here as with so many other areas of our regulation as applied to smaller systems, the act of demonstrating compliance often is more burdensome than compliance itself. We gave some extended consideration to this problem in Report and Order in Docket 19659, FCC 73-1046, 47 FCC 2d 769 (1973), and made some significant changes to ease the burden of all systems complying with the test requirements. Accordingly, as the best means of achieving our goal of reducing the regulatory burden imposed upon small systems by our technical standards we have concluded that the technical standards themselves shall remain applicable but that all measurement requirements (Section 76.601(c)) shall be deleted. However, two qualifications shall be placed upon this action: (1) any system utilizing frequencies outside the TV and FM radio broadcast allocations (for example, "mid-band" frequencies) would remain subject to all testing obligations relating to signal leakage, and (2) the Commission reserves the right to require specific measurements (among those measurements which may be required of larger systems) in the case of complaints or disputes. The first qualification should seldom be applicable to small systems, but the technical integrity of operations in the non-TV-FM frequencies is so important that compliance with all standards relating to use of these frequencies must be assured. The second qualification is a reflection of our concern for the quality of service provided to subscribing members of the public.

62. *Annual Reports.* Cable systems are required to report annually to the Commission concerning their ownership and operations (Form 325) and finances (Form 326). We have also proposed in Docket 21011 (FCC 76-1109) that cable systems be required to notify the Commission of changes in their mailing address and of certain changes in their operational status including when the system commences or terminates operation. Finally, all systems are required to report annually to the Commission on whether any complaints regarding violations by the operator of equal employment provisions of Federal, State, territorial, or local law have been filed during the preceding year. Section 76.311(c)(1). To aid us in the enforcement of those rules that are being retained for small cable systems and to assure we continue to have a complete picture of cable television operations when we are considering either individual proceedings or general issues relating to the impact of cable television operations on broadcast service to the public, we believe it important to continue receiving information on the location and operations of even small cable systems. We will, accordingly, retain the requirement that systems within the class of small systems file Schedules I and II of FCC Form 325 (Annual Report of Cable Television Systems). This should involve only the most nominal of burdens on the system operator and involves essentially providing the system's name, location, and broadcast signals carried. This is particularly the case now that new procedures have been instituted whereby the Commission will, using its automated data processing capabilities, print on each form the information contained in our files concerning the system's operation and simply ask for corrections (FCC 76-1110). That is, the small system operator will be mailed a form which contains his name, address, community, etc. as reported the prior year with a request that he update any information that is no longer accurate. The entire process should not take more than a few minutes. We will not require that the small system operator complete the more complex schedules concerning system ownership. These are not only more burdensome and complex to complete but this information, as it relates to small systems, is of less value for either regulatory or statistical purposes.

63. We are not at this time amending either of the other reporting requirements because there are some additional issues involved with them that warrant separate consideration in other proceedings. First, with respect to the financial reports, the Commission has funded and received from Price Waterhouse & Co. a study of accounting and policy issues relating to the financial reporting system, which warrants separate consideration. Secondly, it is important for those systems that do report financial information to be able to keep track of trends and patterns from year to year. If no information were collected until a system exceeded 500 subscribers the important initial filings would be absent. Also, financial reports, in order to accord with usual accounting practices in the industry, are collected not from each community or system individually but from operating entities that could include more than one system in the same general area. Thus, a simple exclusion cannot easily correspond to the small class of systems already defined. We believe that this reporting obligation can also be simplified, but believe that should be accomplished in a separate proceeding now in preparation that will review the financial reporting system on a more general basis. Similarly, a proceeding is already in progress relating to nondiscrimination in employment which we believe is an appropriate forum for considering changes in the related reporting requirements.

64. *Franchise Standards.* Our Notice focused upon the franchise standards as obligations particularly burdensome to small systems. The comments have substantiated this position. Although the various franchise provisions of Section 76.31 of our rules are under more general review in Docket 21002 (Notice of Proposed Rule Making in Docket 21002, —— FCC 2d —— (1976), it is not necessary to await the conclusion of that proceeding in order to afford regulatory relief for small systems from our franchising requirements. Our review in this proceeding has convinced us that our requirements in this area are unduly burdensome for smaller systems and, upon also reviewing the purposes of our federal franchising procedures, we have concluded that their continued application to these under-500 subscribed systems is not required. The objectives of these procedures either are inconsequential as applied to systems of this size or are achieved through other, less formal means. None of our franchising standards—public proceeding, construction, franchise period, complaint procedures, modifications, etc.—is absolutely critical when applied to entities of this size. It is not as necessary to hold a full and formal public proceeding to review the "legal, character, financial, technical, and other qualifications" of the operator of systems of such a small size because the operator is generally known in the community and often resides there. Similarly, it is not as imperative to review the construction plans of a system which only installs several miles of cable plant. And, because of the combined smallness and localized nature of a system of this size, there generally is

" It should be noted, moreover, that the reasons for adopting the cable television sports black-out rules related to a concern that fewer patrons would attend games if they could view the games on cable television and the impact on sports gate receipts would cause teams to reduce areas where games were broadcast and hence picked up by cable systems, in order to restore their live gate receipts. Our records reflect that there are so few systems in this smaller class with so few subscribers in major market areas that the likelihood of any adverse consequence resulting from this change in the rules is extremely remote.

assurance of responsiveness to subscribers' complaints and wishes. Thus, as we acknowledged in our Notice, our experience in the certification process and in the general administration of our rules is that these small systems are not troubled by complying with the spirit of these regulations so much as with providing proof of compliance with the letter of the rules. Further, because the local process can be relied upon for the general achievement of the goals of our franchise standards, it is not necessary to review these matters through the federal certification process.

65. *Certificates of Compliance.* With the reduced regulatory regimen to which these smaller systems are now subject, we believe it is also appropriate to delete the requirement that systems in the class obtain Commission authorization before operations are commenced or additional signals added. We will substitute for the certification process a simple requirement that systems anticipating a total of fewer than 500 subscribers notify the Commission of the owner's name, the system's location, and the signals to be carried at the time operations are commenced. Systems that have a reasonable prospect of obtaining more than 500 subscribers should apply for certification before operations are commenced and must not commence serving more than 500 subscribers without a certificate.

66. *Public Inspection Files.* We have also determined to exempt small cable systems from the requirement of § 76.305 that a file of documents relating to the system's authorization and operations be maintained for public inspection in the community or at the system's business office. A number of points contribute to this decision. The requirement is an awkward one for systems that have only part-time employees and may have no regular business office in the community and it is a trap for unwary system operators not acquainted with the obligation of the rule. Because systems of this size are not typically engaged in program originations and in view of our deletion of the certificate of compliance requirements for these systems the most important item that would be in the file would be the system's franchise. This should, in any case, be available for review from the files of the franchising authority. And even with respect to somewhat larger operations, such files are only most infrequently consulted by the public. In view of these considerations we believe a deletion of this requirement is appropriate.

67. *Subscription Cable Television Rules.* In the present state of the art, "small" cable systems are not fertile areas for pay television service. For example, even assuming a high level of pay subscribers such as 50 percent for a system of 500 subscribers, this would total only 250 customers, hardly sufficient to support its own pay facilities. In practical application, where smaller systems do engage in pay services, the programing generally could be expected to be obtained from a larger nearby cable system, satellite receiving station, or multipoint distribution common carrier in which case the programing obtained would often be used by other systems and thus would be compliant with our rules. At present, therefore, there would be little or no adverse impact anticipated from exempting these systems from our anti-siphoning rules. However, as new technologies emerge, pay operations on small systems might prove increasingly viable, and we deem it advisable to retain such systems within the purview of the rules in order to assure achievement of our national regulatory goals in the area of subscription television. Further, we are unable to conclude that any substantial or disproportionate regulatory burden is posed for small systems by requiring them to continue to offer programing compliant with our rules. Therefore, the provisions of § 76.225 shall remain applicable to small systems.

68. *Cross-ownership.* Our rules prohibit cross-ownership between cable television systems and local telephone companies (Section 64.601), local translator stations (Section 76.501(a)(3)), local television stations (Section 76.501(a)(2)), and national television networks (Section 76.501(a)(1)). Because smaller systems are largely passive operations, usually not engaged in the distribution of access or system-originated programing or other non-broadcast types of communications, the reasons underlying the adoption of some of the cross-ownership rules may apply less forcefully to these operations. We believe, however, that these questions are more appropriate for consideration in response to individual waiver petitions. For the present, we shall continue to apply cross-ownership rules to small systems. Again, this is an example of a rule which, while technically remaining in effect for small systems, will have little practical effect and does not detract from the broad deregulation of this new class of system.

69. *Transition.* The final issue for consideration in this area concerns the problems of transition for a small, under 500 subscriber system into the larger class of a fully regulated, over 500 subscriber system. In this connection, we strongly emphasize one point which is essential for the orderly function and administration of this new program. All parties affected, particularly new entities, should be realistic in assessing the likely "saturated" size of the ultimate, totally constructed facility they intend to build and operate, and should seek certification upon that basis. This ordinarily should not be too difficult a matter for the operator to ascertain; he knows the parameters of his franchise area and the number of potential customers, and he should have some estimate of likely penetration among homes passed. This could be very important, for example, where a small system later exceeds or seeks to exceed the 500-subscriber level, thus triggering different signal carriage provisions. We will not by sympathetic to waiver requests under most such conditions, and caution operators to obtain appropriate initial certification and to properly establish from the beginning the ultimate viewing patterns for their subscribers. Accordingly, it is not our intention to allow operations commenced under the smaller system rules to increase to beyond the 500 subscriber level until they are in compliance with the rules for larger systems. Systems approaching the 500 mark should anticipate the need to obtain a certificate of compliance and operate in full compliance with the rules before the 500th subscriber is connected. Again, this latter procedure, entailing "rollback" of signal carriage, highlights the need for proper initial planning by system operators.

70. *Conclusion.* Our decision herein to create a new class of small system of under 500 subscribers to which limited regulation applies reflects our studied judgment, based upon 11 years' experience, that such systems are so small, individually and collectively, that they do not seriously impact upon local broadcast service and that the public interest and the goal of deregulation can best be served by taking this action. With these administrative burdens lifted from smaller systems, they now can concentrate their efforts upon improvement of their facilities and service to new subscribers. Systems with under 50 subscribers now may be able to grow to accommodate nearby residents who have been denied service for years because the system may have chosen not to expand and thus trigger full regulation. Similarly, many new systems may now come into being which otherwise would not have done so because of the burden and expense of full regulation. It is our hope that rural areas of the country, particularly, will benefit from such expanded and new-system construction.

"MATV" SYSTEMS

71. From its adoption in 1965, our definition has provided a specific exception for:

> * * * [A]ny such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management, and commercial establishments located on the premises of such an apartment house.

This is broadly referred to as the "MATV exception." The Notice raised for discussion whether we should continue in effect the MATV exception regardless of the size or function performed by these facilities, and whether some or all of the Commission's cable television rules ought not be applied.

72. In the twelve years since the adoption of this exception, we have received numerous requests for rulings as to whether particular types of multiple family dwellings are included within, or excluded from, the scope of the definition. Most entities, of course, seek to partake of the "apartment house" exception. The Notice summarized Commission rulings with respect to various forms of multiple family dwellings. We explained that certain types of multiple dwelling units had failed to qualify for the "apartment house" exception and thus had been determined to be within the scope of our definition—e.g., mobile home

parks, planned and resort communities, and military installations—but that the status of other types of units has not yet been resolved (e.g., condominiums, cooperative apartments, hotels, and motels). We announced our intention to resolve this matter, and stated:

> It is our preliminary view that there is no reason to make such distinctions (for they serve no regulatory purpose) and propose to interpret the terms "apartment dwellings" and "apartment house" as essentially synonymous with multiple family dwelling; however, because of the important ramifications of such a clarification, we seek comments on the appropriateness of this interpretation. Thus, should our tentative approach be utilized, we would not follow interpretations from real estate law that, for example, a hotel is not an apartment house. Nor would we find within the definition a high rise condominium "apartment house" simply because each resident owned rather than rented his particular portion of the structure. Even with this explanation, gray areas continue to exist, especially as the facility in question starts to service garden apartments, garden condominium apartment complexes, garden apartment communities, townhouse duplex condominium communities and other similar situations which differ significantly from the traditional high rise apartment building. Hopefully, at the conclusion of this proceeding we will be in a better position to make meaningful distinctions based on the intended purpose of the definition adopted.

73. Later in our Notice we discussed the related subject of very large multiple family dwellings—e.g., those with over 1,000 units—and questioned whether, even assuming that high rise building complexes would remain exempt from our regulations, this necessarily should continue to be the situation regardless of the size or function performed by such facilities, observing:

> * * * [I]t is clear that some such systems do carry distant television broadcast signals as that concept is defined in our cable television rules and that some such systems suffer from poor technical quality. Moreover, such systems, generally through interconnection via multipoint distribution common carrier service, are increasingly involved in the distribution of pay television programming. Also, there would appear to be no reason why large systems of this type could not engage in access, leased channel, or other types of program origination.
>
> * * * * * * [W]e believe it appropriate to consider these facilities as a separate class of system and, in contrast with our consideration of what rules ought not apply to small cable systems, to consider which, if any, of our rules ought be applied. Initially, it would appear that the most likely rules to be applied would include the signal carriage rules, the subscription cablecasting rules, technical standards, and, perhaps, modified access channel rules.

COMMENTS

74. Many parties propose total regulation of MATV systems while an almost equal number propose total exemption. In between are proposals premised upon "parity" of regulation with colocated traditional cable systems. A substantial number of comments were directed solely to the question of whether our "anti-siphoning" rules should be made applicable to pay services supplied to MATV units via Multipoint Distribution Systems (MDS). Several parties submitted comments specifically directed to the regulatory posture of MATV systems serving very large multiple dwelling units.

75. A substantial number of commenting parties (all of them cable operators) want the exception deleted in its entirety and urge regulation of all systems, traditional or MATV, with over 50 subscribers. They assert that the MATV exception is essentially an invalid distinction between vertical (exempt) and horizontal (regulated) systems which should not be perpetuated. Many parties point out that where as the type of MATV systems in existence at the time of the adoption of the exception were technically of a minimal nature, newer MATV systems are as sophisticated as the most modern cable systems, and that there are no longer any functional differences. Further, these parties submit that the "impact" of a viewing household is of the same regulatory consideration whether the household lives in a single family residence or in an apartment. And, they continue, with the current trends in national housing—because of the scarcity of land and increased construction costs—toward more multiple family dwelling units, this issue is becoming of increasing importance. These cable operators also point out that MATV systems, without signal carriage restrictions, generally carry signals not authorized to a cable system operating in the same geographic area (e.g., apartment houses in Arlington, Virginia generally furnish all Baltimore, Maryland signals, but a cable system there could not, at least as a part of its basic signal complement). This is said to be inherently unfair. The comments of the Perry Cable Television Companies are typical of those urging that the "apartment house" exception be deleted:

> There is little or no difference in the community antenna system that serves a multiple dwelling establishment, whether that establishment be a highrise, vertically or horizontally constructed, mutually owned or rented, luxury or low-cost.

Perry further cautions that the rapid growth of an unregulated MATV industry "may well serve to destroy the viability of cable television systems in smaller communities." Storer Cable TV of Florida, Inc., in its extensive comments, asserts that the problem is not restricted to smaller communities but affects larger communities as well and that the problem is growing. Storer adds that condominiums now account for 25 percent of the 90,000 housing units in Naples, Florida, and submits aerial photos illustrating that some of these Florida condominium units are detached dwellings. Storer complains that residents of most condominiums are prohibited from subscribing to cable service but instead must pay for MATV services, cannot construct an outside antenna, have no effective complaint service, receive less service than cable subscribers, and generally receive inadequate technical service. Liberty Communications, Inc., particularly wants mobile home parks to continue to be regulated, stating "there is no logical reason why persons who live in a mobile home park should be deprived of the same protection and services afforded the general public by the Commission's cable regulations."

76. Supporting continued non-regulation of MATV service to multiple family dwelling units are a number of parties representing various aspects of the housing industry as well as Cablecom-General, the RCA Corporation, and CATA. U.S. Communities, Inc., a nationwide developer of mobile home parks and the Manufactured Housing Institute, representing manufacturers of mobile homes, both want total deregulation of mobile homes, asserting that MATV service is "integral to the comprehensive process of land development" and that the Commission should consider the costs of regulation to the national consumer and exclude all multiple housing units under common control from regualtion. Both the Apartment and Office Building Association of Washington, D.C., representing the owners and operators of 250,000 apartments in the Washington, D.C. area and Carl Magnum Realtors, a California organization, make the same argument that MATV service is merely an "amenity" to housing and should not be regulated. Mark Winkler Management, Inc., the operator of an apartment housing development in Northern Virginia serving almost 3,000 units, makes the following arguments: regulation of MATV units is beyond the Commission's jurisdiction and is not needed to protect either broadcasters or the public; the Commission's rules are so burdensome that television service might have to be discontinued; its system carries Baltimore signals simply because they are available off-the-air; and strict application of the Commission's signal carriage rules would require their deletion.

77. Cablecom-General opposes any regulation whatsoever. MATV systems, Cablecom states, are not engaged in the retransmission of signals for profit, and Section 325(a) of the Communications Act impliedly prohibits such regulation. Additionally, prohibitions against public reception of television signals "might" constitute unlawful censorship in violation of Section 326 of the Communications Act and the First Amendment. Moreover, Cablecom feels that as a matter of policy the Commission should not regulate MATV systems, urging the following: the fact that such units perform activities which are inconsistent with rules is of no significance because the Commission has never applied its rules to such systems; the protection of conventional broadcast services is insufficient to justify the increase in administrative cost; the parties to the 1972 Consensus Agreement[*] felt no need for protection existed; and broadcasters have not lost audience or suffered signal degradation

[*] Appendix D, Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 (1972).

by reason of master antennas. Finally, Cablcom believes that imposition of regulation would lead to the discontinuance of master antenna service by landlords. The RCA Corporation opposes the regulation of MATV systems, asserting that the Commission's desired goals could not be achieved—i.e., that regulation is not necessary to protect the quality and quantity of conventional broadcast service, that program diversity cannot be achieved by systems performing solely antenna functions, and that protection of the public is not necessary because normal market forces provide adequate protection. CATV declares that the Commission does not have the jurisdiction to regulate classic MATV "nor does it behoove the Commission's goals for deregulation to regulate more reception entities than are currently regulated * * * The solution to any unfairness that might obtain is not to make them (MATV) more like us (CATVs), but to make us more like them."

78. Between these extremes of total regulation and nonregulation are many comments proposing "uniformity" or "parity" of regulation between cable systems and MATV systems. Still others propose approaches which are "triggered" by actions by the MATV system. Supporting the concept of "uniformity," Allen's TV Cable, Inc., et al. comments:

> * * * [T]here is no real difference between a master antenna system and a cable television system, at least from a federal regulatory standpoint * * * Both types of operation, if sufficiently large, have the same theoretical impact on conventional television broadcasting; and both types of operation, if small, have a negligible impact * * * The presence or absence of common ownership, control or management is irrelevant * * * The difference in treatment * * * has developed on policy grounds in order to withdraw from federal regulation those services which traditionally are so small and isolated as to have little or no public interest impact and, therefore, should not be regulated. Respondents feel that the better way to deal with MATV operations is to eliminate the distinction between MATV and CATV and to raise the definitional exemption to a level which would eliminate from regulation most traditional MATVs and very small CATVs.

79. NCTA, Viacom and several other parties propose "parity" of regulation. NCTA, for example, proposes that the Commission define all MATV systems as cable systems for regulatory purposes. Then, as a part of its overall definitional scheme, NCTA proposes the creation of a new class of systems of under 1000 subscribers (including MATV systems) to which only minimal regulation would apply. "However," NCTA continued, "circumstances exist where equity dictates that this small system regulatory exemption should not be applicable. Specifically, when such an exempt or partially exempt CATV system of any kind is operating within the franchise area of a nonexempt CATV system, the regulatory treatment of the two CATV entities would be substantially equal." The trigger for the application of this "parity" approach would be when the political subdivision in which an MATV system operates grants a franchise to a "traditional" CATV system.

80. The New York State Commission on Cable Television suggests that we adopt the same regulatory approach which it has evolved for MATV systems; namely, that MATV systems are exempt from regulation so long as they engage in normal "reception only" functions but that regulation is triggered by either engaging in pay operations or carrying distant signals.

81. A significant number of parties have directed substantial comments to the subject of the regulation of MATV systems because of actual and potential distribution of pay programming. The American Broadcasting Company (ABC) and Television Licensees propose that the definitional exception for apartment houses should be forfeited when such facilities offer program origination or pay services. They both urge that the Commission extend the pay-product restrictions of § 76.225 of our Rules to MATV systems. ABC submits as an attachment to its comments a press release by the Microband Corporation of America to illustrate the growth of pay services via common carrier Multipoint Distribution Service (MDS). The National Association of Theatre Owners, Inc. (NATO) requests that we adopt rules "establishing MATV systems as a separate class of CATV systems subject to the Commission's regulations, particularly those applicable to cable pay television." NATO states that although there presently exist only limited MATV pay operations utilizing MDS, these MATV systems will soon become a major outlet for the distribution of pay television, and that they have the same potential for "siphoning" feature films from the theatre and broadcasting industries as cable pay television. NATO asserts that the failure to apply appropriate regulations "will leave a substantial gap in the Commission's cable television and pay television regulatory scheme." In opposition to NATO's request, the reply comments of both the Program Suppliers and MCA, Inc. urge that there is no merit to such a proposal and that in any event the Commission should not extend its pay cable programming restrictions to MATV while petitions for review are pending in court questioning the validity of the program restrictions applied to cable systems.[*] The Program Suppliers add that "* * * any extension of the anti-siphoning rules would impair the Program Suppliers' ability to find new markets for their product in the emerging new technologies."

82. Last, it is appropriate to review the comments received with respect to regulation of extremely large multiple family dwelling units. Many parties did not specifically comment on this point, but instead proposed various classes of cable systems by size, including both traditional cable and MATV systems, to which regulations would be equally applicable. Cablecom General opposes the regulation of MATV systems, no matter how large, stating that there is no evidence demonstrating adverse impact of MATV systems upon conventional broadcast interests, and cautioning that regulation would in many instances bring about discontinuance of the service by landlords and developers. Mark Winkler Management, Inc. also feels that regulation would be burdensome and lead to discontinuance of MATV service, and states that a 5000 unit development "would most likely be the smallest able to absorb the increased expenses for regulation of a service for which no fee is charged." The Minnesota Cable Communications Board (MCCB), however, comments that it is "appropriate" for the Commission to now consider regulation for large MATV units, and the Television Licensees and the ABC Television Network both urge that MATV systems serving more than 1000 units "should be required to adhere to the same network and syndicated program exclusivity rules applicable to larger CATV systems." The Association of Maximum Service Telecasters, while taking no position at this time on expanding the definition to include heretofore exempt MATV systems, urges that should the Commission decide to do so, any "grandfathering" of distant signal carriage should be strictly limited to the building or buildings in which the MATV system was operating at the time of the Notice herein. RCA, while generally favoring non-regulation of MATV, concludes:

> The rules should be applied to such systems only if the size of the complex or community justifies Commission regulation based upon the striking of a balance between significant accomplishment of regulatory purposes and the costs of compliance, regulation, and enforcement.

DISCUSSION AND CONCLUSIONS

83. After careful review of the extensive comments on treatment of master antenna systems, we have decided to clarify—but not to extend—our present exercise of regulatory authority. The operative language of the exemption has been slightly revised but its substantive scope remains essentially unchanged; that is, we will continue to exclude from regulation a facility "that serves or will serve only subscribers in one or more multiple unit dwellings under common ownership, control or management." Thus we need not reach the jurisdictional challenge raised by CATA and others. Instead, we are impressed by the statement of at least one large multiple-system cable operator, Cablecom-General, reinforced by the comments of a large corporation with conventional broadcast interests, RCA, that regulation of MATV systems has not been justified on grounds of their actual or potential harm to over-the-air television. Indeed, such other broadcast interests as ABC and Television Licensees discuss MATV impact on their medium only in the relatively narrow terms of exclusivity protection (on systems of 1000-plus units)

[*] *Home Box Office, Inc., et al. v. FCC & USA*, Nos. 75-1280; 75-1284; 75-1342; 75-1358; 75-1430; 75-4170; 75-1496; 75-1555, filed March 21, 1975 (Docket 19554).

and pay-product limitations on movies and sporting events. They are silent on such fundamental issues as basic signal carriage, access and technical standards.

84. To be sure, many commenters—largely cable operators or industry trade associations—urge elimination of the apartment MATV exception on the grounds that there ought to be "parity" of regulation for entities performing essentially the same functions. Admittedly, we have not entirely satisfied what appears to be the cable operators' underlying concern for the competitive disadvantage at which they may be placed by our failure to regulate apartment MATV facilities. (While precise figures are not readily available, it should be noted that only a very small percentage of apartment buildings exceed 500 units in size). On the other hand, certain competitive limitations are built into the typical MATV facility which usually do not exist for the cable operator. The former ordinarily is a "passive" entity, taking what its rooftop antenna can pick up off-the-air, but not reaching out—via microwave or separated headend—to pick up distant signals which cable operators consider an attractive aspect of their service. Practically speaking, the MATV provider possesses only the limited economic base represented by the several hundred subscribers within the four walls of a highrise facility, who generally are not paying separately for the service. Such an operation usually does not—and probably could not—offer origination or access programming.

85. Having determined not to extend the exercise of our authority over service by master antennas, it is important to state as clearly as possible where we draw the line, and why. We believe that the present limit of our regulation—established both by the language of the current "apartment" exception and by cases interpreting it—works, or should work to exempt facilities serving only residents in one or more multiple unit dwellings under common ownership, control or management. We have said that it does not exclude mobile home parks, planned and resort communities and military installations.[28] We have acknowledged, however (Para. 72, supra), that the status of some condominiums, cooperative apartments, and hotels and motels, remains ambiguous. By adopting the language recited above — "serving only subscribers in one or more multiple unit dwellings under common ownership, control or management"—we are attempting to resolve the ambiguous situations. We think the resolution is clear enough to exempt highrise apartments, highrise condominiums and cooperatives, hotels and motels. Those situations referred to in paragraph 10 of our Notice, including garden apartments, garden condominium apartment complexes, garden apartment communities, townhouse duplex condominium communities and other similar situations we now exempt from regulation so long as the elements of common ownership, control or management are involved.

86. We have no wish to become entangled in real property law. What we seek to establish are concepts of "amenity," convenience and even feasibility which serve to set excluded facilities apart from regulated (cable) facilities. By amenity we mean a lessor's or a manager's use of master antenna service as a secondary or incidental inducement to occupancy of his residential facility. By convenience, we are suggesting the efficiency and economy, even the aesthetics, of having a single, shared receptor rather than a forest of antennas on the roof of a multiple unit dwelling. By feasibility we refer to the realities of a television signal's shadowing and blocking when it must travel among highrise buildings, making a tall antenna—extending even far above a roofline—the only means of receiving service. Under such circumstances the erection of a high master antenna becomes not a competitive entry into something like cable television service but an almost necessary improvement to the business of leasing or selling dwellings.

87. Apart from differences in broadcast signal retransmission, commenters have claimed discrimination in MATV's freedom from the so-called "anti-siphoning" rules, Section 76.225, which act to limit the movie and sports product a cable system may carry when an additional charge per channel or per program is made. To begin with, we are reluctant—if not powerless—to make changes in the applicability of our "pay cable" rules while these regulations remain under review in the U.S. Court of Appeals for the District of Columbia Circuit.[29] Even assuming we were free to act, however, we prefer to reserve the broader possibilities for decisive resolution presented by the outstanding Notice of Inquiry and Notice of Proposed Rule Making in Docket 19671, FCC 73-73, 39 FCC 2d 527 (1973), covering apartment houses, motels and hotels. In fact, comments in the instant Docket 20561 directed to the question of pay-product regulation shall be associated with Docket 19671.

Conclusion

88. We believe that the changes made will simplify the administration of the rules, relieve significant and unnecessary burdens for small cable television system operators, and will not adversely affect the provision of television broadcast service to the public and that their adoption is, therefore, in the public interest.

Authority for adoption of the rules herein is contained in Sections 2, 4 (i) and (j), 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That effective May 16, 1977, Part 76 of the Commission's Rules and Regulations are amended as set forth below.

It is further ordered, That the proceeding in Docket 20561 is retained open.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317.)

Federal Communications Commission,
Vincent J. Mullins,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In Section 76.5, paragraph (a) is amended, and paragraphs (mm) and (nn) are added, to read as follows:

§ 76.5 Definitions.

(a) *Cable Television System.* A nonbroadcast facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment, under common ownership and control, that distributes or is designed to distribute to subscribers the signals of one or more television broacast stations, but such term shall not include (1) any such facility that serves fewer than 50 subscribers, or (2) any such facility that serves or will serve only subscribers in one or more multiple unit dwellings under common ownership, control or management.

* * * * *

(mm) *System community unit; Community unit.* A cable television system, or portion of a cable television system, that operates or will operate within a separate and distinct community or municipal entity (including unincorporated communities within unincorporated areas and including single, discrete unincorporated areas).

(nn) *Subscribers.* A member of the general public who receives broadcast programming distributed by a cable television system and does not further distribute it.

§ 76.7 [Amended]

2. In Section 76.7, paragraphs (a) and (b) are amended to delete the term "cable television system" and substitute the term "cable television system operator." Paragraph (c) (3) is amended to delete the terms "cable television community" and "community," and substitute the term "system community unit." Paragraphs (g) and (h) are amended to delete the term "cable television system" and substitute the term "system community unit."

Subpart B—Signal Registration and Certificates of Compliance

3. In Subpart B, the caption is amended, and a new § 76.10 is added to read as follows:

[28] See, for example, Bayhead Mobile Home Park, FCC 74-569, 47 FCC 2d 763 (1974), and Pacific Western Mobile Estates, Inc., FCC 74-1058, 49 FCC 2d 269 (1974) concerning mobile home park systems; Citizens Development Corporation, FCC 75-506, 52 FCC 2d 1135 (1975); Sanwick Cablevision, Inc., FCC 74-888, 48 FCC 2d 563 (1974), Big Canoe Television Systems, FCC 74-623, 47 FCC 2d 455 (1974), Leacom, Inc., FCC 74-903, 48 FCC 2d 533 (1974) concerning planned and resort communities; and Robert D. Lewis d/b/a Cable Systems, FCC 75-604, 53 FCC 2d 503 (1975) and Cable Antenna Systems, FCC 74-646, 47 FCC 2d 545 (1974) concerning systems on military installations.

[29] See footnote 28, supra.

§ 76.10 Registration of systems of fewer than 500 subscribers.

A cable television system having between 50 and 499 subscribers shall furnish the Commission with the following information within thirty (30) days after providing service to fifty subscribers:

(a) The legal name of the operator and whether the operator is an individual, private association, partnership, or corporation. If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied;

(b) The assumed name (if any) used for doing business in the community;

(c) The mail address, including zip code, to which all communications are to be directed;

(d) The date the system provided service to 50 subscribers;

(e) The name of each separate community and area served; and

(f) The television broadcast signals carried.

No such cable television system shall provide service to 500 or more subscribers until a Certificate of Compliance has first been obtained.

4. In § 76.11, all references to "cable television system" and "cable system" are deleted and the term "community unit" is substituted; and paragraphs (a) and (b) are amended to read as follows:

§ 76.11 Certificate of Compliance Required.

(a) No system community unit having 50 or more subscribers and constituting all or part of a cable television system having 500 or more subscribers shall commence operations or add a television broadcast signal to existing operations unless it receives a certificate of compliance from the Commission: *Provided, however*, That an existing system may add a television signal, pursuant to §§ 76.57(a) (1)–(3), 76.59(a) (1)–(3) and (5), 76.61(a) (1)–(3), or 76.63(a) (as it relates to § 76.61(a) (1)–(3)), or the signal of a noncommercial educational television station that is operated by an agency of the state within which the system is located, pursuant to §§ 76.57(b), 76.59(c), 76.61(d), or 76.63(a) (as it relates to § 76.61(d)), without filing an application or receiving a certificate of compliance, if the system serves the information required by § 76.13(b)(1) on the Commission and the parties named in § 76.13(a) (6) and (7) at least thirty (30) days before commencing such carriage and no objection is filed with the Commission within (30) days after such service is made. See § 1.47 of this chapter.

(b) No system community unit having 50 or more subscribers and constituting all or part of a cable television system having 500 or more subscribers that was lawfully carrying television broadcast signals in a community prior to March 31, 1972, shall continue carriage of such signals beyond the end of its current franchise period, or June 1, 1977, whichever occurs first, unless it receives a certificate of compliance.

* * * * *

5. In § 76.13, the notes to paragraphs (a) (4) and (b) (3) are amended to delete the terms "proposed system's" and "system's." All other references in § 76.13 (except paragraphs (a) (2) and (b) (2) to "cable television system[s] ['s] and "system[s]" are deleted and the term "community unit[s] ['s] is substituted; and paragraph (c) is revised to read as follows:

§ 76.13 Filing of applications.

* * * * *

(c) For an existing community unit that is required to receive certificaton pursuant to § 76.11 (b) or (c), an application for certificate of compliance shall include:

* * * * *

§ 76.27 [Amended]

6. In § 76.27, the term "cable television system" is deleted, and the term "applicant" is substituted.

§ 76.29 [Amended]

7. In § 76.29, paragraph (a) is amended to delete the term "cable television facilities" and substitute the term "community units." Paragraph (b) (2) is amended to delete the term "system" and substitute the term "community unit."

Subpart C—Federal—State/Local Regulatory Relationships

8. In Subpart C, a new § 76.30 is added to read as follows:

§ 76.30 Scope of application.

The provisions of this subpart shall not apply to any system community unit that constitutes all or part of a cable television system that serves fewer than 500 subscribers.

§ 76.31 [Amended]

9. In § 76.31, all references to "cable television system," "cable system" and "system's are deleted and the term "community unit['s]" is substituted as appropriate.

10. In § 76.54, paragraphs (b) and (c) are amended to read as follows:

§ 76.54 Significantly viewed signals; method to be followed for special showings.

* * * * *

(b) Significant viewing in a cable television community for signals not shown as significantly viewed under paragraphs (a) or (d) of this section may be demonstrated by an independent professional audience survey of non-cable television homes that covers at least two weekly periods separately by at least thirty (30) days but no more than one of which shall be a week between the months of April and September. If two surveys are taken, they shall include samples sufficient to assure that the combined surveys result in an average figure of at least one standard error above the required viewing level. If surveys are taken for more than 2 weekly periods in any 12 months, all such surveys must result in an average figure at least one standard error above the required viewing level. If a cable television system serves more than one community, a single survey may be taken, provided that the sample includes non-cable television homes from each community that are proportional to the population.

(c) Notice of a survey to be made pursuant to paragraph (b) of this section shall be served on all licensees or permittees of television broadcast stations within whose predicted Grade B contours the cable community or communities are located in whole or in part, and on all other system community units, franchisees, and franchise applicants in the cable community or communities at least thirty (30) days prior to the initial survey period. Such notice shall include the name of the survey organization and a description of the procedures to be used. Objections to survey organizations or procedures shall be served on the party sponsoring the survey within twenty (20) days after receipt of such notice.

* * * * *

§§ 76.55, 76.57, 76.59, 76.61, 76.63, 76.65 & 76.67 [Amended]

11. In §§ 76.55, 76.57, 76.59, 76.61, 76.63, 76.65 & 76.67, all references to "cable television system[s] and "system[s] are deleted and the term "community unit[s]" is substituted.

12. Section 76.59(b) is amended to read as follows:

§ 76.59 Provisions for smaller television markets.

* * * * *

(b) In addition to the television broadcast signals carried pursuant to paragraph (a) of this section, any such community unit constituting all or part of a system having fewer than 500 subscribers may carry any additional television signals. Any such community unit constituting all or part of a system having 500 or more subscribers may carry sufficient additional signals so that, including the signals required to be carried pursuant to paragraph (a) of this section, it can provide the signals of a full network station of each of the major national television networks, and of one independent television station: *Provided, however*, That, in determining how many additional signals may be carried, any authorized but not operating television broadcast station that, if operational would be required to be carried pursuant to paragraph (a) (1) of this section, shall be considered to be operational for a period terminating 18 months after grant of its initial construction permit.

* * * * *

13. Section 76.61(b) is amended to read as follows:

§ 76.61 Provisions for first 50 major television markets.

* * * * *

(b) In addition to the television broadcast signals carried pursuant to paragraph (a) of this section, any such community unit constituting all or part of a system having fewer than 500 subscribers may carry any additional television signals. Any such community unit con-

stituting all or part of a system having 500 or more subscribers may carry sufficient additional signals so that, including the signals required to be carried pursuant to paragraph (a) of this section, it can provide the signals of a full network station of each of the major national television networks, and of three independent television stations: *Provided, however,* That in determining how many additional signals may be carried, any authorized but not operating television broadcast station that, if operational, would be required to be carried pursuant to paragraph (a)(1) of this section, shall be considered to be operational for a period terminating 18 months after grant of its initial construction permit.

14. Section 76.65(b) amended to read as follows:

§ 76.65 Grandfathering Provisions.

* * * * *

(b) The provisions of §§ 76.57, 76.59, 76.61 and 76.63 shall not be deemed to require the deletion of any television broadcast or translator signals which a system community unit having fewer than 50 subscribers but constituting all or part of a system having 500 or more subscribers was carrying prior to May 16, 1977, until the community unit has 50 subscribers.

15. Section 76.67(f) is amended to read as follows:

§ 76.67 Sports Broadcasts.

* * * * *

(f) The provisions of this section shall not apply to any cable television system having fewer than 500 subscribers.

§§ 76.92, 76.94, 76.95, 76.97, 76.99, 76.151 and 76.159 [Amended]

16. Sections 76.92, 76.94, 76.95, 76.97, 76.99, 76.151, and 76.159 are amended to delete the term "cable television system" and the word "system[s]" and substitute the term "community unit."

17. Section 76.95(b) is amended, and the note at the end of paragraph (d) deleted to read as follows:

§ 76.95 Exceptions.

* * * * *

(b) The provisions of §§ 76.92 and 76.94 shall not apply to a cable television system having fewer than 1000 subscribers. Within 60 days following the provision of service to 1000 subscribers, each such system shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast and translator stations carried by the system.

* * * * *

18. Section 76.97(b) is amended, and the note at the end of paragraph (b) deleted to read as follows:

§ 76.97 Waiver petitions.

* * * * *

(b) The fifteen (15) day period specified in paragraph (a) shall not commence until the television broadcast station requesting exclusivity has initiated service pursuant to program test authority as provided in § 73.629 of this chapter, and until the cable television system serves 1000 or more subscribers.

§ 76.153 [Amended]

19. In § 76.153, paragraphs (a) and (b) are amended to delete the term "each cable system" and substitute the term "each cable television system operator," and in paragraph (c) the term "in the cable system community" immediately preceding the proviso is deleted and the term "in the cable community" is substituted.

§ 76.155 [Amended]

20. In § 76.155, paragraphs (c) and (d) are amended to delete the term "cable television system" and substitute the term "cable television system operator."

21. Section 76.161 is amended to delete the "NOTE" and to read as follows:

§ 76.161 Exception.

The provisions of §§ 76.99 and 76.151 shall not apply to a cable television system having fewer than 1000 subscribers. Within sixty(60) days following the provision of service to 1000 subscribers each such system operator shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast stations carried by the cable television system.

22. Section 76.205 is amended to delete the term "[cable television] system" and substitute the term "cable television system operator," and paragraph (a) is amended to read as follows:

§ 76.205 Origination cablecasts by candidates for public office.

(a) *General requirements.* If a cable television system operator shall permit any legally qualified candidate for public office to use the system's origination channel(s) and facilities therefor, the system operator shall afford equal opportunities to all other such candidates for that office: *Provided, however,* That such cable television system operator shall have no power of censorship over the material cablecast by any such candidate: *And provided, further,* That an appearance by a legally qualified candidate on any:

(1) Bona fide newscast,

(2) Bona fide interview,

(3) Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) On-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto), shall not be deemed to be use of the facilities of the system within the meaning of this paragraph.

NOTE.—The Fairness Doctrine is applicable to these exempt categories. See § 76.209.

* * * * *

23. In § 76.209, paragraphs (a) and (c) are amended to delete all references to "cable television system" or "system" and substitute the term "cable television system operator," and paragraphs (b) and (d) are amended to read as follows:

§ 76.209 Fairness doctrine; personal attacks; political editorials.

* * * * *

(b) When, during such origination cablecasting, an attack is made upon the honesty, character, integrity, or like personal qualities of an identified person or group, the cable television system operator shall, within a reasonable time and in no event later than one (1) week after the attack, transmit to the person or group attacked: (1) Notification of the date, time, and identification of the cablecast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer a reasonable opportunity to respond over the system's facilities.

* * * * *

(d) Where a cable television system operator, in an editorial, (1) endorses or (2) opposes a legally qualified candidate or candidates, the system operator shall, within 24 hours of the editorial, transmit to respectively (i) the other qualified candidate or candidates for the same office, or (ii) the candidate opposed in the editorial, (a) notification of the date, time, and channel of the editorial; (b) a script or tape of the editorial; and (c) an offer of a reasonable opportunity for a candidate or spokesman of the candidate to respond over the system's facilities: *Provided, however,* That where such editorials are cablecast within 72 hours prior to the day of the election, the system operator shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

24. In § 76.213, paragraph (a) is amended to read as follows:

§ 76.213 Lotteries.

(a) No cable television system operator, except as in paragraph (c), when engaged in origination cablecasting shall transmit or permit to be transmitted on the origination cablecasting channel or channels any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes.

* * * * *

25. Section 76.215 is amended to read as follows:

§ 76.215 Obscenity.

No cable television system operator when engaged in origination cablecasting shall transmit or permit to be transmitted on the origination cablecasting channel or channels material that is obscene or indecent.

26. In § 76.221, all references to the term "cable television system" or "system" are deleted, and the term "cable television system operator" is substituted, and paragraphs (b) and (d) are amended to read as follows:

§ 76.221 Sponsorship identification; list retention; related requirements.

* * * * *

(b) Each cable television system operator engaged in origination cablecasting shall exercise reasonable diligence to obtain from employees, and from other persons with whom the system operator deals directly in connection with any matter for cablecasting, information to enable such system operator to make the announcement required by this section.

* * * * *

(d) The announcement required by this section shall, in addition to stating the fact that the origination cablecasting matter was sponsored, paid for or furnished, fully and fairly disclose the true identify of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such pyament is made or promised, or from whom or on whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (c) of this section are furnished. Where an agent or other person or entity contracts or otherwise makes arrangements with a cable television system operator on behalf of another, and such fact is known or by the exercise of reasonable diligence, as specified in paragraph (b) of this section, could be known to the system operator, the announcement shall disclose the identity of the person or persons or entity on whose behalf such agent is acting instead of the name of such agent. Where the origination cablecasting material is political matter or matter involving the discussion of a controversial issue of public importance and a corporation, committee, association or other unincorporated group, or other entity is paying for or furnishing the matter, the system operator shall, in addition to making the announcement required by this section, require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group, or other entity shall be made available for public inspection at the local office of the system. Such lists shall be kept and made available for a period of two years.

* * * * *

§ 76.225 [Amended]

27. In § 76.225, all references to "cable television system" are deleted and the term "community unit" is substituted.

28. In § 76.252, the introductory language in paragraph (a), and paragraph (b) are amended to read as follows:

§ 76.252 Channel capacity.

(a) Any cable television system having 3500 or more subscribers shall comply with the following requirements respecting channel capacity:

* * * * *

(b) This section applies to all cable television systems that are located in whole or in part within a major television market and that commence operations after March 31, 1972. Systems that are located outside of a major television market and that commense operations after March 31, 1977, shall comply upon commencement of operations. All other systems shall comply on or before June 21, 1986. Systems that are in compliance with the provisions of subparagraph (a) (1) are not required to modify their facilities in order to comply with subparagraph (a) (2) of this section.

29. In § 76.254, the introductory language in paragraph (a) and paragraphs (c), (d), and (f) are amended as follows, and in paragraphs (a) (1), (a) (2), (a) (3), (a) (4), and (e), the phrase "each such system" is deleted and the phrase "the operator of each such system" is substituted:

§ 76.254 Number and designation of access channels.

Any cable television system having 3500 or more subscribers shall comply with the following requirements respecting the number and designation of access channels:

(a) The operator of each such system shall, to the extent of the system's activated channel capability, comply with the following requirements:

* * * * *

(c) The operator of each such system shall, in any case, maintain at least one full channel for shared access programming: *Provided, however,* That, in the case of systems in operation on June 21, 1976, if insufficient activated channel capability is available to provide one full channel for shared access programming the system operator shall provide whatever portions of channels are available for such purposes. In meeting its access obligations, every operator of a cable television system shall make reasonable efforts in programming the system's bandwidth to avoid the displacement of access service.

(d) Whenever any of the channels described in paragraph (a) or (c) of this section is in use during 80 percent of the weekdays (Monday–Friday) for 80 percent of the time during any consecutive three-hour period for six consecutive weeks, the system operator shall have six months in which to make a new channel available for the same purposes: *Provided, however,* That the channel expansion mandated by this paragraph shall not exceed the activated channel capability of the system.

* * * * *

(f) Until March 31, 1977, operators of systems that are located outside the major television markets or that commenced operation prior to March 31, 1972 may comply with the requirements of this section by making a reasonable effort to provide channel time for local non-operator presentation of cablecast programs.

30. In § 76.256, the introductory language and paragraphs (a), (c) (3), and (d) (4) are amended as follows, paragraphs (b), (d) (1), (d) (2), and (d) (3) are amended to delete the terms "each such system" and "such system" and substitute the term "the operator of each such system," paragraph (c) is amended to delete the word "system" and substitute the term "system operator," and the "NOTE" after paragraph (d) (4) is deleted:

§ 76.256 Access services.

Any cable television system having 3500 or more subscribers shall comply with the following requirements respecting the provision of access services:

(a) *Equipment requirement.* The operator of each such system shall have available equipment for local production and presentation of cablecast programs other than automated services and permit its use for the production and presentation of public access programs. The operator of such system shall not enter into any contract, arrangement, or lease for use of its cablecast equipment which prevents or inhibits the use of such equipment for a substantial portion of time for public access programming.

* * * * *

(c) * * *

(3) Charges for equipment, personnel, and production of public access programming shall be reasonable and consistent with the goal of affording users a low-cost means of television access. No charges shall be made for live public access programs not exceeding five minutes in length.

NOTE.—Operators of systems that are located outside the major television markets or that commenced operation prior to March 31, 1972 are not required to provide any free production facilities prior to March 31, 1977.

* * * * *

(d) * * *

(4) The operating rules governing public, educational, and leased access programming shall be filed with the Commission within 90 days after the system operator first activates any such channels, and shall be available for public inspection as provided in § 76.305(b). Except on Commission authorization, or with respect to local government access programming, no local entity shall prescribe any other rules concerning the number or manner of operation of access channels; however, franchise specifications concerning the number of such channels for systems in operation prior to March 31, 1972 shall continue in effect.

31. Section 76.258 is amended and a Note is added to read as follows:

§ 76.258 Non-federal access regulation; voluntary access.

No cable television system shall be required by a state or local entity to exceed the provisions of §§ 76.252, 76.254, and 76.256 concerning channel capacity, activated channel capability, and equipment, absent Commission authorization, even if such a system has previously been certificated, pursuant to § 76.11, based on proposals or operations in excess of these provisions. If a system having fewer than 3500 subscribers provides access services, it shall comply with the provisions of § 76.256 (b) and (d).

NOTE.—Nothing in this section shall be construed as limiting the authority of state and local entities to regulate two-way, point-to point, intrastate nonvideo cable transmission.

Subpart H—General Operating Requirements

32. In Subpart H, a new § 76.300 is added to read as follows:

§ 76.300 Scope of application.

(a) The provisions of §§ 76.306, 76.307 and 76.311 are applicable to all cable television systems.

(b) The provisions of §§ 76.301 and 76.305 are not applicable to any cable television system serving fewer than 500 subscribers.

33. In § 76.305, the headnote, paragraph (b) and the introductory language in paragraph (a) and paragraph (c) are amended as follows, paragraphs (a)(2), (a)(3), (a)(4), and (d) are amended to delete the term "cable television system," and word "system," and substitute "system operator"; and paragraph (a)(5) is amended to delete the term "cable system" and substitute the term "community unit."

§ 76.305 Records to be maintained locally by cable television system operators for public inspection.

(a) *Records to be maintained.* The operator of every cable television system having 500 or more subscribers shall maintain for public inspection a file containing the following:

* * * * *

(b) *Location of records.* The public inspection file shall be maintained at the office which the system operator maintains for the ordinary collection of subscriber charges, resolution of subscriber complaints, and other business or at any accessible place in the community served by the system unit(s) (such as a public registry for documents or an attorney's office). The public inspection file shall be available for public inspection at any time during regular business hours.

(c) *Period of retention.* The records specified in paragraphs (a) (1), (2), (3), and (8) shall be maintained for 15 years or until the system receives a certificate or certificates of compliance from the Commission occasioned by a local franchise review, whichever occurs later. The records specified in paragraph (a)(4) shall be retained for two years. The records specified in paragraph (a)(5) shall be retained for one year after an amendment to such record is placed in the public inspection file. The records specified in paragraph (a)(6) shall be retained so long as an authorization for a Cable Television Relay Station and renewals thereof are outstanding. The records specified in paragraph (a)(7) shall be retained for the periods specified in §§ 76.95(d), 76.205(c), 76.221(f), 76.225 (a), 76.256(d), and 76.311(f).

* * * * *

34. Section 76.306 is amended to read as follows:

§ 76.306 Records of subscribers.

The operator of every cable television system shall retain all records, in whatever form maintained, which are kept of the subscribers served during the last month of each quarter of operation. (See § 1.1101(f).) Every cable television system operator shall submit such records upon request by an authorized representative of the Commission, and shall retain such records for a period of three years.

35. Section 76.307 is amended to read as follows:

§ 76.307 System inspection.

The operator of a cable television system shall make the system, its public inspection file (if required by Section 76.305), and its records of subscribers available for inspection upon request by an authorized representative of the Commission at any reasonable hour.

36. In Subpart I, § 76.403 is amended to delete the term "system community" and substitute the term "community unit," and a note is added at the end of the section, to read as follows:

§ 76.403 Cable television system reports.

* * * * *

NOTE.—The operator of a cable television system having fewer than 500 subscribers shall only be required to file schedules 1 and 2 of Form 325 for each community unit.

Subpart K—Technical Standards

37. In § 76.601, paragraphs (b), (c), (d) and (e) are amended to delete all references to "cable television system(s)" and the word "system(s)", and substitute the term "community unit(s)"; and a new paragraph (f) is added to read as follows:

§ 76.601 Performance tests.

* * * * *

(f) The provisions of paragraphs (b), (c), and (e) of this section shall not apply to any cable television system having fewer than 500 subscribers; *Provided, however,* That any cable television system using any frequency spectrum other than that allocated to over-the-air television and FM broadcasting (as described in §§ 73.603 and 73.210) is required to conduct all tests, measurements, and monitoring of radiation and signal leakage that are required by this subpart.

38. In § 76.605; paragraphs (a), (a)(2), (a)(4), (a)(9)(i), (a)(12), and (b) are amended to delete all reference to the term "cable television system(s)" and the word "system(s)" and substitute the term "community unit(s)," and paragraph (c) is amended to read as follows:

§ 76.605 Technical standards.

* * * * *

(c) Paragraph (a)(12) of this section shall become effective March 31, 1972. All other provisions of this section shall become effective in accordance with the following schedule:

	Effective date
Community units in operation prior to Mar. 31, 1972	Mar. 31, 1977.
Community units commencing operations on or after Mar. 31, 1972	Mar. 31, 1972.

APPENDIX A

Following is an alphabetical listing of parties filing comments and/or reply comments in this proceeding:

Allen's TV Cable Service, Inc. et al.
American Broadcasting Companies, Inc.
Apartment and Office Building Association
Arizona Cable Television Association.
Association of Maximum Service Telecasters (MST).
Atlantic Coast TV Cable et al.
Booth American Company.
Cablecom-General, Inc.
Cablevision Systems Corporation (CSC).
California Community Television Association (CCTA).
Calvert Telecommunications Corp. (Caltec).
Central New York Cable TV (Central).
Citizens for Cable Awareness in Pennsylvania (CCAP).
Comlab Corporation.
Community Antenna System.
Community Antenna Television Association (CATA).
Communities Properties, Inc. (CPI).
County of San Diego.
Cumberland Television Inc.
Eagle River and Park Falls, Wisconsin Cable Systems.
EMCO CATV, Inc.
Gill Cable, Inc.
Florida Cable Television Association (FCTA).
Historic New Harmony, Inc.
Indian River Cablevision, Inc.
Jerrold Electronics Corp.
Kentucky CATV Association, Inc.
Douglas R. Leach.
Liberty Communications, Inc.
MCA, Inc.
Carl Mangum, Realtors.
Manhattan Cable Television, Inc.
Manufatcured Housing Institute (MHI).
Minnesota All-Channel Cablevision, Inc.
Minnesota Cable Communications Board (MCCB).
National Association of Broadcasters (NAB).
National Association of Theatre Owners, Inc.
National Cable Television Association (NCTA).
Nebraska Cable Communications Association (NCCA).
New York State Commission on Cable Television (CCT).
Perry Cable Television Companies.
Program Suppliers.
RCA Corporation.
Redwood Cable Vision.
Reliable Television Sales Service, Inc., et al.
South Carolina ETV Network.
Storer Cable TV of Florida, Inc.
Susquehanna Broadcasting Company.
Television Licensees.
Theta-Com.
Transcommunications Corporation (TCC).
U.S. Communities, Inc. (USC).
Viacom International, Inc.
VideoProbeIndex, Inc. (VPI).
Warrensburg Cable, Inc.
Welch Antenna Co.
Western Cable, Inc.
Mark Winkler Management, Inc.

[FR Doc.77-10776 Filed 4-12-77;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1068]

MILK IN THE UPPER MIDWEST MARKETING AREA

Proposed Suspension of a Certain Provision of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Suspension of Rule.

SUMMARY: This notice invites written comments on a proposal to suspend a requirement under the Upper Midwest milk marketing order that handlers make a partial payment for milk received from producers by the 25th day of the month. Handlers indicate that their producers want such payments to be made about 8 days later so that their partial payments and final payments for milk will be spaced about 15 days apart. The proposed suspension would be for May through October 1977.

DATE: Comments are due on or before April 20, 1977.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202-447-6273).

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of paragraph (a)(4) of § 1068.73 of the order regulating the handling of milk in the Upper Midwest marketing area is being considered for the period May 1, 1977 through October 31, 1977.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before April 19, 1977. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Paragraph (a) of § 1068.73 requires handlers to make a partial payment to cooperative associations and nonmember producers on or before the 25th day of the month for milk delivered during the first 15 days of the month. Suspension of paragraph (a)(4) would remove this requirement only with respect to producers for whom a cooperative association is not collecting payments; the requirement would remain in effect for milk purchased from a cooperative association.

Paragraph (a)(4) of § 1068.73 has been suspended since November 1976 (41 FR 51389). Several handlers request that the suspension be extended for an additional period of six months pending a hearing to amend said provision of the order to allow a partial payment on or before the 3d day after the end of the month. Currently these handlers are making a partial payment on or about the 3d day of the month, 15 days prior to the final payment date which is the 18th day of the month. This enables such handlers to accommodate their producers who request that their payments be spaced about 15 days apart.

Signed at Washington, D.C. on April 8, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-10859 Filed 4-12-77;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Reg. Q; Docket No. R-0024]

INTEREST ON DEPOSITS

Pooling of Funds

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Withdrawal of rulemaking proposal.

SUMMARY: On March 8, 1976 the Board of Governors proposed an amendment to Regulation Q concerning payment of interest on pooled funds. In view of the comments received and the action of the Federal Deposit Insurance Corporation to limit deposit insurance for certain organizations, the Board is now withdrawing its proposal.

FOR FURTHER INFORMATION CONTACT:

Allen L. Raiken, Assistant General Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3625.

SUPPLEMENTARY INFORMATION: By notice published in the FEDERAL REGISTER (41 FR 10917), the Board of Governors on March 8, 1976 proposed to amend Regulation Q (12 CFR 217) to prohibit member banks from paying interest on time deposits of $100,000 or more at rates in excess of those established by Regulation Q for deposits of less than $100,000 where the bank knows or has reason to know that such time deposits consist of funds acquired or solicited for the purpose of pooling such funds primarily to obtained the exemption from interest rate ceilings provided in § 217.7(a). Subsequently, the period for receipt of public comments on this proposal was extended to July 9, 1976 (41 FR 20590).

Public Law 93-123 (87 Stat. 448) directs the Board to establish maximum rates of interest that may be paid by member banks on time deposits of less than $100,000. The Board's regulatory proposal to prohibit the practice of pooling funds to obtain higher rates of interests was based in part upon the belief that pooling violates Regulation Q interest rate ceiling limitations since it enables depositors who would otherwise be subject to the ceiling rates of interest prescribed by Regulation Q to obtain the generally higher rates that may be available on large denomination certificates of deposit (CDs). The Board's proposal was also based on the belief that pooling may have potentially adverse effects on member banks and nonmember financial institutions due to the potential for disruptive shifts of funds as a consequence of active soliciting of funds by prospective poolers.

The Board has reviewed the one hundred seventy-one comments received from the public on the pooling proposal. One hundred forty-one of these comments opposed adoption of the pooling proposal and thirty favored adoption of the proposed amendment. Those opposed to the adoption of the amendment expressed the view that the proposal was unfair to small depositors and would result in a shifting of funds from bank CDs to other forms of investments such as commercial paper. Several responents indicated that the proposal would not prevent the practice of pooling since CDs would be available on the secondary market. Those who favored adoption of the proposal generally recognized that pooling results in a circumvention of the Regulation Q interest rate ceilings. Several banks expressed the view that pooling could lead to disruptive shifts of funds especially from institutions outside large money centers.

After consideration of the comments received and other available information, the Board has determined not to adopt the proposed amendment to Regulation Q to prohibit pooling of funds at this time. In making this determination the Board notes the action of the Federal Deposit Insurance Corporation in February 1977 to limit the Federal deposit in-

surance coverage to $40,000 in any one insured bank of any trust or other business arrangement that has registered or is required to register with the Securities and Exchange Commission as an investment company under Section 8 of the Investment Company Act of 1940. The Board believes that the action of the FDIC to limit deposit insurance coverage of such organizations may minimize the potential for disruptive shifts of funds among depository institutions as a result of pooling. Accordingly, the Board has determined not to adopt the proposed regulation at this time and hereby terminates the rulemaking proceeding initiated on March 8, 1976.

Board of Governors of the Federal Reserve System, March 31, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10829 Filed 4-12-77;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 309]

DISCLOSURE OF INFORMATION

Revision of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed Rule.

SUMMARY: The Federal Deposit Insurance Corporation proposes to revise its regulations on the disclosure of information. These regulations have become long and complex as the result of frequent amendment. The revision is intended to simplify and update the format of the regulations.

DATE: Comments must be received before May 13, 1977.

ADDRESS: Send comments to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT:

Douglas H. Jones, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, (202-389-4433).

SUPPLEMENTARY INFORMATION: The Federal Deposit Insurance Corporation (the "Corporation") proposes to revise its regulations on Published and Unpublished Records and Information contained in 12 CFR Part 309. The revision is primarily intended to accomplish two things: (1) to simplify and update the procedures followed by the Federal Deposit Insurance Corporation in disclosing records it maintains; and, (2) to clarify and provide greater authority at the divisional level for disclosures which presently require the authorization of the Chairman of the Corporation's Board of Directors.

The substantive content of the regulations will remain largely unchanged; however, the recodification will provide increased clarity. To facilitate public access, the regulation will be divided functionally into seven sections. Included among these are sections providing specifically for the method of access to prescribed public documents, the procedures for using the Freedom of Information Act, and the provisions for disclosing records exempt from the requirements of the Freedom of Information Act. By dividing the regulation in this manner, it is expected that the public will be benefited by both the simpler format and the resulting ease in utilization.

Under these revisions, substantive changes have been proposed with regard to the level at which confidential information may be disclosed. Under the current regulation, there are only a few narrowly defined and often vague instances in which a Director or Chief of a Corporation Division or Office may disclose information maintained by the Corporation. All other disclosures require the express consent of the Chairman of the Corporation's Board of Directors. The proposed regulation will both clarify existing delegations and expand the authority of the Director of the Corporation's Division of Bank Supervision and its General Counsel. The revisions will enable the Corporation to respond more quickly to those seeking access to confidential information and will free the Chairman of the Corporation's Board of Directors from the necessity of reviewing many of the routine requests for disclosure.

These revisions are authorized under paragraphs "Seventh" and "Tenth" of section 9 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1819 "Seventh" and "Tenth"). Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. Each person submitting a comment should include his name and address, and give reasons for any recommendations. All comments received before May 13, 1977, will be considered before final action is taken on the proposal. The proposal may be changed in the light of the comments received.

By order of the Board of Directors, April 5, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

PART 309—DISCLOSURE OF INFORMATION

Sec.

§ 309.1 Purpose and scope.

This regulation sets forth the basic policies of the Federal Deposit Insurance Corporation regarding information it maintains and the procedures for obtaining access to such information.

§ 309.2 Definitions.

For purposes of this Part:

(a) The term "bank", as used in § 309.6, includes banks that have applied to the Corporation for federal deposit insurance, closed banks, and presently operating banks, and all affiliates of any of the foregoing;

(b) The term "Corporation" means the Federal Deposit Insurance Corporation;

(c) The words "disclose" or "disclosure" means to give access to a record, whether by producing the written record or by verbal discussion of its contents, but, unless specifically stated otherwise, do not extend to the making of copies or verbatim transcriptions of a record;

(d) The term "examination" includes, but is not limited to, formal and informal investigations of irregularities involving suspected violations of Federal or State civil or criminal laws, or unsafe and unsound banking practices, as well as such other investigations as may be conducted pursuant to law;

(e) The term "record" includes records, files, documents, reports, correspondence, books, and accounts, or any portion thereof; and

(f) The term "report of examination" includes, but is not limited to, examination reports resulting from examinations of banks conducted jointly by Corporation examiners and State banking authority examiners, as well as reports resulting from examinations conducted solely by Corporation examiners.

§ 309.3 Publication.

(a) *Information published in the "Federal Register."* In accordance with the requirements of 5 U.S.C. 552(a)(1), the Corporation publishes the following information in the FEDERAL REGISTER for the guidance of the public: (1) descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions; (2) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; (3) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations; (4) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the Corporation; (5) every amendment, revision or repeal of the foregoing; and (6) general notices of proposed rulemaking.

(b) *Documents published by the Corporation.* The Corporation periodically publishes a number of documents pertaining to its operations and those of the insured banks it supervises. A current list of Corporation publications may be obtained, at no charge, from the Office

of Information, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, telephone 202–389–4221.

§ 309.4 Information made available for public inspection.

The following information is available for public inspection and copying during normal business hours at the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, or at the appropriate Regional Office of the Corporation for information maintained at those offices:

(a) *Information required by law to be made public.* (1) All final opinions (including concurring and dissenting opinions) and all final orders made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the Corporation but have not been published in the FEDERAL REGISTER;

(3) The Corporation's Manual of Examination Policies and Instructions to Liquidators; and

(4) Filings and reports required under the provisions of 12 CFR Part 335 and the Securities and Exchange Act of 1934, as amended (15 U.S.C. 78a), by insured nonmember banks the securities of which are registered with the Corporation pursuant to section 12 of that Act (15 U.S.C. 78*l*). These filings and reports are available as detailed in § 335.3.

To the extent permitted by law, the Corporation may delete identifying details when it makes available or publishes a final opinion, final order made in the adjudication of a case, statement of policy, interpretation, or staff manual or instruction. In each case the justification for the deletion will be explained in writing.

(b) *Information made available at the Corporation's discretion.* (1) The following reports filed by insured nonmember banks (and certain nonfederally insured banks in the case of reports of condition) on or after January 1, 1973, which would otherwise be exempt from disclosure under the provisions of subsection (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(8)): (i) Consolidated Reports of Income for mutual savings banks,[1] (ii) Consolidated Reports of Income for commercial banks,[2] (iii) Reports of Condition for mutual savings banks,[3] (iv) Reports of Condition for commercial banks;[4]

(2) Public files on applications filed with the Corporation. These files are maintained, in accordance with § 303.14(c), at the Regional Office of the Corporation where the applicant bank is located and include information on applications for deposit insurance by proposed new banks, and applications by existing banks to establish branches or to relocate their main or branch offices;

(3) Reports required under section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) on changes in the control of an insured bank, to the extent that such reports contain; (i) the name of the bank in which control has changed; (ii) the names of the sellers and purchasers of the stock; (iii) the number of shares of stock involved in the transaction; and (iv) the number of shares of issued stock of the bank that are outstanding; and

(4) The following statistical surveys filed by insured banks, which would otherwise be exempt from disclosure under the provisions of subsection (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(8)): (i) Summary of Deposits for commercial banks;[5] and Summary of Deposits for mutual savings banks.[6] Requests for information contained in the surveys should be sent to the Chief of the Bank Statistics and Financial Analysis Section, Division of Management Systems and Economic Analysis, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, telephone 202–389–4545. All requests for the above information, unless otherwise indicated, should be sent either to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 for information located at the Corporation's Washington office; or, to the appropriate Corporation Regional Office for information under § 309.4(b)(2). A list of the Corporation's Regional Offices is available at no charge from the Office of Information, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 (telephone 202–389–4221).

(c) *Index.* The Corporation also maintains and makes available for public inspection and copying a current index of matters covered by § 309.4(a)(1) and (2) which were issued, adopted, or promulgated after July 4, 1967. The Corporation on request will provide copies of the index at the direct cost of duplication as set forth in § 309.5(b). All such requests should be sent to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, Washington, D.C. 20429.

(d) *Fee schedule.* The Corporation will provide copies of any records made available pursuant to this § 309.4 to any person who agrees to pay the cost of searching and duplicating as set forth in § 309.5(b).

§ 309.5 Information Made Available Under the Freedom of Information Act (5 U.S.C. 552).

(a) *Disclosure upon request.* Except for information which is: (1) Published or made available for public inspection pursuant to §§ 309.3 and 309.4 (the availability of which is governed by those sections); (2) held by the Corporation as the receiver of a closed insured bank, or liquidator of assets of an open or closed insured bank; (3) information furnished by another agency which remains the property of that agency; or (4) information exempted from disclosure under § 309.5(f), the Corporation, upon request for any records in the possession or control of the Corporation or any officer, employee, or agent of the Corporation, will make such records available to any person who agrees to pay the costs of searching for[7] (whether or not the search is successful) and duplicating them. The request must be in writing and reasonably describe the records sought. All requtsts for records under this § 309.5(a) should be sent to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

(b) *Fees for searching and duplicating.* Persons requesting records of the Corporation under § 309.5(a) shall be charged at the rate of (1) $4.50 per hour for searching where clerical personnel are used, (2) $10.00 per hour for searching where supervisory or professional personnel are used, (3) $175.00 per central processing unit hour for computer time used, and (4) 10 cents per page for duplicating. Any request for records should specify an aggregate dollar limit which the person making the request is willing to pay for the costs of searching and duplicating unless such costs are believed to be nominal. Where the Corporation estimates that the cost of searching and duplicating will exceed the aggregate amount specified in the request, or where no dollar amount is specified, the Corporation will promptly advise the person requesting the records of the estimated cost. In addition, whenever the Corporation estimates that the cost of searching and duplicating will exceed $200.00, the person making the request will be required to pay in advance an amount equal to 20 percent of the estimated cost. For purposes of computing the time in which the Corporation must grant or deny a request for records, such a request will not be deemed to have been received by the Corporation until the person requesting the records agrees in writing to pay the cost of searching and duplication, as estimated by the Corporation and, where advance payment is required, until the Corporation receives the advance payment.

Upon written request and at fees comparable to those listed in this § 309.5(b),

[1] Consolidated Report of Income—Calendar Year (Including Domestic Subsidiaries), Form 73 (Savings).

[2] Consolidated Report of Income—Calendar Year (Including Domestic Subsidiaries), Form 73.

[3] Report of Condition, Form 64 (Savings).

[4] Consolidated Report of Condition of Bank and Domestic Subsidiaries, Form 64.

[5] Summary of Deposits—Commercial Banks, Form 8020/05.

[6] Summary of Deposits—Mutual Savings Banks, Form 8020/46.

[7] As used in this paragraph, the term "searching for" includes any method of extracting requested information from computerized record systems. The costs of searching for records may include, where applicable, any direct costs associated with their transfer and, where required to maintain the integrity of the Corporation's record systems, their indexing and/or filing.

the Corporation will undertake to compile requested information in summary, tabular or other form, unless the Corporation determines, in its discretion, that compliance with such a request would be unduly burdensome or time consuming.

(c) *Waiver or reduction of fees.* Whenever the Corporation determines that furnishing any requested record is in the public interest because it primarily benefits the general public, it may reduce or waive any fees which would normally be imposed. In no event will the Corporation impose a charge for furnishing records when the aggregate fees do not exceed $2.00 for any one request.

(d) *Records of another agency.* If a requested record is the property of another Federal agency or Department, and that agency or Department, either in writing or by regulation, expressly retains ownership of such record, upon receipt of a request for the record the Corporation will promptly inform the requester of this ownership and immediately shall forward the request to the proprietary agency or Department either for processing in accordance with the latter's regulations or for guidance with respect to disposition.

(e) *Records of receiver or liquidator of assets.* If a requested record is held by the Corporation in its capacity as the receiver of a closed insured bank or the liquidator of assets acquired from an open or closed insured bank, upon receipt of a request for the record the Corporation will inform the requester of the capacity in which it holds such record and shall forward the request to the Corporation's Division of Liquidation for processing and disposition. Disclosure of such records shall be subject to appropriate Federal or State law applicable to FDIC as receiver or liquidator as well as to the determination of any Federal or State court having jurisdiction over FDIC or over such record.

(f) *Exempt records.* The Corporation may refuse to grant a request for records which fall within one or more of the following exemptions: *

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

(2) Records related solely to the internal personnel rules and practices of the Corporation;

(3) Records specifically exempted from disclosure by statute (other than the Privacy Act of 1974, 5 U.S.C. 552a), 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 critheria for withholding or refers to particular types of matters to be withheld;

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

(5) Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the Corporation;

(6) Personnel and medical files and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that disclosure of the records 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, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel; and

(8) Records contained in or related to examination, operating, or condition reports prepared by or on behalf of, or for the use of, the Corporation or any agency responsible for the regulation or supervision of financial institutions.

To the extent that nonexempt portions of records are reasonably segregable from the exempt portions, the nonexempt portions shall be provided to the person making the request after deletion of the portions which are exempt.

(g) *Denial of requests.* Requests for records will be forwarded by the Executive Secretary to the head of the Corporation Division or Office which has custody of such records. Where it is determined that the requested information may be released, the appropriate Division or Office head will grant access to the information. A request for records may be denied only by the Executive Secretary or his designee, except that a request for records not responded to within 10 business days following its receipt by the Office of the Executive Secretary—by notice to the requester either granting the request, denying the request, or extending the time for making a determination on the request—shall, if the requester chooses to treat such delay in response as a denial, be deemed to have been denied by the head of the Division or Office to which the request was referred for action.

(h) *Appeals from denials of requests.* A person whose request for records has been denied, in whole or in part, has the right to appeal the denial to the Corporation's Board of Directors within 30 business days following receipt of notification of the denial.* All appeals of denials of requests for records should be forwarded in writing to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

(i) *Time limits.* (1) *Initial response.* The Corporation will notify the person making the request of its initial determination within 10 business days following the receipt of a request.

(2) *Appeals.* In the case of appeal from an initial denial, the Corporation will notify the appellant of the disposition thereof within 20 business days following receipt of the appeal.

(3) *Extension of time.* Under unusual circumstances the Corporation may require additional time, up to a maximum of 10 business days, to initially determine whether to grant or deny a request or to respond to an appeal of a previous denial. These circumstances would arise only in cases where (i) the records are in facilities, such as field offices or storage centers, that are not part of the Corporation's Washington office, (ii) the records requested are voluminous and are not in close proximity to one another, or (iii) there is a need to consult with another agency or among two or more components of the Corporation having a substantial interest in the determination. The Corporation will promptly give written notification to the person making the request of the estimated date it will make its initial determination and the reasons why additional time is required.

(j) *Contents of denial letters.* Where the Corporation denies, in whole or in part, a request for records, or denies an appeal with respect to a previous denial, the person making the request will be sent written notification of the denial. The written notification will (1) specify whether all or only a specific part of the request or appeal is being denied, (2) set forth the names and titles of each person responsible for the denial (where other than the person who signs the notification), (3) list the exemptions relied upon for the denial, and (4) inform the person making the request of either (i) the right to appeal the initial denial of any part of the request to the Corporation's Board of Directors within 30 business days following receipt of notification of the initial denial, or (ii) the right to judicial review under the Freedom of Information Act with respect to the denial of an appeal.

§ 309.6 Disclosure of Exempt Records by Corporation Personnel.

(a) *Exempt records.* The provisions of § 309.6 apply to any records which are exempt from disclosure under § 309.5(f) regardless of the fact that such records may be subject to disclosure under the Privacy Act of 1974 (5 U.S.C. 552a) or other Federal statute, any applicable regulation of the Corporation or any other Federal agency having jurisdiction thereof, or any directive or order of any court of competent jurisdiction.

* Classification of a record as exempt from disclosure under the provisions of § 309.5(f) shall not be construed as authority to withhold the record if it is otherwise subject to disclosure under the Privacy Act of 1974 (5 U.S.C. 552a) or other Federal statute, any applicable regulation of FDIC or any other Federal agency having jurisdiction thereof, or any directive or order of any court of competent jurisdiction.

* This provision shall not be construed as barring the Corporation's Board of Directors from reconsidering the denial of its own motion at any time within the 30-day period.

(b) *Disclosure prohibited.* Except as provided in this § 309.6 or by Part 310,[10] no officer, employee, or agent of the Corporation shall disclose or permit the disclosure of any exempt records, or information contained therein, to any persons other than those officers, employees, or agents of the Corporation who have a need for such records in the performance of their official duties.

(c) *Disclosure authorized.* The following Corporation personnel are authorized to disclose or, where applicable, to furnish exempt records, subject to the restrictions stated below. Where, pursuant to this § 309.6, exempt records can be disclosed or furnished only in response to a written request from another governmental agency or a private party, the request should be signed by an individual authorized to make the request. The Corporation may require proof of such authorization prior to granting any such request.

(1) *Reports of examination and other exempt records—disclosure to bank.* The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose or furnish to any director or authorized officer or employee of any bank, information contained in, or copies of, reports of any examination of the bank (except the supervisory section of the report of examination) and other exempt records pertaining to that bank. However, all copies of such reports of examination and other information so furnished to any bank shall remain the property of the Corporation and under no circumstances shall the bank or any of its directors, officers, or employees disclose or otherwise make public in any manner such reports or exempt records without express written authorization from the Director of the Corporation's Division of Bank Supervision as provided in § 309.6 (c) (6).

(2) *Reports of examination and other exempt records—disclosure to other banking agencies.* The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any authorized officer or employee of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, any Federal Reserve Bank, and any State agency or authority which exercises general supervision over banks, reports of any examination of a bank and other exempt records pertaining to the bank. Copies of reports of examination or any other exempt records may be furnished by the Director of the Corporations' Division of Bank Supervision, or anyone designated by him in writing, to any State agency or authority which exercises general supervision over banks, to the extent that such reports and records pertain to a State chartered bank supervised by such agency or authority. In all other instances, copies of reports of examination or other exempt records may be furnished by the Director of the Division of Bank Supervision, or anyone designated him in writing, to a Federal or State banking agency or authority only in response to a written request from the head of the agency or authority seeking the record, or anyone whom he designates in writing as authorized to make such a request, which (i) identifies the record or records sought and (ii) gives the reasons for the request.[11] In every instance in which a copy of a report of examination or other exempt record is furnished, it shall remain the property of the Corporation and under no circumstances shall the agency or authority, or any official thereof, disclose or make public in any manner such reports or any portion thereof or other information so furnished.

(3) *Reports of examination and other exempt records—disclosure to nonbanking agencies.* The Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may furnish to the proper Federal or State prosecuting or investigatory authorities copies of exempt records pertaining to irregularities discovered in banks which are believed to constitute violations of any Federal or State civil or crminal law, or unsafe and unsound banking practices. In addition, the Director of the Corporation's Division of Bank Supervision, or anyone designated by him in writing, may disclose to any authorized officer or employee of any Federal or State agency or authority, for good cause shown, reports of any examination of a bank or other exempt records pertaining to that bank, *Provided*, That such disclosure only shall be made in response to a written request (signed by an authorized official of the agency making the request) which (i) identifies the record or records to which access is requested and (ii) gives the reasons for the request.

(4) *Reports of examination and other exempt records—disclosure by Corporation's General Counsel.* The Corporation's General Council may disclose to the proper Federal or State prosecuting or investigatory authorities exempt records relating to irregularities discovered in open and closed insured banks believed to constitute violations of any Federal or State statute.

(5) *Reports of examination and other exempt records—disclosure to private parties.* The Director of the Corporation's Division of Bank Supervision may disclose or furnish copies of reports of any examination of a bank or other exempt records pertaining to that bank to any private party where requested to do so in writing. The Director of the Corporation's Division of Bank Supervision shall furnish copies of the requested record only upon the fulfillment of such terms and conditions as he deems necessary to protect the confidential nature of the record, the financial integrity of the bank to which the record relates, and the legitimate privacy interests of any individual named in such record.

(6) *Reports of examination and other exempt records—disclosure by bank.* The Director of the Corporation's Division of Bank Supervision may authorize any director, officer or employee of a bank to disclose any report of examination or other exempt record in his custody to anyone who is not a director, officer or employee of the bank, under the same conditions as provided in § 309.6(c)(5). Such authorization may be given only in response to a written request from the party seeking the record which specifies the record being sought, the party's interest therein and the party's relationship to the bank to which the record relates. As a condition precedent to giving his authorization, the Director of the Corporation's Division of Bank Supervision may require that both the party seeking disclosure and the director, officer or employee having custody of the record agree to such limitations as the Director of the Corporation's Division of Bank Supervision deems necessary to protect the confidential nature of the record and to prevent unauthorized use thereof or disclosure of any information therein.

(7) *Production of exempt records and testimony of Corporation personnel.* The Corporation's General Counsel, or anyone designated by him in writing, may produce or authorize the production of any exempt record in response to a valid subpoena, court order, or other legal process and may direct any officer, employee, or agent of the Corporation to appear and testify regarding any exempt record at any administrative or judicial hearing or proceeding where such person has been served with a valid subpoena, court order, or other legal process requiring him to so testify, *Provided*, That such testimony shall relate solely to matters of which such individual had knowledge by virtue of his or her employment by the Corporation. The General Counsel, or anyone designated by him in writing, may produce or authorize the production of any exempt record sought in connection with any hearing or proceeding without the service of a subpoena, or other process requiring production, if he determines that the records to be produced are relevant to the hearing or proceeding and that production is in the best interests of justice. Where the General Counsel authorizes the production of any exempt record, or the testimony of any officer, employee or agent of the Corporation relative thereto, pursuant to this § 309.6(c)(7), he shall limit his authorization to so much of the record or testimony as is relevant to the issues at the hearing or proceeding, and he shall give his authorization only upon fulfillment of such conditions as he deems necessary to protect the confidential nature of the record consistent with any requirement that it be produced and made a part of the record of the hearing or proceeding.

(8) *Authority of the Chairman of the Corporation's Board of Directors.* Except where expressly prohibited by law, the Chairman of the Corporation's Board of Directors may authorize the disclosure of

[10] The procedures for disclosing records under the Privacy Act are separately set forth in Part 310.

[11] The request may be a blanket request for certain categories of records where appropriate.

any information or the furnishing of copies of any records and, except where disclosure is required by law, he may direct any officer, employee or agent of the Corporation to refuse to disclose any record if it is determined that refusal to permit such disclosure is in the best interests of the Corporation and is not contrary to the public interest.

(9) *Limitations on disclosure.* Any disclosure permitted by this § 309.6(c) is discretionary and nothing in this § 309.6 (c) shall be construed as requiring the disclosure of information. Further, nothing in this § 309.6(c) shall be construed as restricting, in any manner, the authority of the Board of Directors, the Chairman of the Board of Directors, the Director of the Corporation's Division of Bank Supervision or anyone designated by him in writing, or the General Counsel or anyone designated by him in writing, in their discretion and in light of the facts and circumstances attendant in any given case, to impose conditions upon and to limit the form, manner, and extent of the disclosures permitted hereunder.

§ 309.7 Service of Process.

(a) *Advice by person served.* If any officer, director, or agent of the Corporation is served with a subpoena, court order, or other process requiring that person's personal attendance as a witness or the production of any exempt record of the Corporation, such person shall promptly advise the Office of the Corporation's General Counsel of such service, of the testimony and records described in the subpoena, and of all relevant facts which may be of assistance to the General Counsel in determining whether the individual in question should be authorized to testify or the records should be produced. Such person should also inform the court or tribunal which issued the process and the attorney for the party upon whose application the process was issued, if known, of the substance of this section. If any person who is not an officer, employee, or agent of the Corporation and who has custody of exempt records belonging to the Corporation is served with a subpoena, court order, or other legal process directing that person to produce such records or to testify with respect thereto, such person should give the same notice to the General Counsel and to the court or tribunal.

(b) *Appearance by person served.* Absent the authorization of the Corporation's General Counsel (or anyone designated by him in writing) to disclose the requested information, any officer, employee, or agent of the Corporation (and any person having custody of exempt records of the Corporation who is not an officer, employee, or agent of the Corporation), who is required to respond to a subpoena, court order, or other legal process, shall attend at the time and place therein specified and respectfully decline to produce any such record or give any testimony with respect thereto, basing such refusal on this section.

[FR Doc.77-10886 Filed 4-12-77;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Economic Regs.
Docket 30385; EDR-322]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Filing of Tariff Justifications

APRIL 7, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to amend 14 CFR Part 221 to eliminate the requirement, imposed in 1973, that air freight forwarders and international air freight forwarders with annual revenues from forwarding operations of $5,000,000 or more, must file certain kinds of detailed economic data along with the filing of proposed changes in their tariff rates. The particular data affected are specified in paragraphs (b) and (c) of § 221.165 of the regulations, and include estimates of the cost of service, estimates of the aggregate effect of proposed rate changes on traffic, schedules and revenues, and a comparison table of existing and proposed rates. The proposed modification of the filing requirement does not change the obligation of all forwarders to file an explanation of any proposed tariff changes as specified in paragraph (a) of § 221.165. The action proposed by this notice was requested by the Air Freight Forwarders Association of America.

DATES: Comments by May 13, 1977.

ADDRESSES: Comments should be sent to Docket 30385, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Lawrence R. Myers, Rates and Agreements Division, Civil Aeronautics Board, (202-673-5791).

SUPPLEMENTARY INFORMATION: In a petition for an expedited rulemaking, the Air Freight Forwarders Association (AFFA) has requested the elimination of the detailed justification of rate tariff changes presently required of some forwarders by section 221.165 of the Board's Economic Regulations.

Under § 221.165, all air freight forwarders and international air freight forwarders are required to accompany any proposed tariff change, including the addition of new matter, with a basic explanation of the changes, including the reasons for them and, if applicable, the ratemaking principles employed. In addition, paragraphs (b) and (c) of that section require that all forwarders with annual revenues of $5,000,000 or more provide detailed economic information which includes, to the extent applicable, estimates of the cost of service, estimates of the aggregate effect of the changes upon the forwarder's traffic, schedules and revenues, and a comparison table of any rate changes. These are the same requirements imposed on certificated route and supplemental air carriers. The number of forwarders subject to all of the requirements, including those of paragraphs (b) and (c), is approximately 25 out of the 360 forwarders authorized.

In support of its request, AFFA notes that until 1973, all forwarders were exempt from the requirement that detailed justifications be filed with each and every rate tariff proposal, but that, in ER-791, the Board rescinded the exemption for forwarders with annual forwarder revenues of $5,000,000 or more. In modifying the exemption, the Board concluded that the submission of detailed justifications would not be an undue burden on the larger forwarders, and would "facilitate economic analyses by shippers, by direct carriers, and by the Board, all of whom have an interest in the rates being proposed." (ER-791, p. 4). AFFA argues, on the one hand, that the burden of providing such detailed information is in fact onerous and becoming more so, while on the other hand the Board has recognized that little, if any, regulatory purpose is served in view of its reluctance to interfere with free pricing in the forwarder area. AFFA also claims that the relief requested would be consonant with the Board's general policy of eliminating unwarranted paperwork throughout the regulatory process.

With regard to the burden imposed by the requirements of section 221.165, AFFA arguts that circumstances have changed since 1973. First, price controls, which were in effect then, have been removed. And second, AFFA claims that the growing competition from air taxis and cooperative shipper associations, which file neither tariffs nor justifications with the Board, has reached the point that extensive tariff justification requirements constitute an unfair burden on the larger forwarders.

No answers have been filed to the petition.

Upon consideration, it tentatively appears that relief along the lines requested by AFFA is warranted, subject to certain qualifications. As noted by AFFA, the Board has generally pursued a policy of minimal interference in the tariff rate filings of forwarders in recognition of the fact that the number of forwarders in particular markets is not restricted and that competition therefore serves an important price control function. See, e.g. Orders 74-7-117 and 76-11-148. At the same time, it would be difficult to contend that the basic descriptive and explanatory functions of the information required of all forwarders by paragraph (a) of § 221.165 does not serve a clear regulatory purpose; such information is regularly scrutinized by the staff and appears to serve a significant regulatory need, particularly with regard to the antidiscrimination provisions of section 404(b) of the Act. In addition, it should be made clear that any reduction in the tariff information normally required by § 221.165 does not change the obligation on the part of all forwarders and other

carriers to provide additional information in specific cases, if, after a preliminary analysis, it appears that such information is needed. As we read the petition, AFFA does not appear to disagree with either of these qualifications.

Accordingly, the Civil Aeronautics Board hereby proposes to amend Part 221 of its Economic Regulations (14 CFR Part 221) as set forth below:

Section 221.165 would be amended as follows:

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

When a tariff publication is filed with the Board which contains new or changed local or joint rates, fares, or charges for air transportation, or new or changed classifications, rules, regulations, or practices affecting such rates, fares, or charges, or the value of the service thereunder, the issuing air carrier, foreign air carrier, or agent shall submit with the filing of such publication, in or attached to the transmittal letter:

* * * * *

(d) Exceptions:

(1) The requirement for data and/or information in paragraphs (b) and (c) of this section will not apply to tariff publications containing new or changed matter which are filed.

* * * * *

(iii) By air freight forwarders or international air freight forwarders, as defined in Part 296 of this subchapter, or

* * * * *

REQUEST FOR COMMENTS

Interested persons may take part in the rulemaking by submitting 20 copies of written data, views, or arguments on the subjects discussed. All relevant material received by the dates shown at the beginning of this notice will be considered by the Board before taking final action on the proposed rules.

Individual members of the general public who wish to express their interest as consumers by informally taking part in this proceeding may do so by submitting comments in letter form to the Docket Section, without having to file additional copies.

(Section 204, 403, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758; 49 U.S.C. 1324, 1373.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10676 Filed 4-12-77;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 290]

DEFENSE CONTRACT AUDIT AGENCY

Availability of Records

AGENCY: Defense Contract Audit Agency, DOD.

ACTION: Proposed Rule.

SUMMARY: As required by the Freedom of Information Act, this proposal will provide the public with: the addresses of persons from whom information may be obtained; the procedures for making such requests; the general procedures by which the Defense Contract Audit Agency's (DCAA) authorities are channelled; and a description of DCAA's organization and functions as of March 31, 1977.

DATES: Comments must be received on or before May 13, 1977.

ADDRESSES: Sybil L. Taylor, Records Administrator, DCAA, Building 4A320, Cameron Station, Alexandria, VA 22314.

FOR FURTHER INFORMATION, CONTACT:

Sybil L. Taylor, 202/274-7285.

SUPPLEMENTARY INFORMATION: These regulations are proposed under the authority of 5 U.S.C. 301 and 5 U.S.C. 552, and implement Department of Defense Directive 5400.7, Availability to the Public of Department of Defense Information.

In consideration of the foregoing, Part 290, Title 32, Code of Federal Regulations, is proposed as follows:

PART 290—AVAILABILITY OF DEFENSE CONTRACT AUDIT AGENCY RECORDS

Subpart A—Organization Statement

Sec.

Subpart B—Availability of DCAA Records

AUTHORITY: 5 U.S.C. 301 and 552, as amended by Pub. L. 93-502, Nov. 21, 1974.

Subpart A—Organization

§ 290.1 Purpose.

This subpart implements 5 U.S.C. 552 by describing the central and field organizations of DCAA and the general course and method by which DCAA's functions are channeled and determined.

§ 290.2 Origin and authority.

DCAA was established by the Secretary of Defense under Department of Defense (DoD) Directive 5105.36 and began operating on July 1, 1965. Its Director is responsible directly to the Secretary of Defense. Staff supervision is provided by the Assistant Secretary of Defense (Comptroller).

§ 290.3 Objective.

DCAA's objective is to assist DoD in purchasing defense materials and services at the lowest price or cost which is both reasonable and fair to the Government and the supplier. While emphasis is on reasonableness and fairness, it also includes the premise that prices paid by the Government should not reflect the cost of contractor operations or practices which are in any manner wasteful or unnecessary.

§ 290.4 Mission.

(a) DCAA performs all necessary contract audit for DoD, and provides accounting and financial advisory service regarding contracts to all DoD components responsible for procurement and contract administration. These services are provided in connection with negotiation, administration, and settlement of contracts and subcontracts. It also furnishes advisory contract audit service to a number of other Government agencies under agreements between DoD and such agencies.

(b) DCAA audits contractors' and subcontractors' accounts, records, documents, and other evidence; systems of internal control, accounting, costing, estimating, and general business practices and procedures to give advice and recommendations to procurement and contract administration personnel on: acceptability of costs incurred under cost, redetermination, incentive, and similar type contracts; acceptability of estimates of costs to be incurred as represented by contractors incident to the award, negotiation, modification, and change of contracts; adequacy of contractors' accounting and financial management systems and estimating procedures. DCAA also performs post-award audits of contracts in order to assure compliance with the provisions of Public Law 87-653 (Truth in Negotiations), and reviews contractor compliance with the rules, regulations, and promulgated standards of the Cost Accounting Standards Board established by Public Law 91-379.

(c) DCAA assists responsible procurement or contract administration activities in their surveys of the purchasing-procurement systems of major contractors; it cooperates with other DoD components on reviews, audits, analyses, or inquiries involving contractors' financial positions or financial and accounting policies, procedures, or practices. DCAA also maintains liaison auditors at major procuring and contract administration offices and provides assistance in the development of procurement policies and regulations.

§ 290.5 Composition.

(a) DCAA consists of seven components: a headquarters located at Cameron Station, Alexandria, Virginia, and six Regional Offices. The Regional Offices manage over 300 field audit offices (FAOs) located throughout the United States and overseas. FAOs are called branch, resident, and procurement liaison offices. Suboffices are established by Regional Managers as an extension of an FAO when required by that office to furnish special onsite contract audit service on a permanent basis. A suboffice is satellited on its parent FAO for supervision, release of audit reports, and administrative support.

(b) The headquarters consists of seven principal staff elements:

(1) The Director exercises worldwide direction of DCAA.

(2) The Deputy Director serves as principal assistant to the Director and acts for the Director in his absence.

(3) The Assistant Director, Operations & Professional Development, authorized to act for the Director and Deputy Director in their absence, is responsible for audit management, technical audit programs, and the Defense Contract Audit Institute in Memphis, Tennessee.

(4) The Assistant Director, Policy & Plans, is responsible for policy formulation, cost accounting standards, and audit guidance and procedures; and acts for the Director in the absence of the Director, Deputy Director, and Assistant Director, Operations & Professional Development.

(5) The Assistant Director, Resources, is responsible for the programs and procedures related to the management and administration of all resources required to support the audit mission; and acts for the Director in the absence of the Director, Deputy Director, Assistant Director, Operations & Professional Development, and Assistant Director, Policy & Plans.

(6) The Assistant Director, Review & Analysis, plans, directs, and conducts agencywide reviews and analyses, including independent examination and appraisal of all aspects of audit operations of Regional Offices and FAOs; and acts for the Director in the absence of the Director; Deputy Director; Assistant Director, Operations & Professional Development; Assistant Director, Policy & Plans; and Assistant Director, Resources.

(7) The Counsel provides legal and legislative advice to the Director and all members of the agency staff.

(8) The Executive Officer develops plans and policies affecting multiple DCAA functions and activities; initiates or reviews papers formulated within the Office of the Director; and has responsibility for the DCAA Equal Employment Opportunity Program.

(c) Regional Offices are located in Atlanta, Boston, Chicago, Los Angeles, Philadelphia, and San Francisco. Regional Managers direct and administer the DCAA audit mission, and manage personnel and other resources assigned to the regions; act as principal advisors to the Director; manage the contract audit program; and direct the operation of FAOs within their region. Principal staff elements of Regional Offices are Office of the Regional Manager, Assistant Regional Manager for Audit Management, Assistant Regional Manager for Resources, and Assistant for Special Projects.

(d) A resident office is established at a contractor's location when the amount of audit workload justifies the assignment of a permanent staff of auditors and support staff. A resident office may perform procurement liaison audit functions.

(e) A branch office is established at a strategically situated location within the region, responsible for performance of all contract audit service within the assigned geographical area on a mobile basis, exclusive of contract audit service performed by a resident or liaison office within the area. A branch office may perform procurement liaison audit functions.

(f) A liaison office is established at a DoD procurement or contract administration office within the region when required on a permanent basis to provide effective communication and coordination between procurement and contract audit elements in the interest of achieving the objectives of prudent contracting. A liaison office maintains a program to asure full utilization of contract audit services by procurement and contract administration offices within the region, provides audit advisors, and measures customer satisfaction; participates in prenegotiation and negotiation conferences at the request of procurement and contracting officers and furnishes related advisory services.

Subpart B—Availability of DCAA Records

§ 290.20 Purpose.

This subpart implements 5 U.S.C. 552 (Freedom of Information Act), as amended, and supplements DoD Directive 5400.7 (32 CFR Part 286) by describing established facilities at which, the officials from whom, and the procedures whereby members of the public may inspect and copy or obtain copies of unclassified DCAA records.

§ 290.21 Applicability and scope.

(a) *Applicability.* This subpart shall apply to all offices of DCAA and shall govern responses by DCAA officials to written requests from members of the public for permission to examine, or to be provided with copies of DCAA records.

(b) *Scope.* Requests for records under the Privacy Act of 1974 (5 U.S.C. 552a) are governed by the provisions of 32 CFR Part 290a. See § 286.2 of this Subchapter for other categories of requests for information or records that are excluded from the scope of this subpart.

§ 290.22 Policy.

It is the policy of DCAA to make available to the public the maximum amount of information concerning its operations and activities. This basic policy is subject to the exemptions recognized in 5 U.S.C. 552(b) and § 286.4 of this Subchapter. Notwithstanding such permissible exemptions, it is DCAA's policy that an exempt record will be made available when its disclosure would not be inconsistent with statutory requirements and when the DCAA official designated in § 290.25(e) determines that no significant and legitimate Governmental purpose would be served by withholding the record. The latter determination is within the sole discretion of DCAA.

§ 290.23 "Records" defined.

In determining whether documentary material qualifies as a "record," consideration will be given to 44 U.S.C. 3301, which defines the word "record" as follows:

(It) includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein.

(a) Records are not limited to permanent or historical documents but include current documents.

(b) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value or value as "evidence."

(c) Formulae, designs, drawings, research data, computer programs, technical data packages, etc., are not considered "records" within the intent of 5 U.S.C. 552, even though maintained in documentation form, because of development costs, utilization, or value. These items are considered property, not preserved for informational value nor as evidence of agency functions, but as exploitable resources to be tuilized in the best interest of all the public. Requests for copies of such material shall be evaluated according to policies expressly directed to the appropriate dissemination or use of such property. Requests to inspect such material to determine its content for informational purposes shall normally be granted unless inspection is inconsistent with the obligation to protect the property value of the material, such as may be true for certain formulae.

(d) The term "records" does not include unaltered stocks of publications and processed documents such as regulations, manuals, instructions, and related materials that are available to the public through an established distribution system for sale or without charge. Examples of such materials are publications available to the public by purchase from DCAA or the Defense Contract Audit Manual and other documents available by purchase from the Superintendent of Documents, U.S. Government Printing Office. Individuals requesting such material under the FOIA will be referred to the appropriate public sales outlet.

§ 290.24 Public inspection and copying.

(a) 5 U.S.C. 552(a)(2) requires agencies to make available for public inspection and copying (1) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (2) statements of policy and interpretations which have been adopted by the agency and are not published in the FEDERAL REGISTER; and (3) administrative staff manuals and instructions to staff that affect a member of the public; unless the materials are promptly published and copies offered for sale.

(b) DCAA documents described in § 290.24(a) are published under the DCAA Publications System as regulations, manuals, instructions, and pamphlets, and are available to the public through purchase from DCAA or the Superintendent of Documents.

(c) The DCAA headquarters and each of the six Regional Offices shall publish semiannually an index of the documents published under the DCAA Publications System. Such indexes shall be made

available to the public upon request without cost.

§ 290.25 Requests for records.

(a) *General.* According to the spirit and intent of 5 U.S.C. 552 and 32 CFR 286, upon receipt of written or verbal requests to DCAA offices, all reasonable efforts should be made to advise members of the public on the correct means for securing permission to examine desired records, or for obtaining copies of such records.

(b) *Identification of records.* While it is expected that DCAA offices will use their knowledge of the contents of their files and expend reasonable efforts to assist the public in identifying records which contain the particular information sought, the requester must "reasonably describe" the record sought. A record must exist at the time of the request. It is not required that a record be "created" or compiled for the purpose of furnishing information not already available in existing records. A record that is maintained by computer is normally deemed to exist for this purpose, but only if retrievable in approximately the form desired without substantial reprogramming.

(c) *Fees.* Fees shall be determined according to § 286.8 of this Subchapter. Fees shall be charged only for direct cost of search and duplication and shall not include indirect costs or costs attributable to reviewing the records.

(1) Fees will not be charged if, for a single request, the direct search cost is less than $25.00. Fees will not be charged if, for a single request, the direct duplication cost is less than $5.00. Fees will not be reduced by these amounts when the thresholds are exceeded.

(2) No request will be processed until the requester has been advised in writing of the estimated amount of the fees if they are expected to exceed the automatic waiver thresholds.

(3) Time limits specified in § 286.11 of this Subchapter will not begin until payment of fees is resolved or the requester's entitlement to a waiver of fees is established.

(4) Ordinarily, fees will not be assessed for nonproductive search or when all records located are denied. However, fees may be assessed if the requester insists upon a search and agrees to such fees prior to the search after being advised that the search is likely to be unproductive.

(5) Fees normally must be paid in advance of rendering the service. An exception exists when the requester promises in writing to pay upon receipt of a statement, and represents that he will be able to pay. When the anticipated combined total of direct search and duplication fees to be assessed exceeds $60.00, prepayment of all or a portion of the estimated fees may be required before processing the request.

(6) Subsequent requests will not be processed when, at the time of the request, the requester is known to be in default of payment of fees incurred in connection with a previous request.

(7) Payment of fees may be by personal check, bank draft drawn on a U.S. bank, or by U.S. Postal money order. All such payments shall be made payable to the Treasurer of the United States. DCAA does not have the facilities for handling cash payments. A receipt for fees paid will be given only upon request.

(d) *Waiver of fees.* The determination to waive fees is at the discretion of the officials listed in § 290.25(e). The following requirements pertain to requests for waiver of fees in excess of the automatic waiver threshold:

(1) If a requester wishes to request a waiver of fees, the request must provide sufficient information to enable a proper determination. A statement that release is in the public interest, the identity or tax status of the requester, or the intention that the record will be made public is not persuasive grounds for granting a waiver. The requester should provide information concerning the planned use of the information, how this will serve the general public interest, the segment of the public to benefit from the information, the size of the public to be benefited, the significance of the benefit, the private interest of the requester which the release may further, the usefulness of the material to be released, the likelihood that tangible good will be realized, and any other information which may be pertinent to the appropriateness of public payment. This information does not influence the determination to release or withhold a record; it influences the determination as to whether the public will assume the direct search and duplication costs. The requester need not provide this information if he does not wish the public to bear the cost.

(2) Fee waivers shall be decided on case-by-case evaluation. Blanket waivers for specific individuals or organizations will not be granted.

(3) If the requester declares his unwillingness to pay fees and does not warrant a waiver of fees, the request will not be processed if it is estimated that the direct search and duplication costs will exceed the automatic waiver threshold.

(e) *Release/denial authorities.* The following officials are authorized to deny as well as grant requests for documents or records:

(1) Records Administrator, Defense Contract Audit Agency, Cameron Station, Alexandria, Va. 22314.

(2) Regional Manager, Defense Contract Audit Agency, P.O. Box 1498, Marietta, Ga. 30060.

(3) Regional Manager, Defense Contract Audit Agency, Waltham Federal Center, 424 Trapelo Road, Waltham, Mass. 02154.

(4) Regional Manager, Defense Contract Audit Agency, 527 South LaSalle Street, Suite 652, Chicago, Ill. 60605.

(5) Regional Manager, Defense Contract Audit Agency, 1340 West Sixth Street, Second Floor, Los Angeles, Calif. 90017.

(6) Regional Manager, Defense Contract Audit Agency, Federal Building, 1421 Cherry Street, Philadelphia, Pa. 19102.

(7) Regional Manager, Defense Contract Audit Agency, 450 Golden Gate Avenue, Box 36116, San Francisco, Calif. 94102.

§ 290.26 Procedures for submitting requests.

(a) To qualify as a request within the technical requirements of this subpart, a request for copies of, or for permission to examine, DCAA records must:

(1) Be in writing and indicate expressly, or by clear implication, that it is a request under the Freedom of Information Act, 5 U.S.C. 552, or this regulation;

(2) Contain a reasonable description of the particular record sought, sufficiently accurate and specific to enable personnel to locate and identify the record with a reasonable amount of effort; if the record cannot be specifically identified, an explanation of the purposes for which they are desired might be of assistance; and

(3) Contain a check or money order for the anticipated search and duplication fees (at least an adequate deposit); or a clear statement that the requester will be willing and able to pay all fees or to pay such fees up to a specified limit; or satisfactory evidence establishing that the requester is entitle to a waiver of fees.

(b) *Addressing requests.* A list of addresses from which DCAA records may be requested is given in § 290.25(e). A request will not be deemed to have been received for purposes of time limits specified in Part 286.11 of this Subchapter until it is received by the appropriate addressee.

(1) *Misdirected requests.* A request received by an official who is not the appropriate official indicated in § 290.25(e) shall be promptly readdressed and forwarded directly to the appropriate official. The requester shall be notified of this referral. Direct contact between the original recipient and the correct addressee is encouraged to ensure expeditious handling of the request.

(2) Requests for copies of audit reports will be referred to the appropriate contracting officer when received by a DCAA office. Requesters will be notified of such referrals.

(3) All other requests should be directed to the appropirate Regional Manager, if known. If the location of the record is not known, the request should be directed to the Records Administrator.

§ 290.27 Material withheld from disclosure.

Only those records falling within the specific exemptions listed in 5 U.S.C. 552 (b) and § 286.4 of this Subchapter may be withheld. Any person who is denied a request for a record, in whole or in part, or denied a waiver of fees will be

given a written explanation of the basis for the determination and advised of his right to appeal the denial.

§ 290.28 Administrative appeals of denials.

Appeals of denials should be addressed to the Assistant Director, Resources, Defense Contract Audit Agency, Cameron Station, Alexandria, Va. 22314. A copy of the initial request and the initial denial should be forwarded with the appeal letter. Final refusal to provide a record or to waive fees will be made in writing by the Assistant Director, Resources, after consultation with the Counsel, Assistant Director, Operations & Professional Development, or other appropriate staff elements. The requester will be advised of his right to judicial review.

§ 290.29 Judicial action.

A requester will be deemed to have exhausted his administrative remedy after he has been denied the requested record by the Assistant Director, Resources, or when the agency fails to respond to his request within the time limits prescribed by Part 286 of this Subchapter. The requester then may seek an order from a U.S. District Court in: (a) The district in which he resides or has his principal place of business; (b) the district in which the record is situated; or (c) in the U.S. District Court for the District of Columbia, enjoining the agency from withholding the record and ordering its production.

FREDERICK NEUMAN,
Director.

Dated: March 31, 1977.

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

APRIL 5, 1977.

[FR Doc.77-10831 Filed 4-12-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 714-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—MASSACHUSETTS

Sulfur in Fuel Emission Limitations in the Merrimack Valley Air Pollution Control District for Haverhill Paperboard Corp.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: This is a proposed revision to the Massachusetts State Implementation Plan for the Merrimack Valley Air Pollution Control District (MVAPCO). Haverhill Paperboard Corporation was excluded from a revision to the Massachusetts State Implementation Plan for the MVAPCD which was published in the FEDERAL REGISTER on December 30, 1976 (FR 56804). New information has been submitted which demonstrates that Haverhill Paperboard Corporation can burn 1.4% sulfur content fuel without causing a violation of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide.

DATE: Comments must be received on or before May 13, 1977.

ADDRESS: Send comments on the proposal to John A. S. McGlennon, Regional Administrator, Environmental Protection Agency, Region I, JFK Federal Building, Room 2203, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT:

David A. Fierra, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 2113, Boston, Massachusetts 02203, (617-223-5609).

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10842) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Massachusetts Implementation Plan for the attainment of national ambient air quality standards.

On June 4, 1976, the Secretary of Environmental Affairs completed submission of a revision to the Massachusetts Implimentation Plan which would allow fuel burning sources inthe Merrimack Valley Air Pollution Control District (MVAPCD) to a higher sulfur content fuel. (The MVAPCD is the same geographic area as the Massachusetts portion of the Merrimack Valley-Southern New Hampshire Interstate Air Quality Control Region (AQCR)). The revision allows residual fuel oil users in the MVAPCD to burn fuel oil having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content by weight), but specifically excludes residual fuel oil users in the City of Lawrence and the towns of Andover, Methuen, and North Andover, and the Haverhill Paperboard Corporation in Haverhill, which remain constrained to fuel oil having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content by weight).

A final rulemaking notice was published in the FEDERAL REGISTER on December 30, 1976 (41 FR 56804) which approved this revision to the Massachusetts Implementation Plan. Haverhill Paperboard Corporation was disapproved until such time as new information was received which would demonstrate that the source would not cause a violation of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide if allowed to burn a specified higher sulfur content fuel.

On January 4, 1977 the Massachusetts Department of Environmental Quality Engineering (the Department) submitted additional technical information concerning the Haverhill Paperboard Corporation's ability to burn a specified higher sulfur content fuel oil under the provisions of the regulations adopted by the Department. The Department's evaluation indicates that Haverhill Paperboard Corporation can burn fuel oil having a sulfur content not in excess of 0.75 pounds per million Btu heat release potential (approximately equivalent to 1.4% sulfur content by weight), with no predicted violations of the NAAQS for sulfur dioxide. Haverhill Paperboard Corporation would be required to apply for and receive written approval from the Department before using the specified higher sulfur content fuel, and to conform to all other provisions of the regulations.

Copies of the Massachusetts submission and the results of EPA's review of the technical support documentation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Room 2113, Boston, Massachusetts 02203; the Division of Air and Hazardous Materials, Department of Environmental Quality Engineering, 600 Washington Street, Boston, Massachusetts 02111; and the Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460.

All interested persons who desire to participate may submit written comments in triplicate to the Regional Administrator, Region I, JFK Federal Building, Room 2203, Boston, Massachusetts 02203.

The Administrator's decision to approve or disappove this revision is based on whether it meets the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

(Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c5(a).)

Date: April 7, 1977.

JOHN A. S. MCGLENNON,
Regional Administrator.

[FR Doc.77-10877 Filed 4-12-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Chapter II]

[Docket No. RSC-76-6; Notice No. 1]

MINIMUM SAFETY REQUIREMENTS FOR RAILROAD CABOOSE CARS

Advance Notice of Proposed Rulemaking

AGENCY: Federal Railroad Administration, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: On September 29, 1976, the Railway Labor Executives' Association (RLEA) filed a rulemaking petition (76-6) requesting that Federal Railroad Administration (FRA) issue regulations requiring minimum design specifications and performance standards for railroad cabooses. The purpose of this notice is to

solicit views and comments from the public regarding the necessity of, and the costs and benefits to be derived from, Federal regulations in this area.

DATES: Written comments must be received on or before May 30, 1977.

ADDRESSES: Written comments 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.

All written comments received will be available for examination, both before and after the closing date for written comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Edward F. Conway, Jr. (202—426-8836).

SUPPLEMENTARY INFORMATION:

BACKGROUND INFORMATION

The RLEA has petitioned the FRA to issue regulations requiring railroads to use insulated steel cabooses, equipped with safety glass in all windows, cushioned underframes, and highly visible markers which show red to the rear of the train and green to the front of the train.

Two of the subjects that RLEA has petitioned the FRA to regulate will not be covered by this notice because they are treated in separate FRA rulemaking actions. The first subject that will not be treated is safety glass. FRA has issued an Advance Notice of Proposed Rulemaking (ANPRM) concerning the use of improved glazing material in the windows of rolling equipment (42 FR 13309, March 10, 1977). The second subject is rear end markers which show red to the rear of the train. This subject will not be covered by this ANPRM because the FRA recently issued regulations requiring highly visible markers on the rear car of all passengers, commuter and freight trains (42 FR 2321, January 11, 1977; 49 CFR Part 221, Rear End Marking Device—Passenger, Commuter and Freight Trains). However, the subject of rear end markers showing green to the front of the train is covered by this ANPRM.

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.

The RLEA asserts that the safety of railroad employees required to ride in cabooses is impaired by certain design and performance deficiencies of these cars. The deficiencies noted by the RLEA were as follows:

1. The absence of cushioned underframes to protect occupants from death or injury resulting from slack action or unanticipated brake applications.

2. The lack of sufficient structural integrity to protect occupants from death or injury when a caboose is struck by other cars during switching operations.

3. The lack of sufficient insulation to protect occupants from exposure to excessive noise, heat and cold.

4. The lack of highly visible rear end markers which show green to the front of the train, as an indication of the location of the rear of the train for the head end crew.

5. The lack of safe and adequate heating devices that will not produce toxic or nauseating fumes and will not leak or spill fuel upon the caboose floor.

The RLEA petition also includes two general suggestions regarding any rules issued by the Administrator concerning cabooses. The first suggestion is that the Administrator require all cabooses to be equipped with the aforementioned safety devices within five years. The second suggestion is that small short line railroads be granted waivers if they can show that the granting of such a waiver would not produce an unsafe condition.

The RLEA petition does not contain information or data regarding either the feasibility or the costs of equipping all cabooses as proposed. In addition, the petition does not contain suggested design specifications for cabooses.

As part of the study, FRA reviewed its accident files for statistics on deaths an injuries attributable to the elements under consideration. These records do not indicate where these employees were located when injured, but the nature of the incidents suggest that the majority of the employees injured were in the caboose. The statistics revealed that during calendar year 1975, among brakemen and conductors there were no fatalities and 1,058 injuries that may be attributable to the design deficiencies discussed in the RLEA petition and covered by this ANPRM. The 1,058 injuries to brakemen and conductors may be separated into the following categories: 552 injuries resulted from slack action; 190 incidents resulted from emergency or severe application of air brakes either initiated by train crew members or by defective equipment; 109 incidents resulted from the inhalation of or contact with fumes or gases; and 209 incidents resulted from sudden or unexpected movements of equipment.

PUBLIC PARTICIPATION REQUESTED

FRA is interested in developing additional information concerning the necessity for, the cost of, and the benefits to be derived from Federal regulations establishing minimum design specifications and performance requirements for cabooses. FRA solicits written comments from the public, particularly from States, the railroad industry, and railroad employee organizations.

Specific advice is requested on the following points:

1. How many fatalities and injuries have occurred in the last ten years to occupants of cabooses, as a result of each of the following causes:

(a) Slack action?

(b) Emergency or severe application of air brakes?

(c) Inhalation of or contact with fumes or gases?

(d) Sudden or unexpected movements?

(e) Lack of highly visible rear end markers indicating to forward crews the position of the rear of the train?

(f) Exposure to noise, heat, or cold?

(g) Inadequate structural integrity?

(h) Bullets or other missiles penetrating the caboose, other than through windows? (Please list fatalities and injuries separately, by cause. If possible, also give description of the events which accompanied an injury or fatality to an occupant of a caboose).

2. What types of end-of-car cushioning units, draft gears, or sliding sill designs are currently being installed on newly manufactured cabooses?

(a) What is the incremental cost of these draft gears/devices above the price of a standard draft gear for newly manufactured cabooses?

(b) What would be the total per unit cost of retrofitting these various draft gears/devices to a fleet of approximately 17,000 cabooses over a period of 10 years (assume 1,700 cabooses fitted per year)? For 7 years (2,425 cabooses/year)? For 5 years (3,400 cabooses/year)? For 3 years (5,666 cabooses/year)?

(c) How many cabooses are currently equipped with cushioned underframes, draft gears, or sliding sills?

(d) What should be the performance characteristics, in terms of draft and buff, for cushioning systems on cabooses?

3. (a) What should be the minimum design or performance requirements of the caboose roof, wall, and insulation? What would be the incremental cost to equip a caboose so that it will comply with these requirements?

(b) How do the minimum design or performance requirements suggested in response to 3(a) differ from current caboose designs?

(c) Can cabooses be retrofitted for additional strength? If so, how, and at what cost?

(d) What would be the incremental cost increase for new cabooses meeting the suggested design standards?

4. What was the rate of new caboose introduction per year over the past 5 years?

5. What number of cabooses have been totally reconditioned each year for the past 5 years?

(a) What is the unit cost for each reconditioning?

(b) What types of work are typically performed on a caboose when it is totally reconditioned?

6. What temperature range in a caboose will be adequate to:

(a) Protect against injury due to exposure?

(b) Prevent fatigue that might result in injuries or fatalities?

7. If sound level measurements have been made by operating railroads in their cabooses, what typical sound levels were found?

(a) What type of instrumentation was used?

(b) Where were the microphones located when these measurements were made within the caboose?

(c) What are the sound levels within cabooses as a function of train speed?

(d) What is an acceptable decibel level in cabooses?

(e) Would the use of insulation to reduce the noise level in cabooses also prevent crews from hearing train actions such as run ins and run outs or emergency brake applications?

8. What is the primary source and airborn concentration of noxious fumes in cabooses?

9. What are typical periodic maintenance requirements now in use by railroads for caboose heaters and toilets?

(a) How frequently are these maintenance operations performed?

(b) What are the most common maintenance problems associated with presently used heaters and toilets? What work is typically performed in correcting these problems?

(c) What types of other, nonconventional caboose heating systems have been tried by railroads? What design/maintenance/administrative problems, if any, are associated with their use? What would be the potential cost increases to: (i) Install such nonconventional systems in new cabooses (incremental cost)? (ii) Replace existing heaters in cabooses? (iii) Purchase different or additional fuel?

(d) What other changes should be made to the designs of heaters and toilets?

10. (a) What types of safety related train handling operations or procedures would be enhanced by the presence of forward facing markers on cabooses? What operations/procedures cannot be successfully accomplished now, due to the absence of this type of marker light?

(b) How will the presence of forward facing markers promote safety?

(c) In view of possible obstructions and inclement weather, how bright should these forward facing markers be so that a head end crew will still be able to locate the rear end of the train?

(d) What will be the cost of equipping cabooses with forward facing markers.

11. If it is determined that federal regulations for cabooses would promote safety, which cabooses should the regulations cover?

(a) Should the regulations cover only new car construction or should existing cabooses be required to be rebuilt? What criteria should be used to determine which cabooses are to be covered?

(b) Should certain types of operations be exempt from compliance with the regulations? If exemptions are made, what conditions should be placed on the exemption, and should certain cabooses be permanently exempt?

(c) If the rebuilding of cabooses is required, what time frame should be established to bring the entire railroad caboose fleet into compliance?

12. What would be the economic impact to the railroad industry if the suggested regulations governing cabooses were established?

(a) What cost benefits would be derived?

(b) How many cabooses are there in the current fleets of the railroads?

13. What is the single greatest deficiency or cabooses as presently constructed; e.g., inadequate structural integrity?

14. Would interested parties provide names of persons to contact for additional data or, suggest other sources of information?

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 May 30, 1977, will be considered by FRA. Comments received after that date will be considered insofar as 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.

(Sec. 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by sec. 5(b) of the Federal Railroad Safety Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 8, 1976; § 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49 (n).)

Issued in Washington, D.C. on April 7, 1977.

BRUCE M. FLOHR,
Deputy Administrator.

[FR Doc.77-10787 Filed 4-12-77;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.

LEGAL SERVICES CORPORATION

EAST TEXAS LEGAL SERVICES AND DNA-PEOPLE'S LEGAL SERVICES

Grants and Contracts

APRIL 8, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides: "At lease thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. East Texas Legal Services to serve the counties of Smith, Harrison, Gregg, Rusk, Nachogdoches, San Augustine, Angeline, Cherokee, Jefferson and Orange, Texas.

2. DNA-People's Legal Services to serve the Fort Apache Reservation and counties of Apache, Navaho and Gila, Arizona.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

THOMAS EHRLICH,
President.

[FR Doc.77-10848 Filed 4-12-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

LAND MANAGEMENT PLAN KING UNIT—KLAMATH NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Sec. 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 Land Management Plan, King Unit, Klamath National Forest, California. USDA-FS-R5-FES (Adm)-76-03.

The environmental statement concerns a proposed land management plan for the 49,000 acres of National Forest lands known as the King Unit of the Klamath National Forest, in Siskiyou County, California. Fourteen thousand acres within this Unit have been inventoried as "roadless," and 11,100 acres are included in the National Wilderness Preservation System as the Marble Mountain Wilderness.

This final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on April 5, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3210, 12th St. and Independence Ave. SW., Washington, D.C. 20250

Forest Supervisor's Office, Klamath National Forest, 1215 S. Main, Yreka, CA. 96097.

Regional Forester, U.S. Forest Service, 630 Sansome Street, Rm. 529, San Francisco, CA. 94111.

Forest Service, District Ranger, Happy Camp, CA. 96039.

Forest Service, District Ranger, Somes Bar, CA. 95568.

A limited number of single copies are available, upon request, to Forest Supervisor Dan B. Abraham, Klamath National Forest, 1215 South Main Street, Yreka, California 96097.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

ROBERT W. CERMAK,
Acting Regional Forester.

APRIL 5, 1977.

[FR Doc.77-10779 Filed 4-12-77;8:45 am]

Soil Conservation Service

SUNFLOWER COUNTY FLOOD PREVENTION, RECREATION, AND DRAINAGE RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) MEASURE, MISSISSIPPI

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sunflower County Recreation, Flood Prevention, and Drainage RC&D Measure, Sunflower County, Mississippi.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, USDA, P.O. Box 610, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for recreation, flood prevention, and drainage. The planned works of improvement include a 100-acre lake, basic recreation facilities and 3.4 miles of multiple purpose channel work.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Room 500, Milner Building, 210 South Lamar Street, Jackson, Mississippi 39205.

The negative declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: April 5, 1977.

DAVID P. OVERHOLT,
Director, Conservation Operations Division, Soil Conservation Service.

[FR Doc.77-10780 Filed 4-12-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 30106; Order 77-4-39]

CONTINENTAL AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of April, 1977.

On November 23, 1976, Continental Air Lines filed, in Docket 30106, an application for an order to show cause why its certificate of public convenience and necessity for Route 29 should not be amended so as to permit single-plane service between Seattle and Portland, on the one hand, and Kansas City, on the other, via Denver.[1]

[1] United Air Lines is the only carrier with single-plane authority in the markets and presently operates one round trip routed Kansas City-Seattle-Portland. For the year ended December 31, 1975, the Kansas City-Seattle market generated 29,510 O&D passengers, while the Kansas City-Portland market generated 19,840 passengers. Of this, United carriers 71% of the Kansas City-Seattle traffic and 54% of the Kansas City-Portland traffic. Continuental, offering only connecting service via Denver, has market shares of 28% and 45%, respectively.

In support of its application, Continental states that (1) the single-plane restriction was originally imposed as a pretrial condition in the *Reopened Pacific Northwest-Southwest Case*, 50 CAB 698 (1969); (2) traffic volume in the market has grown much larger than anticipated since the Board issued its decision in that case; (3) United's service has not responded to traffic growth and therefore does not accommodate a good deal of the market; (4) Continental is the only carrier, other than United, that has a significant share of the Kansas City-Pacific Northwest traffic; (5) the public will benefit from the improved level of service; and (6) Continental's identity in the market is already so great that removal of the single-plane restriction will have no measurable impact on any other carrier.

The City of Kansas City, and the Kansas City Chamber of Commerce filed an answer in support of Continental's application.

Upon consideration of the foregoing and all of the relevant facts, we have tentatively concluded that the public convenience and necessity require the elimination of the restriction which prohibits Continental from providing single-plane service in the Kansas City-Seattle/Portland markets via Denver, and that the proposed modification is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable. We propose to implement this new authority by amending Continental's certificate for Route 29, by deleting that portion of condition (13) which prohibits Continental from serving Kansas City on flights serving segment 11.[3]

In support of our ultimate determination, we make the following tentative findings and conclusions. The principal benefit which will derive from the grant of improved authority to Continental will be the provision of more convenient service between Kansas City and Portland/Seattle. At the time the Board imposed the single-plane restriction on Continental, it predicted that the Kansas City-Seattle/Portland markets would generate 80 daily passengers. However, for the year ended September 30, 1975, the Kansas City-Seattle market generated 107 daily passengers and the Kansas City-Portland market generated 60 daily passengers for a total of 167 daily Kansas City-Seattle/Portland passengers. Despite the restriction, Continental has managed to secure a significant share of both the Kansas City-Seattle and Kansas City-Portland markets. The removal of the single-plane restriction will provide Continental's on-line passengers with additional benefits through both time savings and elimination of those problems associated with connecting service.

We further tentatively find that the grant of Continental's application will have no significant effect on United, which has not filed in opposition to Continental's request. United retains superior nonstop authority and therefore should not be significantly affected by removal of the single-plane restriction. Together Continental and United carry 92%[4] of the Kansas City-Seattle/Portland true O&D passengers. No other carrier is a significant participant in either the Kansas City-Seattle or Kansas City-Portland market. Furthermore, Continental has already firmly established its identity in the market, having carried annually over 30%[4] of the Kansas City-Pacific Northwest traffic since beginning its connecting service in June 1969.[4]

Interested persons will be given thirty days from the date of the adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to set forth their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Continental to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389.24(a)(2) of the Board's Organization Regulations.

Accordingly, *it is ordered*, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Continental Airlines, Inc. for Route 29 in the manner described above;

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein, shall, within thirty days after the date of the adoption of this order, file with the Board a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; answers to objections shall be filed 10 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; [5]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order will be served upon Continental Air Lines, Inc., Braniff, Eastern, Frontier, Northwest, TWA, and United Air Lines, the Cities of Kansas City, Denver, Seattle and Portland.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-10791 Filed 4-12-77;8:45 am]

[3] Continental is prohibited from providing single-plane service over a Kansas City-Denver-Seattle/Portland routing by condition (13), imposed in the above-mentioned case.

[4] Table 12 December 31, 1975.

[4] Continental's exhibit Appendix F.

[5] We also tentatively find and conclude that the Board action sought by the applicant will not result in a major federal action significantly affecting the environment within the meaning of the National Environmental Protection Act of 1969. We further find and conclude that Continental is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to properly perform the air transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

DEPARTMENT OF COMMERCE

Economic Development Administration

FRANGELLA MUSHROOM FARMS, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Frangella Mushroom Farms, Inc., P.O. Box 158, Ravena, New York 12143, a producer and processor of mushrooms, was accepted for filing on April 6, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washing-

[5] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

ton, D.C. 20230, no later than the close of business of April 25, 1977.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-10867 Filed 4-12-77;8:45 am]

LEEMAR KNITTING MILLS, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Leemar Knitting Mills, Inc., 45-20 33rd Street, Long Island City, New York 11101, a producer of women's knit suits, was accepted for filing on April 6, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of April 25, 1977.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-10868 Filed 4-12-77;8:45 am]

LEWIS PURSES, INC.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Lewis Purses, Inc., 275 Seventh Avenue, New York, New York 10001, a producer of women's handbags, was accepted for filing on April 6, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of April 25, 1977.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-10869 Filed 4-12-77; 8:45 am]

PERRY MANUFACTURING CORP.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by the Perry Manufacturing Corporation, P.O. Box 232, Norvelt, Pennsylvania 15674, a producer of women's coats, was accepted for filing on April 7, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of April 25, 1977.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-10866 Filed 4-12-77;8:45 am]

National Bureau of Standards

COBOL COMPILER VALIDATION IN SUPPORT OF FEDERAL INFORMATION PROCESSING STANDARDS 21 AND 21-1

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal Automatic Data Processing (ADP) Standards. Federal Information Processing Standards Publication (FIPS PUB) 21-1 specifies Federal Standard COBOL. The Standard defines the elements of the COBOL Programming Language and the rules for their use.

In the November 14, 1975, issue of the FEDERAL REGISTER (40 FR 53013), the General Services Administration (GSA) published a new regulation which added to 41 CFR Subpart 101-32.13 a new subsection 101-32.1305-1a, Validation of COBOL Compilers. GSA established the policy for testing COBOL compilers to support the requirement in FIPS PUB 21-1 regarding the implementation of Federal Standard COBOL. This, in effect, requires Federal agencies to ensure that all COBOL compilers that are brought into the Federal inventory are tested to confirm that they meet a designated level of the Federal Standard COBOL.

The term validation is used in this context as the process of testing a given COBOL compiler against pre-determined conditions and specifying which, if any, conditions are not met. To confirm that an implementation meets the specifications of a designated level of Federal Standard COBOL, test routines have been developed and approved for use in testing COBOL compilers. These routines make up the COBOL Compiler Validation System (CCVS). A Federal COBOL Compiler Testing Service (FCCTS) also has been established to provide a validating service for the Federal agencies. The FCCTS is sponsored by the Department of Defense (DOD) under delegation of authority from the National Bureau of Standards (NBS). The FCCTS is responsible for the development and maintenance of the CCVS necessary to support the validation of the various versions of Federal Standard COBOL. They are also responsible for conducting the validation of all COBOL compilers brought into the Federal inventory.

The purpose of this announcement is to identify the official version of the CCVS currently being used by FCCTS in discharging its responsibilities under the above mentioned delegation of authority from NBS.

COBOL COMPILER VALIDATION SYSTEM

There are currently two Compiler Validation Systems (CVS) being supported by FCCTS. The first is based on FIPS PUB 21 (COBOL 68) and the second is based on FIPS PUB 21-1 (COBOL 74). Each of the COBOL CVS consist of audit routines, their related data, and an executive routine (VP-routine) which prepares the audit routines for compilation. Each audit routine is a COBOL program which includes many tests and supporting procedures indicating the result of the tests. The audit routines making up Version 6.2 of the 1968 COBOL Compiler Validation System collectively contain all the language elements of COBOL 68 (except for the Report Writer module and the ENTER statement of the Nucleus module), as specified in FIPS PUB 21. This system will be maintained for an indefinite period of time depending on the actual length of the transition from COBOL 68 to COBOL 74 within the Federal Government.

The 1974 COBOL Compiler Validation System is being released in increments. Version 1.0 of the 1974 CCVS which was released in November 1975 contained all the language elements included in the low-intermediate level of FIPS PUB 21-1 COBOL (see FIPS PUB 21-1 for information regarding the contents of the various levels of Federal Standard COBOL). Version 2.0 of the 1974 CCVS, which is now available and replaces Version 1.0, contains all elements of FIPS PUB 21-1 except for the arithmetic expressions of the Nucleus module, the ENTER statement of the

Nucleus module, and the entire communication module.

The COBOL Compiler Validation Systems are available from the National Technical Information Service. Address: National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161 (telephone 703–557–4650).

Title	Ordering no.	Price
FIPS PUB 21 COBOL compiler validation system version 6 release 2 (CCVS68 6.2)		
1968 COBOL compiler validation system version 6.2 implementation documentation (users guide).	ADA024913	$5.00
1968 COBOL compiler validation system version 6.2 (tape).	ADA024912	500.00
FIPS PUB 21-1 COBOL compiler validation system version 2 release 0 (CCVS74 2.0)		
1974 COBOL compiler validation system version 2.0 implementation documentation (users guide).	ADA036174/AS	12.50
1974 COBOL compiler validation system version 2.0 (tape).	ADA036173/AS	500.00

The COBOL Compiler Validation Systems will be updated biannually. These updates will be announced in a FEDERAL REGISTER notice as the current version of the CCVS used as the basis for validating COBOL compilers. The update process will be used to correct errors identified in the systems and to introduce new or modified programs as appropriate. The Federal standards do not change per se but a validation system should be periodically modified to ensure that compilers are being built according to the technical specifications in the standard, not the validation systems. Should an interpretation be made that would affect either of the validation systems these changes would be reflected also during the update process.

OBTAINING VALIDATION SERVICES

The NBS–DOD agreement covers cost-reimbursable tests requested by: vendors wishing to have a compiler validated in response to a Government request for proposals; Government agencies involved in a procurement; or Government agencies wishing to validate a compiler already in use.

The raw data produced during the validation process will be reviewed by the FCCTS, which will prepare a Validation Summary Report (VSR) for initial dissemination to the requester. If the requested validation has previously been performed on a similar computer configuration, the validation run need not be repeated, and the earlier VSR will be provided to a requester. The VSR will classify a compiler according to each level of the Federal COBOL Standard which it has met. A request for validation services form may be obtained by writing to or calling: Director, Federal COBOL Compiler Testing Service, Department of the Navy (ADPESO), Washington, D.C. 20376, (telephone 202–697–1247).

The request form identifies the service required (Validation Summary Report, validation for a compiler not yet tested, FIPS PUB 21 or FIPS PUB 21–1, etc.), and appropriate supporting information, including a point of contact in the requesting agency, compiler and related operating system identification, machine make and model number, and special requirements, if any. If the request is for a validation, a Compiler Validation Manager will be assigned by the FCCTS to process the request. The assigned individual will contact the requesting agency to make the appropriate arrangements, and, if necessary, obtain appropriate documentation. (The requester must provide the facilities for performing the validation.)

An estimate of expenses will be provided to the requester for approval prior to a validation. The approval and, if applicable, an appropriation accounting number should be given as promptly as possible to the FCCTS.

Upon completion of the validation, a VSR will be compiled from the raw data and forwarded to the requester.

ERNEST AMBLER,
Acting Director.

APRIL 7, 1977.

[FR Doc.77–10757 Filed 4–12–77;8:45 am]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Gulf of Mexico Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Gulf Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Alabama, west coast of Florida, Louisiana, Mississippi, and Texas. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The meeting will be held Wednesday, Thursday, and Friday, May 4, 5, and 6, 1977, in the Nautical Room of the Sportsman Inn, 3810 North Roosevelt, Key West, Florida. The meeting will convene at 1:30 p.m. on May 4, and adjourn at about noon on May 6, 1977. The daily sessions will start at 8:30 a.m. and adjourn at 5:00 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Management plans.
2. Personnel and administration categories.
3. Review of foreign fishing applications, if any.
4. Other fishery management business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about April 28, 1977:

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address.

To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: April 8, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–10850 Filed 4–12–77;8:45 am]

NATIONAL MARINE FISHERIES SERVICE

Public Meeting

Notice is hereby given of a meeting with State Fish and Wildlife Directors from coastal and Great Lakes States on Thursday and Friday, May 19 and 20, 1977. The meeting will commence at 8:30 a.m. on May 19, and 8:30 a.m. on May 20, in the Woodward Room of the National Wildlife Federation Building, 1412 16th Street, N.W., Washington, D.C.

The topics to be addressed at the meeting are related to the role of the States under extended U.S. fishery jurisdiction, fishery management in the territorial sea, Federal grant-in-aid for fisheries programs providing financial assistance to States, and other National Marine Fisheries Service programs affecting State fishery interests.

The meeting will be open to the public throughout May 19 and 20. Seating space will be available for approximately 25 persons in addition to those participating in the meeting. The public will be admitted to the extent of seating available on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman.

Additional information concerning this meeting may be obtained by contacting Mr. Robert W. Schoning, Director, National Marine Fisheries Service, Washington, D.C. 20235. The telephone number is 202–634–7283.

Issued: April 8, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–10851 Filed 4–12–77;8:45 am]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the New England Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The New England Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This meeting of the Council will be held on May 3 and 4, 1977, from 10:00 a.m. to 5:00 p.m., and 9:00 a.m. to 4:00 p.m. respectively, at the Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

PROPOSED AGENDA

1. Review of Council Scallop Plan.
2. Review of Mid-Atlantic Council Sea Clam Plan.
3. Council review of Preliminary Management Plan for Herring.
4. Other Business.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact on or about 10 days before the meeting to receive information on changes in the agenda, if any:

Mr. Spencer Apollonio, Executive Director, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Apollonio at the above address. To receive due consideration and facilitate inclusion of comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: April 8, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-10852 Filed 4-12-77;8:45 am]

PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE

Meeting Location and Date Change

Notice is hereby given of a change in location and dates of the April 14-15, 1977, meeting of the Pacific Fishery Management Council and its Scientific and Statistical Committee as published in the FEDERAL REGISTER, Vol. 42, No. 58, on March 25, 1977.

The meeting of the Council originally scheduled to be held at the Oregon Department of Fish and Wildlife, Headquarters Conference Room, 1634 S.W. Alder, Portland, Oregon, on April 14-15, 1977, is now scheduled to be held in the Capri/Del Rio Room of the Cosmopolitan Motor Hotel, 1030 N.E. Union, Portland, Oregon 97232, on May 2-3, 1977.

The meeting of the Council's Scientific and Statistical Committee, originally scheduled to be held on the Council's Headquarters, 526 S.W. Mill Street, Portland, Oregon, on April 14-15 is now scheduled to be held in the Hall of Fame Room at the Cosmopolitan Motor Hotel, address given above, on May 2-3, 1977. The May 2nd meetings of both the Council and the scientific and Statistical Committee will convene at 1:00 p.m. and adjourn at approximately 5:00 p.m. The May 3rd meetings will convene at 8:00 a.m. and adjourn at approximately 5:00 p.m.

The agenda for both meetings will remain unchanged. These meetings are open to the public, and public seating will be available on a first-come, first-served basis. There will be approximately 200 seats for the public for the Council meetings, and approximately 25 seats for the public for the Scientific and Statistical Committee meetings.

Dated: April 7, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-10748 Filed 4-12-77;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,958,452: Uniform Planar Strain Tester; filed Jan. 23, 1975, patented May 25, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,898,048: Light-Weight Rocket Deployable Gas Generator; filed Mar. 21, 1974, patented Aug. 5, 1075; not available NTIS.

Patent 3,903,496: Opto-Acoustic Hydrophone; filed June 14, 1974; patented Sept. 2, 1975; not available NTIS.

Patent 3,903,497: Opto-Acoustic Hydrophone; filed June 14, 1974, patented Sept. 2, 1975; not available NTIS.

Patient 3,940,732: Buoyant Electrode and System for High Speed Towing; filed Mar. 30, 1970; patented Feb. 24, 1976; not available NTIS.

Patent 3,943,482: Marine Mine Detector; filed Oct. 3, 1967; patented Mar. 9, 1976; not available NTIS.

Patent 3,949,676: Load Actuated Electro-Ignition Circuit Switch; filed June 10, 1974; patented Apr. 13, 1976; not available NTIS.

Patent 3,953,828: High Power-Wide Frequency Band Electroacoustic Transducer; filed Nov. 8, 1968; patented Apr. 27, 1976; not available NTIS.

Patent 3,958,490: Self-Cocking Rocket Launcher Detent; filed Dec. 19, 1974; patented May 25, 1976; not available NTIS.

Patent 3,960,171: Helmet Exhaust Valve; filed Jan. 27, 1975; patented June 1, 1976; not available NTIS.

Patent 3,961,476: Metal Interlayer Adhesive Technique; filed Sept. 11, 1975; patented June 8, 1976; not available NTIS.

Patent 3,961,555: Safety Mechanism for Intervalometers and Distributors; filed Jan. 13, 1975; patented June 8, 1976; not available NTIS.

Patent 3,962,628: Adjustable Magnetic Gradiometer; filed Apr. 14, 1975; patented June 8, 1976; not available NTIS.

Patent 3,968,445: Digital Pulse Width Doubler, filed Apr. 29, 1974, patented July 6, 1976; not available NTIS.

Patent 3,968,723: Method for Reclaiming and Recycling Plastic Bonded Energetic Material; filed Mar. 3, 1975; patented July 13, 1976; not available NTIS.

Patent 3,968,751 Arming Device. Filed Sept. 5, 1975, patented July 13, 1976; not available NTIS.

Patent 3,969,263: Method of Producing Light Using Catalyst Chemiluminescent System; filed Mar. 3, 1975; patented July 13, 1976; not available NTIS.

Patent 3,969,676: Electron Bean Ionization Signal Sampler; filed Apr. 17, 1975; patented July 13, 1976; not available NTIS.

Patent 3,974,985: Wide Angle Seeker; filed May 18, 1972; patented Aug. 17, 1976; not available NTIS.

Patent 3,974,990: Dual Ejector Stores Attitude Control System; filed July 21, 1975; patented Aug. 17, 1976; not available NTIS.

Patent 3,977,003: Conformal Helmet Antenna; filed Oct. 15, 1974; patented Aug. 24, 1976; not available NTIS.

Patent 3,977,004: Aircraft VLF/LF/MF Window Antenna Receiving System; filed June 16, 1975; patented Aug. 24, 1976; not available NTIS.

Patent 3,978,430: Segmented Flow Laser Cavity; filed Oct. 2, 1975; patented Aug. 31, 1976; not available NTIS.

Patent 3,978,894: Energy Absorbing Tear-Webbing; filed Feb. 5, 1973; patented Sept. 7, 1976; not available NTIS.

Patent 3,982,144: Directional Low-Frequency Ring Hydrophone; filed Aug. 23, 1974; patented Sept. 21, 1976; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 733,825: Nozzle Extraction Process and Handlemeter for Measuring Handle; filed Oct. 19, 1976.

Patent 3,983,695: Ion Beam Thruster Shield; patented Oct. 5, 1976; not available NTIS.

Patent 3,983,780: Casting Propellant in Rocket Engines; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,072: Attitude Control System; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,730: Method and Apparatus for Neutralizing Potentials Induced on Spacecraft Surfaces; patented Oct. 5, 1976; not available NTIS.

[FR Doc.77-10766 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,948,733: Simplified Protein Hydrolysis Apparatus; filed Dec. 12, 1973; patented Apr. 6, 1976; not available NTIS.

Patent 3,949,515: In-Field Boll Weevil Trap; filed July 23, 1975; patented Apr. 13, 1976; not available NTIS.

Patent 3,954,866: Process for the Preparation of Quaternary Arylaminoalkyl Phosphonium Salts; filed Dec. 5, 1974; patented May 4, 1976; not available NTIS.

Patent 3,960,763: Agricultural Foams as Carriers for Activated Charcoal; filed July 17, 1974; patented June 1, 1976; not available NTIS.

Patent 3,976,320: Chicken Coop Lifting Device; filed Aug. 14, 1975; patented Aug. 24, 1976; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent application 708,008: Antenna with Electro-Optical Modulator; filed July 23, 1976.

Patent application 727,528: Aortic Heart Valve Catheter; filed Sept. 28, 1976.

Patent application 727,864: Preparative Countercurrent Chromatography with a Slowly Rotating Helical Tube Array; filed Sept. 29, 1976.

Patent application 731,092: Noise Chrono-Dosimeter System; filed Oct. 8, 1976.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 717,319: Solar Cell Shingle; filed Aug. 24, 1976.

Patent application 726,910: Reaction Cured Glass and Glass Coatings, filed Oct. 29, 1976.

Patent application 732,630: Laser Extensometer; filed Oct. 15, 1976.

Patent application 738,218: Rotary Leveling Base Platform; filed Nov. 3, 1976.

Patent application 738,219: Two Wavelength Double Pulse Tunable Dye Laser; filed Nov. 3, 1976.

Patent application 740,155: Device for Measuring the Contour of a Surface; filed Nov. 8, 1976.

Patent 3,744,739: Multiple in-Line Docking Capability for Rotating Space Stations; patented July 10, 1973; not available NTIS.

Patent 3,982,910: Hydrogen-Rich Gas Generator; patented Sept. 28, 1976; not available NTIS.

Patent 3,983,714: Cryostat System for Temperatures on the Order of 2 Deg. K or Less; patented Oct. 5, 1976; not available NTIS.

Patent 3,983,749: Annular Arc Accelerator Shock Tube; patented Oct. 5, 1976; not available NTIS.

Patent 3,983,753: Thermistor Holder for Skin Temperature Measurements; patented Oct. 5, 1976; not available NTIS.

Patent 3,983,933: Heat Exchanger; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,070: Wingtip Vortex Dissipator for Aircraft; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,256: Photovoltaic Cell Array; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,634: Anti-Multipath Digital Signal Detector; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,671: Optical Process for Producing Classification Maps from Multispectral Data; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,681: Ion and Electron Detector for Use in an ICR Spectrometer; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,685: Wind Measurement System; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,686: Focused Laser Doppler Velocimeter; patented Oct. 5, 1976; not available NTIS.

Patent 3,984,799: The DC-to-DC Converters Employing Staggered-Phase Power Switches with Two-loop Control; patented Oct. 5, 1976; not available NTIS.

Patent 3,985,454: Window Defect Planar Mapping Technique; patented Oct. 12, 1976; not available NTIS.

[FR Doc.77-10767 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Management Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,932,390: 2-Thia-1,3,5-Triaza-7-Phosphaadamantane 2,2-Dioxide; filed Apr. 29, 1975; patented Jan. 13, 1976; not available NTIS.

Patent 3,939,833: Machine to Fill Insect Rearing Cells with Diet; filed Oct. 1, 1974; patented Feb. 24, 1976; not available NTIS.

Patent 3,953,165: Flameproofing Resins for Organic Textiles from Adduct Polymers; filed Aug. 22, 1974; patented Apr. 27, 1976; not available NTIS.

Patent 3,954,400: Phosphorus, Nitrogen, Bromine Containing Polymers and Process for Producing Flame Retardant Textiles; filed Aug. 22, 1974; patented May 4, 1976; not available NTIS.

Patent 3,960,477: Crossdyed Cotton Fabrics; filed Jan. 11, 1974; patented June 1, 1976; not available NTIS.

Patent 3,963,434: Carboxymethylated Cotton Fabric with Improved Conditioned and Wet Wrinkle Recovery by Reaction with Propylene or Ethylene Carbonate; filed July 23, 1975; patented June 15, 1976; not available NTIS.

Patent 3,972,924: 1-(1H,1H-Perfluorooctyl)-1,3-Trimethylenediphosphonic Tetrachloride; filed Nov. 10, 1975; patented Aug. 3, 1976; not available NTIS.

Patent 3,975,154: Process for Producing and Utilizing Durable Press Fabrics with Strong Acid Grafts, filed June 9, 1975; patented Aug. 17, 1976, not available NTIS.

Patent 3,976,604: Preparation of Ethylenimine Prepolymer; filed Jan. 30, 1975; patented Aug. 24, 1976; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,913,599: Coil Sprin Venting Arrangement; filed Sept. 30, 1974; patented Oct. 21, 1975; not available NTIS.

Patent 3,920,343: Key-and-Keyway Coupling for Transmitting Torque; filed Nov. 13, 1974; patented Nov. 18, 1975; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 674,206: A Valve for Independently Throttling a Plurality of Hydraulic Lines; filed Apr. 6, 1976.

Patent application 684,527: Film-Recording Noise Dosimeter; filed May 10, 1976.

Patent application 690,695: Salvage Apparatus and Method; filed May 27, 1976.

Patent application 707,471: A Self-Contained, Portable, Underwater Stud Welder; filed July 21, 1976.

Patent application 707,583: Elliptical Flywheel Apparatus; filed July 22, 1976.

Patent application 708,236: A Novel Method for the Production of Hydrogen-Carbon Monoxide Mixtures; filed July 23, 1976.

Patent application 708,505: An Underwater Connector; filed July 30, 1976.

Patent application 711,322: A System for Compensating Self-Focusing and Self Phase Modulation in Lasers; filed Aug. 3, 1976.

Patent application 712,128: Fabrication of Ablator Liners in Combustors; filed Aug. 5, 1976.

Patent application 716,729: Preparation of Ceramics; filed Aug. 23, 1976.

Patent application 720,175: 7-Amino Coumarin Dyes for Flashlamp-Pumped Dye Lasers; filed Sept. 3, 1976.

Patent application 721,127: Polarization Holograms; filed Sept. 7, 1976.

Patent application 721,648: Neutral Beam Sustained Astron Reactor; filed Sept. 8, 1976.

Patent application 721,649: Heat by Laser Irradiation in the Pyrolytic Production of Acetylene; filed Sept. 8, 1976.

Patent application 724,053: Collective Ion Acceleration in a Converging Waveguide; filed Sept. 16, 1976.

Patent 3,922,572: Electroacoustical Transducer; filed Aug. 12, 1974, patented Nov. 25, 1975; not available NTIS.

Patent 3,934,288: Object Release Device; filed Nov. 18, 1974; patented Jan. 27, 1976; not available NTIS.

Patent 3,934,482: Cable Traction Sheave; filed Jan. 27, 1975, patented Jan. 27, 1976; not available NTIS.

Patent 3,939,467: Transducer; filed Apr. 8, 1974; patented Feb. 17, 1976; not available NTIS.

[FR Doc.77-10768 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,937,724: Orango-Phosphorus Compounds Containing Perfluoroalkyl Radicals and Their Application to Cellulosic Textiles. Filed Mar. 24, 1975, patented Feb. 10, 1976; not available NTIS.

Patent 3,939,883: Machine to Fill Insect Rearing Cells with Diet. Filed Oct. 1, 1974, patented Feb. 24, 1976; not available NTIS.

Patent 3,941,764: Use of Acidic Hexane to Process Oil Seeds for Protein and Oil. Filed May 10, 1974, patented Mar. 2, 1976; not available NTIS.

Patent 3,947,613: Process for Reducing Agent Migration During Treatment of Knitted Cotton Fabric. Filed Aug. 7, 1974, patented Mar. 30, 1976; not available NTIS.

Patent 3,948,600: Selected Ammonium Sulfonate Catalysts for an Improved Process Utilizing Mild Curing Conditions in Durable Press Finishing of Cellulose-Containing Fabrics. Filed Feb. 27, 1975, patented Apr. 6, 1976; not available NTIS.

Patent 3,949,108: Process for Producing Fire Resistant Organic Textile Materials. Filed June 1, 1973, patented Apr. 6, 1976; not available NTIS.

Patent 3,953,166: Flame Resistant Organic Textiles Through Treatment with Phenols and Adduct Polymers. Filed Aug. 22, 1974, patented Apr. 27, 1976; not available NTIS.

Patent 3,954,968: Composition for attracting the Cotton Boll Weevil. Filed Feb. 27, 1975, patented May 4, 1976; not available NTIS.

Patent 3,958,932: Flame-Resistant Textiles Through Finishing Treatments with Vinyl Monomer Systems. Filed Aug. 28, 1974, patented May 25, 1976; not available NTIS.

Patent 3,959,461: Hair Cream Rinse Formulations Containing Quaternary Ammonium Salts. Filed May 28, 1974, patented May 25, 1976; not available NTIS.

Patent 3,961,110: Treatment of Organic Textiles with Adduct Polymers and Phenols. Filed Aug. 22, 1974, patented June 1, 1976; not available NTIS.

Patent 3,963,111: Full Flow Feeder. Filed Mar. 12, 1975, patented June 15, 1976; not available NTIS.

Patent 3,963,433: Formation of Urethane Crosslinks in Cellulose Ethers Incorporating Amine Groups by Use of Propylene or Ethylene Carbonate. Filed July 23, 1975, patented June 15, 1976; not available NTIS.

Patent 3,963,435: Polyester Grafts and Crosslinks to Cotton by Reaction with Heterocyclic Carbonate, Glycol, and Dibasic Acid. Filed Sept. 8, 1975, patented June 15, 1976; not available NTIS.

Patent 3,963,570: Ultraviolet-Initiated Preparation of N, N-Dibutyl-9(10)-Dibutylphosphonooctadecanamide. Filed Sept. 26, 1974, patented June 15, 1976; not available NTIS.

Patent 3,963,927: Detection of Hidden Insects Filed June 18, 1975, patented June 15, 1976; not available NTIS.

Patent 3,970,424: Durable Press Treatment by Addition of Sodium Dihydrogen Phosphate to Aluminum Sulfate Catalyst. Filed Aug. 14, 1975, patented July 20, 1976; not available NTIS.

Patent 3,972,861: Process for Producing an Edible Cottonseed Protein Concentrate. Filed Nov. 26, 1974, patented Aug. 3, 1976; not available NTIS.

Patent 3,975,152: Simultaneous Dyeing and Crosslinking of Cellulosic Fabrics. Filed Jan. 23, 1975, patented Aug. 17, 1976; not available NTIS.

Patent 3,975,343: Solubilization of Protein with Ethanol-Acetonitril-Water Solvent Systems. Filed June 27, 1975, patented Aug. 17, 1976; not available NTIS.

Patent 3,975,370: Methylolated Reaction Product of a Hydroxy Carbamate and a Cellulose-Dyeing Dyestuff Containing Vinyl Sulfone Groups. Filed Sept. 17, 1974, patented Aug. 17, 1976; not available NTIS.

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Patent 3,993,782: Repellents for the Confused Flour Beetle. Filed Aug. 14, 1975, patented Nov. 23, 1976; not available NTIS.

U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent Application 555,754: Explosive Device. Filed Mar. 6, 1975.

Patent 3,913,481: Apparatus for Reducing Shock and Overpressure. Filed Sep. 17, 1973, patented Oct. 21, 1975; not available NTIS.

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U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

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Patent Application 724,248: A Digital Display Plug-In. Filed Sep. 17, 1976.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

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Patent Application 705,733: Shock Buffer for Liquid Propellant Gun Projectile. Filed July 15, 1976.
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Patent Application 708,253: Edge Detection Analyzer. Filed July 23, 1976.
Patent Application 712,456: Photoparamp Array Multiplexer. Filed Aug. 6, 1976.
Patent Application 723,880: Liquid Propellant Gun. Filed Sep. 16, 1976.
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Patent 3,922,630: Automatic Vehicle Positioning System. Filed Dec. 3, 1964, patented Nov. 25, 1975; not available NTIS.
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Patent 3,922,633: Insulated Conductor Detector. Filed July 20, 1967, patented Nov. 25, 1975; not available NTIS.
Patent 3,922,634: Sonar System. Filed Sep. 29, 1965, patented Nov. 25, 1975; not available NTIS.
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[FR Doc.77-10769 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to void premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,960,902: Synthetic Hormones for Insect Control. Filed July 2, 1975, patented June 1, 1976; not available NTIS.
Patent 3,970,688: Synthetic Hormones for Insect Control. Filed July 2, 1975, patented July 20, 1976, not available NTIS.
Patent 3,975,560: Phosphorus and Nitrogen Containing Resins for Flameproofing Organic Textiles. Filed Aug. 22, 1974, patented Aug. 17, 1976; not available NTIS.
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U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

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U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent 3,977,312: Parachute Stopping for Mine Ventilation Use. Filed Oct. 31, 1975, patented Aug. 31, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

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[FR Doc.77-10770 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $3.50 ($7.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Divison, Room 2C-455, Pentagon, Washington, D.C. 20310.

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U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

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Patent 3,911,280: Method of Measuring a Profile of the Density of Charged Particles in a Particle Beam. Filed Apr. 11, 1974, patented Oct. 7, 1975; not available NTIS.

Patent 3,912,625: Method for Removing and Decolorizing Aqueous Waste Effluents Containing Dissolved or Dispersed Organic Matter. Filed Nov. 5, 1973, patented Oct. 14, 1975; not available NTIS.

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U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

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Patent 3,978,724: Fluidic Angle-of-Attack Sensor. Filed Dec. 4, 1975, patented Sept. 7, 1976; not available NTIS.

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Patent 3,979,561: Level-Code Encoded Multiplexer. Filed May 6, 1975, patented Sept. 7, 1976; not available NTIS.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 699,002: Ultra Stable Frequency Distribution System. Filed June 21, 1976.

Patent application 718,244: Supersonic Transport. Filed Aug. 27, 1976.

Patent application 725,828: Turbulence Intensity Indicator. Filed Sept. 23, 1976.

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Patent 3,977,771: Optical Noise-Suppression Device and Method. Patented Aug. 31, 1976; not available NTIS.

Patent 3,977,787: High Resolution Fourier Interferometer - Spectrophotopolarimeter. Patented Aug. 31, 1976; not available NTIS.

Patent 3,978,287: Real Time Analysis of Voiced Sounds. Patented Aug. 31, 1976; not available NTIS.

[FR Doc.77-10771 Filed 4-12-77;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

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DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, D.C. 20310.

Patent 3,941,999: Automatic Focus Pulse Gated System. Filed Apr. 1, 1975, patented Mar. 2, 1976; not available NTIS.

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Patent 3,962,657: Broadband Data Modulation System. Filed Oct. 22, 1974, patented June 8, 1976; not available NTIS.

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U.S. DEPARTMENT OF THE AIR FORCE AF/JACP, WASHINGTON, D.C. 20314.

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Patent Application 706,321: Method and Apparatus for Effecting Multiple Spectral Wavelength Imaging with Infrared Television. Filed July 19, 1976.

Patent Application 706,414: Error Corrected Error Amplifier. Filed July 19, 1976.

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Patent 3,975,981: Separation Spring Actuator. Filed May 12, 1975, patented Aug. 24, 1976; not available NTIS.

Patent 3,976,268: Tethered Balloon Mooring Means. Filed Apr. 8, 1975, patented Aug. 24, 1976; not available NTIS.

Patent 3,976,394: Interstage Bleed Assembly. Filed July 18, 1975, patented Aug. 24, 1976; not available NTIS.

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ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

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Patent Application 563,274: Method and Apparatus for Producing Synthetic Fuels from Solid Waste. Filed Mar. 28, 1975.

Patent 3,910,714: Liquid Metal Pump for Nuclear Reactors. Filed Dec. 11, 1974, patented Oct. 7, 1975; not available NTIS.

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Patent 3,926,344: Volumetric Dispenser for Small Particles from Plural Sources. Filed June 20, 1974, patented Dec. 16, 1975; not available NTIS.

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Patent 3,928,126: Fuel or Irradiation Subassembly. Filed July 9, 1974, patented Dec. 23, 1975; not available NTIS.

Patent 3,928,549: Thermochemical Production of Hydrogen. Filed June 20, 1974, patented Dec. 23, 1975; not available NTIS.

Patent 3,928,700: Method of Producing Thin Cellulose Nitrate Film. Filed May 30, 1974, patented Dec. 23, 1975; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent Application 704,687: Dialysis Regeneration System Using Automatic Feedback Control System and Controlled Ultrafiltration. Filed July 13, 1976.

Patent 3,976,072: Blink-Operated Extracorporeal Tear Duct. Filed Sept. 3, 1975, patented Aug. 24, 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent Application 673,494: Event Stacker and Display Devise. Filed Apr. 5, 1976.

Patent Application 682-010: Serial to Parallel Converter. Filed May 3, 1976.

Patent Application 694,623: Dual Resonance Bender Transducer. Filed June 10, 1976.

Patent Application 699,007: Constant Altitude Auto Pilot Circuit. Filed June 21, 1976.

Patent Application 702,794: Camera. Filed July 6, 1976.

Patent Application 705,643: Ship Propulsion for Burst Speed. Filed July 15, 1976.

Patent Application 706,410: Drive Control to Prevent Simultaneous Conduction in Push-Pull Switching Amplifiers. Filed July 19, 1976.

Patent Application 708,779: High Speed Manchester Encoder. Filed July 26, 1976.

Patent Application 711,173: A High Power Microstrip Element. Filed Aug. 3, 1976.

Patent Application 713,455: A Negative Feedback Amplifier and Level Shifter. Filed Aug. 11, 1976.

Patent Application 715,083: Broadband Microwave Two-Stage Stagger Tuned Field Effect Transistor Amplifier. Filed Aug. 17, 1976.

Patent Application 716,870: Coaxial Wet Connector. Filed Aug. 23, 1976.

Patent 3,549,591: Polyfluoroepoxides and Epoxy Resins Containing Fluorine on the Aromatic Carbon Structure and Process. Filed July 30, 1968, patented Dec. 22, 1970; not available NTIS.

Patent 3,898,662: Radar Target Simulator Using No Electrical Connection to Radar. Filed Aug. 16, 1968, patented Aug. 5, 1975; not available NTIS.

Patent 3,936,954: Electronic Bearing Selector for Omni-Directional Signals. Filed May 27, 1964, patented Feb. 10, 1976; not available NTIS.

Patent 3,936,958: Sonar Reverberation Simulation. Filed June 18, 1968, patented Feb. 10, 1976; not available NTIS.

Patent 3,964,155: Method of Planar Mounting of Silicon Solar Cells. Filed June 8, 1973, patented June 22, 1976; not available NTIS.

Patent 3,965,343: Modular System for Performing the Discrete Fourier Transform via the Chirp-Z Transform. Filed Mar. 3, 1975, patented June 22, 1976; not available NTIS.

Patent 3,965,729: Load Crack Testing Device. Filed Oct. 1, 1975, patented June 29, 1976; not available NTIS.

Patent 3,967,633: Gas Vent System for Operation in Any Arbitrary Spatial Orientation. Filed May 22, 1975, patented July 6, 1976; not available NTIS.

Patent 3,968,491: Radar Rangemeter. Filed Nov. 25, 1974, patented July 6, 1976; not available NTIS.

Patent 3,971,110: Method for Fabricating an Electron-Emission Cathode. Filed Sept. 11, 1975, patented July 27, 1976; not available NTIS.

Patent 3,971,927: Modular Discrete Cosine Transform System. Filed Nov. 3, 1975, patented July 27, 1976; not available NTIS.

Patent 3,972,554: Ring Type Recovery Tool. Filed Jan. 12, 1976, patented Aug. 3, 1976; not available NTIS.

Patent 3,972,555: Tong Type Recovery Tool. Filed Jan. 2, 1976, patented Aug. 3, 1976; not available NTIS.

Patent 3,972,730: Pyrotechnically Activated Lithium-Chlorine Cell. Filed June 25, 1975, patented Aug. 3, 1976; not available NTIS.

Patent 3,972,814: Fluidic Oil-Water Separator. Filed Feb. 12, 1975, patented Aug. 3, 1976; not available NTIS.

Patent 3,973,501: Fuze with Dual Safe Positions and Armed-Safe Indicator. Filed Sept. 17, 1974, patented Aug. 10, 1976; not available NTIS.

Patent 3,978,487: Coupled Fed Electric Microstrip Dipole Antenna. Filed Apr. 24, 1975, patented Aug. 31, 1976; not available NTIS.

Patent 3,979,746: High-Speed Manchester Code Demodulator. Filed Apr. 28, 1975, patented Sept. 7, 1976; not available NTIS.

TENNESSEE VALLEY AUTHORITY, Division of Law, Muscle Shoals, Ala. 35660.

Patent 3,969,483: Removal of Carbonaceous Matter from Ammonium Polyphosphate Liquids. Filed June 5, 1975, patented July 13, 1976; not available NTIS.

[FR Doc.77-10772 Filed 4-12-77;8:45 am]

TECHNICAL INFORMATION PRODUCTS AND SERVICES

Spain

The National Technical Information Service of the U.S. Department of Commerce requests that parties interested in managing the sales of its technical information products and services in Spain make their interest known to the NTIS Assistant Director, Market Development, NTIS 5285 Port Royal Road, Springfield, Virginia 22161.

Approval: April 8, 1977.

DEAN SMITH,
Assistant Director,
Market Development.

[FR Doc.77-10773 Filed 4-12-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 714-1]

CALIFORNIA STATE STANDARDS

Motor Vehicle Pollution Control; Public Hearing

Section 209(a) of the Clean Air Act, as amended, 42 U.S.C. 1857f-6a(a), provides: "No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part * * * [or] * * * shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment."

Section 209(b) of the Act directs the Administrator of the Environmental Protection Agency (EPA), after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards, to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act.

By letters dated July 19, 1976, November 1, 1976, January 20, 1977, and February 22, 1977, the California Air Resources Board (CARB) notified the Administrator that the Board had taken a number of actions to revise California's motor vehicle emissions control program. The CARB requested that waivers be granted for those items in the revisions which in the judgment of the Administrator require such waivers, and that a public hearing be convened by the Administrator.

The EPA has determined that the following items are within the scope of waivers currently in effect, and therefore, no new waiver is required:

(i) Assembly line test procedures applicable to 1978 model year gasoline-powered passenger cars and light duty trucks, and

(ii) Compliance and inspection testing requirements applicable to 1977 and 1978 model year gasoline-powered passenger cars and light duty trucks.

The following items will require a waiver before they can be effectuated by California:

(i) Compliance and inspection testing of 1977 and subsequent model year motor vehicles except 1977 and 1978 model year gasoline-powered passenger cars and light duty trucks under sections 2100 et seq., Title 13, California Administrative Code,

(ii) Exhaust emission standards and test procedures for 1979 and subsequent model year passenger cars, light duty trucks and medium duty vehicles,

(iii) Evaporative emission standard and test procedures (SHED test) for 1980 and subsequent model year gasoline-powered motor vehicles except motorcycles, and also, amendments to the SHED test procedures for 1978 and subsequent model year gasoline-powered motor vehicles except motorcycles.

(iv) Certification test procedures applicable to 1980 and subsequent model year passenger cars, light duty trucks and medium duty vehicles imposing a restriction on allowable maintenance, and

(v) Assembly line test procedures for 1978 model year diesel-powered light duty trucks, and medium duty vehicles.

As a result of the promulgation of Federal emission standards and test procedures for 1978 and later model year motorcycles, see 42 FR 1122 (January 5, 1977), the CARB adopted certain amendments to the California motorcycle emission control regulations on March 24, 1977. In light of the promulgation of the Federal regulations as well as these amendments to the California regulations, EPA intends to consider whether California continues to comply with the conditions of the October 1, 1976, waiver. See 41 FR 44209 (October 7, 1976). In the meantime, though, this waiver will remain in effect unless and until the Administrator determines otherwise.

Finally, the EPA also notified the CARB that a public hearing would be convened by the Administrator in order to consider whether to grant California a general waiver of Federal preemption for all standards and test procedures (including accompanying enforcement procedures) adopted by the CARB in the future that related to the control of emissions from new motor vehicles or new motor vehicle engines. In the event that California is granted such a waiver, the Administrator would provide notice and an opportunity for a public hearing, upon submission of a bona fide request by any interested party, to consider whether California continued to comply with the conditions of such a waiver in light of any such future standards and test procedures.

Therefore, I hereby given notice that:

(i) California has submitted a request for a waiver from the prohibitions of section 209(a) for a series of five actions that have been taken by the CARB,

(ii) EPA intends to consider whether California continues to comply with the conditions of the October 1, 1976, waiver, see 41 FR 44209 (October 7, 1976), and to determine whether to grant California a general waiver from the prohibitions of section 209(a) for all standards and test procedures (including accompanying enforcement procedures) adpoted by the CARB in the future that relate to the control of emissions from new motor vehicles or new motor vehicle engines, for which no waiver has heretofore been granted, and

(iii) A public hearing on these matters will be convened at the U.S. Environmental Portection Agency Regional Office (Region IX), Conference Room A, Second Floor, 100 California Street, San Francisco, California, on May 16–20, 1977, commencing at 10:00 a.m. Benjamin R. Jackson, Director, Mobile Source Enforcement Division, EPA, is designated as the Presiding Officer for this hearing.

The agenda for the public hearing will be as follows:

Monday (May 16, 1977)—Compliance and inspection testing of 1977 and subsequent model year motor vehicles except 1977 and 1978 model year gasoline-powered passenger cars and light duty trucks; assembly line test procedures for 1978 model year diesel-powered light duty trucks, and medium duty vehicles; reconsideration of October 1, 1976, waiver.

Tuesday (May 17, 1977)—Evaporative emission standard and test procedures (SHED test) for 1980 and subsequent model year gasoline-powered motor vehicles except motorcycles, and also, amendments to the SHED test procedures for 1978 and subsequent model year gasoline-powered motor vehicles except motorcycles.

Wednesday (May 18, 1977)—Exhaust emission standards and test procedures for 1979 and subsequent model year passenger cars, light duty trucks and medium duty vehicles; certification test procedures applicable to 1980 and subsequent model year passenger cars, light duty trucks and medium duty vehicles imposing a restriction on allowable maintenance.

Thursday (May 19, 1977)—General waiver.

Any person desiring to make a statement at the hearing or to submit material for the record of the hearing should file a notice of such intention and ten copies of his or her proposed statement (and other relevant material) by May 1, 1977, with the Director, Mobile Source Enforcement Division (EN–340), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. In addition, fifteen copies of such statement or material for the record of the hearing should be submitted to the Presiding Officer at the time of the public hearing. Participants are also urged to supply additional copies of any written material for distribution to interested members of the audience.

The pertinent California standards and test procedures can be found in:

(i) Sections 2100 et seq., Title 13, California Administrative Code,

(ii) Sections 1955.1, 1955.5, 1959, Title 13, California Administrative Code, and "California Exhaust Emission Standards and Test Procedures for 1975 through 1979 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted February 19, 1975, last amended November 23, 1976,

(iii) Section 1960, Title 13, California Administrative Code, and "California Exhaust Emissions Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted November 23, 1976, as amended December 14, 1976,

(iv) Section 1976(b), Title 13, California Administrative Code, and "California Evaporative Emission Standards and test procedures for 1978 and Subsequent Model Gasoline-Powered Motor Vehicles except Motorcycles," adopted April 16, 1975, last amended November 23, 1976,

(v) Section 2056, Title 13, California Administrative Code, and "California Assembly-Line Test Procedures for 1978 Model-Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," adopted January 25, 1977, and

(vi) Section 1958, Title 13, California Administrative Code, and "California Exhaust Emission Standards and Test Procedures for 1978 and Subsequent Production Motorcycles," adopted July 15, 1975, as amended February 20, 1976.

In addition, in considering whether to grant California a general waiver from the prohibitions of section 209(a), the pertinent California standards and test procedures can be found in Title 13 of the California Administrative Code.

A copy of the above-described material is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the California standards and test procedures are available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, California 95812.

Procedures. Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's proposed action, there are no adversary parties as such. Statements by the participants will not be made under oath and the participants will not be subject to cross-examination.

Presentation by the participants should be limited to the following considerations:

(i) Whether the California standards (including test procedures) mentioned above are more stringent than applicable Federal standards,

(ii) Whether compelling and extraordinary conditions continue to exist in California, and

(iii) Whether such standards and accompanying enforcement procedures are consistent with section 202(a) of the Act, in particular with respect to their technological feasibility in the lead time remaining.

In addition, participants will be able to present their views on the question of granting California a general waiver of Federal preemption.

In order to assure full opportunity for the presentation of data, views, and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments, or other pertinent information to be included as part of the record of the hearing.

A verbatim record of the proceeding will be made and a copy of the transcript will be made available on request at the expense of the person so requesting.

The determination of the Administrator regarding the action to be taken with respect to the waiver of the prohibition of section 209(a) for the State of California is not required to be made solely on the record of the public hearing. Other scientific, engineering, and related pertinent information, not presented at the public hearing may also be considered. This information will be available for public inspection prior to the Administrator's determination on this matter.

Dated: April 7, 1977.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

[FR Doc.77–10854 Filed 4–12–77;8:45 am]

[FRL 713–2; PFT22]

FOOD ADDITIVE PETITION

Filing

FMC Corporation, Agricultural Chemical Division, 100 Niagara St., Middleport, N.Y. 14105, has submitted a petition (FAP 7H5159) to the Environmental Protection Agency (EPA) which proposes to amend 21 CFR 561 and 193 by establishing food additive regulations permitting the use of the insecticide (3-phenoxyphenyl) methyl 3-(2,2-dichloroethenyl) - 2,2-dimethylcyclopropanecarboxylate in a proposed experimental program involving application of the insecticide to growing tomatoes and soybeans with a tolerance limitation of 80 parts per million in dehydrated tomato pomace and 1 part per million in soybean oil for residues of the combined *cis* and *trans* isomers of the insecticide.

Notice of this submission is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments should

be submitted as soon as possible and should bear a notation indicating the petition number "FAP 7H5159." Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Director, Registration Division.

[FR Doc.77-10880 Filed 4-12-77;8:45 am]

[FRL 713-3; OPP-50287]

MOBILE CHEMICAL CO. AND MOBAY CHEMICAL CO.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 2224-EUP-8. Mobile Chemical Company, Richmond, Virginia 23261. This experimental use permit allows the use of 1,340 pounds of the insecticide ethoprop on sugarcane to evaluate control of nematodes. A total of 335 acres is involved; the program is authorized only in the State of Florida and Puerto Rico. The experimental use permit is effective from March 11, 1977, to March 11, 1978. A permanent tolerance for residues of the active ingredient in or on sugarcane, sugarcane fodder and forage has been established (40 CFR 180.262).

No. 2224-EUP-15. Mobile Chemical Company, Richmond, Virginia 23261. This experimental use permit allows the use of 264 pounds of the insecticide ethoprop on tobacco to evaluate control of nematodes, flea beetles, and wireworms. A total of 22 acres is involved; the program is authorized only in the States of Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. The experimental use permit is effective from March 11, 1977, to March 11, 1978.

No. 3125-EUP-133. Chemagro Agricultural Division, Mobay Chemical Company, Kansas City, Missouri 64120. This experimental use permit allows the use of 4,000 pounds of the herbicide 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin 5(4H)-one on soybeans to evaluate control of grasses and broadleaf weeds. A total of 8,000 acres is involved; the program is authorized only in the States of Alabama; Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, and Wisconsin. The experimental use permit is effective from March 11, 1977, to March 11, 1978. A permanent tolerance for residues of the active ingredient in or on soybeans has been established (40 CFR 180.332).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-10856 Filed 4-12-77;8:45 am]

[FRL 713-5; OPP-50289]

MONSANTO AGRICULTURAL PRODUCTS CO. ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 524-EUP-33. Monsanto Agricultural Products Company, St. Louis, Missouri 63166. This experimental use permit allows the use of 800 pounds of the herbicide alachlor on potatoes to evaluate control of annual grasses and broadleaf weeds, when used through center pivot irrigation systems. A total of 200 acres is involved; the program is authorized only in the States of Colorado, Idaho, Oregon, Washington, Wisconsin, and Wyoming. The experimental use permit is effective from March 21, 1977, to March 21, 1978. A permanent tolerance for residues of the active ingredient in or on potatoes has been established (40 CFR 180.249).

No. 677-EUP-10. Diamond Shamrock Corporation, Cleveland, Ohio 44114. This experimental use permit allows the use of 190 pounds of the insecticide thiofanox on cotton and potatoes to evaluate control of aphids, thrips, mites, fleahoppers, leafminers, and boll weevils. A total of 90 acres is involved; the program is authorized only in the States of Alabama, Arizona, California, Georgia, Idaho, Indiana, Louisiana, Maine, Michigan, Minnesota, Mississippi, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from March 17, 1977, to March 17, 1978. All treated crops will be destroyed or used for research purposes only.

No. 1016-EUP-34. Union Carbide Corporation, Washington, D.C. 20006. This experimental use permit allows the use of 150 pounds of the insecticide-nematocide aldicarb on oranges to evaluate control of thrips, aphids, whiteflies, mites, scales, and nematodes. A total of 20.4 acres is involved; the program is authorized only in the States of Arizona, California, Florida, and Texas. The experimental use permit is effective from February 25, 1977, to February 25, 1978. Permanent tolerances for residues of the active ingredient in or on oranges and dried citrus pulp have been established (40 CFR 180.269 and 21 CFR 561.30, respectively).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-10858 Filed 4-12-77;8:45 am]

PESTICIDE PROGRAMS

[FRL-7; PP6G1731 & 6G1732/T101]

Extension of a Temporary Tolerance Gibberellic Acid and N-[Phenylmethyl[-1H-Purin-6-Amine

On May 6, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 18708) that in response to pesticide petitions (PP6G1731 and 6G1732) submitted to the Agency by Abbott Laboratories, Agricultural and Veterinary Products Div., North Chicago, IL 60064, a temporary tolerance was established for residues of the plant regulators gibberellic acid and *N*-(phenylmethyl)-1*H*-purin-6-amine in or on the raw agricultural commodity apples at 0.15 part per million (ppm). This temporary tolerance expires April 1, 1977.

Abbott Laboratories has requested a one-year extension of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of an experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (89 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that an extension of the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Abbott Laboratories must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 1, 1978. Residues not in excess of 0.15 ppm remaining in or on apples after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: April 5, 1977.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-10881 Filed 4-12-77;8:45 am]

[FRL 713-1; PF67]

PESTICIDE PROGRAMS

Filing of Food Additive Petition

Interregional Project 4 (IR-4), PO Box 231, New Brunswick NJ 08903, on behalf of the States Oregon and Washington has submitted a petition (FAP 7H5161) to the Environmental Protection Agency (EPA) which proposes that 21 CFR 193 be amended by establishing a regulation permitting the use of the insecticide m-[[(dimethylamino) methylenelamino]-phenyl methylcarbamate hydrochloride on the growing crop hops with a tolerance limitation of 150 parts per million for residues in or on dry hops.

Notice of this submission is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 7H5161". Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-10879 Filed 4-12-77;8:45 am]

[FRL 712-8; OPP-33000/498 and 499]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data to be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 940-140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington, D.C. 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/755-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed by June 13, 1977. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made by May 13, 1977.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/498)

EPA Reg. No. 42-16, West Chemical Products, Inc., Long Island City NY 11101. BUG-A-BYE. Active Ingredients: Petroleum Distillates 14.00%; Piperonyl Butoxide, Technical 0.50%; Pyrethrins 0.40%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 201-274. Shell Chemical Co., A Div. of Shell Oil Co., Agricultural Chemicals, San Ramon CA 94583. BIDRIN 8 WATER MISCIBLE. Active Ingredients: Dimethyl phosphate of 3-hydroxy N,N-dimethyl-cis-crotonamide 82%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional uses. PM16

EPA File Symbol 275–GE. Chemical and Agricultural Products Div., Abbott Laboratories, 14th St. & Sheridan Rd., North Chicago IL 60064. PROMALIN PLANT GROWTH REGULATOR. Active Ingredients: N-[phenylmethl]-IH-purine-6-amine 1.8%; Gibberellins A,A, 1.8%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA Reg. No. 275–18. Agricultural and Veterinary Products Div., Abbott Laboratories. DIPEL WORM KILLER. Active Ingredients: Bacillus thuringiensis. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Amendment with data. PM17

EPA Reg. No. 352–354. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., Wilmington DE 19898. BENLATE BENOMYL FUNGICIDE TOMATOES. Active Ingredients: Benomyl [Methyl 1-(butylcarbamoyl)-2-benzimidazole carbamate] 50%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM22

EPA Reg. No. 352–357. E. I. Du Pont De Nemours & Co., Inc. TERSAN 1991 TURF FUNGICIDE. Active Ingredients: Benomyl [Methyl 1-(butylcarbamoyl)-2-benzimidezolecarbamate] 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 352–GIE. E. I. Du Pont De Nemours & Co., Inc., Legal Dept. D7045. LEXONE 4L METRIBUZIN WEED KILLER. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl) - 3 - (methylthio) - 1,2,4 - triazin-5 (4H)-one 42.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 352–GIU. E. I. Du Pont De Nemours & Co., Inc., Legal Dept. D7045, Biochemicals Dept., Wilmington DE 19898. METHOMYL INSECTICIDE WATER MISCIBLE LIQUID. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 29%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 400–89. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Bethany CT 06525. OMITE–6E. Active Ingredients: Propargite 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite 68.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM13

EPA Reg. No. 400–104. Uniroyal Chemical. COMITE. Active Ingredients: Propargite 2-(p-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM13

EPA Reg. No. 432–432. Div. of CPC International, Inc., 100 Church St., New York NY 10007. SBP–1382 AEROSOL INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.440%; Related Compounds 0.060%; Aromatic petroleum hydrocarbons 1.000%; Petroleum distillate 18.480%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added data. PM17

EPA Reg. No. 432–452. S. B. Penick & Co., 1050 Wall St. West, Lyndhurst NJ 07071 USA. YOUR BRAND SBP–1382 AQUEOUS PRESSURIZED SPRAY INSECTICIDE 0.25 FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3 - (2 - methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added data. PM17

EPA Reg. No. 432–454. S. B. Penick & Co. YOUR BRAND SBP–1382 AQUEOUS PRESSURIZED SPRAY INSECTICIDE 0.35 FOR HOUSE AND GARDEN. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2 - methylpropenyl) cyclopropanecarboxylate 0.350%; Related compounds 0.048%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 432–493. S. B. Penick & Co., YOUR BRAND SBP–1382 YARD AND PATIO FOGGER OUTDOOR FOGGER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA Reg. No. 432–517. S. B. Penick & Co., 1050 Wall St. West, Lynchhurst NJ 07071 USA. YOUR BRAND SBP–1382 0.35% SPACE AND RESIDUAL AQUEOUS PRESSURIZED SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.35%; Related compounds 0.04%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 476–ERIE. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. TILLAM/DEVRINOL 4:1E. Active Ingredients: *S*-propyl butylethylthiocarbamate 43.9%; 2-alphanaphthoxy)-N,N-diethylpropionamide 11.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 557–ROET. Swift Agricultural Chemicals Corp., 111 W. Jackson Blvd., Chicago IL 60604. VIGORO INDOOR INSECT SPRAY FOR CONTAINER PLANTS. Active Ingredients: Pyrethrins 0.01%; Petroleum distillate 0.04%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 618–II. Merck Chemical Div., Merck & Co., Inc., PO Box 2000, Rahway NJ 07065. ARBOTECT 20–S. Active Ingredients: 2-(4-thiazolyl) benzimidazole hypophosphite 26.6% (equivalent to 20% 2-(4-thiazolyl) benzimidazole). Method of Support: Application proceeds under 2(b) of interim policy. PM21.

EPA File Symbol 618–10. Merck Chemical Div. ARBOTECT S. Active Ingredients: 2-(4-thiazolyl) benzimidazole - hypophosphite 1.3% (equivalent to 1% 2-(4-thiazolyl) benzimidazole). Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA File Symbol 40185–R. Florida Dept. of Agricultural and Consumer Services, Mayo Bldg., Tallahassee FL 32304. HEPTACHLOR 5–G GRANULAR INSECTICIDE. Active Ingrients: Heptachlor 5.00% (Heptachlorotetrahydro-4,7-methanoindene); Related compounds 1.94%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

APPLICATIONS RECEIVED (OPP–3300/499)

EPA File Symbol 1043–TN. Vestal Laboratories Div., Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. 1-STROKE VES-PHENE-L. Active Ingredients: Sodium o-phenylphenate 13.6%; Sodium o-benzyl-p-chlorophenate 9.3%; Tetrasodium ethylenediamine tetraacetate 1.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1043–TR. Vestal Laboratories Div. VESPHENE-L. Active Ingredients: Sodium o-phenylphenate 5.3%; Sodium o-benzyl-p-chlorophenate 3.6%; Tetrasodium ethylenediamine tetraacetate 0.4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1043–TE. Vestal Laboratories Div. VESTAL 8–L. Active Ingredients: Sodium o-phenylphenate 6.8%; Sodium o-benzyl-p-chlorophenate 4.6%; Tetrasodium ethylenediamine tetraacetate 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1043–TG. Vestal Laboratories Div. VESTAL 1 STROKE ENVIRON L. Active Ingredients: Sodium o-phenylphenate 13.6%; Sodium o-benzyl-p-chorophenate 9.3%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1043–TU. Vestal Laboratories Div. VESTAL ENVIRON L. Active Ingredients: Sodium o-phenylphenate 5.3%; Sodium o-benzyl-p-chlorophenate 3.6%; Tetrasodium ethylenediamine tetraacetate 0.4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1043–TL. Vestal Laboratories Div. VESTAL 89–L. Active Ingredients: Sodium o-phenylphenate 5.3%; Sodium o-benzyl-p-chlorophenate 3.6%; Tetrasodium ethylenediamine tetraacetate 0.4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 1471–RNI. Elanco Products Co., A Div. of Eli Lilly and Co., PO Box 1750, Indianapolis IN 46206, USA. OXICIDIN. Active Ingredients: 3,7-dichlorophenlodoxin-5-ium bisulfate 99.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 1471–RNO. Elanco Products Co. SPIKE 20P. Active Ingredients: tebuthiuron: N-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-N,N'-dimethylurea 20.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 2224–LG. Mobil Chemical, PO Box 26683, Richmond VA 23261. MODOWN HERBICIDE 4 FLOWABLE. Active Ingredients: Bifenox 44%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 2596–62. Hartz Mountain Corp., Harrison NJ 07029 and St. Thomas Ontario N5P. HARTZ 2 in 1 TICK & FLEA COLLAR FOR DOGS. Active Ingredients: 2-Chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 13.7%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use. PM15

EPA Reg. No. 2596–63. Hartz Mountain Corp. HARTZ 2 in 1 TICK & FLEA COLLAR FOR CATS. Active Ingredients: 2-Chloro-1-(2,4,5,-trichlorophenyl) vinyl dimethyl phosphate 13.7%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use. PM15

EPA Reg. No. 3125–146. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. BAYGON 70% WETTABLE POWDER. Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 12.8%; Xylene 33.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement. PM12

EPA Reg. No. 3125–288. Chemagro Agricultural Div. MESUROL 75% WETTABLE POWDER INSECTICIDE—BIRD REPELLENT. Active Ingredients: 3,5-Dimethyl-4-(methylthio) phenol methylcarbamate 75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New use pattern. PM12

EPA Reg. No. 3238-24. Agrico W Chemical Co., Crop Protection Chemicals Div., PO Box 3451, Tulsa OK 74101. FUNGI-SPERSE II. Active Ingredients: Sulphur 48.2%; Basic Copper Sulfate 8.0% (copper as Metallic 4.25%). Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 4313-41. Carroll Co., 2900 W. Kingsley Rd., Garland TX 75041. PINE II PINE ODOR DISINFECTANT. Active Ingredients: Pine Oil 6.40%; Coconut Soap 5.32%; Isopropanol 4.80%; Potassium o-benzyl-p-chlorophenate 2.40%; Tetrasodium ethylenedimine tetraacetate 0.40%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 4581-173. Agchem Div.-Pennwalt Corp., PO Box "C", King of Prussia PA 19406. HYDROTHOL 47 FOR ALGAE CONTROL. Active Ingredients: Di (N,N-dimethylalkylamine) salt of Endothall 66.7%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA Reg. No. 4581-174. Agchem Div.-Pennwalt Corp. HYDROTHOL 191. Active Ingredients: Mono (N,N-dimethylalkylamine) salt of Endothall 53.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 4581-204. Agchem Div.-Pennwalt Corp. AQUATHOL "K". Active Ingredients: Dipotassium Salt of Endothall 40.3%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA Reg. No. 4581-223. Agchem Div.-Pennwalt Corp. HERBICIDE 273. Active Ingredients: Dipotassium Salt of Endothall 40.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 5009-GR. Tretolite Div., Petrolite Corp., 369 Marshall Ave., St. Louis MO 63119. X-CIDE 502 INDUSTRIAL MICROBIOCIDE. Active Ingredients: Methylenebis(thiocyanate) 9.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 5204-46. M & T Chemicals, Inc., PO Box 1104, Rahway NJ 07065. BIOMET 650 GERMICIDAL DETERGENT CONCENTRATE. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 9.85%; n-alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 9.85%; tri-n-butyltin benzoate 2.90%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 5362-EE. Solventol Chemical Products, Inc., 13177 Huron River Dr., Romulus MI 48174. 703 DISINFECTANT-SANITIZER FUNGICIDE DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Isopropanol 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 6125-GU. Bixon Chemical Co., 50-19 97th Pl., Corona NY 11368. BOWL CLEANER II. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 17.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 6125-GT. Bixon Chemical Co. BOWL CLEANER III. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625% Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 6125-GI. Bixon Chemical Co. BOWL CLEANER IV. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2 (b) of interim policy. PM31

EPA File Symbol 7173-RTL. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. ROZOL BAITS. Active Ingredients: 2-[(p-chlorophenyl) phenylacetyl]-1,3-indandione 0.005%. Method of Support: Application proceeds under 2(a) of interim policy. PM11

EPA Reg. No. 7969-45. BASF Wyandotte Corp., 100 Chery Hill Rd., Parsippany NJ 07054. BASAGRAN. Active Ingredients: Sodium salt of bentazon 42.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Significant new use. PM25

EPA Reg. No. 9115-7. Sun-Ray Chemical Co., Industrial Maintenance Products Div., 119 W. Jackson, Phoenix AZ 85003. H-T-X DISINFECTANT-CLEANER. Active Ingredients: n-alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.00%; Tetrasodium Ethylenediamine Tetraacetate (EDTA) 0.16%; Essential Oils 0.38%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 4581-GEE. Agchem Div., Pennwalt Corp., PO Box C, 900 First Ave., King of Prussia PA 19406. TOPSIN-M THIOPHANATE-METHYL FUNGICIDE. Active Ingredients: Thiophanate-methyl (dimethyl[(1,2-phenylene) bis (iminocarbonothioyl)]bis(carbamate]) 70%. Method of Support: Application proceeds under 2 (b) of interim policy. PM21

[FR Doc.77-10882 Filed 4-12-77;8:45 am]

[FRL 713-8; OPP-42042A]

STATE OF OHIO

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan to the Environmental Protection Agency (EPA) for its certification program. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On February 15, 1977, notice was published in the FEDERAL REGISTER (42 FR 9204) of the intent of the Regional Administrator, EPA Region V, to approve the Ohio State Plan for the Certification of Commercial and Private Applicators of Restricted Use Pesticides (Ohio State Plan).

Complete copies of the Ohio State Plan were made available for public inspection at the following locations: Office of the Director, Ohio Department of Agriculture, 65 S. Front Street, Columbus, Ohio; U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Pesticide Branch, Region V, Chicago, Illinois; and the U.S. Environmental Protection Agency, Technical Services Division, Federal Register Section, Office of Pesticide Programs, Washington, D.C.

Written comments were received only from the National Canners Association. These comments were carefully reviewed and evaluated by EPA and by the Ohio Department of Agriculture, which has been designated as the State lead agency responsible for implementing the Ohio State Plan.

The National Canners Association commented that, because pesticide applicator training is not mandated by the amended FIFRA, the proposed training budget of the Ohio Cooperative Extension Service should not be considered by EPA in its assessment of the adequacy of funding to support the pesticide applicator certification program. The State Plan identifies the Ohio Cooperative Extension Service as a primary cooperating agency, and as such, includes a training plan with an estimate of funds needed to carry out proposed training activities under the certification program. However, the Agency assessed the adequacy of funding needed to conduct the certification program based only upon funding data provided by the lead agency.

The Ohio Plan separates commercial applicators engaged in Agricultural Pest Control into several subcategories, including (a) Agronomic Pest Control, (b) Horticultural Pest Control, and (c) Agricultural Weed Control. The National Canners Association commented that the Agricultural Weed Control subcategory overlaps into the Agronomic and Horticultural Pest Control subcategories. The Ohio Plan clarifies this comment by defining Agricultural Weed Control as commercial applicators using or supervising the use of pesticides, other than fumigants, to control weeds in agronomic and horticultural corps. The Plan goes on to limit the Agronomic and Horticultural subcategories to application of pesticides, other than herbicides, on these crops.

Concern was raised over the State's intention to require a certification fee for pesticide applicators. Section 4 of the amended FIFRA establishes a coordinated State/Federal program for certifying applicators, with section 4(a)(1) making EPA responsible for prescribing applicator certification standards. Section 4(a)(2) provides that if a State, at any time, desires to certify applicators of pesticides, the Governor shall submit a State Plan for such purposes. Further, under Section 24 of FIFRA, the States are given a great deal of flexibility in developing their individual programs provided those programs meet the prescribed Federal standards. This comment pertains to regulatory requirements established under State Law and addresses an issue which is not germane to the acceptability of the Plan under Federal regulations. The Agency has forwarded the comment to the Ohio Department of Agriculture for consideration.

The Ohio State Plan will remain available for public inspection in the Office of the Director, Ohio Department of Agriculture, 65 S. Front Street, Columbus, Ohio 43215.

It has been determined that the Ohio State plan satisfies the requirements of section 4(a)(2) of the amended FIFRA and 40 CFR Part 171. Accordingly, the Ohio State Plan is approved.

EFFECTIVE DATE: Pursuant to section 4(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the approval granted herein to the Ohio State Plan shall be effective upon signature of this notice. Neither the Ohio State Plan itself nor this Agency's approval of the Plan creates any direct or immediate obligation on pesticide applicators or other persons in the State of Ohio. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this approval, are inconsistent with the public interest. Accordingly, this approval shall become effective immediately.

Dated: March 31, 1977.

GEORGE R. ALEXANDER, Jr.,
Regional Administrator,
Region V.

[FR Doc.77-10878 Filed 4-12-77;8:45 am]

[FRL 713-6]

SUBMITTAL OF SIP REVISIONS

Schedules for Submittal of Revisions to Louisiana Implementation Plan for Photochemical Oxidants and Particulate Matter

On July 16, 1976 (41 FR 29481), the Regional Administrator called for revisions to Louisiana's State Implementation Plan (SIP) to correct deficiencies with respect to attainment and maintenance of the national primary and secondary standards for photochemical oxidants, and attainment and maintenance of the national secondary standards for particulate matter. The revision for photochemical oxidants concerned Louisiana's portion of the Southern Louisiana-Southeast Texas air quality control region (AQCR), and the revision for particulate matter concerned the Shreveport AQMA (Caddo, Bossier, and Webster Parishes).

PHOTOCHEMICAL OXIDANTS

The revision to the control strategy for photochemical oxidants was requested to be submitted by July 1, 1977. No date was established for submittal of a control strategy to provide for maintenance of the standards. A detailed schedule for submittal of an attainment control strategy has been negotiated with Louisiana. The time required for developing additional control regulations, submitting the regulations for public hearing, and getting approval by the Louisiana Air Control Commission (LACC) will not allow Louisiana to meet the originally requested date of July 1, 1977. The schedule below reflects the various dates by which the LACC will accomplish the tasks required for development and submittal of the control strategy revision for photochemical oxidants. The date of December 15, 1977, is considered the earliest reasonable date by which the revision can be submitted, and this date will supersed the July 1, 1977, date originally established.

OXIDANT REVISION SCHEDULE

1. Complete emission inventory.	May 31, 1977.
2. Complete control strategy.	June 30, 1977.
3. Select emission limits	July 31, 1977.
4. State approval of proposed regulations.	Aug. 31, 1977.
5. Public hearing	Oct. 31, 1977.
6. Final State adoption	Nov. 30, 1977.
7. Submit to EPA	Dec. 15, 1977.

PARTICULATE MATTER

In the notice of call for SIP revisions, the date for submitting a revision to the control strategy for particulate matter was deferred until an analysis for determining the extent of the problem could be completed. The analysis for the Shreveport AQMA has started and is expected to be completed by the end of May 1977. Knowing the completion date of the analysis made it possible to negotiate a schedule with Louisiana for submitting a revision to the particulate matter control strategy. December 15, 1977, is considered the earliest reasonable date by which the revision can be submitted.

PARTICULATE REVISION SCHEDULE

1. Complete emission inventory.	Mar. 15, 1977.
2. Complete control strategy.	May 31, 1977.
3. Select emission limits	July 31, 1977.
4. State approval of proposed regulations.	Aug. 31, 1977.
5. Public hearing	Oct. 31, 1977.
6. Final State adoption	Nov. 30, 1977.
7. Submit to EPA	Dec. 15, 1977.

This notice is not subject to rulemaking procedures. The need for the plan revisions was based upon a technical finding by the Regional Administrator that the control strategies for photochemical oxidants and particulate matter are inadequate and need to be revised. Authority for such action is provided in sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the control strategy revisions will be provided during the public hearing that the State is required to hold.

(Sec. 110(a)(2)(H), Clean Air Act, sec. 110(c), Clean Air Act, as amended, (42 U.S.C. 1857c-5(c)).)

Dated: March 31, 1977.

JOHN C. WHITE,
Regional Administrator.

[FR Doc.77-10855 Filed 4-12-77;8:45 am]

[FRL 713-4; OPP-50288]

UPJOHN CO. ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 1023-EUP-39. The Upjohn Company, Kalamazoo, Michigan 49001. This experimental use permit allows the use of 277 pounds of the herbicide diphenamid on cotton, okra, peanuts, peppers, potatoes, soybeans, sweet potatoes, strawberries, tomatoes, blackberries, raspberries, fruit trees, and ornamentals to evaluate control of annual grasses and broadleaf weeds. A total of 60 acres is involved; the program is authorized only in the States of California, Florida, Georgia, Kentucky, Indiana, Illinois, Alabama, Ohio, North Carolina, Virginia, and Wisconsin. The experimental use permit is effective from March 11, 1977, to March 11, 1978. Permanent tolerances for residues of the active ingredient in or on cotton, okra, peanuts, peppers, potatoes, soybeans, sweet potatoes, strawberries, and tomatoes have been established (40 CFR 180.230). All treated blackberries, raspberries, and fruit trees will be non-bearing.

No. 476-EUP-87. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 472.5 pounds of the herbicide S-propyl dipropylthiocarbamate and 270 pounds of the herbicide N-butyl-N-ethyl-a,a,a-trifluoro-2,6-dinitro-p-toluidine on peanuts when applied through a center pivot irrigation system to evaluate control of various grasses and broadleaf weeds. A total of 200 acres is involved; the program is authorized only in the States of Alabama, Florida, and Georgia. The experimental use permit is effective from March 11, 1977, to March 11, 1978. Permanent tolerances for residues of the active ingredients in or on peanuts have been established (40 CFR 180.240 and 40 CFR 180.208).

No. 201-EUP-53. Shell Chemical Company, Washington, D.C. 20036. This experimental use permit allows the use of 10,000 pounds of the herbicide 2-[[4-Chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropionitrile on soybeans to evaluate control of broadleaf weeds. A total of 9,350 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Iowa, Illinois, Louisiana, Mississippi, Missouri, Minnesota, and Tennessee. The experimental use permit is effective from March 14, 1977, to March 14, 1978. A temporary tolerance for residues of the atcive ingredient in or on soybeans has been established.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registeration 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 visting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 5, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-10857 Filed 4-12-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21175, et al; File Nos. 2273-CM-P-73, et al]

AMERICAN TELEVISION AND COMMUNICATIONS CORP. ET AL.

Applications for Construction Permits

Adopted: March 7, 1977.

Released: March 31, 1977.

In re Applications of American Television & Communications Corporation and Eastern Shore Communications Corporation and Texas Microwave, Inc. and Shreveport Signal Company for construction permits in the multipoint distribution service for a new station at Shreveport, Louisiana; Docket No. 21175, File No. 2273-CM-P-73; Docket No. 21176, File No. 3899-CM-P-73; Docket No. 21177, File No. 4053-CM-P-73; Docket No. 21178, File No. 4173-CM-P-73.

1. The Commission has before it the above-referenced applications of American Television & Communications Corporation (ATC), filed on September 28, 1972; Eastern Shore Communications Corporation (Eastern Shore), filed on November 27, 1972; Texas Microwave, Inc. (TM), filed on November 30, 1972; and Shreveport Signal Company (SSS), filed on December 8, 1972. All four applications propose Channel 1 operation in the Shreveport, Louisiana area, and thus are mutually exclusive and require comparative consideration. All four applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. ATC, which holds licenses in point-to-point, DPLMRS, CATV and CARS services, has fifteen MDS construction permit applications pending and has been granted permits for four cities, including Savannah, Georgia. Eastern Shore is a wholly-owned subsidiary of United Cable Television Corporation (United Cable) and is transferee of certain MDS interests held by United Video, Inc. (Video) prior to the transfer of Video from United Cable to Lawrence Flinn, Jr. and the concomitant transfer of part of Video's MDS interests in Atlanta, Georgia to Robert Weisberg, all of which were authorized by the Commission in 1976. Eastern Shore also has construction permit applications pending for Oklahoma City and Tulsa, Oklahoma; Lansing, Michigan; Chattanooga, Tennessee; and Boise, Idaho. TM has five MDS construction permits, all in Texas, and has applications pending for Little Rock, Arkansas; Springfield, Illinois; and Newark, Ohio. Its parent corporation, Communications Properties, Inc., has a broad range of interests in CATV, common carrier, broadcast and CARS operations throughout the country. SSC has only this application pending, though its principal, Louis H. Pfau, has interests in various other MDS applications, including those for Little Rock, Arkansas; Knoxville, Tennessee; and Tallahassee, Florida.

3. Upon review of the captioned applications, we find that the four applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, *it is hereby ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Shreveport, Louisiana area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered*, That American Television and Communications Corporation, Eastern Shore Communications Corporation, Texas Microwave, Inc., Shreveport Signal Company, and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

6. *It is further ordered*, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-10817 Filed 4-12-77;8:45 am]

[Docket No. 19154; FCC 77-204]

BROADCAST RENEWAL APPLICANT

Comparative Hearing Process; Policies

Adopted: March 9, 1977;

Released: April 7, 1977.

By the Commission: Commissioners Hooks and Fogarty issuing a separate statement; Commissioner Quello concurring and issuing a statement.

1. The Commission has before it for consideration its Notice of Inquiry, 27 FCC 2d 580 (1971), Further Notice of Inquiry, 31 FCC 2d 443 (1971), Second Further Notice of Inquiry, 43 FCC 2d 367 (1973), and Third Further Notice of Inquiry, 43 FCC 2d 822 (1973), dealing with the criteria to be used during a comparative proceeding in which a renewal applicant is challenged by one or more new applicants for the same facility.[1] (See 39 FR 1516, January 10, 1974.)

2. One of our primary responsibilities is to choose from among such qualified applicants. This decision is extremely difficult, involving a number of factors of comparison and requiring a costly and time-consuming evidentiary hearing, which often extends beyond the license term sought by the competing applicants. In this proceeding we have explored whether we could simplify the decision-making process by substituting simple quantitative standards for our present ad hoc examination of an incumbent licensee's past program performance.

3. To better understand the matters at issue in this proceeding, it is necessary to explore some of the underlying concerns and events that prompted its institution. Under the statutory scheme devised by the Congress, broadcast station licenses are granted upon stated terms for a fixed period of time, with renewal being permitted upon written application therefor. The issuance of a license, however, confers no proprietary interest therein to the license holder; "no such license shall be construed to create any right, beyond the terms conditions, and periods of the license." [2] Consequently, the Commission is called upon to review, at regular intervals, the licensee's overall performance during the preceding license term and to determine whether the public interest, convenience, and necessity would be served by a renewal of the authorization. Congress has also provided for a competitive spur to existing licensees by affording new parties an opportunity to apply for the facilities of the licensees. At the same time, it has been recognized that there are "legitimate renewal expectancies implicit in the structure of the Act" and that "meritorious stations * * * should [not] be deprived of broadcasting privileges when once granted to them * * * unless clear and sound reasons of public policy demand such action." *Greater Boston Television Corporation* v. *F.C.C.*, 143 U.S. App. D.C. 383, 396, 444 F. 2d 841, 854 (1970); and *Chicago Federation of Labor* v. *F.R.C.*, 59 App. D.C. 333, 334, 41 F. 2d 422, 423 (1930).[3] These latter

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[1] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975).

[1] We also have before us the testimony and comments of the numerous parties who have participated in this proceeding. A list of those parties is attached as appendix A.

[2] Section 301, Communications Act of 1934, as amended, 47 U.S.C. 301. See also 47 U.S.C. 304, 309(h).

[3] See also *Journal Company* v. *F.R.C.*, 60 App. D.C. 92, 94, 48 F. 2d 461, 463 (1931); *Evangelical Lutheran Synod* v. *F.C.C.*, 70 App. D.C. 270, 273, 105 F. 2d 793, 796 (1939); and *WOKO, Inc.*, v. *F.C.C.*, 80 U.S. App. D.C. 333, 342, 153 F. 2d 623, 632, reversed on other grounds, 329 U.S. 223 (1946).

concerns spring from the substantial financial and other investments necessary to render meritorious broadcast service to the public. To reward these efforts with a denial of renewal would not encourage the continuation of such worthwhile service. Rather, it would be an inducement to the opportunist to disregard the nature of the service to be rendered to the public and to set as his paramount goal the short-term maximization of his profit. Such a turn of events would ill-serve the public interest.

4. In an attempt to reconcile these essential elements of the public interest, namely, the maintenance of the competitive spur and the preservation of predictability and stability of broadcast operation, the Commission adopted the following policy: If a renewal applicant shows in a hearing with a competing applicant that its program service during the preceding license term has been substantially attuned to meeting the needs and interests of the public served by its station and that the operation of the station has not otherwise been characterized by serious deficiencies, the renewal applicant will be preferred over the newcomer and the application for renewal will be granted. See Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, 22 FCC 2d 424, reconsideration denied, 24 FCC 2d 383 (1970). Under this policy, consideration of the characteristics normally explored in a comparative hearing involving new applicants, i.e., diversification of the media of mass communications, and the integration of station ownership and management as well as other elements of the "best practicable service" objective,[4] would not be necessary where it was clear that the existing licensee's operation had solidly met the needs and interests of the station's service area and had not been characterized by serious deficiencies. At that point, the hearing was to terminate and an initial decision in favor of the renewal applicant was to ensue. The critical question was, therefore, a non-comparative one; whether the renewal applicant has in the last license term rendered a substantial service, a service solidly meeting the needs and interests of the public served by its station.[5]

5. The Commission was aware that the policy and standards which it had adopted lacked mathematical precision, and that the elements which would constitute substantial service would have to be developed in terms of the particular factual circumstances of hearing cases.[6] On February 23, 1971, however, the Commission instituted the present inquiry in an effort to explore the feasibility and appropriateness of quantifying a concept of substantial service by which the past performance of a licensee could be properly evaluated in the context of a comparative hearing. Notice of Inquiry, 27 FCC 2d 580. As a beginning point, the inquiry concerned television broadcasting only[7] and focused on two important areas, local programming and programming designed to contribute to an informed electorate, specifically news and public affairs programming. The following figures were proffered as representative of a substantial service (27 FCC 2d at 582):[8]

(i) With respect to local programming, a range of 10–15% of the broadcast effort (including 10–15% in the prime time period, 6–11 p.m., when the largest audience is available to watch).

(ii) The proposed figure for news is 8–10% for the network affiliate, 5% for the independent VHF station (including a figure of 8–10% and 5%, respectively, in the prime time period).

(iii) In the public affairs area, the tentative figure is 3–5% with, as stated, a 3% figure for the 6–11 p.m. time period.

Where a percentage range was proposed, it was stated that the applicable percentage would depend on the station's revenues and market size. As a general matter, it was also suggested that unprofitable stations be exempted from these tentative guidelines and so, independent UHF stations were excluded until such time as they became profitable. The high end of the range in each category was to apply to renewal applicants in the top 50 television markets with annual revenues over $5 million, whereas the low end would apply to stations which were located outside those markets and which had annual revenues totaling less than $1 million. An appropriate graduation within the suggested ranges was left to be established for intermediately situated stations.

6. The Notice of Inquiry further pointed out that the proposed program guidelines were only prima facie indicators of substantial service. They were not conceived to be automatically definitive, either for or against the renewal applicant. If the renewal applicant did not meet these program guidelines, it could still be argued in the comparative hearing that the overall service rendered was substantial notwithstanding the substandard quantitative performance in the local and informed electorate program areas. In the same vein, the satisfaction of these guidelines would not preclude an evidentiary showing that the station's past performance was not, in fact, substantial—that the station had not dealt with the issues of truly great public concern or had failed to serve equitably and in good faith the needs of significant groups within its service area. Finally, it was noted that the program guidelines, if adopted, would not be fixed or immutable. They would have to be revisited at appropriate intervals to determine, in light of experience and changing conditions, whether the selected figures should be revised, upwards or downwards.

7. On June 11, 1971, the United States Court of Appeals for the District of Columbia Circuit invalidated the Commission's 1970 *Policy Statement*, holding that the bifurcated hearing procedure adopted by the Commission contravened Section 309 of the Communications Act, as interpreted in *Ashbacker Radio Corp. v. F.C.C.*, 326 U.S. 327 (1945), by depriving the qualified new applicant of its right to a full hearing on the merits of its application. *Citizens Communications Center v. F.C.C.*, 145 U.S. App. D.C. 32, 447 F. 2d 1202. A policy providing that the qualifications of challengers—no matter how superior they may be—may not be considered unless the licensee's past performance is found not to have been substantially attuned to the needs and interests of the community was, in the Court's view, contrary to law. Accordingly, it was ordered that the Policy Statement's provisions not be applied to any present or future comparative renewal proceedings. While it acknowledged that "licensees should be judged primarily on their records of past performance," the Court suggested that superior, rather than substantial, performance should be the standard of evaluation in a comparative renewal situation and that all relevant factors, such as the diversification of ownership of mass media, independence from governmental influence in promoting First Amendment objectives, the elimination of excessive and loud advertising, the

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[4] See *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393, *reconsideration denied*, 1 FCC 2d 918 (1965).

[5] It was specifically noted that "there can be concern whether this policy will prevent a new applicant willing to provide a superior service from supplanting an existing licensee who has broadcast a substantial, but less impressive, service." However, as the Commission pointed out:

> * * * there are obvious risks in accepting promises over proven performance at a substantial level, and we see no way, other than the one we have taken, adequately to preserve the stability and predictability which are important aspects of the overall public interest. We believe that there will still be real incentives for those existing broadcasters willing to provide superior service to do so, since the higher the level of their operations, the less likely the new applicants will file against them at renewal time * * * Thus the public interest will be served by the continuing efforts of broadcasters to minimize the chances of the filing of competing applications. Policy Statement, supra, 22 FCC 2d at 429.

[6] "It is not possible to lay down any more precise standards," stated the Commission, "since so much will depend on the particular facts." Policy Statement, supra, 22 FCC 2d at 426.

[7] The Policy Statement was not so restrictive in scope. It included comparative hearings between licensees and new applicants for the same radio as well as television facilities in the same community. Where the new applicant sought the use of facilities in another community, however, the Policy Statement would not apply, for the essential comparison was not between the applicants. Rather, it concerned the characteristics of the communities and their respective needs for a broadcast station. In such cases, the principles of Section 307(b) of the Act would govern the hearing.

[8] The figures proposed for the selected program categories were based upon the Commission's judgment and experience as to what should constitute substantial service and upon a study of the composite week program information set forth in commercial television renewal applications for the years 1968–1970.

delivery of quality programs, and the extent to which the incumbent has reinvested the profit of its license to the service of the viewing and listening public,[9] should be considered in determining whether the renewal applicant had rendered a superior service entitling it to a "plus of major significance." At the same time, the Court stated (145 U.S. App. D.C. at 43, 447 F. 2d at 1212):

> * * * without impinging at all upon the Commission's substantive discretion in weighing factors and granting licenses, our holding today merely requires the Commission to adhere to the comparative hearing procedure which it has followed without fail since Ashbacker and which has rightly come to be accepted by observers as a part of the due process owed to all mutually exclusive applications.

8. In a Further Notice of Inquiry adopted on August 4, 1971, the Commission weighed the impact the *Citizens* case had upon the instant proceeding and concluded that the Court's decision reinforced, rather than obviated, the need to seek out and quantify, at least in part, a past performance entitling the renewal applicant to a "plus of major significance" in a comparative renewal situation. See 31 FCC 2d 443. While expressing some confusion as to the meaning ascribed by the Court to the term "superior,"[10] the Commission found that further attempts to redefine the differing characterizations applied to the renewal applicant's past performance were not necessary. "What rather counts," stated the Commission, "are the guidelines actually adopted to indicate the 'plus of major significance', the type of service which, if achieved, is of such nature that one can '* * * reasonably expect renewal' * * *." 31 FCC 2d at 444. Thus, the Commission invited interested parties to address themselves to the appropriateness in this respect of the percentage figures set forth in the prior Notice. Comments directed to the other proposals and to the factors suggested by the Court in the *Citizens* case were also encouraged. In the latter regard, the Commission acknowledged that while a general guideline directed to the relationship between revenues and program expenditures had earlier been considered, it was tentatively concluded that the matter should be left to exploration, as appropriate, in the hearing process. In the same vein, the Commission expressed its disbelief that a general standard could be formulated with respect to the diversification of control of the media of mass communications. That important factor, reasoned the Commission, "is one which much be evaluated on the facts of each case." 31 FCC 2d at 445.

9. Second and Third Further Notices of Inquiry in this proceeding were issued by the Commission on October 9, 1973, and November 30, 1973, respectively. See 43 FCC 2d 367 and 43 FCC 2d 822. In the second Further Notice, the Commission noted that the parties who had previously participated in the inquiry had basically addressed themselves to the limited question of whether any quantitative standards should be established to define substantial service. To establish a more complete record, the Commission requested interested parties to comment on the pragmatic problems arising from the implementation of definitive guidelines in this area. Some problems specifically noted by the Commission were the categories of programming selected, the precise definitions of those categories, the relaitve merit of exact percentages or percentage ranges to reflect substantial service, and the applicability of the suggested standards to various groups of stations. In conjunction with this Notice, a special questionnaire was issued to all commercial television licensees in order to elicit current data on the program categories selected for the proposed percentage guidelines.[11] The tabulations, based on these questionnaires, were set forth in the Third Further Notice.

Comments. 10. Apart from the generally accepted belief that past programming performance is the best evidence of how a station has and will serve its community, the formal commentary received in response to our Notices and the remarks of the parties who participated in the oral argument before the Commission on May 4 and 5, 1972, do not reflect a clear consensus of opinion on any of the matters explored in this inquiry. For example, there is marked disagreement for various reasons regarding the proposal to present local and informed electorate programming during the prime time hours of 6:00–11:00 p.m. Separate prime time standards are opposed by Station KFMB–TV, which argues that they would improperly interfere with the ability of licensees to adapt to local conditions. Storer Broadcasting Company and the firm of Haley, Bader and Potts principally object to such standards on the ground that they would not serve their intended purpose. It cannot be validly assumed, argue these parties, that, regardless of content or quality, the scheduling of a program in prime time will result in achieving a greater audience, for experience has shown that programming which lacks strong popular entertainment value does not draw a large audience during prime time. It is also argued by renewal parties that certain programming, such as programs directed specifically to farmers, to women, or to some other particular population group, is not well-suited for prime time viewing and may be better received in the morning or early-afternoon rather than at night, when a more heterogenous audience is available. KMSO–TV, Inc. and Central Coast Broadcasters, Inc. maintain that the imposition of prime time program standards would destroy viewer preference for network programming in single station markets and deprive small market television stations of a vital source of revenue. Similarly, WUAB, Inc. contends that the required presentation of fixed amounts of news and public affairs programming in prime time would impede the efforts of independent UHF stations, which had begun to earn a profit, to counter-program with respect to network affiliate stations in the market. To compel independent UHF stations to directly compete against the news programs of the network affiliates or the highly popular network entertainment programs would, submits WUAB, disserve the public interest by eliminating diversity of programming and eroding whatever financial stability the independent UHF stations may have developed.

11. Black Efforts for Soul in Television, on the other hand, supports the proposal to present local and informed electorate programming during the prime time hours of 6:00–11:00 p.m. The suggested quantitative standards are necessary in each program category, argues BEST, to prevent such public interest programs from being relegated to "graveyard" hours where even the most interested viewer would have difficulty seeing them and where they would have only a minimal effect in informing the electorate. "Omitting a prime time standard," states the National Citizens Committee for Broadcasting, "would defeat one of the purposes of establishing programming guidelines: to ensure dissemination of information and local service to a substantial segment of the audience. * * *" NCCB further submits that the reality of viewer preference cannot be ignored—prime time is the period when most people watch television, when the public needs will most need to be served. A somewhat middle ground approach is taken by several other parties. In recognition of the various time zones, the differing schedules of the three major networks, and the early evening and late nighttime television viewing patterns, Spanish International Communications Corporation would have the prime time hours begin at 5:00 p.m. rather than 6:00 p.m., McClatchy Newspapers would expand the prime time period to include the 11:00 to 11:30 p.m. time segment, and Westinghouse Broadcasting Company would allow stations to designate any continuous five-hour period beginning at either 5:30 p.m. to 6:00 p.m., local time, as their prime time viewing hours.

12. There is also a considerable divergence of opinion with respect to the percentages initially proposed by the Commission. Some parties suggest a single

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[9] Another relevant criterion subsequently advanced by the Court was the "integration of minority groups into station operation." *Citizens Communications Center* v. *F.C.C.*, 149 U.S. App. D.C. 419, 420, 463 F. 2d 822, 823 (1972).

[10] In response to the original petitioners' further request for relief, the Court on May 4, 1972, clarified its earlier opinion and indicated that the word "superior" had been used in its ordinary dictionary meaning, namely, "far above the average." *Citizens Communications Center* v. *F.C.C.*, *supra*, 149 U.S.C. App. D.C. at 420, 463 F. 2d at 823.

[11] Program information was requested for the days comprising the Commission's 1974 composite week. See note 7, supra.

overall percentage for all stations, regardless of the size of the market, revenues, or network affiliation; others urge a percentile range for different kinds of stations based on a station's overall strength as measured by the American Research Bureau's Day-Part Average Quarter Hourly Prime-Time Delivery figures;[12] and still others propose specific percentages keyed to various types of programming for different kinds of stations. KGUN–TV, meanwhile, urges that any programming guidelines that may be adopted should be expressed in terms of actual broadcast time devoted to the preferred program categories. With respect to the level of these percentages, Storer Broadcasting Company and others argue that the figures proposed by the Commission are unrealistically high, pointing out that only one per cent of the nation's television stations meet all four proposed guidelines, and 45 per cent do not meet any of the four guidelines.[13] On the other hand, Black Efforts for Soul in Television submits that the percentage levels proposed reflect the broadcasters' current median performance and should, therefore, be substantially revised upwards. The more current performance data which we acquired in response to the Second Further Notice of Inquiry (see paragraph 8, supra) has contributed little to resolving the parties' disagreement. For example, the National Citizens Committee for Broadcasting recommends the adoption of a standard which would be applied to the various station groupings suggested by the Commission at levels approximating their respective 20th percentiles as shown in the Third Further Notice. The National Association of Broadcasters disagrees, contending that the percentages chosen, if any, should approximate the 80th percentile for each group of stations. A number of parties believe that the percentages that may be chosen should approximately the median, whereas others disagree as to whether median percentages would be too high or too low.

13. A more fundamental concern is expressed by several parties who question the Commission's professed authority to establish quantitative standards in the manner suggested in the initial Notice. Metromedia, Inc. submits that the adoption and imposition of quantitative programming requirements would exceed the Commission's authority. It is argued that the quantitative guidelines proposed herein are, in fact, program controls or uniform nationwide program edicts, which all licensees would comply with in an effort to protect their licenses. Through the adoption of these quantitative proposals, the Commission would be prescribing programming percentages for future operation. Such activity by governmental agency, submits Metromedia, is countenanced neither by the Communications Act nor by judicial interpretations of that federal statute, specifically *Red Rion Broadcasting v. F.C.C.*, 395 U.S. 367 (1969), which did not bestow carte blanche program authority upon the Commission. Iowa State University of Science and Technology, the licensee of Station WOI–TV, Ames, Iowa, also has serious doubts concerning the Commission's statutory and constitutional authority to specify exactly how much and what kind of programming a renewal applicant must present if it is to be found to have rendered a substantial service to the public. According to WOI–TV, the prohibition against Commission censorship, which is set forth in Section 326 of the Act, means that the Commission may not substitute its own judgment for that of its licensees and compel the presentation of programs which the Commission, but not necessarily the licensee, deems to be in the public interest. WOI–TV further contends that the suggested quantitative program proposals not only substitute the decision of the Commission as to what and how much programming serves the interest of the public receiving its station's signal,[14] but also necessarily entail a prohibition against the presentation of other types of programming within the limited broadcast week. In the latter regard, the National Religious Broadcasters, Inc., whose views are endorsed by the National Association of Evangelicals, argues that to single out any program category is to insure that many licensees give primary attention to the preferred categories, thereby reducing or eliminating broadcast time for other, less favored program categories. For the Commission to exclude religious programming from the categories which would be considered in achieving prima facie evidence of substantial program performance would, in the NRB's view, have a "chilling" and constitutionally impermissible effect upon the freedoms guaranteed by the First Amendment. NRB submits that a program service that does not include religious programming can be in the public interest. It maintains, however, that whether to include or exclude religious programs from a station's program fare is an individual, independent judgment of the licensee, based upon its knowledge of the needs and interests of the public it serves. It should not be a decision effectively mandated by an unwise Commission action.

Discussions. 14. As noted above, a number of participants in this proceeding argue that the proposal for quantitative program standards would draw us outside the bounds for our authority. We disagree, though we appreciate the concerns they express. In our Notice of Inquiry we disclaimed any intention to dictate the content or format of particular programs, and emphasized that choosing local and informational programming is a matter for each licensee's judgment, after giving good faith attention to the problems, needs, and interests of its station's service area. We recognized possible disadvantages of a system of quantitative standards, but believed that they might foster the effectiveness of the 1970 Policy Statement and lend stability to a situation where uncertainty was escalating. Accordingly, we decided to explore the feasibility of quantifying a concept of substantial service which, if met by a renewal applicant, would normally call for renewal, and whether the public interest benefits flowing from such a corollary to the 1970 Policy Statement would warrant our intrusion into an area where we have always been reluctant to tread.

15. Our attention was originally focused on the effects of quantitative standards on comparative renewal hearings. However, many of the comments filed discuss the anticipated effects of such standards outside the hearing process. It has become entirely clear that, whatever use standards would have in hearings, they would also have a substantial effect generally. In fact, we believe that almost all licensees would adopt our standards of substantial performance as their own minimum standards. This would result in increased levels of local, news, and public affairs programming, since many stations now broadcast lesser amounts of these program types.

16. Some commenters, as indicated, applaud the expected increases in these "favored" program categories as an improvement in broadcasters' public service. However, many others maintain that mere quantitative increases are an illusory gain, and that the intrusion on licensee discretion inherent in the scheme argues against it. There is some merit in each view. It is apparent that the value of a program to the viewing public is dependent on many variables, including the resources committed to its production and its relation to audience needs and interests. Those stations that increased their support for local and informational programming might well upgrade their service. However, others—through choice or necessity—might only spread their resources thinner, and re-

[12] Consideration of such factors as staff size, climate and topography, expansiveness of service areas, and other ingredients of small market broadcast operations are also advocated by KMSO–TV, Inc. and the Rocky Mountain Broadcasters Association.

[13] According to Storer, the Commission's statement in the Notice of Inquiry that "in each of [the] categories, substantial numbers of broadcasters are meeting the proposed guidelines" was premised upon an averaging of the relevant stations' performance in each program category. See 27 FCC 2d at 581.

[14] To suggest the specific categories, the minimum amount of broadcast time to be allocated to each category, and the specific hours of the day during which these favored types of programs are to be carried in order to preserve the broadcaster's license from challenge is, in the opinion of the North Carolina Association of Broadcasters, a substantial intrusion into the specific program judgment of every affected television licensee, in contravention of the First Amendment and Section 326 of the Act. Similarly, Southern Broadcasting Company feels that there is no basis in law for the Commission's imposition of rigid standards of specified program percentages at designated times.

duce the quality and value of such programming. In short, increasing the amount of this programming would not necessarily improve the service a station provides its audience. In any event, we have no illusions that quantitative standards would be other than an encroachment on the broad discretion licensees now have to broadcast the programs they believe best serve their audiences. We do not believe such a result is justified unless there are clear and substantial benefits accompanying it. We therefore turn to consideration of the likely effects of quantitative standards on the comparative hearing process.

17. For several years we have aimed to streamline what we see as an unnecessarily burdensome hearing process. One apparent key to improvement was simplifying the imporant determination of whether an incumbent had provided a substantial program service. We therefore proposed quantitative standards as a means of lending concreteness to the otherwise imprecise concept of substantial service. We recognized, however, that a single standard could not equitably be applied to all stations, and consequently proposed a range of percentages for each program category, with the appropriate figure to be dependent on the factors described above.

18. Unfortunately, the very flexibility required for meaningful quantitative standards reintroduces much of the uncertainty we sought to avoid in the first place. Were they in effect, selecting the precise standards from the specified ranges would itself be a point of contention between competing applicants. Further, even once it were determined that a station's performance fell above or below the appropriate standards, the parties would indubitably dispute whether other factors overcame the prima facie showing of substantial or insubstantial service. Thus, quantitative standards do not appear to us to offer licensees, competing applicants, or the public any significantly greater certainty as to what level of preformance would constitute substantial service. In addition, of course, even a clear history of substantial service would not guarantee renewal, since any preference awarded for it cannot terminate the hearing in favor of the incumbent licensee.

19. Quantitative standards also suffer a defect suggested earlier, when we pointed out that meeting them established only a prima facie case of substantial service. We rely chiefly on program percentages and avoid judging program quality per se, but there are certain qualitative aspects we must consider. This was illustrated in an example we gave in the Notice of Inquiry: "An applicant could devote a most substantial percentage of his time to public affairs, * * * but with coverage solely of issues like canoe safety, rather than the issues that are truly of 'great public concern' in the area." We therefore look to the adequacy of an applicant's ascertainment of community problems, needs, and interests, and to his programming in response to them. While we afford a licensee great discretion in selecting his responsive programming, the adequacy of the programming effort is obviously the sum of both the amount and the nature of it. Since quantitative standards cannot take such important factors into account, they are inherently deficient.

Conclusions. 20. To summarize, we believe that the quantitative program standards under consideration here would have effects in two areas. First, they would artificially increase the time most television stations devote to local, news, and public affairs programming. Such general increases were not our purpose in this proceeding and would represent a restriction on licensees' program discretion, a result we would eschew in the absence of clear and substantial public interest benefits. Licensees must present a reasonable amount of local and informational programming to justify renewal, but we are not convinced that the government should impose on broadcasters a national standard of performance in place of independent programming decisions attuned to the particular needs of the communities served. Second, they would not produce any significant improvement in the quality or efficiency of our comparative renewal hearing process. On the contrary, they might well complicate the process further.

21. We set out to establish benchmarks of substantial program service which would warrant preferring an incumbent licensee to a challenger, thereby affording licensees a degree of certainty as to programming performance they would have to achieve to protect themselves against competing applicants. After hearing two days of testimony and considering hundreds of pages of comments on this subject, we conclude that quantitative standards would not do what we had hoped. They would not simplify the hearing process, and they could not offer a licensee any real assurance of renewal. They are a simplistic, superficial approach to a complex problem, and we will not adopt them.

22. While we have decided that quantitative program standards should not be adopted and that this protracted inquiry should be terminated, our efforts and the endeavors of those who participated herein have not been for naught. The evaluation of the commentary developed in this proceeding and the experience acquired since 1971 in considering individual comparative renewal cases and in reviewing the legislative proposals advanced in Congress have led this Commission to conclude that inadequacies of the mechanism for comparing the incumbent licensee and the new applicant are symptomatic of the defects inherent in the comparative renewal process itself. In November 1976 we therefore recommended to Congress the elimination of comparative renewal hearings, stating:

> Since the earliest broadcast legislation was considered, Congress has favored a competitive, privately run broadcast system operating free of government censorship of program content. On the other hand, we have rightfully viewed broadcasters as public trustees with obligations to serve the public interest and with no vested interest in their assigned frequencies. The optimal balance between these values would produce a renewal process that encourages licensee performance with a minimum of government intrusion into the broadcaster's programming discretion. The possibility of a comparative renewal challenge has been viewed as an incentive operating to spur the broadcaster toward the best possible public service performance.[170] In view of the fact that the comparative process has not and cannot operate effectively for this purpose[171] and since the subjectivity inherent in this process carries with it an ever present threat of undue government intrusion into broadcaster discretion, we believe that the comparative renewal process should be abolished. (Footnotes omitted.)[18]

23. Until such time as the Congress acts in this area, the Commission will continue to resolve these renewal proceedings in a manner consistent with the policies and practices set forth in prior comparative renewal cases. As reflected in those cases, our focus will initially be upon the program service rendered by the renewal applicant during the preceding license term. The incumbent licensee's past performance achieved under the pressures and demands of day-to-day operation in the community, affords the Commission the strongest and most reasonable basis on which to determine whether the public interest will be served by its renewal. Our past practice in this regard has been to examine all elements of the licensee's past performance that bear upon its service in the public interest. We agree with the Court in *McClatchy Broadcasting Co.* that "[w]here that interest lies is always a matter of judgment and must be determined on an ad hoc basis." 239 F. 2d 15 (D.C. Cir. 1956). Our precedent in this area further reveals some of the issues that we have considered particularly relevant. In general, of course, the licensee's responsiveness to the ascertained problems and needs of its community, including minority interests and concerns, remains central. See *Ascertainment of Community Problems by Broadcast Applicants*, 57 FCC 2d 418 (1976). In *RKO General, Inc. (KHJ–TV)*, 44 FCC 2d 123 (1973), a broad range of issues was developed in the record, including: news, public affairs and local programming, as well as cultural, educational, foreign language, prime time, children's agricultural and religious programming. Clearly, there is no "formula of general application" that can be applied to all cases. Moreover, in the future we expect that issues that are not now considered important will come to the fore. Thus to a large extent participants can raise, upon an appropriate showing, any other relevant and sub-

[18] Report of the Federal Communications Commission to the Subcommittee on Communications of the Committee on Interstate and Foreign Commerce [of the House of Representatives] Re the Comparative Renewal Process, at page 41.

stantial factors bearing upon the licensee's past performance and the program service that can be expected from that licensee in the future. When presented with comparative hearing cases in the future, the Commission will have to continue to weigh all issues carefully and make the public interest determinations that cannot be foreshadowed today or structured with mathematical precision.

24. As illustrated most recently in the Daytona Beach, Florida case,[16] the renewal applicant must, therefore continue to run on its record, and we believe that that record should be measured by the degree to which the licensee's program performance was sound, favorable, and substantially above a level of mediocre service which might just minimally warrant renewal. Where the renewal applicant has served the public interest in such a substantial fashion, it will be entitled to the "legitimate renewal expectancy" clearly "implicit in the structure of the [Communications] Act." *Greater Boston Television Corporation* v. *F.C.C., supra*, 143 U.S. App. D.C. at 396, 444 F. 2d at 854. Thereafter, we will direct our attention to the comparative factors set forth in the 1965 Policy Statement, supra. While that policy statement will otherwise govern the introduction of evidence in the comparative renewal proceeding, the weight to be accorded the legitimate renewal expectancy of the incumbent licensee and the significance of other comparative considerations will depend on the facts of the particular case.

25. This approach leaves it to the hearing process to determine—on a case-by-case basis—which applicant would best serve the public interest. Given the comparative nature of the process, we question whether any other result is possible, since each case must be decided on the record. That is, because each applicant is entitled to a full and complete comparative hearing, the outcome of the hearing must depend on the evidence adduced, not on some absolute standard set by the Commission.

26. Accordingly, it is ordered, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION[17]
VINCENT J. MULLINS,
Secretary.

APPENDIX A

Testimony was given or comments filed by or on behalf of the following parties:

Action for Children's Television
American Broadcasting Companies, Inc.
American Newspaper Publishers Association
Professor Robert A. Anthony
Appalachian Broadcasting Corp.
Mrs. Robert Bartunek
William H. Best III
Black Efforts for Soul in Television
Black Hawk Broadcasting Company
Capital Cities Communications, Inc.
Central Coast Broadcasters, Inc.
Channel 3, Inc.
Chronical Broadcasting Co.
Colby and Tarrant
Columbia Broadcasting System, Inc.
Combined Communications Corporation
Combined Communications Corporation of Kentucky, Inc.
Combined Communications Corporation of Oklahoma, Inc.
Committee for Community Access
Committee for Open Media
Community Broadcasting Company
Community Coalition for Media Change
The Corinthian Stations
Cornhusker Television Corporation
Council of Churches of Christ of Greater Cleveland
Dempsey and Koplovitz
Dudley Station Corporation
Eagle Broadcasting Company
Eugene Radio-Television, Inc.
The Evening News Association
Fetzer Broadcasting Company
Fetzer Television Corporation
Fidelity Television, Inc.
Fisher's Blend Station, Inc.
Florida Association of Broadcasters
Forum Communications, Inc.
General Electric Broadcasting Co., Inc.
Georgia Association of Broadcasters
Gill Industries
Golden West Broadcasters
Haley, Bader & Potts
Hampton Roads Television Corporation
Idaho Association of Broadcasters
Institute for Broadcasting Financial Management, Inc.
Iowa State University of Science and Technology
KAKE-TV and Radio, Inc.
Key Television, Inc.
KMSO-TV, Inc.
KOOL Radio-Television, Inc.
Koteen & Burt
KTAR Broadcasting Company
J. Jerome Lackamp
Leake TV, Inc.
Lee Enterprises, Incorporated
Louisiana Association of Broadcasters
McClatchy Newspapers
Meredith Corporation
Metromedia, Inc.
Midcontinent Broadcasting Co.
Arna Mueller
National Association for Better Broadcasting
National Association of Broadcasters
National Association of Evangelicals
National Black Media Coalition
National Broadcasting Company, Inc.
National Citizens Committee for Broadcasting
National Religious Broadcasters, Inc.
Nationwide Communications, Inc.
Nebraska Broadcasters Association
Norbertine Fathers
North Alabama Broadcasters, Inc.
North Carolina Association of Broadcasters
Office of Communication of the United Church of Christ
The Orion Stations
Palmer Broadcasting Company
Peninsula Broadcasting Corporation
Post-Newsweek Stations
Quincy Broadcasting Company
Ranchland Broadcasting Co., Inc.
RKO General, Inc.
Rock Island Broadcasting Co.
Rocky Mountain Broadcasters Association
Rust Craft Broadcasting of New York, Inc.
Sabine Broadcasting Company
Scranton Broadcasters, Inc.
Screen Gems Stations, Inc.
Sonderling Broadcasting Corp.
South Carolina Association of Broadcasters
Southern Broadcasting Company
Southwest Oregon Television Broadcasting Corporation
Spanish International Communications Corporation
Rev. Donald Stockford
Storer Broadcasting Company
Stuart Broadcasting Company
Tennessee Association of Broadcasters
Time-Life Broadcast, Inc.
Tribune Publishing Co.
United States Department of Justice
United States Office of Economic Opportunity
Universal Communications Corporation
WAPA-TV Broadcasting Corporation
WBEN, Inc.
WBNS-TV, Inc.
WCAR, Inc.
WDSU-TV, Inc.
Welfare Rights Organization
Westinghouse Broadcasting Company, Inc.
WGAL Television, Inc.
WHP, Inc.
WJAC, Incorporated
WKY Television System, Inc.
WLAC-TV, Inc.
WLKY-TV, Inc.
WNJU-TV Broadcasting Corporation
WOC Broadcasting Company
Wometco Skyway Broadcasting Company, Inc.
WPIX, Inc.
WPTA-TV, Inc.
WUAB, Inc.

STATIONS

KCAU-TV, Sioux City, Iowa
KFIZ-TV, Fond du Lac, Wisconsin
KRMB-TV, San Diego, California
KGUN-TV, Tucson, Arizona
KIIX, Fort Collins, Colorado
KJEO-TV, Fresno, California
KMEX-TV, Los Angeles, California
KMTV, Omaha, Nebraska
KOAA-TV, Pueblo, Colorado
KOSA-TV, Odessa, Texas
KRGV, Weslaco, Texas
KTSB-TV, Topeka, Kansas
KWEX-TV, San Antonio, Texas
KZTV, Corpus Christi, Texas
WAFB-TV, Baton Rouge, Louisiana
WAKR-TV, Akron, Ohio
WCIA, Champaign, Illinois
WCTV, Thomasville, Georgia
WDAM-TV, Laurel, Mississippi
WHNB-TV, New Britain, Connecticut
WICD, Champaign, Illinois
WICS, Springfield, Illinois
WJBF, Augusta, Georgia
WKNX-TV, Saginaw, Michigan
WKRG-TV Mobile, Alabama
WLTV, Miami, Florida
WMBD-TV Peoria, Illinois
WMTV, Madison, Wisconsin
WNOK-TV Columbia, South Carolina
WRAU-TV Peoria, Illinois
WSAU-TV Wausau, Wisconsin
WSIL-TV Harrisburg, Illinois
WSPA-TV Spartanburg, South Carolina
WTOK-TV Meridian, Mississippi
WTRF-TV Wheeling, West Virginia
WTVO, Rockford, Illinois
WXTV, Patterson, New Jersey

SEPARATE STATEMENT OF COMMISSIONERS BENJAMIN L. HOOKS AND JOSEPH R. FOGARTY

In Re: Docket 19154, Formulation of Policies Relating to the Broadcast Renewal Applicant, Stemming from the Comparative Hearing Process.

The most accurate way to describe the situation with respect to comparative renewals is, to borrow from Sir Winston Churchill, that it is a riddle within an enigma within a conundrum. The riddle: by what standards is a renewal applicant to be measured. The enigma: by what standards is a renewal challenger to be measured. The ultimate conundrum of course is, even assuming the establishment of such respective standards, how can there be constructed a matrix which can

[16] *Cowles Florida Broadcasting, Inc.* (*WESH-TV*), 60 FCC 2d 372 (1976), reconsideration denied, FCC 77-1, released January 4, 1977.

[17] See attached Separate Statement of Commissioners Hooks and Fogarty and Statement of Commissioner Quello.

be used to rationally measure and compare two largely unrelatable properties: an empirical property (an existing record) and an a priori property (a set of applicant pledges). The present statutory scheme which now unarguably compels such comparisons[1] may well demand the sort of classic "apples and oranges" similization which makes the statute impossible to administer in any perfect fashion.

Indeed, many deft and scholarly minds have addressed this condition and declared the patient incurable.[2]

The majority is understandably frustrated by its inability to resolve this complex equation systematically, and thus, in a metaphoric sense, it throws its hands in the air and its fate to the mercy of the legislature. It essentially declares the statutory scheme administratively unworkable and says that no intelligible standards being possible, it will adopt none and will instead decide future comparative cases on an ad hoc basis without benefit of pre-announced guidelines, save occasional reference to our 1965 Policy Statement on Comparative Broadcast Hearings. (see infra.)

Although that may be one pragmatic answer, it is not necessarily the only or the best answer to an admittedly deep dilemma. In fact, given that an administrative agency is required to justify its actions on some rational basis, any future decision in a comparative renewal case which smacks of a "seat of the pants" approach and judgment will be susceptible to appellate reversal. *See Johnston Broadcasting Co.* v. *FCC*, 175 F.2d 351 (1949) (comparative applicants must be measured on all "material differences" and the choice must go to the "better qualified").

Therefore, and in full appreciation of the conceptual difficulties involved, it behooves the Commission to do all that is conceivable to develop and enunciate the actual standards it intends to employ in its analytical process; that is an unavoidable legal duty. There is no doubt that any criteria developed in this amorphous area will be to some degree imperfect. Nor is there any doubt that such standards, of necessity, will be to some extent subjective or that in the final analysis any selection between competing candidates for a license will have to rely heavily on judgmental elements not given to rigid objectification. Notwithstanding, and unless and until the problem is addressed by legislature, we are flatly compelled to develop some reasonable comparative process so that the public as well as our regulatees have better notice of the ground for our judgments.

RENEWAL APPLICANT RECORD

To this end, as we see it, there needs first to be defined the elemental criteria by which we assess a renewal applicant's record. As we have been told by the judiciary, it is "literally" on that record that the renewal applicant runs. *Office of Communications of the United Church of Christ* v. *FCC*, 359 F.2d 994 (1966). And, as the majority correctly notes, we have been told that a "meritorious licensee" should not lose its license absent sound public policy reasons. *Majority Order*, para. 3 (*citing Greater Boston Television Corporation* v. *FCC*, 444 F.2d 841 (1970)). *Cf. Chicago Federation of Labor* v. *Federal Radio Commission*, 41 F.2d 422 (1930). Moreover, the *Greater Boston* doctrine was both endorsed and reinforced by *Citizens Communications Center* v. *FCC*, 447 F.2d 1201 (1970) wherein the court declared that a renewal applicant demonstrating a "superior" record should be accorded "a plus of major significance" in any comparative context. Specifically, the court said: (447 F.2d at 1213, footnote 35):

> The court recognizes that the public itself will suffer if incumbent licensees cannot reasonably expect renewal when they have rendered superior service. Given the incentive, an incumbent will naturally strive to achieve a level of performance which gives him a clear edge on challengers at renewal time. But if the Commission fails to articulate the standards by which to judge superior performance, and if it is thus impossible for an incumbent to be reasonably confident of renewal when he renders superior performance, then an incumbent will be under an unfortunate temptation to lapse into mediocrity, to seek the protection of the crowd by eschewing the creative and venturesome in programming and other forms of public service. The Commission in rule making proceedings should strive to clarify in both quantitative and qualitative terms what constitutes superior service.

A. "QUANTITATIVE" RENEWAL STANDARDS

Thus, before any scale of licensee performance can be prescribed, it is clear that the elements on which we will "score" a renewal applicant must be clearly established. Putting aside all comparative aspects for the moment, it is an open secret that by delegation of authority to the staff, the rough rule of thumb employed by the Commission to gauge ordinary licensee renewability is our "5–1–5" rule. That is, any licensee which does not propose, in aggregate annual amounts of program time, at least (a) 5% news, (b) 1% public affairs and (c) 5% other non-entertainment programming has the onus of explaining to us the reason(s) for the "deficiencies."

Some have suggested, therefore, that the answer to the *Citizens* invitation is simply to have the Commission construct a graduated performance curve predicated on the "5–1–5" index and designate progressively higher levels within those selective program areas in accordance with an ascending continuum of superlatives. E.g., 6–2–6, "good" 7–3–7, "better," 8–4–8 and above, "superior."

However attractively simple that formula might appear, it is obvious that such a primitive calibration suffers from two principal and probably fatal deficiencies. One, it rests tenuously on the subjective and highly dubious proposition that the entirety of a licensee's overall obligations can be measured solely by the raw time it has devoted to three rather narrow programming categories. And, two, it would likely escalate into a potentially ad absurdam inflation of the regnant norm.

With respect to the first drawback, subjectivity, the learned Chief Judge of the D.C. Circuit Court of Appeals, the Hon. David L. Bazelon perhaps said it best when in a recent opinion he observed: "Comparing amounts of programming types aired, not only requires qualitative judgments in categorizing the programs, but would also seem to be a crude measure of the public interest." N.C.C.B. v. FCC, ____ F. 2d ____, ____ D.C. Cir. No. 75–1064, (released March 1, 1977), slip op. at 40. A literal reading of that opinion also suggests that any such qualitative analysis may run afoul of a broadcaster's First Amendment rights in the first instance and we cannot completely overlook the possible constitutional implications.

With respect to the second aspect, escalation, there is no denying that any performance "floor" we establish in terms of a performance gradation would quickly convert the "superior" into de rigueur. While this might very well upgrade the overall level of non-entertainment programming, it is largely inapposite to and unhelpful with our immediate problem, viz, a mechanism for contrasting the past programming record of an existing licensee with the promises of a new applicant. The nexus is, at best, remote. Thus, we concur with the majority in refusing to adopt the "quantitative standards" test as proposed.

B. TRADITIONAL COMPARATIVE STANDARDS

Hence, acknowledging the critical shortcomings of a pure "quantitative standards" methodology, many would suggest simply falling back on those standards set forth in our 1965 Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393 (1965), as a suitable benchmark. However, there is no getting around the fact that the 1965 Policy Statement was evolved to compare two (or more) competing applicants for a *new* facility and does not contemplate an advantage to any party on the basis of a meritorious record of performance. The 1965 Policy Statement, rather, assigns competitive values to ownership and organizational structure while the courts have told us that "a renewal applicant . . . must literally 'run on its record.'" Office of Communications of the United Church of Christ v. FCC, 359 F. 2d at 1007; and again, the superior applicant is to be given a "leg up" over its adversaries. Accordingly, as we read these principles, a renewal applicant demonstrating only average performance must be compared on the full gamut of predictive factors, and we have no particular dispute with that course of events. Thus, all that remains for us to effectuate the courts' edicts is to define and clarify the criteria by which we evaluate a broadcast record in order to determine whether a licensee's past performance entitles it to legitimate expectation of renewal.

A POSSIBLE ALTERNATIVE: THE "COMPREHENSIVE OVERVIEW" APPROACH

Having eschewed the so-called "quantitative standards" approach, we believe there needs to be devised a system that to the extent feasible:

(a) Measures the totality of licensee responsiveness to its fiduciary role according to objectively oriented guidelines.

(b) Allows for the appropriate recognition of meritorious past broadcast records, and

(c) Permits a challenger to point out deficiencies and offenses in a current licensee's record and its own ability to surpass that record in all foreseeable likelihood.

To that end, we believe that there should be articulated an outline of those positive activities engaged in by licensees which could evidence a strong commitment to the public interest responsibilities that accompany the broadcasting privilege. Such a conceptual list should include not only those codified duties that form the threshhold for any bare acceptability test, but those that go appreciably beyond our minimum requirements. Moreover, for purposes of taking cognizance of conduct that is in the truest sense "superior," the list should fully include those activities that demonstrate an awareness of and sensitivity to community problems, needs, tastes, and interests above and beyond those strictly amenable to regulatory supervision. By these, we mean those activities

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[1] 47 U.S.C. Sections 309 (a) and (e). *See also Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327 (1945); *Citizens Communications Center* v. *FCC*, 447 F. 2d 1202 (1972).

[2] For an engrossing history of the comparative process, and overlooking the wry coloration, see the exhaustive dissent of former Commissioner Glen O. Robinson in Cowles Florida Broadcasting, Inc., 60 FCC 2d 372 at 435 (1976). After a thoroughgoing review of our comparative processes, Commissioner Robinson also consigns the system to the scrapheap and suggests, instead, licensing by lottery. That result, however, strikes us more than a little dicey and the odds on its adoption are about the same as those on the Easter Bunny in the Preakness.

which evince a full integration into the affairs of the community and the licensee's attempts through its licensed medium to call attention to problems, to suggest answers, to educate the electorate, to serve minority groups, to recognize and respond to the needs of the large children's audience—in short—to illuminate, to entertain, to enlighten, to uplift.

In that connection, there is attached hereto a possible checklist of typical licensee activities, programming and otherwise, upon which we could conceivably evaluate licensees and provide the public with a comprehensive schedule of those elements we would look to in reviewing a licensee's total efforts to serve the community in accordance with the highest standards anticipated of a fiduciary. (See Attachment A). There is no intention here that the Commission keep a "running score" on individual broadcasters over one or more license terms; the list would serve simply as a yardstick by which, in a comparative renewal setting, a licensee's efforts could be evidenced. If, in contrast to the average station in its class, a licensee demonstrated service to its community in the most dedicated and conscientious manner according to the specified elements, that licensee would be awarded the "plus of major significance" adverted to ante.

Many will find that most of the component elements on the sample list are not entirely new but rather comprise a host of items which are now routinely noticed by the Commission or are routinely supplied by licensees in comparative proceedings anyway. They reflect, it is believed, a composite of those fundamental activities common—more or less—to all television broadcast stations; and in fact, the particular activities described may be more familiar to licensees than to the Commission itself.

While this suggested checklist is not intended to be definitive and public comment on improvements would be most welcome, it does represent, we believe, a reasonable attempt to objectify and to a certain extent quantify what until now has been a process of almost absolute subjectivity.

CONCLUSION

Although, regrettably, the objectification of renewal standards does not and cannot remove us from the thorny thicket of further comparative deliberations, it is, we believe, a possible step in the right direction. Because until some method is established of rationally evaluating a renewal applicant's performance, there is no possible way to begin to award the "plus" to which a superior applicant is properly entitled.

Moreover, we see no reason why a licensee which has rendered clearly meritorious service and whose record is free of any significant infractions should ever have to worry about being displaced by another party. In the real world, our experience has been that the spectre of comparative renewals is a threat most frequently to those licensees which have fallen significanty short of the right to be called superior, however that standard is defined. While the comparative renewal process is unquestionably a somewhat cumbersome method to spur licensees to the excellence we all would expect, it does have the advantage over more Draconian measures and deep regulatory involvement which might be the only suitable alternative to the comparative process.

In conclusion, although we concur with the majority to the extent that it rejects the "quantitative standards" approach as proposed, we do not at this time call for Congressional abrogation of the comparative process and have proffered a possible alternative by which to effect our public interest mandate in accordance with our understanding of the present state of the law and to make our ad hoc decisions more predictable, orderly and reasonable.

APPENDIX

HYPOTHETICAL TELEVISION RENEWAL CHECKLIST [1]

A sample of what elements such a Checklist might contain are the following:

A. *Programming Practices.* 1. Amount of time devoted to:

a. News and public affairs,

b. Childrens programming,

c. Local programs attuned to needs, problems and interests as adduced in ascertainment survey,

d. Programs primarily directed to racial and cultural minorities,

e. Programs relating to controversial issues of public importance and editorial programming,

f. Opportunity for public response to controversial issues and editorials,

g. Public service announcements and amount thereof devoted to local community affairs,

h. Pre-emption of network entertainment for other material.

2. Amount of the above presented in Prime Viewing Hours

B. *Commercial Practices.* 1. Overall average of commercial content

a. Reduction of such levels during childrens programs

b. Clustering (or other techniques) to avoid pervasive advertising directed to children

Conformance with appropriate codes respecting kinds and varieties of unsuitable advertising.

3. Rejection of deceptive or misleading advertisements.

a. Conformity with all Federal Trade Commission guidelines and advisories on ads.

4. Responsiveness to official (federal, state, local) agencies engaged in consumer protection.

C. *Employment, Management and Ownership Practices.* 1. Employment and management profile reflective of community demographics:

a. Conformance with rules of FCC, EEOC, and other federal, state and other local equal employment agencies.

2. Minority and female representation on board of directors and other management bodies.

3. Training and recruitment of minority and female personnel.

4. Efforts to attract minority equity in ownership (where applicable).

5. Investment in improvement of facilities, personnel and service.

D. *Community Involvement.* 1. Extent of ascertainment efforts.

2. Facilitation and encouragement of continuous dialogue with public and public interest groups.

3. Adherence to agreements with citizens and groups.

4. Participation in local affairs.

a. Service to charity and educational boards by management.

b. Involvement in civic affairs,

c. Provision of facilities, equipment, expertise and other resources to the public.

5. Commission examination of complaints and/or commendations from community during license term.

[1] The elements on this checklist are not necessarily complete or those favored by Commissioners Hooks and Fogarty, but represent a compendium of some of the major elements suggested by the public, public interest groups and the legislature.

STATEMENT OF COMMISSIONER JAMES H. QUELLO

In Re: Broadcast Comparative Hearings Policy Statement.

I support the majority position in continuing our present policy in comparative renewal cases. My support is based less on philosophical grounds than upon practical ones. It is clear to me that, absent Congressional action, comparative renewal proceedings are a fact of life and no objective standards, regardless of how they might be framed, will serve to obviate such proceedings under current interpretations of the court.

I want to make it clear that I view this issue as a technical one, however, and I do not regard it as an implication that the Commission is satisfied with current levels of public service by all the broadcasting industry. My personal view is that public service standards could, and should, be higher and that more time and effort should be devoted to local programming—including public affairs and news programming during hours which attract the largest audiences. I also believe that more attention should be devoted to the production and scheduling of public service announcements in TV prime time or radio "drive" time to reach a large audience and ensure effectiveness. Establishment of rigid rules to force public service performance would probably be a misuse of governmental authority. However, such performance, or lack thereof, will receive considerable weight in my personal future deliberations in renewal cases.

[FR Doc.10819 Filed 4-12-77;8:45 am]

CENLA BROADCASTING CO., INC. AND UNITED COMMUNICATIONS, INC.

Applications for Construction Permit

Adopted: April 4, 1977.

Released: April 11, 1977.

In re applications of Cenla Broadcasting Company, Inc., Alexandria, Louisiana, Req: 93.1 MHz, Channel 226; 100 kW (H & V); 790 ft. (H & V); (Docket No. 21151, File No. BPH-9495), United Communications, Inc., Alexandria, Louisiana, Req: 93.1 MHz, Channel 226; 100 kW (H & V); 810 ft. (H & V), (Docket No. 21152, File No. BPH-9648), for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, has before it the above-captioned applications of Cenla Broadcasting Company, Inc. (hereinafter "Cenla") and United Communications, Inc. (hereinafter "United"), both seeking a construction permit for a new FM broadcast station in Alexandria, Louisiana. Requesting the same channel, these applications are mutually exclusive.

2. In Exhibit CN-I-a of its application, Cenla stated that "(t)he industrial life of Alexandria-Pineville and the surrounding area is based upon agriculture and its related activities * * *. Along with agriculture, commercial fresh-water fishing is also a thriving business". By letter dated March 29, 1976, Commission staff advised Cenla that its community leader survey omitted representatives of the fishing industry. This omission was not corrected by Cenla's amendment of April 28, 1976. Although the amendment reported numerous additional interviews

with community leaders, representatives of the fishing industry were not among them. Question and Answer 16 of the Commission's Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), indicates that an ascertainment showing is defective if leaders of a significant group comprising the community are not consulted. An appropriate issue will therefore be specified.

3. Question and Answer 6 of the Primer require an applicant to ascertain the problems of major communities which are outside the city of license, within 75 miles of the transmitter, and which the applicant undertakes to serve. Question and Answer 7 provides that as certainment in such communities may consist of consultations with leaders who can be expected to have a broad overview of community problems. In the alternative, if an applicant chooses not to serve such a community, it must explain why. These requirements were pointed out to Cenla by Commission staff letter of March 29, 1976. Figure K of Cenla's application indicates that Ferriday, Louisiana, is within Cenla's proposed 1 mV/m contour and is less than 75 miles from its proposed transmitter. In 1970, Ferriday's population was 5,239. Considering the size of the proposed city of license (41,557 in 1970), Ferriday is a major community as contemplated by Questions and Answers 6 and 7. As Cenla has neither interviewed "broad overview" leaders in Ferriday nor explained why it does not intend to serve the community, an issue will be specified.

4. A similar defect appears in United's ascertainment showing with respect to Ferriday and the Louisiana community of Winnfield, whose 1970 population was 7,142. Both communities are located within United's proposed contours and within 75 miles of its proposed transmitter site, and an issue on this point is required.

5. Commercial fishing, cited as economically important by Cenla, also goes unmentioned in the ascertainment showing of United. Although advised by Commission staff letter of March 29, 1976, of the need for economic data, United's description of the composition of Alexandria says nothing about fishing, and no representatives of the industry are listed in connection with the community leader survey. In accordance with Questions and Answers 13(a) and 16, an issue will be specified.

6. Prior to its amendment of March 4, 1977, United proposed to finance construction and operation with $16,400 paid in by stock subscribers and a $187,000 line of credit from SCDF Investment Corporation. The March 4 amendment, however, withdrew reliance upon the SCDF funds. United has therefore demonstrated the availability of only $16,400. Although the absence of information pertaining to costs of capital precludes calculation of United's total financial requirement, the funds now available clearly are vastly inadequate; United's down payment on equipment alone requires $37,312. A financial issue will therefore be included.

7. United proposes a specialized format of predominantly black-oriented programing. Cenla, in contrast, proposes general market programing. The relative need for these different types of programing will be considered under the standard comparative issue, Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 37 (1965).

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Because they are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

9. Accordingly, *it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the efforts made by the applicants to ascertain the community needs and problems of the proposed service area, in the following respects:

(a) Whether Cenla Broadcasting Company Inc.'s showing omits consultations with leaders of the commercial fishing industry, a significant group in the community.

(b) Whether Cenla Broadcasting Company Inc. has complied with questions and answers 6 and 7 of the Primer with respect to the community of Ferriday, Louisiana.

(c) Whether United Communications, Inc. has complied with questions and answers 6 and 7 of the Primer with respect to the communities of Ferriday and Winnfield, Louisiana.

(d) Whether United Communications, Inc.'s showing omits consultations with leaders of the commercial fishing industry, a significant group in the community.

(2) To determine, with respect to United Communications, Inc.:

(a) The amount of funds required to construct the proposed station and operate it for one year without revenues;

(b) The source and availability of funds in excess of $16,400;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified to construct and operate as proposed.

(3) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

10. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly), within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

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

[FR Doc.77-10818 Filed 4-12-77;8:45 am]

[RM-2678]

KNBA INC.

Table of Assignments, FM Broadcast Stations (Vallejo, California)

Adopted: April 6, 1977.

Released: April 11, 1977.

By the Chief, Broadcast Bureau: 1. The Commission has under consideration a petition for rule making filed on March 29, 1976, by KNBA, Inc., licensee of daytime-only AM Station KNBA, Vallejo, California, requesting amendment of the FM Table of Assignments, Section 73.202 (b) of the Commission's Rules, by the assignment of Class B Channel 241 at Vallejo, California, as its first FM assignment. This proposal would require the following changes to existing assignments: (1) The substitution at Scramento, of Class B Channel 229 for Class B Channel 241, presently occupied by Station KCTC(FM); (2) the substitution at Roseville, California, of Channel 280A for Channel 228A, currently occupied by Station KPIP(FM); (3) the substitution at Chico, California, of Class B Channel 256 for Class B Channel 229, presently licensed to Station KFMF (FM); (4) the substitution at Yuba City, California, of Channel 249A for Channel 280A, presently occupied by Station KHEX(FM); and (5) the substitution at Oroville, California, of Channel 269A for Channel 249A, on which an application is pending.[1]

2. Two oppositions to KNBA's petition were timely filed, one by Kelly Broadcasting Company, licensee of KCTC (FM), Sacramento, California, and one by Cascade Broadcasting, licensee of Station KHEX(FM), Yuba City, California. One opposition was filed twenty days late by Radio KPOP, licensee of Station KPIP(FM), Roseville.[2] These

[1] An application, BPH-10031, for a construction permit for Channel 249A at Oroville was submitted by Oroville Radio, Inc. on June 29, 1976.

[2] KNBA filed a Motion to Dismiss or Strike Radio KPOP's Opposition because it was late filed and as such was in violation of Section 1.405 of the Commission's Rules. Radio KPOP thereafter filed a Motion to Dismiss KNBA's "Motion to Dismiss or Strike" or in the alternative that Radio KPOP's opposition be considered as an informal objection. However, we do not believe that it is necessary to resolve these procedural issues in view of the fact that, aside from the points made in the KPOP filing, the KNBA proposal requires denial.

oppositions argue that the Commission should not propose the assignment of FM Channel 241 at Vallejo for the following reasons: (1) KNBA's proposed assignment would serve no need compelling enough to justify changing FM channel assignments of four existing licensees; (2) the proposed change of channels would work an extreme hardship on the four existing licensees, especially to KCTC(FM), Sacramento, which would receive interference on its new channel from "super-power" Station KFYE(FM), Fresno; (3) KNBA has not demonstrated its ability to reimburse the four FM licensees for the costs of shifting their stations' channels; and (4) KNBA has not shown whether any Class A FM channels are available for assignment to Vallejo in lieu of the proposed Class B channel or why it would be in the public interest to assign a Class B FM channel to serve Vallejo rather than such a Class A channel. KNBA responded to these arguments in a timely filed reply in which KNBA alleged that Vallejo needs the service and is a large enough community under the Commission's population criteria to be entitled to two FM assignments. Moreover, KNBA argues that the Commission's Rules do not protect Station KCTC (FM), Sacramento, from interference, noting the fact that there would be no shortspacing between KCTC(FM) and KFYE(FM), Fresno.

THE KNBA PROPOSAL

3. The petition states that Vallejo (pop. 66,733)[1] is situated in Solano County (pop. 166,941) and is located approximately 40 kilometers (25 miles) northeast of San Francisco. Vallejo's local aural service consists solely of the petitioner's daytime-only AM Station KNBA.

4. The petitioner requests that the Commission propose the assignment of Channel 241 to Vallejo as its first FM assignment because, according to the petitioner, Vallejo needs fulltime aural service. The petitioner contends that Vallejo, Napa, and Fairfield compose a Standard Metropolitan Statistical Area (SMSA) of 250,000 people and points out that, within this SMSA, there is only one full-time AM station and one FM station (Class A). The petitioner believes that the assignment of Class B Channel 241 at Vallejo would help meet the needs of this area, which petitioner says is underserved, by providing first commercial FM service to Vallejo and to parts of Solano County. The petitioner has submitted a Roanoke Rapids, 9 F.C.C. 2d 672 (1976), study showing that a Class B station on Channel 241 with facilities of 5.3 kW and an antenna height of 425 meters (1,390 feet) HAAT would provide a first commercial FM service to 400 persons and a second commercial FM service to 1,510 persons in areas of 135 and 510 square kilometers (52 and 197 square miles), respectively. However, it should be noted that no showing has been made regarding first and second aural service. See Anamosa-Iowa City, Iowa, 46 F.C.C. 2d 520 (1974). The petitioner has also not stated whether or not a Class A channel would be available for assignment at Vallejo and, if so, the first and second FM service that would be provided by such a channel.

KELLY BROADCASTING'S OPPOSITION

5. The proposal to assign Channel 241 to Vallejo would require among other things, the substitution at Sacramento of Channel 229 for Channel 241, which is occupied by Kelly Broadcasting's Station KCTC(FM). Kelly opposes such a change and states that the shift from Channel 241 to Channel 229 would cause KCTC to experience interference within both its 60 dBu and 54 dBu contours. Kelly explains that this interference would be caused by the fact that, if KCTC were required to shift its channel as requested, it would be operating on the same channel, 229, as KFYE (FM), Fresno, which is authorized to broadcast with facilities in excess of the maximum now allowed for Class B stations. Under the provisions of Section 73.211 of the Commission's Rules, a Class B channel may utilize maximum facilities of 50 kW and an antenna height of 153 meters (500 feet) h.a.a.t. However, since KFYE(FM) has been authorized to operate with facilities of 68 kW and antenna height of 595 meters (1,950 feet) h.a.a.t. prior to the September 10, 1962, effective date of the power and antenna height requirements, Section 73.211(d) of the rules permits KFYE (FM) to operate with its "super-power" facilities. See Second Report, Memorandum Opinion and Order, Docket No. 14185, 23 R.R. 1845, 1852, para. 13 (1962).

6. Kelly admits that if KCTC were to operate on Channel 220, it would not be short-spaced with its co-channel Station KFYE(FM) because KFYE's transmitter site is located slightly beyond the minimum co-channel spacing of 241 kilometers (150 miles) for Class B stations. However, it argues that KFYE's interfering signal would overlap its 60 dBu and 54 dBu contours because KFYE (FM) operates with facilities in excess of the maximum allowed for Class B stations. Kelly argues that the interference caused by this overlap of contours would be equivalent to that received from a typical Class B co-channel station with maximum facilities located at considerably less than the minimum spacing. Moreover, Kelly avers that the Commission's guidelines for FM assignments in Zone I–A, which includes the communities involved in KNBA's petition, call for spacings which have the effect of allowing interference from co-channel stations with maximum facilities at permissible minimum spacings to extend no closer to a station than approximately its 54 dBu contour. Kelly argues that, since interference here would be inside of KCTC's 54 dBu contour, as well as inside of a small part of its 60 dBu contour, the KNBA proposal must be denied.

DISCUSSION

7. At the outset, it should be noted that Section 73.209(b) of the Commission's Rules provides that "[t]he nature and extent of the protection from interference accorded to FM broadcast stations is limited solely to the protection which results from the minimum assignment and station separation requirements and the rules with respect to maximum powers and antenna heights. * * *" Since Stations KCTC (FM) and KFYE(FM) would not be short-spaced, and since the maximum power and antenna height rules would not apply to grandfathered "super-power" Station KFYE(FM), Station KCTC(FM) is not guaranteed protection from interference caused by Station KFYE(FM). However, we believe that if KCTC(FM) were required to switch to Channel 229, KCTC would be deprived of the type of interference protection that it could reasonably expect and which the Commission intended to give to Class B FM stations through adoption of the minimum spacing and the maximum power and antenna height rules. When the Commission adopted these rules in 1963, the Commission stated that one of the purposes of FM stations would be to provide effective coverage and that, to achieve this goal, it would "protect a 15 mile [24 kilometers] service area for Class A stations, 40 miles [64.4 kilometers] for Class B stations, and 65 miles [105 kilometers] for Class C stations * * *" Third Report, Memorandum Opinion and Order, Docket No. 14185, 40 F.C.C. 747, 756, para. 21 (1963). Requiring KCTC(FM) to switch to Channel 229 would for the first time subject it to interference within this 64.4 kilometer (40 mile) contour, a result which would be contrary to the Commission's purpose stated in 1963. Our point here is not that it is appropriate to use the old interference standard. Rather, it is that the effect of the proposal here can be seen as the equivalent of a short-spacing. Nor is recognition of this fact precluded by the "grandfathering" of Station KFYE(FM). That action had no impact on KCTC(FM) which was not called upon to accept the impact of "grandfathering," an argument which made sense in 1963. There is no occasion here, however, to act to prevent a possible loss of service from "superpower" stations. In our view, the effect of the proposal here would be to modify the license of Station KCTC(FM), a step not lightly to be considered.

8. We have examined the matter to see if the adverse consequences that would occur to KCTC(FM) are clearly outweighed by Vallejo's need. We have no question that the assignment of Channel 241 to Vallejo could benefit that community, as well as the surrounding area, by providing a valuable first FM service. However, there is no basis for finding that a first or even a second aural service would be provided to any significant population. Nor have we been given any other reasons for concluding

[1] The population data in paragraph 3 are taken from the 1970 U.S. Census.

that the need for the assignment assumes extraordinary importance. On the other side there is the impact of this proposal on the three existing licensees in addition to KCTC(FM) that would be required to change channels if Channel 241 were assigned to Vallejo. While a station may be made whole by being reimbursed for the expense of switching channels,[1] no such remedy is available insofar as a resulting loss of service area is concerned. By virtue of the change in KCTC(FM)'s channel, it would have its coverage reduced and the public would lose a service on which they have come to rely. We believe that such a result would be unfair to KCTC(FM) as well as to the listening public. While it could perhaps be argued that changing a station's channel is just as much a modification of its license as occurs when a station is required to share a channel with a "super-power" this attempt to equate the two loses its force where there are means of redress in only one of these situations. No approach would restore the service lost to KCTC(FM). For these reasons we refused to assign a second FM channel to Muncie, Indiana, when doing so involved requiring a station to change channels with the result that it would receive interference within its 60 dBu (1 mV/m) contour (and its 15 mile service area) from a "super-power" station. We denied the proposal even though, just as here, the existing licensee and the "super-power" station would not have been short-spaced. Muncie, Indiana, 32 F.C.C. 2d 839, 842–44, para. 12 (1972), recon. denied, 38 F.C.C. 2d 324 (1972). We believe these cases express the appropriate policy to apply in all but the most unusual cases, and nothing provided by petitioner demonstrates that such unusual circumstances exist here. Therefore we are denying KNBA's request to assign Channel 241 at Vallejo. Nevertheless, we would welcome a new petition proposing either a different Class B FM channel not subject to the defects inherent in the present proposal or a Class A channel for Vallejo.

9. Accordingly, *it is ordered*, That the petition for rule making filed by KNBA, Inc., IS DENIED.

10. *It is further ordered*, That this proceeding is terminated.

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

[FR Doc.77-10849 Filed 4-12-77;8:45 am]

[1] With regard to the allegations in the oppositions that KNBA does not appear to be financially qualified to reimburse four existing licensees for shifting their stations' channels, we would like to point out that such financial qualifications are not considered at the rule making stage because we do not know who will be the licensee for the newly assigned channel. Thus, the financial qualifications of a potential licensee or permittee are considered at the application stage. In any event, the grant of a construction permit for the new station would be made only upon a showing that reimbursement to existing licensees who would be required to switch channels can be afforded.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on April 7, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is propsed to be collected.

Written comments on the proposed FEA request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 2, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

FEDERAL ENERGY ADMINISTRATION

The FEA requests an extension no change clearance of Form FEA–103B, entitled Storage Operators Monthly Report. FEA–103B provides the means for the FEA to monitor and keep abreast of the storage picture of such products as: propane, butane, P–B mixture, isobutane, mixed or field grade butanes and normal butane. Potential respondents are owners of storage facilities with a capacity in excess of 500,000 gallons. FEA estimates respondents to be approximately 400 and reporting burden to average 1.1 hours per response. A separate response is filed for each product.

The FEA requests an extension no change clearance of Form FEO–1000, entitled Prime Suppliers Monthly Report. The FEO–1000 has been used by FEA to monitor supply and demand relationships as they apply to individual firms within each state. FEO–1000 supplies information on actual supply deliveries and anticipated supply deliveries for a given state. Potential respondents are prime suppliers of products subject to a State set-aside. FEA estimates respondents to be approximately 300 and reporting burden to average 1.6 hours per month.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-10847 Filed 4-12-77;8:45 am]

UNITED STATES INTERNATIONAL TRADE COMMISSION

[TA–201–25]

LIVE CATTLE AND CERTAIN EDIBLE MEAT PRODUCTS OF CATTLE

Investigation and Hearings

Investigation instituted. Following the receipt on March 17, 1977, of a petition filed by the National Association of American Meat Promoters, the Meat Promoters of South Dakota, the Meat Promoters of North Dakota, the Meat Promoters of Montana, and the Meat Promoters of Wyoming, the United States International Trade Commission, on March 26, 1977, instituted an investigation to determine whether live cattle and certain meat products of cattle fit for human consumption, provided for in items 100.40 through 100.55, inclusive; 106.10, 106.80, and 106.85; 107.20 and 107.25; 107.40 through 107.60, inclusive; and 107.75 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

Public hearings. Public hearings in connection with this investigation will be held in Rapid City, S. Dak., beginning on Tuesday, June 14, 1977; in Dallas, Tex., beginning on Tuesday, June 28, 1977; and in New York N.Y., beginning on Tuesday, July 12, 1977. Times and locations of the hearings will be announced later. Requests for appearances should be filed with the Secretary of the United States International Trade Commission, in writing, at his office in Washington, D.C., not later than noon of the fifth calendar day preceding the hearing at which the appearance is requested.

Inspection of the petition. The public portion of the petition filed in this case is available for public inspection at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and at the New York City office of the Commission, located at 6 World Trade Center.

By order of the Commission.

Issued: April 8, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-10870 Filed 4-12-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

NEW STATIONS, PROPOSED CHANGES

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Mexican list No. 278, February 4, 1977

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		710 kHz							
XEPQ	Muzquiz, Coah., N. 27°54'00", W. 101°30'00" (PO 1 kWD, 0.100 kWN, ND-U-175).	*5.000D/0.500N*	*DA-D/ND-N-175*	U	II	*547*	90	*284*	June 30, 1977.
		760 kHz							
XEEQ	San Luis Potosi, S.L.P., N. 22°08'57", W. 100°59'44".	0.250	ND-D-175	D	II	*151*	*120*	*56*	Immediately.
		880 kHz							
XEAL	Manzanillo, Col., N. 19°02'00", W. 104°19'30" (PO 1 kWD, 0.100 kWN, ND-U-176).	*5.000D/0.500N*	*DA-D/ND-D-176*	U	II	262	90	253	June 30, 1977.
		870 kHz							
XEAMO	Irapuato, Gto., N. 20°37'25", W. 101°21'03".	1.000	DA-D	D	II				Do.
		980 kHz							
XETU	Tampico, Tam., N. 22°12'43", W. 97°47'53".	10.000D/1.000N	DA-D/ND-N-190	U	III	251	120	*251*	Immediately.
		1270 kHz							
XE	Nuevo Laredo, Tam., N. 27°29'48", W. 99°30'01".	1.000	DA-D	D	III				June 30, 1977.
		1540 kHz							
XEPX	Puerto Angel, Oax., N. 15°39'14", W. 96°30'05".	0.500D/0.200N	ND-U-175	U	IV	*197*	90	*140*	Do.
		1580 kHz							
XEKOK	Las Cruces, Gro., N. 16°58'41", W. 99°28'08".	1.000	ND-D-190	D	III	178	120	178	July 30, 1977.
		1440 kHz							
XEURM	Uruapan, Mich., N. 19°24'56", W. 102°03'46".	5.000	ND-D-190	D	III	171	120	171	Do.
		1450 kHz							
XEIN	Cintalapa, Chis., N. 16°41'58", W. 93°43'24" (PO 1 kWD, .200 kWN, ND-U-175).	*1.100D/0.200N*	ND-D-175/DA-N	U	IV	246	120	246	Do.
		1450 kHz							
XETEP	Pinotepa, Oax., N. 16°18'45", W. 98°01'00".	.500	ND-D-175	D	IV	136	120	143	Do.
		1460 kHz							
XECPQ	F. Carrillo, Pto, Q.R., N. 19°34'50", W. 88°02'38".	1.000	ND-D-190	D	III	168	120	168	Do.
		1470 kHz							
XEQF	Loma Bonita, Oax., N. *18°03'35"*, W. *95°5'40"*.	5.000D/5.000N	ND-D-*184*/DA-N	U	III	*167*	90	*167*	Do.
		1520 kHz							
XEVU	Mazatlan, Sin., N. *23°11'48"*, W. *106°25'29"*.	0.500	ND-D-175	D	II	*48*	120	*53*	June 30, 1977.
		1530 kHz							
XEVUC	Villa Union, Coah., N. *20°14'06"*, W. *100°45'30"*.	1.000	ND-D-190	D	II	*161*	120	*161*	Do.
		1560 kHz							
XERAL	Arandas, Jal., N. 20°42'36", W. 102°21'06".	0.250	ND-D-190	D	II	158	120	158	July 30, 1977.
		1600 kHz							
XEZK	Tepatitlan, Jal., N. *20°50'55"*, W. *102°44'18"* (PO 0.250 kWU).	1.000D/0.250N	ND-U-182	U	III	154	120	131	June 30, 1977.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.77-10673 Filed 4-12-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 222]

PERPETUAL SECURITY CORPORATION

Receipt of Application for Permission To Acquire Control of Perpetual Savings and Loan Association

APRIL 8, 1977.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Perpetual Security Corporation, Rapid City, South Dakota, for approval of aquisition of control of Perpetual Savings and Loan Association, Rapid City, South Dakota, an insured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the transfer of 2,306 shares or 86.46 percent of the stock of Perpetual Savings and Loan Association held by Robert W. Brezina and a sum of $1,000 to Perpetual Security Corporation in return for all the outstanding stock of said corporation and the assumption by it of debt in the amount of $1,088,000. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this Notice appears in the FEDERAL REGISTER.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.77-10781 Filed 4-12-77;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF LOS ANGELES AND OVERSEAS TERMINAL CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by April 25, 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:

Mr. Gerald F. Swan, Deputy City Attorney, City of Los Angeles, Harbor Division, P.O. Box 151, San Pedro, California 90733.

Agreement No. T-3450, between City of Los Angeles (City) and Overseas Terminal Company, Inc. (OTC), provides for the five-year nonexclusive preferential assignment of Berths 228-230, including Parcels 1, 2, 3, 4, and 5 at Los Angeles Harbor. As compensation, City is to receive all tariff charges pursuant to the Port of Los Angeles Tariff subject to a guaranteed minimum of $705,700 per annum. When the payment of tariff charges exceeds $705,700 but is less than $1,200,000, OTC will pay 45 percent to City and retain the remainder; and when the charge exceeds $1,200,000, OTC will pay 50 percent and retain the remainder. Agreement No. T-3450 will supersede Agreement No. T-2588 between City and Overseas Shipping Company.

By Order of the Federal Maritime Commission.

Dated: April 8, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10873 Filed 4-12-77;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Agricultural Air Exports, Inc., 342 Allerton Avenue, South San Francisco, CA 94080. Officers: Richard J. Crotty, President, Sylvia M. Crotty, Secretary/Treasurer, Raymond F. Crotty, Vice President.

Interford Corporation, 7352 N.W. 56th Street, Miami, FL 33166. Officers: Rafael Montejo, President, Lazaro E. Cruz, Secretary, Isabel Llopiz, Treasurer.

T.I.C. Agencies, Inc., 520 S.W. Sixth Avenue, Portland, OR 97204. Officer: D. N. Nicholson, President.

Action World Shippers, Inc., 4239 No. Nordica, Chicago, IL 60634. Officers: Susan E. Lee, President, Arthur B. Camp, Vice President.

Associated Shippers and Packers, Inc., 7010 North Loop East, Houston, TX 77028. Officers: Hugo A. Teste, President, Oliverio A. Alonso, Vice President, Richard M. Parker, Secretary, Carlos M. Sera, Treasurer.

Hans W. Armgort, 431 Green Hill Road, Smoke Rise, Kinnelon, NJ 07405.

Kosta International Corp., 3364 S.W. 28th Street, Miami, FL 33133. Officers: Waldo Del Rey, President, Alicia Del Rey, Vice President, Adolfo Rodriguez, Secretary.

Cosmos Shipping Company Incorporated (Maryland), 131 E. Redwood Street, Baltimore, MD 21202. Officers: Paul Bycoffe, President/Treasurer/Director, Marcia Bycoffe, Secretary/Director, Andrew Bycoffe, Director.

Stanley Edward Wells, 3443 Brayton Avenue, Long Beach, CA 90807.

Arnold International Movers, Inc., 2600 West Broadway, Louisville, KY 40211. Officer: Charles W. Arnold, President.

Pike Shipping Co., Inc., 624 Gravier Street, Suite 205, New Orleans, LA 70130. Officers: Patrick T. Bossetta, President, Van M. Brown, Vice President.

The I.C.E. Co., Inc., 901 Charleston, Bedford, TX 76021. Officers: Harold Wade Stewart, President, Pete Vela Fuentes, Vice President.

Rome International Freight Consultants, Inc., 2035 West Fourth Avenue, Hialeah, FL 33010. Officers: Yolanda Fuentes, President, Fernando Fuentes, Secretary/Treasurer.

Jose A. Fernandez, 121 S.E. First Street, Miami, FL 33131.

Fidelity Storage Corporation (The Fidelity Storage Corporation, dba), 6308 Gravel Road, Franconia, VA 22310. Officers: Michael J. Grad, President, Lewis Jacobs, Chairman of Board and Treasurer, Howard Grad, Vice President, Ronald D. Jacobs, Secretary, Bonnie McIntyre, Assistant Secretary.

Angel Alfredo Romero, 19234 N.W. 48th Avenue, Miami Gardens, FL 33055.

Clipper International Corporation, 1865 Brickell Avenue, A-1106, Miami, FL 33129. Officers: Francisco Senior, President/Director, Patricio Suarez, Secretary/Treasurer.

Gerhard Gedenk, 260-65th Street, Brooklyn, NY 11220.

By the Federal Maritime Commission.

Dated: April 7, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10871 Filed 4-12-77;8:45 am]

MEDITERRANEAN U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and 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, by April 25, 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:

David C. Jordan, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.

Agreement No. 8260-18, by and among the members of the above-named conference, amends the basic conference agreement to extend the conference's authority to intermodal cargo originating at inland Continental European points and moving through Mediterranean ports of the conference.

By Order of the Federal Maritime Commission.

Dated: April 7, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-10872 Filed 4-12-77;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2146]

ALABAMA POWER CO.

Application for Change in Land Rights

APRIL 7, 1977.

Public notice is hereby given that an application was filed under the Federal Power Act, 16 U.S.C. 791a-825r, on March 4, 1977, by Alabama Power Company (Applicant) (Correspondence to: Mr. F. L. Clayton, Jr., Vice President, Alabama Power Company, P.O. Box 2641, Birmingham, Alabama 35291) for a change in land rights at the H. Neely Henry Reservoir of Project No. 2146, known as the Coosa River Project in Etowah County, Alabama.

Applicant seeks Commission approval to grant an easement to South Central Bell Telephone Company, for the installation, operation, and maintenance of a submerged telephone cable, to be located adjacent to existing marine cables across the H. Neely Henry Reservoir approximately 60 feet southwest of and parallel to the Alabama Highway 77 bridge in Section 32, T. 12 S., R. 6 E., Huntsville Principal Meridan, Alabama.

The single-wire armored cable would be placed loosely along the river bottom upwards to mean low water elevation

500 from where it would be buried to a 2.5-foot depth and anchored to existing manholes on each side of the river. The normal power pool elevation of the reservoir is 508.

Applicant has requested the shortened procedures pursuant to § 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 1977, file with the Federal Power Commission, 825 N. Capitol Street, N.E., 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 (1976). 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 in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), as amended by Order No. 518, a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10804 Filed 4-12-77;8:45 am]

[Docket No. RP74-61(PGA77-4)]

ARKANSAS LOUISIANA GAS CO.

Proposed Change in Rates

APRIL 7, 1977.

Take notice that on March 29, 1977, Arkansas Louisiana Gas Company (Arkla) tendered for filing 13th Revised Sheet No. 4 to its FPC Gas Tariff First Revised Volume No. 1, to become effective May 1, 1977.

Arkla states that the instant tariff sheet is being submitted pursuant to the Purchased Gas Cost Adjustment Clause of its tariff to provide for a current adjustment and a surcharge adjustment in accordance with applicable regulations.

Arkla also states that copies of its filing were mailed to the jurisdictional customers affected and other interested parties.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10802 Filed 4-12-77;8:45 am]

[Docket No. CP77-318]

ARKANSAS OKLAHOMA GAS CORP.

Application

APRIL 1, 1977.

Take notice that on March 28, 1977, Arkansas Oklahoma Gas Corporation (Applicant), 115 North Twelfth Street, Fort Smith, Arkansas 72901, filed in Docket No. CP77-318 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to connect one gas well to its pipeline system located in Fort Smith, Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to connect the gathering line from the Spirit of '76 No. 1 well to Applicant's Line H at a point in Sebastian County, Arkansas. Applicant states that the locations of the proposed connection, the well and the gathering line are all within the city limits of Fort Smith, and the estimated cost of making the connection is $1,680 which will be financed from funds on hand.

Applicant states that the additional gas supply to be obtained through the proposed facilities would be used to maintain service to its 48,200 existing customers located in twenty-nine towns and cities in Sebastian, Crawford, Franklin, Logan and Scott Counties, Arkansas, and Le Flore, Latimer, Haskell and Sequoyah Counties, Oklahoma.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1977, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10809 Filed 4-12-77;8:45 am]

[Docket No. ER77-231]

ARKANSAS POWER & LIGHT CO.

Supplements to Rate Schedules; Correction

MARCH 30, 1977.

In the matter of supplements to rate schedules, issued March 24, 1977 and published in the FEDERAL REGISTER on March 31, 1977, 42 FR (17171).

Paragraph 3, line 10: Please change "April 14, 1977" to "April 7, 1977".

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10812 Filed 4-12-77;8:45 am]

[Docket No. RP77-7 and RP72-157 (PGA77-6) (R.&D77-2)]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

APRIL 7, 1977.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on March 31, 1977 tendered for filing Twenty-Second Revised Sheet Nos. 8 and 9. The tariff sheets are proposed to become effective May 1, 1977, subject to refund, in accordance with the provisions of Section 4 of the Natural Gas Act in lieu of rates filed October 29, 1976 as revised November 24, 1976 in Docket No. RP77-7 which were suspended until May 1, 1977.

Consolidated stated that the purpose of Twenty-Second Revised Sheet Nos. 8 and 9 is (1) to reflect all changes in Consolidated's pipeline purchased gas cost will be in effect May 1, 1977; (2) to reflect all changes in Consolidated's producer purchased gas cost that will be in effect May 1, 1977; (3) to include in its rates a surcharge credit to reflect the Unrecovered Purchased Gas Cost account, flow through of supplier refunds

and flow through of the jurisdictional portion of the difference between the average annual average cost of gas reflected in the rates in 1976 and the annual average cost of gas withdrawn from the pre-1976 LIFO storage layers; and, (4) to include a Research and Development Cost Adjustment.

The proposed revised tariff sheets reflect an annual increase of $134.3 million in revenues from the revenues that would have been generated under the revised rates filed November 24, 1976. The average surcharge credit of 6.74¢/Mcf would be in effect for the six-month period May 1, 1977 through October 31, 1977. Research and Development Cost Adjustment is 0.11¢/Mcf.

The rates contained in Twenty-Second Revised Sheet Nos. 8 and 9 would generate $48.2 million in revenues, for sales for resale, over the rates contained in Twenty-First Revised Sheet Nos. 8 and 9 filed March 3, 1977 for effectiveness April 1, 1977.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be required to permit the proposed rates to become effective.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10806 Filed 4-12-77;8:45 am]

[Docket No. CP77-325]

CONSOLIDATED GAS SUPPLY CORP.

Application

APRIL 7, 1977.

Take notice that on March 31, 1977, Consolidated Gas Supply Corporation (Applicant), 455 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP77-325 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the storage of 30,000,000 Mcf of natural gas for three years for Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to store gas for Texas Eastern for each of the next three injection and withdrawal seasons, beginning with the 1977 summer injection period and ending with the 1979–1980 withdrawal period, pursuant to a letter agreement dated March 21, 1977 between Applicant and Texas Eastern. Applicant states that the proposed service consists of a storage capacity volume of 30,000,000 Mcf of natural gas for three years and a daily demand volume of 221,400 Mcf of natural gas. Applicant further states that it would render this proposed storage service on a best efforts basis for three years and charged for at rates contained in Applicant's Rate Schedule GSS (volumes in Mcf at 14.73 psia). It is stated that the natural gas to be delivered to Applicant by Texas Eastern and the natural gas to be returned by Applicant would be delivered at existing points of interconnection between the facilities of Texas Eastern and Applicant in the states of Ohio and Pennsylvania as operating conditions permit or require, and as mutually agreed to from time to time. Applicant states that no new facilities are required to render the proposed services.

It is stated that during each of the 1977, 1978 and 1979 injection periods, Texas Eastern would deliver to Applicant and Applicant would inject into storage such quantities of gas of Texas Eastern customers as are mutually agreed to and scheduled, on each day, by the dispatchers of Texas Eastern and Applicant. Any carried-over inventory and the injections would not exceed at any time the contracted storage capacity of 30,000,000 Mcf of natural gas, it is said.

Applicant states that during each of the 1977–1978, 1978–1979 and 1979–1980 withdrawal periods, it would deliver to Texas Eastern the contracted storage gas or any lesser portion thereof desired by Texas Eastern, at reasonably-constant daily rates not to exceed 221,400 Mcf.

Applicant asserts that under the services proposed here, it is contemplated that redeliveries from storage would occur ordinarily during the winter season next following the summer injection season. The customer may defer its withdrawals; and, in such event, the carried-over inventory and succeeding summer injection cannot exceed the contracted storage volume of 30,000,000 Mcf of natural gas, it is said.

Applicant indicates that the proposed storage service would enable Texas Eastern to render storage and transportation services for fourteen of its resale customers for the next three years, and that this service is needed to provide for the resale customers of Texas Eastern involved additional winter deliverability for serving essential high-priority consumer requirements and thereby to ameliorate some of the adverse effects of curtailments that have been so drastic in recent winter-heating seasons.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10808 Filed 4-12-77;8:45 am]

[Docket No. CP75-96, et al.; Docket No. RM77-6]

EL PASO ALASKA, ET AL.

Order Denying Conference and Allowing Interrogatories Pursuant to Consideration of Alcan's 48-Inch Express Line Alternative for an Alaska Natural Gas Transportation System; Correction

MARCH 24, 1977.

In the matters of El Paso Alaska, et al., order providing for suspension of proceedings and prescribing procedures pursuant to the provisions of the Alaska Natural Gas Transportation Act of 1976, Order No. 558-E, issued March 23, 1977 and published in the FEDERAL REGISTER on March 31, 1977, 42 FR 17170.

On page 17170, the second paragraph, change "March 27, 1977" to "March 22, 1977".

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10813 Filed 4-12-77;8:45 am]

[Docket No. RP72-140 (PGA77-3)]

GREAT LAKES GAS TRANSMISSION CO.

Proposed Changes in PGA Gas Tariff Under Purchased Gas Adjustment Clause Provisions

APRIL 7, 1977.

Take notice that Great Lakes Gas Transmission Company (Great Lakes),

on March 16, 1977, tendered for filing Twenty-Third Revised Sheet No. 57, to its FPC Gas Tariff, First Revised Volume No. 1, proposed to be effective May 1, 1977.

Great Lakes states that the cost of gas purchased from TransCanada Pipelines Limited, its sole supplier of natural gas, is reduced as a result of the continuing decrease in the conversion rate between United States and Canadian currency.

In addition, the revised tariff sheet reflects a purchased gas cost surcharge resulting from maintaining an unrecovered purchased gas cost account for the period commencing September 1, 1976 and ending February 28, 1977.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10811 Filed 4-12-77;8:45 am]

[Docket No. CS77-395, et al.]

H. H. PHILLIPS, WINNIE A. PHILLIPS AND JANE PHILLIPS LADOUCEUR, ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 5, 1977.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 2, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS77-395	Mar. 14, 1977	H. H. Phillips, Winnie A. Phillip, and Jane Phillips Ladouceur, 314 Mfiam Bldg., San Antonio, Tex. 78205.
CS77-396	Mar. 18, 1977	American Petroleum, Inc., P.O. Box 1459, Hutchinson, Kans.
CS77-397	do	I. H. DeLatte, et al., P.O. Box 52511—OCS, Lafayette, La. 70505.
CS77-398	do	Thunderbird Energy Co., P.O. Box 1118, Ardmore, Okla. 73401.
CS77-399	do	D. & C. Gas Properties, P.O. Box 508, Pampa, Tex. 79065.
CS77-400	do	Fast Enterprises, P.O. Box 1200, Farmington, N. Mex. 87401.
CS77-401	Mar. 21, 1977	Ira C. Shimp, 1719 1st National Center, Oklahoma City, Okla. 7310.
CS77-402	do	Vern C. Shimp, 1719 1st National Center, Oklahoma City, Okla. 7310.
CS77-403	do	Mary Loraine Shimp, 1719 1st National Center, Oklahoma City, Okla. 7310.
CS77-404	Mar. 10, 1977	Overly Operating Co., D-312 Petroleum Center, San Antonio, Tex. 78209.
CS77-405	Mar. 21, 1977	Ozello E. Eckels, Box 6046, Denver, Colo. 80206.
CS77-406	do	Robert Klabzuba, 3410 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS77-407	do	Colton & Colton, D-204 Petroleum Center, San Antonio, Tex. 78209.
CS77-408	Mar. 22, 1977	Montina Petroleum Co., 8417 Wilshire Blvd., No. 323, Beverly Hills, Calif.
CS77-409	do	Don M. Fedric, P.O. Box 1771, Roswell, N. Mex.
CS77-410	do	George H. Hunker, Jr., P.O. Box 2086, Roswell, N. Mex.
CS77-411	do	Lantana Oil Co., P.O. Box 1771, Roswell, N. Mex.
CS77-412	do	Petroquest Inc., % Mr. L. Brooke Henderson, 112 Professional Bldg., 1136 North 28th St., Billings, Mont.
CS77-413	do	Davell, Inc., 1800 1st National Bank Bldg., Dallas, Tex. 75202.
CS77-414	Mar. 23, 1977	Joe J. Klabzuba, P.O. Box 504, Prague, Okla. 74864.
CS77-415	do	Klabzuba Royalty Co., P.O. Box 504, Prague, Okla. 74864.

[FR Doc.77-10688 Filed 4-12-77;8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket No. CP77-327]

NATURAL GAS PIPELINE CO. OF AMERICA, ET AL.

Application

APRIL 7, 1977.

Take notice that on March 31, 1977, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), The Tenneco Building, Houston, Texas 77002, (Applicants) filed in Docket No. CP77-327 a joint application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of up to 10,000 Mcf of natural gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that Natural has available pursuant to its rights under a gas purchase contracted dated November 17, 1976, between Natural and Napeco Inc., an affiliate of Natural, (Napeco) volumes of natural gas in the Thornwell Area, Jefferson Davis Parish, Louisiana. Applicants further state that the gas would be gathered and delivered by the producer to Amoco Production Company's (Amoco) South Thornwell Processing Plant located in Jefferson Davis Parish, Louisiana, for processing, and the residue gas allocable to Napeco's account would be delivered and sold to Natural at the tailgate of the South Thornwell Processing Plant (Natural Delivery Point.

It is stated that Natural has entered into a gas transportation and exchange agreement dated March 15, 1977, with Columbia Gulf and Tennessee whereby Columbia Gulf and Tennessee would assist Natural in transporting up to 10,000 Mcf per day of gas purchased by Natural. It is further stated that Columbia Gulf would accept gas for Natural's account at the Natural Delivery Point into its existing pipeline and measurement facilities at the tailgate of Amoco's South Thornwell Processing Plant and redeliver the gas on an Mcf-for-Mcf basis to Tennessee at an existing point of interconnection located in Cameron Parish, Louisiana, and Tennessee would deliver, or cause the delivery of, gas to Natural at the inlet to the existing pipeline and measurement facilities of Natural at the tailgate of Mobile Oil Corporation's Cameron Gas Processing Plant located in Cameron Parish, Louisiana.

It is stated that delivery of gas on an Mcf-for-Mcf basis for Natural's account to Columbia Gulf, Columbia Gulf to Tennessee and Tennessee to Natural would be contemporaneous, within practical operating conditions, and each party would make such adjustment in deliveries as promptly as is consistent with their operating conditions in order to balance any excess or deficiency.

Applicants state that the proposed transportation and exchange agreement

is for a primary term of seven years from the date of first delivery of gas and from year-to-year thereafter until terminated by one party giving the other parties at least 1 year's prior notice.

It is stated that Natural would pay Tennessee a monthly handling charge as defined in the agreement (about 1.084 cents per Mcf at date of filing) for each Mcf received by Tennessee at the Columbia Delivery Point and would pay Columbia Gulf a handling charge of $500 for any month during which gas is transported and exchanged.

It is asserted that the transportation and exchange agreement between Applicants is beneficial to Natural in that it provides a means to Natural to connect a remote source of gas supply into its system obviating the necessity to construct and operate duplicate facilities. Applicants indicate that they would utilize their existing facilities to render the proposed transportation services.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the Appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10807 Filed 4-12-77;8:45 am]

[Docket No. RP77-41]

SOUTHERN NATURAL GAS CO.

Petition For Emergency Relief

APRIL 7, 1977.

Take notice that on March 7, 1977, Southern Natural Gas Company (Southern) filed in the above docket a petition requesting the Commission to grant Southern authorization to recover through its tariff PGA clause all costs associated with an emergency purchase of natural gas made by Southern pursuant to section 2.68 of the Commission's General Policy and Interpretations. In its petition Southern states as follows:

As has been set out in a number of proceedings, Southern experienced unprecedented cold weather in its service area this winter. This weather and the continued decline of deliverability from normal gas supply sources caused excessive withdrawals of Southern's stored reserves and resulted in a drastic decline in deliverability from those stored reserves. The decline in deliverability led to the curtailment of 100 percent of gas allocated for industrial uses on Southern's system during the period January 11, 1977 to February 23, 1977. Even this drastic curtailment of gas, however, did not bring supply in line with priority 1 requirements.

On January 19, depleted pipeline inventory and declining pipeline pressure required that a curtailment into priority 1 be made. Even with that curtailment, Southern's pipeline inventory and pressure continued to decline, threatening a widespread loss of service. At this critical juncture, however, Southern was able to arrange an emergency storage service from Northern Illinois Gas Company (NI-Gas) whereby NI-Gas agreed to provide Southern with up to 1 billion cubic feet of gas at rates up to 150,000 Mcf per day from NI-Gas' existing storage facilities. The transaction was carried out pursuant to Section 2.68 of the Federal Power Commission's Geneneral Policy and Interpretations. This gas was made available to Southern begining late January 18 and literally prevented a major disaster from occurring on Southern's system. Increased deliveries from NI-Gas beginning January 20 enable Southern to resume allocations to serve 100% of priority 1 beginning January 21.

In order to make this stored gas available to Southern, NI-Gas was forced to utilize its synthetic natural gas facilities to replace said stored gas at a cost to NI-Gas of approximately three times its ordinary cost of purchased gas. NI-Gas has informed Southern that during the 60-day period of the storage arrangement it utilized more than 800,000 Mcf of synthetic gas and that it will utilize far more synthetic gas this winter than last. NI-Gas has also informed Southern that its ordinary cost of purchased gas is $1.10 per Mcf and the gas utilized in lieu of the gas diverted to Southern had a cost to NI-Gas of $3.78 per Mcf. Southern and NI-Gas agreed, therefore, that Southern should replace the stored gas it withdrew during a second 60-day period (again pursuant to Section 2.68 of the Federal Power Commission's General Policy and Interpretations) on a three-to-one basis.

The gas withdrawn from storage and the gas Southern will return to NI-Gas was and will be transported by Natural Gas Pipeline Company of America (Natural) for a charge of 20¢ per Mcf of gas returned to NI-Gas plus 5 percent of the gas returned for fuel (no charge was made for the delivery to Southern). Natural delivered the gas to Transcontinental Gas Pipe Line Corporation (Transco) which delivered the same to Atlanta Gas Light Company for Southern's account for a transportation charge of 19.6¢ per Mcf. Transco will also displace gas which Southern delivers to Atlanta for Transco's account to Natural to accomplish the paycheck to NI-Gas.

Based on Southern's present average cost of purchased gas (66.74¢ per Mcf) the total cost to Southern of the volumes diverted to it by NI-Gas was only $1.33 per Mcf. Including transportation both ways, the total cost will be approximately $2.24 per Mcf.

Southern will be able to provide NI-Gas the payback volumes and fill its Muldon Storage Field without curtailment of high priority requirements. The depth of curtailment on Southern's system this summer will be influenced by the weather experienced in March and the deliverability of certain new reserves which should begin flowing this summer. Southern anticipates, however, that only curtailments of requirements in priorities 6 through 9 of the curtailment plan established by the Commission in Opinion Nos. 747 and 747-B will be necessary this summer.

Southern respectfully submits that the NI-Gas transaction described above was absolutely vital to Southern's ability to continue service to its customers during the extremely critical period experienced in the latter part of January and the first part of February. During that period of time Southern took delivery of approximately 800,000 Mcf of gas from NI-Gas all of which was used to maintain service to essential priority 1 requirements and other requirements not properly classified in priority 1 which could not safely withstand curtailment. Southern informed its customers and representatives of the Federal Power Commission Staff at a meeting on January 18 in Southern's offices of the pending transaction with NI-Gas and that the transaction was absolutely essential.

Southern respectfully submits that the transaction with NI-Gas and Natural was necessary to assure maintenance of adequate gas service where interruption or serious curtailment of service existed and that Southern is, therefore, entitled to recover all costs associated with that transaction. Indeed, the Commission by telegraphic order on January 18, 1977 authorized Southern to encourage distributors to switch to supplemental supplies such as propane and further authorized Southern to pay the costs of the alternate fuel for gas made available by such switches. The transaction with NI-Gas is on all fours with the intent of the Commission's January 18, 1977 order except that Southern, by using repayment gas as consideration, incurred substantially lower costs than the cost of the alternative fuel.

Thus, Southern and its customers experience a total cost of about $2.24 per Mcf instead of the $3.78 per Mcf syngas

cost, which with transportation would have a total cost of about $4.00 per Mcf. By paying for the storage service with gas instead of money, a savings of over $1,400,000 was effected ($4.00−$2.24=$1.76×800,000=$1,408,000).

Any person wishing to do so may submit comments in writing concerning Southern's request for emergency relief. All such comments should be filed or mailed on or before April 22, 1977, and should be addressed to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Southern's petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10803 Filed 4-12-77;8:45 am]

[Docket No. CP66-180]

TENNESSEE GAS PIPELINE CO.

Petition To Amend

APRIL 7, 1977.

Take notice that on March 29, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP66-180 a petition to amend the Commission's order of May 10, 1966 issued in the instant docket (35 FPC 715) pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of a 3,260 horsepower compressor unit at its Compressor Station No. 261 located at Agawam, Massachusetts, all as is more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that pursuant to the Commission's order of May 10, 1966, it was authorized to install a 2,500 horsepower compressor unit at its Compressor Station No. 261 located at Agawam, Massachusetts, and in November of 1976 it became necessary for Tennessee to replace the 2,500 horsepower compressor unit because of its failure to provide the necessary compression in an efficient and dependable manner and because the unit had become absolete and repair of the unit would have been uneconomical. Petitioner indicates that pursuant to Section 2.55(b) of the Commission's General Policy and Interpretation (18 CFR 2.55 (b)) it purchased and installed a compressor unit that was represented to it as a 2,500 horsepower compressor unit, and that its understanding was that certain modifications by the vendor would be necessary to allow the unit to achieve a rating of 3,260 horsepower. Petitioner further states that during the current winter heating season, it discovered that this unit unit as delivered was not limited to 2,500 horsepower, but can be operated at 3,260 horsepower. It has been determined that the fuel efficiency when operating this unit at 3,260 horsepower is significantly greater than when operating at a restricted rating of 2,500 horsepower, it is said.

Petitioner asserts that operation of the unit as a rating of 3,260 horsepower would result in a fuel savings and would provide greater assurance of continuity of service to its customers in the event of an outage that may occur on any one of the four smaller units at its Compressor Station No. 261.

It is stated that although the modification has been made, the cost of the said modification would not be charged to Petitioner until operation of the unit at the higher rating is authorized, and the charge by the manufacturer for such modification would be $57,520. The total project cost would be $72,350, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10810 Filed 4-12-77;8:45 am]

[Docket No. CP77-296]

TEXAS GAS TRANSMISSION CORP.

Application

APRIL 7, 1977.

Take notice that on March 15, 1977, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP77-296 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Steel Services Company, a Division of Azcon Corporation (Steel Services), on an interruptible basis for two years, all as more fully set forth in the application which is on file at the Commission and open to public inspection.

Applicant states that Steel Services has entered into a contract with McGoldrick Joint Venture No. 1-73 (McGoldrick) for the purchase of natural gas to be produced from certain leasehold interests presently owned or controlled by McGoldrick in the Leatherman Creek Field, Claiborne Parish, Louisiana. The gas would be delivered to Applicant at an existing meter station located at or near Mile Post 20+1743 on Applicant's Sharon-Carthage 20-inch pipeline in Claiborne Parish. Applicant states it would simultaneously redeliver up to 1,957 Mcf of gas per day for Steel Services' account to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), at Portland, Tennessee, where both Applicant and Tennessee have facilities, for ultimate delivery by East Tennessee Natural Gas Company to Steel Services' Knoxville, Tennessee, plant.

Applicant states that no new facilities are necessary in order to effectuate the proposed transportation service.

Applicant would retain 8.7 percent of the gas as makeup for compressor fuel and the line loss, which percentage is calculated on an incremental basis for pipeline throughput to and within the rate zone in which the delivery by Applicant would be made, i.e., Zone 3, it is said. Applicant states it would collect an initial charge of 17.51 cents per Mcf at 14.73 psia for all quantities of gas transported and delivered to Tennessee for the account of Steel Services.

In a letter from McGoldrick to Steel Services, included as an exhibit to the application it is asserted that the subject gas is from newly discovered reservoirs and is not available for sale for resale in interstate markets.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 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 1.18 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10799 Filed 4-12-77;8:45 am]

[Docket No. CP77-167]

TEXAS GAS TRANSMISSION CORP.

Application

APRIL 7, 1977.

Take notice that on March 29, 1977, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP77-167, an application pursuant to section 7 of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of up to 5,000 Mcf of natural gas per day on an interruptible basis, for Wheeling-Pittsburgh Steel Corporation (Wheeling), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 5,000 Mcf of natural gas per day at 14.73 psia, on an interruptible basis, for 2 years for the account of Wheeling, pursuant to a transportation agreement, dated March 14, 1977, between Applicant and Wheeling. Applicant states that the proposed transportation service commenced on February 4, 1977, pursuant to the temporary authorization granted by the Commission in its order of January 31, 1977.

Applicant states that Wheeling has entered into a contract with McGoldrick Joint Venture No. 1-73 (McGoldrick) for the purchase of the subject gas at $1.70 per Mcf which is to be produced from certain leasehold interests presently owned or controlled by McGoldrick in Leatherman Creek Field, Claiborne Parish, Louisiana.

Applicant proposes to transport the subject gas from an existing meter station located at or near Mile Post 20 + 143 on Applicant's Sharon-Carthage 20-inch pipeline in Claiborne Parish, Louisiana, and redeliver such gas to Columbia Gas Transmission Corporation (Columbia) near Lebanon, Ohio, for ultimate delivery to Wheeling's plants located in the States of Ohio, Pennsylvania and West Virginia. It is stated that Applicant would not be obligated to deliver on any one day an aggregate amount of more than 290, 708 Mcf at 14.73 psia of natural gas to Columbia at all points of delivery of Applicant to Columbia, and that no new facilities are necessary in order to effectuate the proposed transportation service.

Applicant states that it would retain a volume equal to 12.2 percent above the delivered volume as makeup for compressor fuel and line loss, which percentage was calculated on an incremental basis for pipeline though put to and within the rate zone in which the delivery by Applicant would be made, i.e. Zone 4. Applicant further states that it would collect from Wheeling an initial charge of 20.01 cents per Mcf (at 14.73 psia) for all quantities of gas transported and delivered to Columbia. The proposed interruptible transportation rate is computed in the same manner, exclusive of the cost of compressor station fuel, as that rate charge for comparable long-haul interruptible transportation service by Applicant, it is said.

It is stated that the gas covered by the Wheeling contract has never been sold in interstate commerce, and if transportation had not been obtained, the gas in question would not have been sold in the interstate market. It is indicated that Wheeling would use the subject gas for Priority 2 uses.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 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 National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10800 Filed 4-12-77;8:45 am]

[Docket No. CP77-280]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Amendment to Application

APRIL 7, 1977.

Take notice that on March 30, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-280 an amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretation (18 CFR 2.79) by which amendment Applicant requests authorization to increase its interruptible transportation rate for gas transported for Kerr Finishing Division of Allied Products Corporation (Kerr), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in its initial application filed in said docket on March 7, 1977, there is a transportation agreement between Applicant, Kerr and Public Service Company of North Carolina, Inc. (PSNC). PSNC is a party to the agreement because it is the distribution company which serves Kerr, it is said. Applicant further states that in its initial application it proposed to transport natural gas on an interruptible basis for Kerr at a rate of 21.55 cents per Dekatherm (dt).

Applicant states that it is filing revised tariff sheets to its FPC Gas Tariff, Original Volume No. 2, and that these sheets provide for increased rates for interruptible transportation services rendered by Applicant under Volume 2 agreements. Applicant further states that the rate for Zone 2 (where Kerr is located) contained in such revised tariff sheets in 45.8 cents per dt.

By this amendment applicant proposes to increase the proposed transportation rate charged to Kerr to 45.8 cents per dt. Applicant asserts that this proposed increase in rate charged to Kerr for its transportation service would result in Kerr paying the same rate as other shippers for whom Applicant is transporting in Zone 2.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 18, 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 need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10798 Filed 4-12-77;8:45 am]

[Docket No. RP77-48]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

APRIL 7, 1977.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on March 30, 1977, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, Original Volume No. 2.

Transco states that these tariff sheets provide for an increase in the rates

charged for the interruptible transportation service rendered by Transco. The proposed effective date of such increased rates is March 31, 1977. The Company states that copies of the filing have been mailed to each of its customers receiving service under the affected rate schedules, interested parties and state commissions.

Any persons 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 April 21, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-10805 Filed 4-12-77;8:45 am]

FEDERAL RESERVE SYSTEM

HAMBURG FINANCIAL, INC.

Formation of Bank Holding Company

Hamburg Financial, Inc., Hamburg, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 82.5 percent of the voting shares of Iowa State Bank, Hamburg, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 9, 1977.

Board of Governors of the Federal Reserve System, April 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10820 Filed 4-12-77;8:45 am]

NBC CORP.

Order Approving Formation of Bank Holding Company

NBC Corp., Jackson, Tennessee 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 acquisition of 100 percent[1] of the voting shares of the successor by merger to The National Bank of Commerce of Jackson ("Jackson Bank"), Jackson, Tennessee and 83.1 percent of the voting shares of The First National Bank of Gibson County ("Humboldt Bank"), Humboldt, Tennessee (hereinafter collectively referred to as "Banks"). The bank into which Jackson Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Jackson Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of shares of Jackson Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a non-operating corporation organized for the purpose of becoming a bank holding company. Jackson Bank and Humboldt Bank have aggregate deposits of $78.3 million, representing 0.6 percent of the total deposits in commercial banks in Tennessee and, upon consummation, Applicant would rank as the eleventh largest of twelve multibank holding companies in the State.[2] Approval of the application would not increase significantly the concentration of banking resources in Tennessee.

Jackson Bank ($66.2 million in deposits as of June 30, 1976) is the second largest of four banks operating in the Madison County banking market and holds approximately 29.1 percent of total market deposits. Humboldt Bank ($14.4 million in deposits as of June 30, 1976) is the fifth largest of thirteen banks in the Gibson County banking market, with 9.7 percent of total market deposits. Neither Jackson Bank nor Humboldt Bank derives substantial amounts of deposits or loans from the other's market area, and, accordingly, no significant competition between Jackson Bank and Humboldt Bank would be eliminated by consummation of the acquisitions. Moreover, potential competition would not be adversely affected by consummation of the acquisitions as neither banking market appears attractive for de novo entry. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of Banks, are regarded as satisfactory. Although Applicant will incur debt in connection with its acquisition of shares of Humboldt Bank, its income from Banks should provide sufficient revenue to service the debt without impairing the financial condition of either proposed subsidiary bank. In addition to incurring debt, Applicant will fund the subject proposal through a special dividend from Jackson Bank that may equal or exceed Jackson Bank's income for 1977 but, in light of Jackson Bank's capital strength, satisfactory management and future prospects, the dividend should not adversely affect Jackson Bank's overall financial condition.[3] Although the financial and managerial resources and future prospects of Jackson Bank are considered satisfactory, those of Humboldt Bank are not entirely satisfactory at the present time but are expected to show marked improvement as a result of Humboldt Bank's affiliation with Jackson Bank and Applicant. Therefore, considerations relating to banking factors are consistent with approval of the application, and considerations relating to convenience and needs are also regarded as being consistent with approval of the application. It is the Board's judgment that consummation of the proposal to form a bank holding company 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 should not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[4] effective April 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10821 Filed 4-12-77;8:45 am]

NBM CORPORATION

Formation of Bank Holding Company

NBM Corporation, McAlester, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of The National Bank of McAlester, McAlester, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 9, 1977.

[1] Applicant subsequently will resell qualifying shares to directors of The National Bank of Commerce of Jackson.

[2] All banking data are as of December 31, 1975, unless otherwise noted.

[3] Payment of the special dividend will not be in an amount violative of section 5199 of the Revised Statutes.

[4] Voting for this action: Chairman Burns and Governors Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Governor Gardner.

Board of Governors of the Federal Reserve System, April 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10822 Filed 4-12-77;8:45 am]

OMAHA STATE CORP.

Formation of Bank Holding Company

Omaha State Corporation, Omaha, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent, less directors' qualifying shares, of the voting shares of Omaha State Bank, Omaha, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 5, 1977.

Board of Governors of the Federal Reserve System, April 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10823 Filed 4-12-77;8:45 am]

PEOPLES CREDIT CO.

Proposed Retention of Midwest Data Processing

Peoples Credit Co., Kansas City, Missouri, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain the assets of Midwest Data Processing (a division of People Credit Co.). Notice of the application was published in newspapers of general circulation in the communities to be served.

Applicant states that retention of Midwest Data Processing would enable Applicant to continue to engage in providing bookkeeping and data processing services for the internal operations of the holding company and its subsidiary banks, performing data processing services for other banks, such as demand deposit, savings, certificates of deposits, installment loans, mortgage loans, commercial loans, payroll and general ledger, and processing financial and related economic data, including performing accounts receivable or payable, inventory, payroll and general ledger for commercial businesses and non-profit organizations. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 5, 1977.

Board of Governors of the Federal Reserve System, April 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10824 Filed 4-12-77;8:45 am]

REPUBLIC OF TEXAS CORPORATION

Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of successor by merger to Midway National Bank of Grand Prairie, Grand Prairie, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 5, 1977.

Board of Governors of the Federal Reserve System, April 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10825 Filed 4-12-77;8:45 am]

[Docket No. TCR 76-107(a)]

REPUBLIC OF TEXAS CORPORATION

Prior Certification Under the Bank Holding Company Tax Act of 1976

Republic of Texas Corporation, Dallas, Texas ("Republic") has requested a prior certification pursuant to section 6158(a) of the Internal Revenue Code (the "Code"), as amended by section 3(a) of the Bank Holding Company Tax Act of 1976 (the "Tax Act"), that the proposed sale by The Howard Corporation ("Howard"), a subsidiary of Republic, of the Town & Country Shopping Center, Midland, Texas ("Town & Country") is necessary or appropriate to effectuate section 4 of the Bank Holding Company Act (12 U.S.C. 1843 et seq.) ("BHC Act"). Howard proposes to sell Town & Country to Hotelmattschappij Duin & Daal B.V., a corporation of Holland, for $1,025,000 cash and assumption of the unpaid principal balance owed by Howard on a note dated March 1, 1966, to The Equitable Life Assurance Association of the United States.

In connection with this request, the following information is deemed relevant for purposes of issuing the requested certification: [1]

1. On July 7, 1970, Republic National Bank of Dallas ("Old Republic Bank"), a national banking association, indirectly controlled 29.9 percent of the outstanding voting shares of Oak Cliff Bank and Trust Company, Dallas, Texas ("Oak Cliff Bank").

2. On July 7, 1970, Old Republic Bank indirectly controlled, through Howard, a trusteed affiliate, property the disposition of which would be necessary or appropriate to effectuate § 4 of the BHC Act if Old Republic Bank were to continue to be a bank holding company beyond December 31, 1980, which property is "prohibited property" within the meaning of § 1103(c) of the Code.

3. Old Republic Bank became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its indirect control at that time of more than 25 per cent of the outstanding voting shares of Oak Cliff Bank, and it registered as such with the Board on September 24, 1971.

4. Republic is a corporation that was organized under the laws of the State of Delaware on July 12, 1972, for the purpose of effecting the reorganization of Old Republic Bank into a subsidiary of Republic.

5. On September 10, 1973, the Board ruled that in the event Republic were to become a bank holding company through the acquisition of the successor by merger to Old Republic Bank, Republic would not be regarded as a "successor" to Old Republic as defined in § 2(e) of the BHC Act for the purposes of § 2(a)(6) of the BHC Act, or as a "company covered in 1970," as that term is defined in the BHC Act, and that Republic was not entitled to the benefit of any grandfather privileges that Old Republic Bank may have possessed pursuant to the proviso in section 4(a)(2) of the BHC Act.

6. By Order dated October 25, 1973, the Board approved Republic's application under section 3(a)(1) of the BHC Act to become a bank holding company

[1] This information derives from Republic's correspondence with the Board concerning its request for this certification, Republic's Registration Statement filed with the Board pursuant to the BHC Act as well as the Registration Statement of Republic National Bank and other records of the Board.

through the acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Old Republic Bank and the indirect acquisition of control of 29.9 percent of the voting shares of Oak Cliff Bank. Pursuant to the provisions of section 4(a)(2) of the BHC Act, Republic was required by that order to divest itself, within two years from the date as of which it would become a bank holding company, of the impermissible nonbanking interests that would be directly or indirectly controlled by the successor by merger to Old Republic Bank, including such impermissible interests held by Howard.

7. On May 9, 1974, in a transaction described in section 368(a)(1)(A) and section 368(a)(2)(D) of the Code, Old Republic Bank was merged into the present Republic National Bank of Dallas ("New Republic Bank"), a national banking association which was a wholly-owned subsidiary (except for directors' qualifying shares) of Republic. New Republic thereby acquired substantially all of the properties of Old Republic Bank and Republic thereupon became a bank holding company. By virtue of two one-year extensions granted by the Board, Republic presently has until May 9, 1978, to complete the divestitures required by the Board's order of October 25, 1973.

8. As part of the same transaction by which Republic became a bank holding company, in a transaction to which section 351 of the Code applied, Republic acquired beneficial interests in the shares of Howard held by trustees for the benefit of shareholders of New Republic Bank, which shares are shares described in section 2(g)(2) of the BHC Act.

9. Town & Country was acquired by Howard on November 2, 1965, and is a part of the property of Howard in which Republic acquired a beneficial interest pursuant to section 2(g)(2) of the BHC Act.

On the basis of the foregoing information, it is hereby certified that:

(A) Prior to May 9, 1974, Old Republic Bank was a "qualified bank holding corporation," within the meaning of subsection (b) of section 1103 of the Code, and satisfied the requirements of that subsection.

(B) New Republic Bank is a corporation that acquired substantially all of the properties of a qualified bank holding corporation, and as such is treated as a qualified bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(C) Republic is a corporation in control (within the meaning of section 2(a)(2) of the BHC Act) of New Republic Bank, and as such is treated as a qualified bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(D) Howard is a subsidiary (within the meaning of section 2(d) of the BHC Act) of Republic, and as such is treated as a qualified bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(E) Town & Country is "prohibited property" for the purposes of section 6158 of the Code; and

(F) the sale of Town & Country is necessary or appropriate to effectuate section 4 of the BHC Act.

This certification is based upon the representations made to the Board by Republic and upon the facts set forth above. In the event the Board should hereafter determine that facts material to this certification are otherwise than as represented by Republic, or that Republic has failed to disclose to the Board other material facts, it may revoke this certification.

By order of the Board of Governors acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(b)(3)), effective March 30, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-10826 Filed 4-12-77;8:45 am]

SECURITY BANCSHARES, INC.

Formation of Bank Holding Company

Security Bancshares, Inc., Shenandoah, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 84.39 per cent or more of the voting shares of The Security Trust and Savings Bank, Shenandoah, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 4, 1977.

Board of Governors of the Federal Reserve System, April 6, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-10827 Filed 4-12-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

NATIONAL HEALTH RESOURCES ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Public Law 92-463, that the next meeting of the Presidentially-appointed National Health Resources Advisory Committee will be held June 9-10, 1977, at the Kona Kai Club, 1551 Shelter Island Drive, San Diego, California 92106.

The subject of the meeting will be Federal Emergency Health Preparedness Activities. It will be the fourth comprehensive review of the manner in which the Federal departments and agencies are carrying out their assigned responsibilities for emergency health preparedness. Emphasis will be placed on Federal-State-local government cooperation in emergency health preparedness activities. Participants will include officials concerned with health and medical matters at the Federal, State, and local levels as well as representatives of related agencies and associations in the private sector.

Meeting times are from 8:00 a.m. to 4:30 p.m., June 9, and from 9:00 a.m. to 4:30 p.m., June 10, 1977. All sessions are open to the public.

In order to assure adequate seating arrangements, persons planning to attend are asked to notify Frederick J. Haase, Staff Director, Telephone No. 202-566-0517 or 566-0763, as soon as possible.

Dated: April 1, 1977.

LESLIE W. BRAY, Jr.,
Director, Federal Preparedness Agency, General Services Administration.

[FR Doc.77-10783 Filed 4-12-77;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 8, April 28 and 29, 1977, from 8 a.m. to 4 p.m., GSA Conference Room, Building 41, Denver Federal Center, Denver, Colorado. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for two proposed one year term fixed price contracts: one for the State of Colorado and one for the State of Utah. The meeting will be open to the public.

Dated: March 30, 1977.

MICHAEL J. NORTON,
Regional Administrator.

[FR Doc.77-10782 Filed 4-12-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

ADVISORY COMMITTEES

Meetings for the Review of Contract Proposals

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual contract proposals as indicated.

These proposals and the discussions could reveal personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

BREAST CANCER DIAGNOSIS COMMITTEE

Dates and time: May 4-5, 1977; 8:30 a.m.
Place: May 4, Building 31A, Conference Room 3A10. May 5, Building 31C, Conference Room 8.
Type of meeting: Open—May 4, 8:30 a.m.-9:30 a.m. Open—May 5, 8:30 a.m.-9 a.m. Closed—May 4, 9:30 a.m.-5 p.m. Closed—May 5, 9 a.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Bernice T. Radovich, Landow Building, Room B404, National Institutes of Health, 301-496-6773.
(Catalog of Federal Domestic Assistance No. 13.394—National Institutes of Health.)

BREAST CANCER EPIDEMIOLOGY COMMITTEE

Date and time: May 5, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.
Type of meeting: Open—May 5, 8:30 a.m.-10:30 a.m.
Agenda/Open Portion: To discuss possible future requests for proposals. Closed—May 5, 10:30 a.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Elizabeth P. Anderson, Landow Building, Room A406, National Institutes of Health, 301-496-6718.

(Catalog of Federal Domestic Assistance No. 13.394—National Institutes of Health.)

BREAST CANCER TREATMENT COMMITTEE

Dates and time: May 5, 1977; 8:30 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland.
Type of meeting: Open—May 5, 8:30 a.m.-12 noon. Closed: May 5, 1:30 p.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Mary E. Sears, Landow Building, Room A404, National Institutes of Health, 301-496-6773.

(Catalog of Federal Domestic Assistance No. 13.395—National Institutes of Health.)

BREAST CANCER EXPERIMENTAL BIOLOGY COMMITTEE

Dates and time: May 5-6, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.
Type of meeting: Open—May 5, 8:30 a.m.-12 noon. Closed—May 5, 1 p.m.-5 p.m. Closed—May 6, 8:30 a.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mr. Chester V. Piczak, Landow Building, Room A418, National Institutes of Health, 301-496-6718.

(Catalog of Federal Domestic Assistance No. 13.396—National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOTHERAPY

Date and time: May 12, 1977; 1:15 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Type of meeting: Open—May 12, 1:15 p.m.-1:45 p.m. Closed—May 12, 1:45 p.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. George M. Steinberg, Building 10, Room 4B09, National Institutes of Health, 301-496-1791.

(Catalog of Federal Domestic Assistance No. 13.395-National Institutes of Health.)

Dated: April 8, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10835 Filed 4-12-77;8:45 am]

ADVISORY COMMITTEES

Meetings for the Review of Contract Proposals and Grant Applications

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

DRUG DEVELOPMENT COMMITTEE

Date and time: May 6, 1977; 9 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Type of meeting: Open—May 6, 9 a.m.-9:45 a.m. Agenda/open portion—General discussion of progress in the New Agents Synthesis Program; closed—May 6, 9:45 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Mrs. Naomi T. FitzGibbon, Blair Building, Room 5A09, National Institutes of Health, 301-427-7263.

(Catalog of Federal Domestic Assistance No. 13.395—National Institutes of Health.)

CANCER CONTROL INTERVENTION PROGRAMS REVIEW COMMITTEE B

Dates and time: May 6-7, 1977; 8:30 a.m.
Place: Conference Room 5, Building 31, National Institutes of Health.
Type of meeting: Open—May 6, 8:30 a.m.-12 noon. Open—May 7, 8:30 a.m.-adjournment. Agenda/open portion—General discussion of progress on ongoing contracts. Closed—May 6, 1 p.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Carlos E. Caban, Blair Building, Room 7A07, National Institutes of Health, 301-427-7945.

(Catalog of Federal Domestic Assistance No. 13.399—National Institutes of Health.)

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS AND CONSTRUCTION

Date and time: May 22, 1977; 1:30 p.m.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Type of meeting: Open—May 22, 1:30 p.m.-6 p.m.; closed—May 22, 6 p.m.-adjournment. Agenda/open portion—Discussion of Intrainstitute Committee Report: analysis of 10 largest cancer center support grants and non comprehensive clinical centers.
Closure reason: To review research grant applications.
Executive secretary: Dr. William A. Walter, Jr., Westwood Building, Room 826, National Institutes of Health, 301-496-7427.

(Catalog of Federal Domestic Assistance No. 13.312—National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOBIOLOGY

Dates and time: May 23-24, 1977; 8:30 a.m.
Place: Landow Building, Room C-418, National Institutes of Health.
Type of meeting: Open—May 23, 8:30 a.m.-9 a.m.; closed—May 23, 9 a.m.-11:30 p.m.; closed—May 24, 8:30 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Mrs. Judith M. Whalen, Building 10, Room 4B17, National Institutes of Health, 301-496-1791.

(Catalog of Federal Domestic Assistance No. 13.396—National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOTHERAPY

Dates and time: May 24-25, 1977; 8:30 a.m.
Place: May 24, Landow Building, 13th Floor Conference Room, 7910 Woodmont Avenue, Bethesda, Maryland. May 25, Landow Building, Room C-418.
Type of meeting: Open—May 24, 8:30 a.m.-9 a.m.; closed—May 24, 9 a.m.-11:30 p.m. Closed—May 25, 8:30 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. George M. Steinberg, Building 10, Room 4B09, National Institutes of Health, 301-496-1791.

(Catalog of Federal Domestic Assistance No. 13.395—National Institutes of Health.)

DEVELOPMENTAL THERAPEUTICS COMMITTEE

Dates and time: May 26, 1977; 9 a.m.
Place: Building 37, Room 6B23, National Institutes of Health.
Type of meeting: Open—May 26, 9 a.m.-10:30 a.m.; closed—May 26, 10:30 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. J. A. R. Mead, Blair Building, Room 5A03A, National Institutes of Health, 301-427-7263.

(Catalog of Federal Domestic Assistance No. 13.395—National Institutes of Health.)

BIOMETRY AND EPIDEMIOLOGY CONTRACT REVIEW COMMITTEE

Dates and time: May 31–June 1, 1977; 7 p.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Type of meeting: Open—May 31, 7 p.m.–11 p.m.; closed—June 1, 8:30 a.m.—adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Mr. Harvey Geller, Landow Building, Room C519, National Institutes of Health, 301–496–6014.

(Catalog of Federal Domestic Assistance No. 13.393—National Institutes of Health.)

Dated: April 8, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–10836 Filed 4–12–77;8:45 am]

ADVISORY COMMITTEES

Open Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

SUBCOMMITTEE ON COST REIMBURSEMENT OF THE CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Date and time: May 2, 1977; 9 a.m.–adjournment.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Type of meeting: Open for the entire meeting.
Agenda: To consider strategies potentially applicable to supported projects of the Division of Cancer Control and Rehabilitation.
Executive Secretary: Dr. Dorothy R. Brodie, Blair Building, Room 7A07, National Institutes of Health, 301–427–7945.

SUBCOMMITTEE ON PREVENTION OF THE CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Date and time: May 2, 1977; 2 p.m.–adjournment.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Type of meeting: Open for the entire meeting.
Agenda: To consider those interventions which staff might employ to lower the incidence of cancer through prevention.
Executive Secretary: Dr. Dorothy R. Brodie, Blair Building, Room 7A07, National Institutes of Health, 301–427–7945.

SUBCOMMITTEE ON COMMUNITY ACTIVITIES OF THE CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Dates and time: May 2, 1977; 7 p.m.–adjournment.
Place: Holiday Inn, Board Room No. 6, 8120 Wisconsin Avenue, Bethesda, Maryland 20014.
Type of meeting: Open for the entire meeting.
Agenda: To consider strategies for the Division of Cancer Control and Rehabilitation coordination and integration of current control efforts into more effective community-based cancer control.
Executive Secretary: Dr. Dorothy R. Brodie, Blair Building, Room 7A07, National Institutes of Health, 301–427–7945.

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Dates and time: May 3–4, 1977; 9 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Type of meeting: Open for thhe entire meeting.
Agenda: To discuss current and projected programs of the Division of Cancer Control and Rehabilitation.
Executive Secretary: Dr. Veronica L. Conley, Blair Building, Room 7A07, National Institutes of Health, 301–427–7941.

NATIONAL CANCER ADVISORY BOARD, SUBCOMMITTEE ON BUDGET AND PLANNING

Date and time: May 23, 1977; 7:30 p.m.-adjournment.
Place: Building 31A, Conference Room 11A10, National Institutes of Health.
Type of meeting: Open for the entire meeting.
Agenda: To review the preliminary estimates for the NCI budget for fiscal year 1979 and the budget projections for 1980 to 1983; and to review the draft of the NCI Annual Plan for the first year period 1979–1983.
Executive Secretary: Mr. Louis M. Carrese, Building 31, Room 11A49, National Institutes of Health, 301–496–4445.

DATA EVALUATION SUBGROUP OF THE CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Date and time: May 31, 1977; 8:30 a.m.-adjournment.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Type of meeting: Open for the entire meeting.
Agenda: To consider criteria and procedures to be used in the evaluation of bioassay data and available bioassay data.
Executive Secretary: Dr. James M. Sontag, Building 31, Room 3A16, National Institutes of Health, 301–496–5108.

Dated: March 31, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–10834 Filed 4–12–77;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, May 16–18, 1977. The meeting will be held in Building 31, Conference Room 9, on May 16 and 17 and in Conference Room 8, Building 31 on May 18, at the National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 8:30 a.m. to 9:30 a.m. each day to discuss administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public from 9:30 a.m. to adjournment each day for the review, discussion and evaluation of individual contract proposals. The proposals and the discussions could reveal trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals. Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, 301–496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.849—National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–10840 Filed 4–12–77;8:45 am]

CONTRACEPTIVE EVALUATION RESEARCH CONTRACT REVIEW COMMITTEE

Cancelled Meeting

Notice is hereby given of the cancellation of the meeting of the Contraceptive Evaluation Research Contract Review Committee, National Institute of Child Health and Human Development, April 18, 1977, Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland, which was published in the FEDERAL REGISTER on March 7, 1977, 42 FR 12926.

Dated: April 7, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77–10832 Filed 4–12–77;8:45 am]

CURRENT RESEARCH IN CARDIAC AND VASCULAR DISEASE IN RELATION TO DIABETES MELLITUS

Open Meeting

Notice is hereby given of the Workshop on Current Research in Cardiac and Vascular Disease in Relation to Diabetes Mellitus sponsored by the National Heart, Lung, and Blood Institute, June 3, 1977 between 9:00 am and 4:00 pm in Building 31, Conference Room 5, the

National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on a space available basis.

Dr. Gardner C. McMillan, Associate Director, Etiology of Arteriosclerosis and Hypertension Program, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Landow Building, Room C803, Bethesda, Maryland 20014, (301) 496-1613 will provide additional information.

Dated: March 31, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10837 Filed 4-12-77;8:45 am]

National Institutes of Health

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, on June 16-17, 1977, National Institutes of Health, Building 31-B, Conference Room 5, Bethesda, Md.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on June 16, and from 9 a.m. to adjournment on June 17, to discuss research progress and ongoing plans and programs of the National Caries Program. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Md. 20014, phone number 301-496-7239, will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.840—National Institutes of Health.)

Dated: April 5, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10843 Filed 4-12-77;8:45 am]

MATERNAL AND CHILD HEALTH RESEARCH COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on June 2-3, 1977, in the Landow Building, Room C-418, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on June 2 from 9:00 a.m. to 10:30 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Center for Research for Mothers and Children, the Chiefs, Human Learning and Behavior, Pregnancy and Infancy, and Developmental Biology and Nutrition Branches and the Executive Secretary of the Committee. Concept clearance for contract programs of the Center for Research for Mothers and Children will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on June 2 from 10:30 a.m. to adjournment on June 3 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. Nancy F. Russo, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room C-717, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-5575, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10842 Filed 4-12-77;8:45 am]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, May 19-20, 1977, Conference Room No. 9, Building 31, National Institutes of Health, Bethesda, Maryland 20014.

The meeting will be open to the public from 9:00 a.m. to recess on May 19 for: the conduct of Council business, including the report of the Director, DRR; the report of the Deputy Director, DRR; the annual Review of Council Operating Procedures; a presentation by a Council member entitled, "The National Advisory Research Resources Council—?"; a presentation entitled, "Trends in NIH Extramural Programs in Relation to DRR"; a presentation of the DRR Forward Plan FY 1979-83; a status report on the NIH Director's review of the Research Resources Evaluation Panel Report; a status report on resource identification plaques; a status report on the Research Resources Information Center and the Research Resources Reporter; and a program review of the functions of the Division's Minority Biomedical Support Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6) under Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on May 20 from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets of commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B39, Building 31, Bethesda, Maryland 20014 (301) 496-5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, National Institutes of Health, 5B03, Building 31, Bethesda, Maryland 20014 (301) 496-6611, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.306; 13.333; 13.337; 13.871; 13.375; National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10833 Filed 4-12-77;8:45 am]

NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Open Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, May 25, 1977, in Building 31C, Conference Room 9, and on May 26 and 27, 1977, in Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 25 from 1:30 p.m. until recess, and on May 26 from 9:00 a.m. until recess, to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92-463, the meeting of the Council will be closed to the public on May 25 from 9:00 a.m. until 1:30 p.m., and on May 27 from 9:00 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members.

Dr. William I. Gay, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10839 Filed 4-12-77;8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENTAL COUNCIL

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, May 23–24, 1977, Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on May 23 from 9:00 a.m. to 5:00 p.m. with current status reports, review of the Reproductive Biology Program of the Center for Population Research, and scientific presentations. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552(c)(6) and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on May 24 from 9:00 a.m. to adjournment on May 24 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Council Secretary, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide summaries of meetings and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864 and 13.865, National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10841 Filed 4-12-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON AGING

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on May 24–25, 1977, in Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 2:00 p.m. on May 24 and from 9:00 a.m. to adjournment on May 25 for introductory remarks, status reports, and presentations by NIH Institute Directors. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on May 24 from 2:00 p.m. to adjournment that day for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Suzanna Porter, Council Secretary, National Institute on Aging, Building 31, Room 4B–63, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5345, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10838 Filed 4-12-77;8:45 am]

NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCES COUNCIL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, May 23–24, 1977, in Building 18 Conference Room, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina. This meeting will be open to the public on May 23, 1977, from 9 a.m. to noon to discuss the Report of the Second Task Force for Research Planning in Environmental Sciences, recent legislation, interagency activities and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4), and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 23, 1977, from 1 p.m. to adjournment on May 24, 1977. The closed portion of the meeting involves the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Leota B. Staff, Committee Management Officer, NIEHS, Westwood Building, Room 340, Bethesda, Maryland, 20014, 301–496–7483, will provide summaries of meetings and rosters of committee members. Dr. Wilford L. Nusser, Acting Associate Director for Extramural Program, National Institute of Environmental Health Sciences, Bethesda, Maryland, 20014, 301–496–7483, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.872, 13.873, 13.874, 13.875, and 13.876—National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10844 Filed 4-12-77;8:45 am]

NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, May 25–26, 1977, Building 31, Conference Room 8, Bethesda, Maryland. This meeting will be open to the public on May 25, 1977, from 9 a.m. to 5 p.m. for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on May 26, 1977, from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, National Institutes of Health, Room 9A05, Westwood Building, Bethesda, Maryland 20014, 301–496–7301, will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20014, 301–496–7518, will furnish substantive program information.

(Catalog of Federal Domestic Assistace Program Nos. 13–859, 13–860, 13–861, 13–862, 13–863—National Institutes of Health.)

Dated: April 1, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10845 Filed 4-12-77;8:45 am]

NATIONAL LIBRARY OF MEDICINE, BOARD OF REGENTS

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board

of Regents of the National Library of Medicine on May 19–20, 1977, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents of the National Library of Medicine on the preceding day, May 18, 1977, from 2 to 5 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public all day on May 19 and from 9 to 9:15 a.m. on May 20 for administrative reports and program and operation discussions. Attendance by the public wil be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the entire meeting of the Subcommittee on May 18 will be closed to the public, and the regular Board meeting on May 20 will be closed from 9:15 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal informaiton concerning individuals associated with the applications.

Mr. Robert B. Mehnert, Chief Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, 301-496-6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351, 13.352, 13.881—National Institutes of Health.)

Dated: April 8, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-10846 Filed 4-12-77;8:45 am]

CONSULTING GROUP ON WELFARE REFORM

Meeting

Notice is hereby given that the Consulting Group on Welfare Reform will meet from 9:00 a.m. to 11:00 a.m. on April 15, 1977, in the first floor auditorium, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. The Group will review and discuss leading welfare reform options.

This meeting has been called on short notice due to the unexpected lateness of cost and caseload estimate figures for welfare reform opinions, the need for Group members to review and discuss this information before concluding their work, and the extremely tight deadlines which the President has established for receipt of the Department's report and recommendations.

Further information about this meeting or the work of the Group may be obtained by writing to: Mr. Bob Heim, Executive Director, Room 410-E South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Dated: April 11, 1977.

BOB HEIM,
Executive Director.

[FR Doc.77-10961 Filed 4-12-77;8:45 am]

Office of the Secretary

HEALTH CARE FINANCING ADMINISTRATION, ET AL.

Amendment to Reorganization Order

The Reorganization Order, 42 FR 13262 (March 9, 1977), is amended as follows:

1. Part I, Paragraph E is amended by substituting "Employee Systems Center" for the two organizational units of the Office of Personnel and Training listed in subparagraph 2.

2. Part III is amended by adding thereto the following paragraph:

"5. The delegations of authority by the Secretary to the Regional Directors with respect to Long Term Care Standards Enforcement in Medicare and Medicaid and any redelegations thereunder continue in effect."

3. This Amendment to the Reoganization Order is effective immediately.

Dated: April 8, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-10816 Filed 4-12-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Consumer Affairs and Regulatory Functions

[Docket N-77-748]

REAL ESTATE SETTLEMENT PROCEDURES ACT

Special Information Booklet

This notice is issued to conform the Special Information Booklet prepared by HUD pursuant to the Real Estate Settlement Procedures Act of 1974 (RESPA), 12 U.S.C. 2601, et seq., with recent amendments to Regulation B adopted by the Board of Governors of the Federal Reserve in implementing the Equal Credit Opportunity Act (ECOA).

The original regulations issued by the Board and effective June 30, 1976, required that all creditors provide credit applicants, at the time of application, with a notice detailing the protection of ECOA and the agency which administers the creditor's compliance with the Act's provisions. HUD incorporated this requirement in its regulations under RESPA (June 4, 1976, 41 FR 22702), which also went into effect on June 30, 1976, and included in the Special Information Booklet an alternative vehicle for the delivery of the ECOA notice. Recent amendments to Regulation B, effective April 13, 1977, however, alter the notice delivery requirement; 12 CFR 202.9 requires that the ECOA notice need only be provided when a creditor takes adverse action regarding an application for credit.

It is the purpose of this notice, therefore, to revise the text of the Special Information Booklet to accurately reflect current ECOA coverage and procedures. The RESPA regulatory requirement dealing with ECOA (24 CFR 3500.6(a)) is amended by a rule published this date, April 13, 1977.

Because of the relatively minor nature of the ECOA references in the Booklet, the Department has determined that revision of the text of the booklet should not be made mandatory at this time. However, the booklet should be revised in accordance with this notice at the lender's (printer's) next reprinting. All booklets printed in accordance with the text as published on June 10, 1976, may continue to be used in complying with the requirements of RESPA, 24 CFR 3500.6, without change although obsolete material may be struck from existing supplies in accordance with this notice. The textual revisions outlined below will be incorporated into the required version mandated by this Department. It is HUD's policy to provide notice of a proposed required amendment of the booklet substantially in advance of the effective date of such amendment.

After April 13, 1977, the following alterations may be made in the text of the Special Information Booklet as it appeared on June 10, 1976, at 41 FR 23620:

1. At the end of the general heading, "Protection Against Unfair Practices", (See 41 FR 23635, after line 37) add the following:

* * * * *

Equal Credit Opportunity. The Equal Credit Opportunity Act prohibits lenders from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. If you feel you have been discriminated against by any lender, you may have a private right of legal action against that lender and you may wish to consult an attorney; or you may wish to consult the Federal agency that administers compliance with this law concerning the lender you suspect has violated your rights thereunder. Inquire of the lender regarding the identity of that agency. You may also contact your regional Federal Reserve Bank about your rights under this Act.

* * * * *

2. Under the general heading, "The Right to File Complaints", the fourth and fifth sentence of the third paragraph should be deleted (see 41 FR 23636, lines 18, 19, and 20) and the amended paragraph should read as follows:

* * * * *

Most settlement service providers, particularly lenders, are supervised by some governmental agency at the local, state and/or Federal level. Others are subject to the control of self-policing associations. If you feel a provider of settlement services has violated RESPA, you can address your complaint to the agency or association which has supervisory responsibility over that provider. For the names of such agencies or associations you will have to check with local and State governments or consumer agencies operating in your area. You are also encouraged to forward a copy of complaints regarding RESPA violations to the HUD Office of Consumer Affairs and Regulatory Functions, which has the primary responsibility for administering the RESPA program. Your complaints can lay the foundation for future legislative or administrative actions.

* * * * *

3. On the final page, after Appendix A, (see 41 FR 23661, after line 25) delete the center caption and paragraph dealing with the "Equal Credit Opportunity Notice."

Issued at Washington, D.C. on April 5, 1977.

RANDOLPH S. KINDER,
Acting Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.77-10885 Filed 4-12-77;8:45 am]

Office of the Secretary

[Docket No. N-77-506]

PRIVACY ACT OF 1974

Adoption of New Notice of Systems of Records

In accordance with the Privacy Act of 1974 (Pub. L. 93-579), the Department of Housing and Urban Development (hereinafter referred to as "the Department") adopts a new System of Records.

On November 30, 1976, the Department published in the FEDERAL REGISTER at 41 FR 52545 a Notice of System of Records for a proposed system, entitled Urban Homesteading Evaluation Data, that will be maintained by the Department. Interested persons were given the opportunity to comment on the proposed Notice of System of Records on or before December 30, 1976. No comments were received.

The Routine Uses paragraphs of prefatory statement noted in the Systems description refer to the General Statement of Routine Uses appearing at 40 FR 47435, October 8, 1975, as amended at 41 FR 16850, April 22, 1976.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 was made for the earlier publication of the proposed Notice of the System of Records in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability is available for public inspection during the regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of the System of Records Notice have been carefully evaluated in accordance with OMB Circular A-107.

Therefore, the Department adopts the following Privacy Act System of Records, reprinting it in its entirety.

HUD/PD&R-1

System name:

Urban Homesteading Evaluation Data.

System location:

Cambridge, Massachusetts.

Categories of individuals covered by the system:

Urban homesteaders, other residents of Urban Homesteading Demonstration (UHD) target neighborhoods, and unsuccessful applicants for UHD properties.

Categories of records in the system:

Demographic, socio-economic, housing characteristics, and housing costs.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

See Routine Uses paragraphs of prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Survey questionnaires stored in file folders; punch cards, magnetic tape/disc/drum stored in facilities with limited access.

Retrievability:

Code number; address.

Safeguards:

File folders stored in locked cabinets; machine-readable files stored in secured areas and technical restraints are employed with regard to accessing the computer and machine-readable files. All material accessible only by authorized personnel.

Retention and disposal:

Quentionnaires are retained for about one month to permit conversion of data into machine-readable format; machine-readable records will be disposed of in approximately three years, early 1980.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure:

For inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with procedures in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, in relation to contesting contents of records or in relation to appeals of initial denials, it may be obtained by contacting the Departmental Privacy Appeals Officer, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories:

Urban homesteaders, other residents of UHD target neighborhoods, and unsuccessful applicants for UHD properties.

Effective date: This Notice of System of Records shall be effective May 13, 1977.

Issued at Washington, D.C., on April 6, 1977.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc.77-10761 Filed 4-12-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 2376]

MOUNT DIABLO MERIDIAN

Proposed Withdrawal and Reservation of Lands

APRIL 4, 1977.

The Corps of Engineers, Department of the Army, on October 7, 1974, filed application Serial No. CA 2376 for withdrawal of the following described lands from settlement, sale, location, or entry under all of the general land laws, including the mining laws and the mineral leasing laws, subject to valid existing rights:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 W.,
Sec. 3, W½SW¼NW¼SW¼;
Sec. 4, E½E½NE¼NW¼, E½E½SW¼NW¼, SE¼NW¼, NE¼NE¼NW¼SW¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼, SE¼NE¼SW¼, W½NE¼, W½NE¼NE¼, S½SE¼NE¼NE¼, NW¼SE¼, and E½E½SW¼SE¼;
Sec. 9, NE¼NE¼NW¼NE¼.

T. 14 N., R. 10 W.,
Sec. 7, W½SW¼ Lot 2, W½, W½NE¼, SE¼ Lot 3, and Lot 4;
Sec. 8, SW¼SW¼SW¼, W½NW¼SW¼ SW¼, and W½SW¼NW¼SW¼;
Sec. 17, W½NW¼NW¼, W½E½NW¼ NW¼, SW¼NW¼, SW¼SE¼NW¼, NE¼ SW¼, E½NW¼SW¼, NW¼NW¼SW¼, E½SE¼SW¼, NW¼SE¼SW¼, S½SE¼, SW¼NW¼SE¼, SE¼NE¼SE¼, and E½SW¼NE¼SE¼;
Sec. 18, E½ and E½NW¼ Lot 1, and E½ Lot 2;
Sec. 20, E½NW¼NE¼, NW¼NW¼NE¼, and E½E½SE¼;
Sec. 21, NW¼NW¼;
Sec. 29, E½NE¼NE¼, E½E½SE¼NE¼, NW¼NE¼SE¼NE¼, and E½E½NE¼ SE¼;
Sec. 32, S½SE¼NE¼NE¼, E½SE¼NE¼, SW¼SE¼NE¼, S½NW¼SE¼NE¼, S½ S½SW¼NE¼, S½SE¼NW¼, N½NE¼ SW¼, N½NW¼SE¼, NW¼NE¼SE¼, and N½NE¼NE¼SE¼;
Sec. 33, W½NW¼SE¼, SE¼NW¼SE¼, S½ NE¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼, N½SE¼SE¼SE¼, N½SW¼SE¼, SE¼ SW¼SE¼, E½SW¼SW¼SE¼, and NE¼ SE¼SW¼;
Sec. 34, SW¼NW¼SW¼ and NW¼SW¼ SW¼.
T. 14 N., R. 11 W.,
Sec. 12, SW Lot 3, W½ and W½E½ Lot 4, SE¼NW¼SE¼, and NE¼SW¼SE¼;
Sec. 18, E½, NW¼ and E½SW¼ Lot 1, and E½NE¼ Lot 2.

The total acreage is 1,220.18 acres in Lake County, California.

The Corps of Engineers desires these lands for the purpose of construction of a multiple-purpose dam and reservoir at the Lakeport site on Scotts Creek for flood control, municipal water supply, irrigation, recreation, and fish and wildlife, and downstream levee and channel improvements for flood control.

On or before May 13, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before May 16, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

VIOLA A. ANDRADE,
Acting Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-10759 Filed 4-12-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-28]

RAYMOND G. MARINOFF, M.D.

Revocation of Registration

On June 15, 1976, the Administrator of the Drug Enforcement Administration (DEA) directed to Raymond G. Marinoff, M.D. (Respondent), of Oakland, California, an Order to Show Cause proposing to revoke Dr. Marinoff's DEA Certificate of Registration (AM1332080) for reason that on May 13, 1976, in the United States District Court for the Northern District of California, Dr. Marinoff was convicted of the unlawful distribution of a controlled substance in violation of 21 U.S.C. 841(a)(1), a felony. Concurrent with the issuance of the Order to Show Cause, the Administrator notified the Respondent of the immediate suspension of his registration pursuant to 21 U.S.C. 824(d), pending final determination of these proceedings.

On July 13, 1976, the Respondent, through counsel, requested a hearing on the Order to Show Cause. Following the completion of prehearing procedures, a hearing in this matter was held on December 7 and 8, 1976, in San Francisco, California, Administrative Law Judge Francis L. Young, presiding. On March 25, 1977, Judge Young certified to the Administrator the record of these proceedings, including his findings of fact, conclusions of law, and a recommended decision or ruling. Now, after a careful review of the entire record, and pursuant to 21 CFR 1316.66, the Administrator publishes his Final Order in this matter, based upon findings of fact and conclusions of law as set forth below.

The Administrative Law Judge found, inter alia, that the DEA and the California Diversion Investigative Unit (DIU) had become aware that the Respondent was ordering very large and excessive amounts of Schedule II controlled substances. In one three month period, the Respondent, an individual practitioner, had ordered over 110,000 dosage units of sodium secobarbital, an amount in excess of the quantity large hospitals are known to order over a similar period of time. Surveillance of the Respondent's office failed to show patient traffic which might have justified the quantities of controlled substances ordered. Hence, an undercover investigation of the Respondent's activities was begun by the California DIU. The DIU agent introduced himself to the Respondent as a massage parlor operator. Subsequently, the agent informed the Respondent that his "girls" could sell the barbiturate capsules to their customers for a dollar apiece. Dr. Marinoff began to sell sodium secobarbital to the agent for a mutually agreed price of fifty cents per capsule, with knowledge that his purported "patient" had no legitimate medical need for the drugs and that the controlled substances he sold to the agent were to be resold by the massage parlor employees.

Thereafter, on three occasions, January 9, 12 and 16, 1976, the Respondent sold the undercover agent 3,080 dosage units of sodium secobarbital for a total of $1,540.00. On January 27, 1976, the agent obtained from the Respondent 10,000 dosage units of sodium secobarbital and 4,000 dosage units of amphetamine. The Respondent was in the process of delivering an additional 10,000 dosage units of sodium secobarbital when other agents entered and he was arrested. The agreed price for the total of 24,000 dosage units of Schedule II controlled substances was $12,000.00. Subsequent to the Respondent's arrest, the DEA conducted an accountability audit of his controlled substances. The audit revealed that during the period, January 1, 1975 through January 27, 1976, Dr. Marinoff had actually received at least 768,000 dosage units of sodium secobarbital; an additional 65,000 dosage units of pentobarbital (Schedule II); and over 100,000 dosage units of dextroamphetamine (Schedule II). The audit further revealed that the Respondent had on hand at the time of his arrest approximately 168,300 dosage units of sodium seco-

barbital and 21,450 dosage units of dextroamphetamine. Hence, Dr. Marinoff had dispensed, or otherwise disposed of, approximately 600,000 dosage units of secobarbital in less than thirteen months. A Federal Grand Jury indicted Dr. Marinoff for his sales of controlled substances to the undercover agent on January 12, 16 and 27, 1976, and with possessing with intent to distribute the secobarbital and dextroamphetamine he had in his possession at the time of his arrest. On May 13, 1976, upon his plea of Guilty to Count One of the six count indictment, Dr. Marinoff was convicted of distribution of controlled substances in violation of 21 U.S.C. 841(a)(1).

The Respondent testified at the hearing that he had never sold controlled substances other than to the undercover agent at the latter's suggestion. He further testified that he began to stockpile controlled substances because he had a large accident victim practice and because he dispensed boxes of 40 Seconal (sodium secobarbital) to between 35 and 40 of the 100 to 120 patients he saw each working day. With respect to Respondent's ordering and dispensing of controlled substances, the Administrative Law Judge found that "there is no direct evidence that Respondent was prepared to sell, or had sold, controlled substances unlawfully to anyone other than (the agent). The enormous quantities of drugs which Respondent had obtained gives rise to the strong probability that he did so. Even if we accept the general thrust of Respondent's testimony with respect to the drugs he dispensed to accident patients, the totals still leave a large quantity unaccounted for * * * The point is, even accepting at face value all of Respondent's testimony concerning the size of his accident patient practice, and his prescribing of controlled substances for those patients, he could still have been selling significantly large quantities of controlled substances unlawfully. Respondent's own figures leave approximately 100,000 dosage units of Schedule II controlled substances unaccounted for by and any theory he has advanced."

The Administrative Law Judge concluded that there is a lawful basis for the revocation of Respondent's DEA registration pursuant to 21 U.S.C. 824(a)(2); that the Administrator should revoke this registration; and that revocation is necessary and appropriate in the light of all the facts and circumstances in this case.

The Administrator hereby fully accepts and adopts the findings of fact, conclusions of law and recommended decision of the Administrative Law Judge.

Therefore, having reviewed the record of this proceeding in its entirety, and having concluded that the subject registration should be revoked for reason that the Respondent has been convicted of a felony relating to the distribution of controlled substances, it is the Administrator's decision that said registration be revoked pursuant to 21 U.S.C. 824(a)(2). Furthermore, in consideration of all of the facts and circumstances in this case, including the findings which necessitated the imposition of the immediate suspension in the public interest, and pursuant to the provisions of 21 CFR 1316.66, it is the Administrator's decision that such revocation will be effective immediately upon publication of this Final Order.

Accordingly, pursuant to the Authority vested in the Attorney General, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the DEA Certificate of Registration, AM-1332080, previously issued to Raymond G. Marinoff, M.D., be and it hereby is, revoked, effective immediately.

Dated: April 7, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-10756 Filed 4-12-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 7, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Census:
Reconciliation of Vacant and Deleted Units—1977, Census of Oakland, California, DH-354, single-time, persons near vacant and possible nonexistent units in Oakland, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development:
Cost Benefits in Rehabilitation Research, other (see SF-83), Rehabilitation counselors, administrators, researchers and clients, Human Resources Division, Sunderhauf, M. B., 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
Contractor's Certification Concerning Labor Standards and Prevailing Wage Requirements, HUD-1421, single-time, construction contractor, housing, veterans and labor division, Lowry, R. L., 395-3532.
Record of Employee Interview, HUD-11, single-time, construction workers, housing, veterans and labor division, Lowry, R. L. 395-3532.
Classification, Salary and Wage Study for Technical Positions, FHA-2041, single-time, A & E firms and associations, housing, veterans and labor division, 395-3532.
Emergency Housing-Low Income Housing; Section 8 Housing, Assistance, single-time, PHAS located in areas determined eligible for emergency assistance, housing, veterans and labor division, 395-3532.

Office of the Secretary:
Subcontractor's Certification Concerning Labor Standards and Prevailing Wage Requirements, HUD-1422, single-time, construction subcontractor, housing, veterans and labor division, Lowry, R. L. 395-3532.

REVISIONS

OVERSEAS PRIVATE INVESTMENT CORPORATION

OPIC Mailing List Request Form, OPIC-64, on occasion, business firms, Lowry, R. L. 395-3772.

VETERANS ADMINISTRATION

Survey of Employment Following Training in Vocational Courses, A, B, C, other (see SF-83), Individuals, Housing, Veterans and Labor Division, Richard Eisinger, 395-3532.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
List Sampling Frame Survey, annually, all farmers, Gaylord Worden, 395-4730.

DEPARTMENT OF TRANSPORTATION

Coast Guard:
The Nationwide Boating Survey, single-time, households in continental United States, Maria Gonzalez, 395-6132.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census:
Inventory Valuation Retail Establishments (Supplements), Bus-230(R), Bus-230 (L), BUS-230(I), annually, retail firms, Raynsford, R., 395-3814.

National Oceanic and Atmospheric Administration, Oceanic Gamefish Investigations Big Game Fishing Log, NOAA 88-90, on occasion, recreational fisherman and boat captains, Maria Gonzales, 395-6132.

DEPARTMENT OF DEFENSE

Department and other:
Royalty Report—Foreign and Domestic, DD-783, on occasion, contractors and contracting officers, Marsha Traynham, 395-4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary:
Survey of Prevailing Maintenance Wage Rates, HUD 5136, on occasion, Building management (public and private), housing, veterans, and labor division, Lowry, R. L., 395-3532.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
Zinc Scraps (Receipt, Consumption and Stocks), 6-1119-MA, Monthly, secondary zinc smelters and remelters, Marsha Traynham, 395-4529.
Gold, 6-0930-QA, quarterly, refinery producers and consumers of gold, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-10929 Filed 4-12-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9715; 812-4059]

CG MUNICIPAL BOND FUND, INC.

Filing of Application for Order of Exemption

APRIL 7, 1977.

In the matter of CG Municipal Bond Fund, Inc., Connecticut General Life Insurance Company, CG Equity Sales Company, Hartford, Connecticut 06152 (812-4059).

Notice is hereby given that CG Municipal Bond Fund, Inc. ("Fund"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), Connecticut General Life Insurance Company ("CG Life"), and CG Equity Sales Company ("Equity Sales") (collectively referred to as "Applicants"), have filed an application pursuant to Section 6(c) of the Act for an order exempting Applicants from the provisions of Section 22(d) of the Act to permit the purchase of shares of the Fund at a reduced sales charge when such purchases are from proceeds of insurance contracts issued by CG Life. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations therein, which are summarized below.

Equity Sales is the principal underwriter of the shares of the Fund. All of the issued and outstanding shares of Equity Sales are owned by CG Investment Management Company, the investment adviser of the Fund, CG Fund, CG Income Fund and CG Money Market Fund. CG Investment Management Company is a wholly-owned subsidiary of Connecticut General Insurance Corporation, the parent corporation of CG Life. CG Life is a stock insurance company licensed to write life insurance, annuities, and accident and health insurance in all fifty states, the District of Columbia, Puerto Rico and certain Canadian provinces.

At the time of filing the application, registration statements on Form S-5 of the Securities Act of 1933 and Form N-8B-1 of the Investment Company Act of 1940 were pending before the Commission. Applicants propose to offer shares of the Fund to the public at a price based upon net asset value plus a sales charge that varies with the quantity of securities purchased. The sales charge, expressed as a percentage of the public offering price, will range from 7.50 percent on sales of $10,000 or less to 1 percent of $1,000,000 or more. Applicants further propose to offer to the insureds of CG Life and their beneficiaries the right to apply their insurance proceeds to the purchase of shares of the Fund at a reduced sales charge ranging from 5.25 percent on sales of $10,000 or less down to .70 percent of $1,000,000 or more. Applicants have defined insurance proceeds as the death benefit under life policies, the maturity value of endowment contracts, the cash value of fixed-dollar life insurance and annuity contracts, and lump sum cash options available to beneficiaries.

Section 22(d) of the Act provides, in part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Applicants state that the insurance contracts will already have been subjected to sales charges and that the requested exemption will avoid an unnecessary accumulation of such charges. Applicants further state that an exemptive order for the Fund will be the same as exemptive orders which have already been granted to CG Fund, CG Income Fund, and CG Money Market Fund and will thereby establish an equitable balance in the rights and privileges among shareholders of the four funds. Finally, Applicants contend that Section 22(d) was not intended to prevent any differences in the sales charge relating to redeemable securities of investment companies, and the reduction in the sales charge under the circumstances described does not create unfair price discrimination.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary to appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 2, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10874 Filed 4-12-77;8:45 am]

[File No. 500-1]

ORMONT DRUG & CHEMICAL CO., INC.

Suspension of Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Ormont Drug & Chemical Co., Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 11:45 a.m. (Est) on April 5, 1977 through April 14, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-10875 Filed 4-12-77;8:45 am]

DEPARTMENT OF STATE

[Public No. CM-7/56]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Canceled Meeting

The April 21, 1977 meeting of the Government Advisory Committee on International Book and Library Programs, published in the FEDERAL REGISTER of

March 25, 1977 (42 FR 16204), has been cancelled.

Dated: April 5, 1977.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.77-10785 Filed 4-12-77;8:45 am]

[Public No. CM-7/55]

UNITED STATES ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Revised Agenda for Meeting

The FEDERAL REGISTER of April 1, 1977 (42 FR 17556), noted that at its meeting on April 25, 1977, at 2:00 p.m., the Advisory Commission would examine "a proposal for the establishment of a currency convertibility program to encourage the sale abroad of American cultural materials."

The Commission has been forced to eliminate this item from the agenda of the meeting because the proposal referred to will not have been prepared by April 25.

In its place, the Commission will discuss the report it will make on its meeting with Canadian officials, in Ottawa, on February 18, 1977.

Dated: April 6, 1977.

W. E. WELD, Jr.,
Staff Director.

[FR Doc.77-10784 Filed 4-12-77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CHAINS AND PARTS THEREOF, OF CAST IRON, IRON OR STEEL FROM ITALY

Preliminary Countervailing Duty Determination

AGENCY: United States Customs Service.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a preliminary determination that the Government of Italy has given benefits which are considered to be bounties or grants under the countervailing duty statute (19 U.S.C. 1303), on the manufacture, production, or exportation of chains and parts thereof, of cast iron, iron or steel. A final determination will be made by October 1, 1977. Interested persons are invited to comment on this action not later than May 13, 1977.

EFFECTIVE DATE: This notice will be effective on April 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John R. Kugelman, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-5492.

On November 8, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (41 FR 49209). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Italy upon the manufacture, production or exportation of chains and parts thereof, of cast iron, iron or steel, including terminal and connecting links, hooks, rollers, pivots and plates, constitute the payment of a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

On the basis of an investigation conducted pursuant to section 159.47(c) Customs Regulations, it has been determined preliminarily that benefits have been paid or bestowed, directly or indirectly, by reason of certain tax rebates under Italian Law 639. The program involves the rebate of both basic rate and specific incidence taxes to manufacturers and exporters of certain steel products, including the subject chain. The basic rate taxes which are rebated include Customs duties and border fees related to importations of plant and equipment, various stamp taxes, mortgage taxes, publicity taxes, surtaxes, taxes on governmental licenses and prints, and registration taxes. The specific incidence taxes which are rebated include Customs duties paid on imported raw materials, and manufacturing and excise taxes.

Certain portions of the Italian Law 639 rebates, which are the subject of this investigation, have been determined in previous proceedings under the Act to constitute bounties or grants within the meaning of the Act.

Accordingly, it has been determined preliminarily that imports of chains and parts thereof, of cast iron, iron or steel, including terminal and connecting links, hooks, rollers, pivots and plates, from Italy benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of the Act by reason of certain benefits conferred under the tax rebate program mentioned above. A final decision in this case is required on or before October 1, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved:

JOHN H. HARPER,
Assistant Secretary of the Treasury.

[FR Doc.77-10815 Filed 4-12-77;8:45 am]

Internal Revenue Service

[Delegation Order No. 162]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The specific authorization for the Commissioner of Internal Revenue to allow persons to practice before the Service is being redelegated to the Director, Audit Division, National Office. The text of the delegation order appears below.

EFFECTIVE DATE: April 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. L. Odum, CP:A:S:C, 1111 Constitution Ave., NW., Room 2328, Washington, D.C. 20224, 202-566-4409 (not toll free).

Issued: April 8, 1977.

JOHN L. WEDICK, Jr.,
Director, Audit Division.

Subject: Authority to Practice before the Internal Revenue Service.

1. All the authorities granted to the Commissioner of Internal Revenue by Treasury Department Circular No. 230 are hereby delegated to the Director, Audit Division. Included in this delegation is the authority to affix a facsimile of the signature of the Commissioner of Internal Revenue to Enrollment Cards issued to qualified persons.

2. This authority may be redelegated but only to the Enrollment and Practice Program Coordinator in the Audit Division, National Office.

WILLIAM E. WILLIAMS,
Acting Commissioner.

[FR Doc.77-10883 Filed 4-12-77;8:45 am]

UNITED STATES INFORMATION AGENCY

U.S. ADVISORY COMMISSION ON INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on April 27, 1977. The purpose of the meeting is to review and edit the final draft of the Commission's Report to Congress. The meeting will convene at 9 a.m. in the Commission's office in Room 1008 at 1750 Pennsylvania Avenue NW., Washington, D.C., and then break for lunch at 12:30 p.m. If the task is not completed in the morning, the Commission will reconvene at 2:30 p.m. and conclude by 5 p.m.

MARGARET J. MILLER,
Federal Register Liaison Officer.

APRIL 6, 1977.

[FR Doc.77-10758 Filed 4-12-77;8:45 am]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Systems of Records

On page 10923 of the FEDERAL REGISTER of February 24, 1977, there was published a notice that the Veterans Administration was proposing the establishment of a new system of records entitled "Employee ADP Training Records—VA" (59VA31).

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed new system. No comments were received. The proposed new system "Employee ADP Training Records — VA" (59VA31) is adopted without change.

Effective date: This system of records is effective April 6, 1977 the date of final approval by the Administrator of Veterans Affairs.

Approved: April 6, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator

59VA31

System name:

Employee ADP Training Records—VA.

System location:

Records are maintained at the Department of Data Management, Central Office, Veterans Administration and the VA data processing centers. Address locations are listed in VA Appendix 1, "Address of Veterans Administration Facilities" published September 7, 1976 (41 FR 37718).

Categories of individuals covered by the system:

Personnel currently employed at Veterans Administration Central Office and VA data processing centers who participate in ADP training.

Categories of records in the system:

Records that insure the proper reporting of completed employee ADP training to the employee personnel folder. Records such as enrollment lists, examinations, and instructor evaluations of students that are created in the administration of in-house training programs. Records created in the administration of ADP proficiency evaluations used to determine training needs.

Authority for maintenance of the system:

Title 5, United States Code, Section 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper documents.

Retrievability:

By course name, date, or employee name.

Safeguards:

Physical Security: Maintained under lock and key in file cabinets or desk drawers. Access to files is restricted to authorized training personnel.

Retention and disposal:

Records are mair tained and destroyed in accordance with approved VA records control schedules.

System manager(s) and address:

Chief, Training and Standards Division, Department of Data Management, Veterans Administration Central Office, Washington, D.C. 20420.

Notification procedure:

A VA Central Office employee seeking information on records related to ADP training or proficiency evaluation results may make inquiry at the office of the Chief, ADP Training and Standard Division, Department of Data Management. A VA data processing center employee seeking information on records related to ADP training or proficiency evaluation results may make inquiry through the station training coordinator or authorized training personnel.

Record access procedures:

A VA Central Office employee may contact the office of the Chief, Training and Standards Division, Department of Data Management. A VA data processing center employee may contact the station training coordinator or authorized training personnel.

Contesting record procedures:

(See Record Access Procedures above.)

Record source categories:

From the enrollment of an employee in an ADP training course or from the participation of an employee in an ADP proficiency evaluation.

[FR Doc.77-10786 Filed 4-12-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 366]

ASSIGNMENT OF HEARINGS

APRIL 8, 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 115654 Sub 56, Tennessee Cartage Co., Inc. now assigned April 18, 1977 at Memphis, Tennessee is cancelled, application dismissed.

I & SM 29415, Increased Rates on Household Goods, Seattle, Wash., and Alaska, now being assigned May 17, 1977, at the Office of the Interstate Commerce Commission, Washington, D.C.

No. 36526, Colorado Intrastate Freight Rates and Charges—1977 hearing now being assigned July 6, 1977 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 121775 Sub 2, Milton B. Anderson and Melvin K. Anderson, dba Overland Express now being assigned June 13, 1977 (2 weeks) at Reno, Nevada in a hearing room to be later designated.

MC 135078 Sub 11, American Transport, Inc. now being assigned June 9, 1977 (2 days) at San Francisco, California in a hearing room to be later designated.

MC 141431 Sub 2, Cal-Valley Transportation, Inc. now being assigned June 8, 1977 (1 day) at San Francisco, California in a hearing room to be later designated.

MC 139923 Sub 24, Miller Trucking Co., Inc. now being assigned June 7, 1977 (1 day) at San Francisco, California in a hearing room to be later designated.

MC 114737 (Sub-No. 7), O & A Tex-Pack Express, Inc., now being assigned for continued hearing on May 25, 1977 (3 days), at the Ramada Inn (Formerly Centro Del Paso) 325 North Kansas Street, El Paso, Texas.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10860 Filed 4-12-77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

APRIL 8, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before April 22, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 107064 (Sub-No. E141) (correction), filed May 21, 1974, published in the FEDERAL REGISTER issue of September 18, 1975, and republished, as corrected, this issue. Applicant: STEERE TANK LINES INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except petroleum products and potash), from points in Dallam, Hartley, Moore, Oldham, Potter, Carson, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, El Paso, Hudspeth, Culberson, Loving, Winkler, Ector, Midland, Glasscock, Ward, Crane, Upton, Reagan, Reeves, Jeff Davis, Pecos, Terrell, Presidio, and Brewster Counties, Tex., to points in Indiana. The purpose of this filing is to eliminate the gateway of Dimmit County, Tex.

NOTE.—The purpose of this correction is to state the correct spelling of origin territories.

No. MC 107107 (Sub-No. E13) (Partial Correction), filed June 2, 1974, published in the FEDERAL REGISTER issues of March 12, 1975 and May 5, 1975, and republished, as corrected, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *frozen foods* (except frozen citrus products) from points in Florida on and east of U.S. Highway 231, to points in Colorado. The purpose of this filing is to eliminate the gateways of Sylvester and Tifton, Ga.

NOTE.—The purpose of this partial correction is to state Part (2). The remainder of this letter-notice remains as previously published.

No. MC 108676 (Sub-No. E17), filed June 4, 1974. (Part II Secs. I & J). Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke mining machinery, equipment and vehicles and mine cars*, consisting of *maintenance machinery and equipment, and parts, accessories and attachments*, therefor (not including, contractors' machinery and equipment), *Iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips*, consisting of *construction machinery, tools, and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *maintenance machinery, tools and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools and equipment and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools and equipment, and parts, accessories, and attachments*, therefore (not including contractors' machinery and equipment), I. (1) Between points in Georgia on and west and north of a line beginning at the Georgia-South Carolina State line, and extending along U.S. Highway 221, to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-Florida State line, on the one hand, and, on the other, points in Virginia. (2) Between points in Georgia on and north and west of a line beginning at the Georgia-South Carolina State line, and extending along U.S. Highway 221 to junction U.S. Highway 341, to junction U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-Florida State line, on the one hand, and, on the other, points in Virginia excluding those in or south of Halifax, Charlotte, Prince Edward, Nottoway, Dinwiddie, Sussex, Surry, and Northampton Counties and excluding Norfolk, and Independent City, and points south of Norfolk. (3) Between points in Georgia except on and east of a line beginning at the Georgia-South Carolina State line, and extending along Georgia Highway 121, thence along Georgia Highway 121 to the Georgia-Florida State line, on the one hand, and, on the other, points in Virginia except those on and east of Blue Ridge Parkway beginning at the Virginia-North Carolina State line, and extending along U.S. Highway 60 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay. (4) Between points in Georgia except those in or east of Columbia, Richmond, Burke, Jenkins, Bulloch, Evans, and Liberty Counties, on the one hand, and, on the other, points in Virginia except those bounded on, west, and northwest and north by Henry, Franklin, Bedford, Amherst, Buckingham, Fluvanna, Louisa, Spotsylvania and Stafford Counties. (5) Between points in Georgia except those in Effingham, Chatham, and Bryan Counties, on the one hand, and, on the other, points in Virginia in or west of Grayson, Wythe, Pulaski, Montgomery, Craig, Botetour, Rockbridge, and August Counties, and in or north of Rockingham, Page, Madison, Culpeper, Fauquier, and Prince William Counties. (6) Between points in Georgia, on the one hand, and, on the other, points in Virginia in or west of Washington, Smyth, Wythe, Pulaski, Giles, Craig, Alleghany, Bath, Augusta, Rockingham, Page, Warren, and Clarke Counties. J. (1)

Between points in Georgia, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 108676 (Sub-No. E20), filed June 4, 1974. (Part II Sec. N & O). Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Coal and coke mining machinery, equipment and vehicles and mine cars*, consisting of *maintenance machinery and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips, consisting of construction machinery, tools, and equipment, and parts, accessories and attachments therefor* (not including contractors' machinery and equipment), *maintenance machinery, tools and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools and equipment and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools, and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), N (1) Between points in South Carolina, on the one hand, and on the other, points in Kentucky. O.(1) Between points in South Carolina, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 108676 (Sub-No. E22), filed June 4, 1974. (Part II Sec. R & S). Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke mining machinery, equipment and vehicles and mine cars*, consisting of *maintenance machinery and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips*, consisting of *construction machinery, tools, and equipment, and parts, accessories and attachements therefor* (not including contractor's machinery and equipment), *maintenance machinery, tools and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools and equipment parts, accessories and attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools and equipment, and parts, accessories and attachments* therefor (not including contractors' machinery and equipment), R.(1) Between points in North Carolina, on the one, hand, and, on the other, points in Tennessee. S.(1) Between points in Virginia in, southwest, or south of Giles, Montgomery, Franklin, Pittsylvania, and Halifax Counties, on the one hand, and, on the other, points in Kentucky in or west of Mason, Fleming, Bath, Menifee, Wolfe, Breathitt, Knot and Letcher Counties. (2) Between Cheriton and Norfolk, Va., on the one hand, and, on the other, Maysville, Ky. (3) Between points in Virginia, on the one hand, and, on the other, points in Kentucky in, southwest, and south of Carroll, Owen, Scott, Bourbon, Clark, Knott, and Letcher Counties. (4) Between points in Virginia in or west of Buchanan, Russell, and Washington Counties, on the one hand, and, on the other, points in Kentucky in, east or southeast of Mason, Robertson, Nicholas, Bourbon, and Fayette Counties and in or northeast of Clark, Estill, Lee, Breathitt, Perry and Letcher Counties. (5) Between points in Virginia in or north of Lee, Scott, Washington, Smyth, Wythe, and Pulaski Counties and in or southwest of Giles and Montgomery Counties, on the one hand, and, on the other, points in Kentucky in or east of Mason, Fleming, Rowan, Morgan, Wolfe, Breathitt, Perry and Letcher Counties. (6) Between points in Virginia in or east of Carroll, Floyd, Roanoke, Botetourt, and Rockbridge Counties and in or southwest of Bath and Rockbridge Counties, on the one hand, and, on the other, points in Kentucky in or east of Boyd, Lawrence, Johnson, Magoffin, Breathitt, Perry and Letcher Counties. (7) Between points in Virginia in or west of Henry, Franklin, Roanoke, Botetourt and Rockbridge Counties and in or southwest of Bath and Rockbridge Counties, on the one hand, and, on the other, points in Kentucky in or east of Boyd, Lawrence, Johnson, Floyd, Knott, Perry, and Letcher Counties. (8) Between Lynchburg, Va., and points in Virginia in or west of Henry, Franklin, Bedford, and Rockbridge Counties and in or southwest of Augusta and Highland Counties, on the one hand, and, on the other, Ashland, Ky. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 108676 (Sub-No. E23), filed June 4, 1974. (Part II Sec. T & U). Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Ave., Knoxville, Tenn. 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke mining machinery, equipment, and vehicles and mine cars*, consisting of *maintenance machinery and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), R.(1) Between points in North Carolina, on the one, hand, and, on the other, points in Tennessee. S.(1) Between points in Virginia in, southwest, or south of Giles, Montgomery, Franklin, Pittsylvania, and Halifax Counties, on the one hand, and, on the other, points in Kentucky in or west of Mason, Fleming, Bath, Menifee, Wolfe, Breathitt, Knot and Letcher Counties. (2) Between Cheriton and Norfolk, Va., on the one hand, and, on the other, Maysville, Ky. (3) Between points in Virginia, on the one hand, and, on the other, points in Kentucky in, southwest, and south of Carroll, Owen, Scott, Bourbon, Clark, Knott, and Letcher Counties. (4) Between points in Virginia in or west of Buchanan, Russell, and Washington Counties, on the one hand, and, on the other, points in Kentucky in, east or southeast of Mason, Robertson, Nicholas, Bourbon, and Fayette Counties and in or northeast of Clark, Estill, Lee, Breathitt, Perry and Letcher Counties. (5) Between points in Virginia in or north of Lee, Scott, Washington, Smyth, Wythe, and Pulaski Counties and in or southwest of Giles and Montgomery Counties, on the one hand, and, on the other, points in Kentucky in or east of Mason, Fleming, Rowan, Morgan, Wolfe, Breathitt, Perry and Letcher Counties. (6) Between points in Virginia in or east of Carroll, Floyd, Roanoke, Botetourt, and Rockbridge Counties and in or southwest of Bath and Rockbridge Counties, on the one hand, and, on the other, points in Kentucky in or east of Boyd, Lawrence, Johnson, Magoffin, Breathitt, Perry and Letcher Counties. (7) Between points in Virginia in or west of Henry, Franklin, Roanoke, Botetourt and Rockbridge Counties and in or southwest of Bath and Rockbridge Counties, on the one hand, and, on the other, points in Kentucky in or east of Boyd, Lawrence, Johnson, Floyd, Knott, Perry, and Letcher Counties. (8) Between Lynchburg, Va., and points in Virginia in or west of Henry, Franklin, Bedford, and Rockbridge Counties and in or southwest of Augusta and Highland Counties, on the one hand, and, on the other, Ashland, Ky. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 112070 (Sub-No. E104), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (a) Between points in Iowa on and east and south of a line beginning at the Minnesota-Iowa State line and extending along Interstate Highway 35 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Nebraska State line, on the one hand, and, on the other, those points in Texas on and north of a line beginning at the Texas-New Mexico State line, and extending along U.S. Highway 66 to the Texas-Oklahoma State line; (b) between points in Iowa on and north and west of a line beginning at the Iowa-Wisconsin State line, and extending along U.S. Highway 151 to junction U.S. Highway 30, to junction Iowa Highway 330, to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line, on the one hand, and, on the other, points in Texas; (c) be-

tween points in Iowa, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 259 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Gulf of Mexico; (d) between points in Iowa, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of points in Missouri, Kansas, Enid, Okla., and points within 90 miles thereof.

No. MC 112070 (Sub-No. E105), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (a) Between points in Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line, and extending along Connecticut Highway 198 to junction Connecticut Highway 32 to junction Interstate Highway 95 to the Block Island Sound, on the one hand, and, on the other, points in Texas except Jasper, Newton, Hardin, Orange, Jefferson, and Chambers Counties; (b) between points in Connecticut, on the one hand, and, on the other, to points in Texas on and west of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 271, to junction Texas Highway 155, to junction Interstate Highway 45, to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Missouri, and Enid, Okla., and points within 90 miles thereof.

No. MC 112070 (Sub-No. E106), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (a) Between points in Illinois in Rock Island, Whiteside, Carroll, Ogle, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, and Lake Counties, on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 271 to U.S. Highway 259, thence along U.S. Highway 259 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 347, thence along Texas Highway 347 to the Gulf of Mexico; (b) between points in Illinois on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 281 to junction Texas Highway 9, thence along Texas Highway 9 to junction Interstate Highway 37, thence along Interstate Highway 37 to junction U.S. Highway 77, thence along U.S. Highway 77 to the International Boundary between United States and Mexico; (c) between points in Jo Daviess, Stephenson, Winnebago, Boone, McHenry, and Lake Counties, Ill., on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 271 to junction U.S. Highway 259, to junction U.S. Highway 69, to junction Texas Highway 124, to junction Texas Highway 87, thence along Texas Highway 87 to the Gulf of Mexico; (d) between points in Illinois, on the one hand, and, on the other, points in Texas on and west of a line beginning at Texas-Oklahoma State line, and extending along Texas Highway 79, to junction U.S. Highway 283, to junction Texas Highway 351, to junction U.S. Highway 277, thence along U.S. Highway 277 to the International Boundary line between United States and Mexico. The purpose of this filing is to eliminate the gateway of points in Missouri, Enid, Okla., and points within 90 miles thereof.

No. MC 116069 (Sub-No. E1), filed May 31, 1974. Applicant: MARINE TRANSIT, INC., 1703 Highway 2, Duluth, Minn. 55810. Applicant's representative: B. L. Newville (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rowboats and Outboard Motor Boats* (a) (1) From points in Arkansas to points in Wisconsin, and those points in the Upper Peninsula of Michigan beginning at Lake Superior and extending along U.S. Highway 41, thence along U.S. Highway 41 to Little Bay De Noc. (2) From points in Arkansas on and east of a line beginning at the Arkansas-Missouri State line, and extending along U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line, to points in Minnesota on and north of a line beginning at the Minnesota-North Dakota State line, and extending along U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-Wisconsin State line. (3) From points in Indiana to points in Minnesota, North Dakota, South Dakota, those points in Wisconsin on and west of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 151, thence along U.S. Highway 151 to Lake Michigan, those points in the Upper Peninsula of Michigan, and on and west of a line beginning at Lake Superior and extending along U.S. Highway 41, thence along U.S. Highway 41 to Little Bay De Noc. (4) From points in Iowa on and north of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State line, to points in Delaware, New York, District of Columbia, Maine, Connecticut, Vermont, New Hampshire, Massachusetts, Rhode Island, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Maryland, New Jersey, and those points in Florida on and east of a line beginning at the Florida-Alabama State line and extending along U.S. Highway 231, thence along U.S. Highway 231 to the Gulf of Mexico. (5) From points in Iowa on and north of a line beginning at the Iowa-Nebraska State line, and extending along U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line, to points in Ohio, Pennsylvania, and those points in Michigan except the Upper Peninsula of Michigan.

(6) From points in Iowa on and north and east of a line begininng at the Iowa-Nebraska State line, and extending along U.S. Highway 20 to junction U.S. Highway 63, thence south along U.S. Highway 63 to the Iowa-Missouri State line, to points in Indiana, and those points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line, and extending along U.S. Highway 41 to the Kentucky-Tennessee State line. (7) From points in Iowa on and south and east of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 6, to junction U.S. Highway 65, thence east along U.S. Highway 65 to the Iowa-Minnesota State line, to those points in Wisconsin on and north and east of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18, to junction U.S Highway 51, thence southeast along U.S Highway 51 to the Wisconsin-Illinois State line. (8) From points in Iowa to points in Wisconsin on and north and east of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 18 to junction U.S. Highway 151, thence south along U.S. Highway 151 to the Illinois-Wisconsin State line. (9) From points in Kentucky to points in Minnesota, North Dakota, Wisconsin, South Dakota and the Upper Peninsula of Michigan west of Highway 41. (10) From points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line, and extending along U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line, to those points in Iowa on and north and east of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line. (11) From points in Louisiana to points in North Dakota, Wisconsin those points in Minnesota on and north of a line beginning at the Minnesota-South Dakota State line, and extending along U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, those points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior and extending along U.S. Highway 41 to Little Bay De Noc. (12) From points in Michigan on and south of a line beginning at Lake Michigan, and extending along U.S. Highway 10, thence along U.S. Highway 10 to the International Boundary between United States and Canada, to points in Minnesota, North Dakota, South Dakota, Nebraska, those points in Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line, and extending

along U.S. Highway 10 to junction U.S. Highway 51, thence north along U.S. Highway 51 to the Wisconsin-Michigan State line, and those points in Iowa, on and north of a line beginning at the Iowa-Nebraska State line, and extending along U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line.

(13) From points in Michigan to those points in Kansas on and west of a line beginning at the Kansas-Oklahoma State line, and extending along Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Missouri State line. (14) From points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior, and extending along U.S. Highway 41, thence along U.S. Highway 41 to Little Bay De Noc, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia, and those points in Indiana on and south of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line. (15) From points in Minnesota to points in the United States on and east of the Mississippi River, except those points in Illinois, Wisconsin, and those points in Michigan on and north of a line beginning at Lake Michigan, and extending along U.S. Highway 10, thence along U.S. Highway 10 to the International Boundary between the United States and Canada. (16) From points in Minnesota on and north of a line beginning at the Minnesota-North Dakota State line, and extending along U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-Wisconsin State line, to points in Louisiana, points in Illinois on and east of a line beginning at Lake Michigan and extending along U.S. Highway 66, thence along U.S. Highway 66 to the Illinois-Missouri State line, those points in Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line, and extending along U.S. Highway 51 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line, those points in Arkansas on and east of a line beginning at the Missouri-Arkansas State line, and extending along U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line.

(17) From points in Minnesota on and east of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 53, thence along U.S. Highway 53 to the International Boundary line between United States and Canada, to points in Texas. (18) From points in Mississippi, to points in Wisconsin, Upper Peninsula of Michigan, Minnesota, North Dakota, and South Dakota. (19) From points in Missouri, to points in the Upper Peninsula of Michigan, and those points in Wisconsin on and north and east of a line beginning at the Wisconsin-Minnesota State line, and extending along U.S. Highway 12 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Wisconsin-Minnesota State line. (20) From points in Missouri on and east of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63, thence along U.S. Highway 63 to those points in Minnesota on and east of a line beginning at the Minnesota-Wisconsin State line, and extending along U.S. Highway 53, thence along U.S. Highway 53 to the International Boundary line between United States and Canada. (21) From points in New York, to points in Wisconsin, Minnesota, Nebraska, North Dakota, South Dakota, those points in Iowa on and north of a line beginning at the Iowa- Nebraska State line, and extending along U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State line, points in the Upper Peninsula of Michigan on and west of a line beginning at Lake Superior and extending along U.S. Highway 41, thence along U.S. Highway 41 to Little Bay De Noc. (22) From points in Ohio, to points in Wisconsin, Minnesota, North Dakota, South Dakota, the Upper Peninsula of Michigan on and west of U.S. Highway 41, between Rapid River and Marquette, Mich. (23) From points in Pennsylvania, to points in Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, Upper Peninsula of Michigan, on and west of U.S. Highway 41 between Rapid River and Marquette, Mich., and points in Iowa on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Nebraska State line. (24) From points in Tennessee, to points in Minnesota, Wisconsin, North Dakota, South Dakota and Upper Peninsula of Michigan on and west of U.S. Highway 41, between Rapid River and Marquette, Mich.

(25) From points in Texas to points in Wisconsin, Upper Peninsula of Michigan, points in Minnesota on and east of a line beginning at the International Boundary between United States and Canada and extending along U.S. Highway 53, thence along U.S. Highway 53 to the Wisconsin-Minnesota State line, and those points in Illinois on and north of a line beginning at the Iowa-Illinois State line, and extending along U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line. (26) From points in Wisconsin, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. (27) From points in Wisconsin and north and east of a line beginning at the Minnesota-Wisconsin State line, and extending along U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 151, thence south along U.S. Highway 151 to the Iowa-Minnesota State line, to points in Illinois. (28) From points in Wisconsin on and south and west of a line beginning at the Minnesota-Wisconsin State line, and extending along U.S. Highway 12 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Iowa-Minnesota State line, to points in Illinois on and south of a line beginning at the Iowa-Illinois State line and extending along Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line. (29) From points in Wisconsin on and north and west of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to junction U.S. Highway 151, thence south along U.S. Highway 151 to the Wisconsin-Illinois State line, to points in Indiana. (30) From points in Wisconsin on and south and east of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to junction U.S. Highway 151, thence east along U.S. Highway 151 to Lake Michigan, to points in Indiana on and south of a line beginning at the Indiana-Ohio State line, and extending along U.S. Highway 40 to the Illinois-Indiana State line. (31) From points in Wisconsin on and north and east of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to junction U.S. Highway 151, thence east along U.S. Highway 151 to Lake Michigan, to points in Iowa.

(32) From points in Wisconsin on and east of a line beginning at Lake Superior and extending along Wisconsin Highway 13, thence east along Wisconsin Highway 13 to the Wisconsin River, to points in Kansas. (33) From points in Wisconsin on and north and west of a line beginning at the Wisconsin-Iowa State line, and extending along U.S. Highway 18, to junction U.S. Highway 151, thence along U.S. Highway 151 to Lake Michigan, to points in Michigan on and south of a line beginning at Lake Michigan and extending along U.S. Highway 10, thence along U.S. Highway 10 to the International Boundary line between United States and Canada. (34) From points in Wisconsin on and south of a line beginning at the Wisconsin-Iowa line, and extending along U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan, to points in Upper Peninsula of Michigan. (35) From points in Wisconsin on and south and east of a line beginning at the Iowa-Wisconsin State line, and extending along U.S. Highway 18 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line, to points in Minnesota. (36) From points in Wisconsin on and south and east of a line beginning at the Illinois-Wisconsin State line, and extending along U.S. Highway 151, thence along U.S. Highway 151 to Lake Michigan, to points in North Dakota. (37) From points in Wisconsin on and south of a line beginning at the Iowa-Wisconsin State line, and extending along U.S. Highway 18 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S.

Highway 12, to junction Wisconsin Highway 78, to junction Interstate Highway 90–94, to junction Wisconsin Highway 33, to junction Wisconsin Highway 44, to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay, to points in South Dakota. (38) From points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line, and extending along U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line, to points in Missouri.

(39) From points in Wisconsin on and south and east of a line beginning at the Wisconsin-Minnesota State line, and extending along U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan line, to points in Nebraska. (40) From points in Wisconsin on and north of a line beginning at the Wisconsin-Iowa State line, and extending along U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan, to points in Ohio. (41) From points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line, and extending along U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line, to points in Oklahoma. (42) From points in Wisconsin on and east of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 53 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Wisconsin-Illinois State line, to points in Texas. (b) *Damaged and Returned shipments of rowboats and outboard motor boats* not exceeding 20 feet in length, from points in the United States east of the eastern boundaries of Montana, Wyoming, Colorado, and New Mexico, to points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, Texas and Wisconsin. The purpose of this filing is to eliminate the gateway of Waunakee, Wis.

No. MC 117815 (Sub-No. E5), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. 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: *Such merchandise as is dealt in by wholesale grocery and food business houses*, and in connection therewith, *equipment, materials*, and *supplies used in the conduct of such business*, when moving to or from such business houses or other facilities thereof, between Des Moines, Iowa, on the one hand, and, on the other, points in Illinois within that territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Illinois, to Hebron, Illinois, thence south over Illinois Highway 47 to junction U.S. Highway 14, to junction Illinois Highway 31, to Elgin, Illinois, thence southeast over U.S. Highway 20 to junction Illinois Highway 59, to junction U.S. Highway 52, to junction U.S. Highway 49, thence south to junction U.S. Highway 24, thence east over U.S. Highway 24 to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana border, thence north along the Illinois-Indiana border to the shore of Lake Michigan. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 117815 (Sub-No. E6), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. 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: *Such merchandise as is dealt in by wholesale grocery and food business houses*, and in connection therewith, *equipment, materials*, and *supplies used in the conduct of such business*, when moving to or from such business houses or other facilities thereof, Between Des Moines, Iowa, on the one hand, and, on the other, points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Illinois, and South Beloit, Illinois, to Durand, Illinois, thence south over unnumbered highway through Pecatonica, Myrtle, Byron, and Chana, Illinois, to junction Illinois Highway 38, thence south over Illinois Highway 30 to Ashton, Illinois, thence south and east over unnumbered highway through Pawpaw, Earlville and Harding, Illinois, to junction Illinois Highway 23, thence south over Illinois Highway 23 to junction unnumbered road to Gridley, Illinois, thence east over U.S. Highway 24 to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana border, thence north along the Illinois-Indiana border to the shore of Lake Michigan. The purpose of this filing is to eliminate the gateway of DeKalb, Illinois.

No. MC 117815 (Sub-No. E7), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. 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: *Frozen foods*, from Detroit, Michigan, to points in Illinois within the territory bounded by a line beginning at Galena, Illinois, thence in a southeasterly direction to Savanna, Illinois, thence south to Galesburg, Illinois, thence east over U.S. Highway 150 to junction Illinois Highway 91, thence north over Illinois Highway 91 to junction Illinois Highway 90, thence east over Illinois Highway 90 to junction Illinois Highway 88, thence north over Illinois Highway 88 to Compgrove, Illinois, thence east three miles over unnumbered road to junction unnumbered road, thence north over unnumbered road through Lombardville, Wayanett and Walnut, Illinois, to junction unnumbered highway four miles north of Walnut, Illinois, thence east on unnumbered highway one mile northwest of Dixon, Illinois, thence north on unnumbered highway through Mt. Morris, Ridott, and Dakota, Illinois, to Rock Grove, Illinois, thence west along a line through Warren, Illinois to Galena, Illinois, restricted to traffic originating at Detroit, Michigan and to movements, from, to or between wholesale and retail grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub-No. E8), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. 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, and meat by-products*, and *articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Allen Township (Hillsdale County), Michigan, to points in Illinois within the territory bounded by a line beginning at Galena, Illinois, and extending in a southeasterly direction to Savanna, Illinois, thence south to Galesburg, Illinois, thence east over U.S. Highway 150 to junction Illinois Highway 78, thence north over Illinois Highway 78 to Lyndon, Illinois, thence northeast over Illinois Highway 2, to Sterling, Illinois, thence north over Illinois Highway 88 to Milledgeville, Illinois, thence north over unnumbered highway to junction Illinois Highway 72, thence west over Illinois Highway 72 to junction Illinois Highway 73, thence north over Illinois Highway 73, to Winslow, Illinois, and thence west along a line through Warren, Illinois, to Galena, Illinois, restricted to the transportation of shipments originating at the plant site and warehouse facilities of Peter Eckrich and Sons, Inc. at Allen Township (Hillsdale County), Michigan, and to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub.-No. E9), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. 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: *Canned goods*, from points in Wisconsin on and west of a line beginning at the Illinois-Wisconsin border and extending north on Wisconsin Highway 78 to Gratiot, Wisconsin, thence west over Wisconsin Highway 11 to junction Wisconsin Highway 23, thence north over Wisconsin Highway 23 to junction Wisconsin High-

way 130, thence north over Wisconsin Highway 130 to junction U.S. Highway 14, thence north over U.S. Highway 14 to junction Wisconsin Highway 58, thence north over Wisconsin Highway 58 to LaValle, Wisconsin, thence northwest over Wisconsin Highway 33 to junction Wisconsin Highway 80, thence north over Wisconsin Highway 80 to junction Wisconsin Highway 13, thence north over Wisconsin Highway 13 to junction unnumbered highway one mile north of Butternut, Wisconsin, thence northeast over unnumbered highway to junction U.S. Highway 51, thence north over U.S. Highway 51 to the Wisconsin-Michigan border, to points in that part of Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa and Chicago, Illinois.

No. MC 117815 (Sub-No. E10), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. 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: *Canned fruits and vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94, to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state line (except Kalamazoo, Michigan), to Des Moines, Adel, Cedar Rapids, Clarion, Fort Dodge, Guthrie Center, Jefferson, Mason City, Perry and Winterset, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E11), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Canned fruits and vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94, to junction Business Route Interstate Highway 94, thence along Business Route Interstate 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Michigan, to Kalamazoo, Michigan, and West of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state line (except Kalamazoo, Michigan), to Denver and Pueblo, Colorado, Oklahoma City, and Tulsa, Oklahoma, points in North Dakota, South Dakota, Nebraska, Kansas, and points in Minnesota on and west of a line beginning at the Iowa-Minnesota state line, thence north over U.S. Highway 65, to Albert Lea, Minnesota, thence north over Minnesota Highway 13, to Waseca, Minnesota, thence west over U.S. Highway 14, to Nicollet, Minnesota, thence north over Minnesota Highway 111 to Gaylord, Minnesota, thence north over Minnesota Highway 22 to Hutchinson, Minnesota, thence west over Minnesota Highway 7 to junction U.S. Highway 71.

Thence north over U.S. Highway 71 to Belgrade, Minnesota, thence northwest over Minnesota Highway 55 to junction U.S. Highway 59, thence north over U.S. Highway 59 to Detroit Lakes, Minnesota, thence east over Minnesota Highway 34 to Park Rapids, Minnesota, thence north over U.S. Highway 71 to Bemidji, Minnesota, thence west over U.S. Highway 2 to junction Minnesota Highway 89, thence north over Minnesota Highway 89 to Roseau, Minnesota, thence north over Minnesota Highway 310 to the Minnesota-Canada border, and to points in Missouri on and west of a line beginning at the Iowa-Missouri state line, thence south over Missouri Highway 129 to junction Missouri Highway 11, thence south over Missouri Highway 11 to junction U.S. Highway 24, thence southwest over U.S. Highway 24 to junction Missouri Highway 13, thence south over Missouri Highway 13 to junction U.S. Highway 54, thence west over U.S. Highway 54 to junction Missouri Highway 32, thence south over Missouri Highway 32, to junction Missouri Highway 97, thence south over Missouri Highway 97 to Pierce City, Missouri, thence south over Missouri Highway 37 to Purdy, Missouri, thence west over unnumbered highway to junction Missouri Highway 86, thence south over Missouri Highway 86 to junction Missouri Highway 76, thence west over Missouri Highway 76 to junction U.S. Highway 71, and thence south over U.S. Highway 71 to the Missouri-Arkansas state line. The purpose of this filing is to eliminate the gateway of Chicago, Illinois and Des Moines, Iowa.

No. MC 117815 (Sub-No. E12), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Canned fruits and vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94, to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state lines (except Kalamazoo, Michigan), to Denver and Pueblo, Colorado, Oklahoma City, and Tulsa, Oklahoma, points in North Dakota, South Dakota, Nebraska, Kansas, and points in Minnesota on and west of a line beginning at the Iowa-Minnesota state line, thence north over U.S. Highway 65, to Albert Lea, Minnesota, thence north over Minnesota Highway 13, to Waseca, Minnesota, thence west over U.S. Highway 14, to Nicollet, Minnesota, thence north over Minnesota Highway 111 to Gaylord, Minnesota, thence north over Minnesota Highway 22 to Hutchinson, Minnesota, thence west over Minnesota Highway 7 to junction U.S. Highway 71.

Thence north over U.S. Highway 71 to Belgrade, Minnesota, thence northwest over Minnesota Highway 55 to junction U.S. Highway 59, thence north over U.S. Highway 59 to Detroit Lakes, Minnesota, thence east over Minnesota Highway 34 to Park Rapids, Minnesota, thence north over U.S. Highway 71 to Bemidji, Minnesota, thence west over U.S. Highway 2 to junction Minnesota Highway 89, thence north over Minnesota Highway 89 to Roseau, Minnesota, thence north over Minnesota Highway 310 to the Minnesota-Canada border, and to points in Missouri on and west of a line beginning at the Iowa-Missouri state line, thence south over Missouri Highway 129 to junction Missouri Highway 11, thence south over Missouri Highway 11 to junction U.S. Highway 24, thence southwest over U.S. Highway 24 to junction Missouri Highway 13, thence south over Missouri Highway 13 to junction U.S. Highway 54, thence west over U.S. Highway 54 to junction Missouri Highway 32, thence south over Missouri Highway 32, to junction Missouri Highway 97, thence south over Missouri Highway 97 to Pierce City, Missouri, thence south over Missouri Highway 37 to Purdy, Missouri, thence west over unnumbered highway to junction Missouri Highway 86, thence south over Missouri Highway 86 to junction Missouri Highway 76, thence west over Missouri Highway 76 to junction U.S. Highway 71, and thence south over U.S. Highway 71 to the Missouri-Arkansas state line. The purpose of this filing is to eliminate the gateway of Chicago, Illinois and Des Moines, Iowa.

No. MC 117815 (Sub-No. E13), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. 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:* (a) *Frozen fruits, frozen berries*, and *frozen vegetables*, from points in Indiana within the territory bounded by a line on the south beginning at the Illinois-Indiana state line and extending in a northeasterly direction to Warsaw, Indiana, thence north to Goshen, Indiana, thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, thence along the Indiana-Michigan state line to Lake Michigan (except LaPorte, Indiana), to Des Moines, Iowa, Omaha and Plattsmouth, Nebraska and (b) *Frozen foods*, from points in Indiana within the territory bounded by a line on the south beginning at the Illinois-Indiana state line and extending in a northeasterly direction to Warsaw, Indiana, thence north to Goshen, Indiana, thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, thence along the Indiana-Michigan state line to Lake Michigan (except from LaPorte, Indiana), to points in Minnesota on, south and west of a line beginning at the Iowa-Minnesota state line and extending north over U.S. High-

way 65 to Albert Lea, Minnesota, thence north over Minnesota Highway 13 to Montgomery, Minnesota, thence north one mile to junction unnumbered road, thence west over unnumbered road to LeSueur, Minnesota, thence west over Minnesota Highway 112 to junction Minnesota Highway 93, thence north over Minnesota Highway 93 to junction Minnesota Highway 19, thence west over Minnesota Highway 19 to junction Minnesota Highway 22, thence north and west over Minnesota Highway 22 to Hutchinson, Minnesota, thence west over Minnesota Highway 7 to junction U.S. Highway 71, thence north over U.S. Highway 71 to Willmer, Minnesota, thence northwest over U.S. Highway 12 to Benson, Minnesota, thence north over Minnesota Highway 29 to Starbuck, Minnesota, thence north on Minnesota Highway 114 to Lowry, Minnesota, thence northwest over Minnesota Highway 55 to junction U.S. Highway 59, thence north over U.S. Highway 59 to Thief River Falls, Minnesota, thence north over Minnesota Highway 32 to junction Minnesota Highway 11, thence northeast over Minnesota Highway 11 to junction Minnesota Highway 89, and thence north over Minnesota Highway 89 to the Minnesota-Canada border, restricted in (a) and (b) to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateways of Chicago, Illinois and Des Moines, Iowa.

No. MC 117815 (Sub-No. E14), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Canned fruits* and *vegetables*, (a) from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state line (except Kalamazoo, Michigan), to Chariton, Iowa, restricted to traffic destined to Chariton, Iowa and restricted to movements to or from wholesale grocery and food business houses or other facilities thereof; and (b) from points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line and extending east over Indiana Highway 10 to junction Indiana Highway 110, thence east over Indiana Highway 110 to junction Indiana Highway 143, thence east over Indiana Highway 143 to junction U.S. Highway 421, thence south over U.S. Highway 421 to junction Indiana Highway 14, thence east over Indiana Highway 14 to Akron, Indiana, thence east over Indiana Highway 114 to junction Indiana Highway 15, thence south over Indiana Highway 15 to Marion, Indiana, thence east over Indiana Highway 18 to junction Indiana Highway 3, thence south over Indiana Highway 3 to Muncie, Indiana, and thence southeast over U.S. Highway 35 to the Indiana-Ohio border, to Chariton, Iowa, restricted to traffic destined to Chariton, Iowa, and to movements to or from wholesale grocery and food business houses or other facilities thereof. The purpose of this filing is to eliminate the gateways of Chicago, Illinois and Des Moines, Iowa.

No. MC 117815 (Sub-No. E15), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. 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: *Cheese*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana state line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana), to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, to Cedar Rapids, Iowa, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Dixon, Illinois.

No. MC 117815 (Sub-No. E16), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Canned fruits and vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered Highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94, to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94, to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state line (except Kalamazoo, Michigan), and those points in that part of Indiana north of U.S. Highway 40 (except those in Lake and Porter Counties, Indiana and except those north of U.S. Highway 20 and west of Indiana Highway 15, and LaPorte, Indiana), including points on the indicated portions of the highway specified, to Des Moines, Iowa, restricted to movements from, to or between wholesale and retail grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E17), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Canning plant supplies*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana state line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana) to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, to Grimes, Iowa, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E18), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Canned goods*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana state line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamanc, Indiana), to Warsaw, Indiana, thence north over Indiana Highway 15, to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, to Red Oak, Iowa, restricted to

movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E19), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits* and *vegetables*, from points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line and extending east over U.S. Highway 36 to junction U.S. Highway 231, thence south over U.S. Highway 231 to junction U.S. Highway 40, and thence northeast over U.S. Highway 40 to the Indiana-Ohio state line (except those points in Lake and Porter Counties, Indiana, and except those points north of U.S. Highway 20 and west of Indiana Highway 15 and LaPorte, Indiana), to Muscatine, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E20), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Canned fruits* and *vegetables*, from points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line and extending east and south over U.S. Highway 52 to junction U.S. Highway 40, and thence northeast over U.S. Highway 40 to the Indiana-Ohio state line (except those points in Lake and Porter Counties, Indiana and except those points north of U.S. Highway 20 and west of Indiana Highway 15, and LaPorte, Indiana), to Mt. Ayr, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E21), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Canned fruits* and *vegetables*, from points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line and extending east over Indiana Highway 26 to Pine Village, Indiana, thence south over Indiana Highway 55 to junction U.S. Highway 136, thence southeast over U.S. Highway 136 to Crawfordsville, Indiana, thence south over U.S. Highway 231 to junction U.S. Highway 40, and thence northeast over U.S. Highway 40 to the Indiana-Ohio state line (except those in Lake and Porter Counties, Indiana, and except those north of U.S. Highway 20 and west of Indiana Highway 15, and LaPorte, Indiana), to Creston, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E22), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Canned fruits* and *vegetables*, (a) from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94, to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unumbered highway through Coloma, Paw Paw and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazo, Michigan, and extending along unumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state line (except Kalamazoo, Michigan), and (b) from points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line and extending east over Indiana Highway 32 to Crawfordsville, Indiana, thence south over U.S. Highway 231 to junction U.S. Highway 40, and thence northeast over U.S. Highway 40 to the Indiana-Ohio state line, to Red Oak, Iowa. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E23), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. 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: *Canned fruits* and *vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana State line (except Kalamazoo, Michigan), to points in Iowa on and east of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E24), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. 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: (a) *Canned fruits* and *vegetables*, from points in that part of Michigan south of a line beginning at the Indiana-Michigan state line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, Michigan, thence along unnumbered highway through Union Pier and Harbert, Michigan, to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, Michigan, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Michigan, to Kalamazoo, Michigan, and west of a line beginning at Kalamazoo, Michigan, and extending along unnumbered highway through Portage, Michigan, to junction U.S. Highway 131, at or near Schoolcraft, Michigan, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana state line (except Kalamazoo, Michigan), to points in Iowa on, west and south of a line commencing at the Iowa-Illinois state line and extending west over U.S. Highway 34 to Fairfield, Iowa, thence north over Iowa Highway 1 to junction Iowa Highway 78, thence west over Iowa Highway 78 to junction Iowa Highway 149, thence west over Iowa Highway 149 to junction U.S. Highway 63, thence north over U.S. Highway 63 to New Sharon, Iowa, thence north over Iowa Highway 146 to junction U.S. Highway 30.

Thence west over U.S. Highway 30 to junction Iowa Highway 14, thence north over Iowa Highway 14 to Marshalltown, Iowa, thence west over unnumbered road through Clemons and St. Anthony, Iowa, to McCallsburg, Iowa, thence west over Iowa Highway 221 to junction U.S. Highway 69, and thence north over U.S. Highway 69 to the Iowa-Minnesota state line: (b) *Canned goods*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana state line

at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana), to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, to points in Iowa on, south and west of a line commencing at the Iowa-Illinois state line and extending west over U.S. Highway 6 to Iowa City, Iowa, thence northwest over U.S. Highway 218 to the Iowa-Minnesota state line, restricted in (a) and (b) above to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateways of Gary, Indiana and Peoria, Illinois.

No. MC 117815 (Sub-No. E25) filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th St., Des Moines, Iowa 50317. 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: (a) *Canned fruits and vegetables*, from points in that part of Indiana north of U.S. Highway 40 (except those in Lake and Porter Counties, Indiana, and except those north of U.S. Highway 20 and west of Indiana Highway 15 and LaPorte, Indiana), including points on the indicated portions of the highways specified, to Omaha, Nebraska; (b) *Canned goods and canned pet food*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana State line at unnumbered highway approximately four miles north of Effner, Indiana, and extending along in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana) to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near Granger, Indiana, to Omaha and Plattsmouth, Nebraska, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Ill. and Des Moines, Iowa.

No. MC 117815 (Sub-No. E26), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th St., Des Moines, Iowa 50317. 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: *Frozen foods*, from Deerfield, Illinois, to points in that part of Minnesota west and south of a line commencing at the Iowa-Minnesota State line and extending north over U.S. Highway 59 to Marshall, Minnesota, and thence northwest over Minnesota Highway 68 through Canby, Minnesota to the South Dakota-Minnesota State line, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateways of DeKalb, Ill. and Des Moines, Iowa.

No. MC 117815 (Sub-No. E27), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th St., Des Moines, Iowa 50317. 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: *Frozen foods*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana State line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana), to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near Granger, Indiana, to Omaha and Plattsmouth, Nebraska, and points in Minnesota on, west and south of a line commencing at the Iowa-Minnesota State line and extending north over Minnesota Highway 15 to junction Minnesota Highway 30, thence west and north over Minnesota Highway 30 to junction Minnesota Highway 4, thence north over Minnesota Highway 4 to junction Minnesota Highway 68, thence northwest over Minnesota Highway 68 to Morgan, Minnesota, thence northwest over Minnesota Highway 67 to Granite Falls, Minnesota, thence northwest over U.S. Highway 212 to Montivedo, Minnesota, and thence northwest over Minnesota Highway 7 to Ortonville, Minnesota, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateways of Deerfield, Ill. and Des Moines, Iowa.

No. MC 117815 (Sub-No. E28), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th St., Des Moines, Iowa 50317. 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: *Canned goods*, from North Chicago, Illinois, to Muscatine, Iowa, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 117815 (Sub-No. E29), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. 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: *Canned goods and canned pet food*, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana State line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana) to Warsaw, Indiana, and thence in a north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near Granger, Indiana, to Denver and Pueblo, Colorado, and points in North Dakota and South Dakota and points in Minnesota on, south and west of a line commencing at the Iowa-Minnesota State line and extending north over U.S. Highway 65 to Albert Lea, Minnesota, thence north over Minnesota Highway 12 to Montgomery, Minnesota, thence north one mile to junction unnumbered road to LeSueur, Minnesota, numbered road, thence west over unnumbered road to LeSeur, Minnesota, thence west over Minnesota Highway 112 to junction Minnesota Highway 93, thence north on Minnesota Highway 93 to junction Minnesota Highway 19, thence west over Minnesota Highway 19 to junction Minnesota Highway 22, thence north and west over Minnesota Highway 22 to Hutchinson, Minnesota, thence west over Minnesota Highway 7 to junction U.S. Highway 71, thence north over U.S. Highway 71 to Willmar, Minnesota, thence northwest over U.S. Highway 12 to Benson, Minnesota, thence north on Minnesota Highway 19 to Starbuck, Minnesota, thence north over Minnesota Highway 114 to Lowry, Minnesota, thence northwest on Minnesota Highway 55 to junction U.S. Highway 59, thence north over U.S. Highway 59 to Thief River Falls, Minnesota, thence north on Minnesota Highway 32 to junction Minnesota Highway 11, thence northeast over Minnesota Highway 11 to junction Minnesota Highway 89, and thence north on Minnesota Highway 89 to the Minnesota-Canada border, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Des Moines, Iowa.

No. MC 117815 (Sub-No. E30), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. 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: *Packing house products*, between Des Moines and Davenport, Iowa, on the one hand, and, on the other, points in that part of Indiana bounded by a line commencing at the Illinois-Indiana State line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana) to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near

Granger, Indiana, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets.

No. MC 117815 (Sub-No. E31), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. 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: *Unfrozen bakery products* (except in bulk, in tank vehicles), from the plant site of the United States Baking Company at Seeleyville, Indiana, to points in Illinois within the territory bounded on the east and south by a line commencing at Oneco, Illinois, and extending south over Illinois Highway 26 to junction unnumbered highway 5 miles south of Polo, Illinois, thence west and south over unnumbered highway through Penrose, Illinois, to junction Illinois Highway 2, thence southwest over Illinois Highway 2 to junction U.S. Highway 30, thence west over U.S. Highway 30 to Clinton, Iowa, and bounded on the west and north by a line beginning at Clinton, Iowa, and extending north to Savanna, Illinois, thence northwesterly to Galena, Illinois, and thence east through Warren, Illinois, to Oneca, Illinois, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub-No. E32), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. 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: *Such merchandise* as is dealt in by wholesale grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, when moving to or from such business houses or other facilities thereof (except in bulk), (a) from points in that part of Indiana within the territory bounded by a line beginning at the Illinois-Indiana State line and extending east on Indiana Highway 10 to junction Indiana Highway 110, thence east on Indiana Highway 110 to junction Indiana Highway 143, thence east on Indiana Highway 143 to junction U.S. Highway 421, thence south on U.S. Highway 421 to junction Indiana Highway 14, thence east on Indiana Highway 14 to Winamac, Indiana, thence along a line in a northeasterly direction to Warsaw, Indiana, thence north to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near Granger, Indiana, to Chariton, Iowa, restricted to traffic destined to Chariton, Iowa. (b) from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Illinois, to where it intersects with Illinois Highway 76, thence south over Illinois Highway 76 to junction U.S. Highway B.R. 20, thence southeast over U.S. Highway B.R. 20 to Belvidere, Illinois, thence south over unnumbered highway through Kirkland, Illinois, to junction Illinois Highway 64, thence west over Illinois Highway 64 to junction U.S. Highway 51, thence south over U.S. Highway 51 to Rochelle, Illinois, thence south and east over unnumbered highways through Steward and Lee, Illinois, to junction U.S. Highway 30, thence east over U.S. Highway 30 to junction unnumbered highway at Big Rock, Illinois, thence south over unnumbered highway to Plano, Illinois, thence east over U.S. Highway 34 to junction Illinois Highway 47, thence south over Illinois Highway 47 to Yorkville, Illinois, thence east over Illinois Highway 126 to junction U.S. Highway 30, thence southeast over U.S. Highway 30 to junction U.S. Highway 52, thence south over U.S. Highway 52 to junction unnumbered highway, thence east over unnumbered highway through St. George, Illinois, to junction Illinois Highway 1, thence south over Illinois Highway 1 to Momence, Illinois, thence east over Illinois Highway 114 to the Illinois-Indiana State line, thence north along the Illinois-Indiana State line to the shore to Lake Michigan, and thence north along the shore of Lake Michigan to the point of beginning, to Chariton, Iowa, restricted to traffic destined to Chariton, Iowa. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and DeKalb, Ill.

No. MC 117815 (Sub-No. E34), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. 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: *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 liquid commodities in bulk, in tank vehicles, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana State line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana) to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan State line near Granger, Indiana, to Kansas City, St. Joseph and South St. Joseph, Missouri; Kansas City, Kansas; Omaha, South Omaha and Plattsmouth, Nebraska; and points in Iowa on and east of U.S. Highway 69, restricted to movements from, to or between wholesale grocery houses, their warthouses, and retail outlets. The purpose of this filing is to eliminate the gateways of Momence, Ill. and Des Moines, Iowa.

No. MC 117815 (Sub-No. E35), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. 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: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line to where it connects with U.S. Highway 14, thence south along U.S. Highway 14 to Woodstock, Illinois, thence south along Illinois Highway 47 to Dwight, Illinois, thence east on Illinois Highway 17 to Kankakee, Illinois, thence south on U.S. Highway 45 to junction Illinois Highway 49, thence south over Illinois Highway 49 to Crescent City, Illinois, thence east over U.S. Highway 24 to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana State line, thence north along the Illinois-Indiana State border to the shore of Lake Michigan, and thence north along the shore of Lake Michigan to the point of beginning, to Omaha and Plattsmouth, Nebraska, restricted to movements from, to or between wholesale houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Ill., and Des Moines, Iowa.

No. MC 117815 (Sub-No. E36), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. 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: *Canned goods*, from points in that part of Wisconsin within the territory bounded on the south by Wisconsin Highway 29 and on the east by U.S. Highway 51, to points in that part of Illinois within the territory bounded by a line beginning at Savanna, Illinois, and extending south to Galesburg, Illinois, thence in a southeasterly direction to Peoria, Illinois, thence east to Forrest, Illinois, thence north over Illinois Highway 47 to junction Illinois Highway 116, thence west over Illinois Highway 116 to Pontiac, Illinois, thence north over Illinois Highway 23 to Streator, Illinois, thence west over Illinois Highway 18 to junction U.S. Highway 51, thence north over U.S. Highway 51 to junction U.S. Highway 52, and thence north and west over U.S. Highway 52 to the point of beginning, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub-No. E38), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. 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: *Canned goods*, from points in that part of Wisconsin within the territory bounded on the north by Wisconsin Highway 29, and on the south by U.S. Highway 18 beginning at Prairie du Chien, Wisconsin, thence east over U.S. Highway 18 to junction U.S. Highway 151, thence east over U.S. Highway 151 to Beaver Dam, Wisconsin, thence east over Wisconsin Highway 33 to junction U.S. Highway 41, thence southeast over U.S. Highway 41, thence southeast over U.S. Highway 41 to junction unnumbered highway one mile southeast of Fussyville, Wisconsin, and thence east over unnumbered highway to Whitefish Bay, Wisconsin, to points in that part of Illinois within the territory beginning at the Mississippi River and extending south along a line to Galesburg, Illinois, thence in a southeasterly direction to Peoria, Illinois, thence north over Illinois Highway 88 to junction U.S. Highway 6, thence west over U.S. Highway 6 to Annawan, Illinois, thence north over Illinois Highway 78 to Morrison, Illinois, and thence west over U.S. Highway 30 to the point of beginning, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub-No. E39), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. 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: *Glass bottles and closures therefor*, from points in that part of Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Ill., to where it connects with Illinois Highway 47, thence south over Illinois Highway 47 to junction U.S. Highway 30, and thence south and east over U.S. Highway 30 to the Illinois-Indiana State line, to points in Missouri, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Plainfield, Ill.

No. MC 117815 (Sub-No. E40), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. 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: *Canned goods*, from points in that part of Wisconsin on and west of a line beginning at LaCrosse, Wis., and extending northwest on Wisconsin Highway 35 to Nelson, Wis., thence north on Wisconsin Highway 25 to Durand, Wis., thence west over U.S. Highway 10 to junction U.S. Highway 63, thence north over U.S. Highway 63 to junction U.S. Highway 2, thence northeast over U.S. Highway 2 to the junction of Wisconsin Highway 13, and thence along a line northeast to the shore of Lake Superior, to points in Illinois within the territory bounded by a line beginning at Thompson, Ill., and extending along a line south to Galesburg, Ill., thence a southeasterly direction to Peoria, Ill., thence east to Onarga, Ill., thence in a northeasterly direction to the Illinois-Indiana State line, thence north along the Illinois-Indiana State line to the shore of Lake Michigan, thence north along the shore of Lake Michigan to Chicago, Ill., thence west over Interstate Highway 90 to the junction of Illinois Highway 38, thence west over Illinois Highway 38 to Dixon, Ill., thence north over U.S. Highway 52 to junction unnumbered highway just south of Polo, Ill., thence west over unnumbered highway to Milledgeville, Ill., thence north on Illinois Highway 88 to Chadwick, Ill., and thence west on unnumbered highway through Fay, Ill., to the point of beginning, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub-No. E41), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. 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: *Glass bottles and closures therefor*, from points in Illinois within territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Ill., to where it connects with Illinois Highway 47, thence south over Illinois Highway 47 to Forrest, Ill., thence east over U.S. Highway 24 to Watseka, Ill., and thence along a line in a northeasterly direction to the Illinois-Indiana State line, to Omaha and Plattsmouth, Nebr., and to points in North Dakota and South Dakota, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Plainfield, Ill., and Des Moines, Iowa.

No. MC 117815 (Sub-No. E42), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. 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: *Glass bottles and closures therefor*, (a) From points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west through Chicago, Ill., over Interstate Highway 90 to junction Illinois Highway 38, thence west over Illinois Highway 38 to Glen Ellyn, Ill., thence south over Illinois Highway 53 to junction Illinois Highway 5, thence west over Illinois Highway 5 to junction Illinois Highway 31, thence south over Illinois Highway 31 to junction U.S. Highway 30, thence southeast over U.S. Highway 30 to Joliet, Ill., thence south over U.S. Highway 52 to Kankakee, Ill., thence east over Illinois Highway 17 to Momence, Ill., and thence east over Illinois Highway 114 to the Illinois-Indiana State line, to points in Iowa, and (b) from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Ill., to where it connects with Illinois Highway 47, thence south over Illinois Highway 47 to junction Illinois Highway 38, thence east over Illinois Highway 38 to junction Interstate Highway 90, thence east over Interstate Highway 90 to Chicago, Ill., and the shore of Lake Michigan, to points in Iowa on and south of a line beginning at the Iowa-Illinois State line and extending west over U.S. Highway 34 to Ottumwa, Iowa, thence north over U.S. Highway 63 to New Sharon, Iowa, thence north over Iowa Highway 146 to junction U.S. Highway 30, thence west over U.S. Highway 30, (including Marshalltown, Iowa) to junction Interstate Highway 35, thence north on Interstate Highway 35 to junction Iowa Highway 175, thence west over Iowa Highway 175 to junction U.S. Highway 59, thence north over U.S. Highway 59 to junction U.S. Highway 20, thence west over U.S. Highway 20 to Correctionville, Iowa, thence north and west over unnumbered road through Pierson, Kingsley, and Neptune, Iowa, to LeMars, Iowa, thence north over U.S. Highway 75 to junction Iowa Highway 10, and thence west and north over Iowa Highway 10 to the Iowa-South Dakota State line, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Plainfield, Ill.

No. MC 117815 (Sub-No. E43), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. 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: *Glass bottles* and *closures* therefor, from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west through Chicago, Illinois, over Interstate Highway 90 to junction Illinois Highway 5, thence west over Illinois Highway 5 to junction Illinois Highway 47, thence south over Illinois Highway 47 to Forrest, Illinois, thence east over U.S. Highway 24, to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana state line, thence north along the Illinois-Indiana state line to the shore of Lake Michigan, and thence north along the shore of Lake Michigan to point of beginning, to points in Wisconsin on, north, and west of a line be-

ginning at the Iowa-Wisconsin state line and extending east over U.S. Highway 18 to Bridgeport, Wisconsin, thence east over Wisconsin Highway 60 to junction U.S. Highway 51, thence north over U.S. Highway 51 to the Wisconsin-Michigan state line, and to points in Minnesota, restricted to movements from, to, or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Plainfield, Illinois.

No. MC 117815 (Sub-No. E44), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th St., Des Moines, Iowa 50317. 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: *Glass bottles* and *closures* therefor, from points in that part of Indiana bounded by a line commencing at the Illinois-Indiana state line at unnumbered highway approximately four miles north of Effner, Indiana, and extending in a northeasterly direction (through Brook, Collegeville, Francesville, and Winamac, Indiana), to Warsaw, Indiana, thence north over Indiana Highway 15 to Goshen, Indiana, and thence in a northwesterly direction to the Indiana-Michigan state line near Granger, Indiana, to: (a) Omaha and Plattsmouth, Nebraska, and (b) points in Wisconsin on and west of U.S. Highway 51, points in Minnesota, North Dakota, South Dakota, and points in Iowa, on and north and west of a line beginning at the Iowa-Illinois state line and extending west on U.S. Highway 34 to Mt. Pleasant, Iowa, thence south and west over unnumbered highway through Oakland Mills and Salem, Iowa, to Hillsboro, Iowa, thence south over Iowa Highway 270 to junction Iowa Highway 16, thence west over Iowa Highway 16 to junction Iowa Highway 1 to junction Iowa Highway 2, thence west over Iowa Highway 2 to junction Iowa Highway 15, thence south over Iowa Highway 15 to the Iowa-Missouri state line, and to points in Missouri on, west, and south of a line beginning at the Iowa-Missouri state line and extending south over U.S. Highway 63 to Rolla, Missouri, thence southeast on Missouri Highway 72 to junction Missouri Highway 21, thence south over Missouri Highway 21 to junction U.S. Highway 60, thence southeast over U.S. Highway 60 to Poplar Bluff, Missouri, and thence south over U.S. Highway 67 to the Missouri-Arkansas state line, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Plainfield, Illinois.

No. MC 117815 (Sub-No. E45), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Glassware*, as described in Appendix IX to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 200, from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west through Chicago, Illinois, over U.S. Highway Alternate 30 to junction Illinois Highway 38, thence west over Illinois Highway 38 to De Kalb, Illinois, thence south over Illinois Highway 23 to Pontiac, Illinois, thence south over unnumbered highway to Weston, Illinois, thence east over U.S. Highway 24 to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana state line, thence north along the Illinois-Indiana state line to the shore of Lake Michigan, and thence north along the shore of Lake Michigan to point of beginning, to points in Minnesota on, north and west of a line beginning at the Minnesota-Wisconsin state line and extending south over U.S. Highway 63 to Rochester, Minnesota, thence west over U.S. Highway 14, to Mankato, Minnesota, thence southwest over Minnesota Highway 60 to Windom, Minnesota, and thence south over U.S. Highway 71 to the Minnesota-Iowa state line, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Curnee, Illinois.

No. MC 117815 (Sub-No. E46), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Glassware*, as described in Appendix IX to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west along a line through Winthrop Harbor, Illinois, to where it connects with Illinois Highway 47, thence south over Illinois Highway 47 to junction U.S. Highway 14, thence southeast over U.S. Highway 14 to junction Illinois Highway 31, thence south over Illinois Highway 31 to junction U.S. Highway 30, thence south and east over U.S. Highway 30 to the Illinois-Indiana state line, thence north along the Illinois-Indiana state line to the shore of Lake Mchigan, and thence north along the shore of Lake Michigan to the point of beginning, to points in Nebraska, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Gurnee, Illinois.

No. MC 117815 (Sub-No. E47), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. 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: *Glassware*, as described in Appendix IX to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Illinois within the territory bounded by a line beginning at the shore of Lake Michigan and extending west through Chicago, Illinois, over U.S. Highway Alternate 30 to junction Illinois Highway 38, thence west over Illinois Highway 38 to DeKalb, Illinois, thence south over Illinois Highway 23 to junction Illinois Highway 17, thence west over Illinois Highway 17 to junction U.S. Highway 51, thence south over U.S. Highway 51 to junction U.S. Highway 24, thence east over U.S. Highway 24 to Watseka, Illinois, thence along a line in a northeasterly direction to the Illinois-Indiana state line, thence north along the Illinois-Indiana state line to the shore of Lake Michigan, and thence north along the shore of Lake Michigan to point of beginning, to points in Wisconsin bounded by Wisconsin Highway 29 on the south and U.S. Highway 51 on the east, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Gurnee, Illinois.

No. MC 123407 (Sub-No. E273), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Warren, Ill., to the points in Alabama; Georgia; North Carolina; South Carolina; Mississippi in the counties of Jones, Clarke, Wayne, Marion, Lamar, Forest, Perry, Greene, Pearl River, Stone, George, Hancock, Harrison, and Jackson; and Texas in the counties of Presidio, Maverick, Dimmit, LaSalle, McMullen, Live Oak, Bee, Refugio, San Patricio, Webb, Duval, Jim Wells, Nueces, Kleberg, Zapata, Jim Hogg, Brooks, Kenedy, Starr, Hildalgo, Willacy, and Cameron and Louisiana in the parishes of Washington, Iberville, Ascension, St. Mary, Assumption, St. James, St. John the Baptist, Terrebonne, Lafourche, St. Charles, Jefferson, Orleans, St. Bernard, and Plaquemines. The purpose of this filing is to eliminate the gateway of New Castle, Ind.

No. MC 123407 (Sub-No. E279), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Warren County, Ill., to points in Marion and Horry Counties, S.C., and to points in Brunswick, New Hanover, Pender, Onslow, Jones, Carteret, Crave, Pamlico, Martin, Beaufort, Washington, Hyde,

Tyrell and Dare Counties, N.C. The purpose of this filing is to eliminate the gateway of New Castle, Ind.

No. MC 123407 (Sub-No. E281), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such Iron and steel articles* as are building materials, from Mercer County, Ill., to points in Chatham County, Ga., to points in South Carolina in and east of Spartanburg, Laurens, Greenwood, and Edgefield Counties, S.C., and to points in North Carolina in and east of Yancey, Buncombe and Henderson Counties, N.C. The purpose of this filing is to eliminate the gateway of New Castle, Ind.

No. MC 123407 (Sub-No. E282), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such Iron and steel articles* as are building materials, from McHenry County, Ill., to points in Candler, Bulloch, Evans, Liberty, Bryan and Chatham Counties, Ga., to points in Brunswick, New Hanover, Pasquotank, Camden and Currituck Counties, N.C., and to points in South Carolina in and east of Dillon, Florence, Clarendow, Berkeley, Dorchester, Bamberg, and Allendale Counties, S.C. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E283), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting. *Such iron and steel articles* as are building materials, from Bureau County, Ill., to points in Chatham County, Ga., to points in South Carolina in and east of Lancaster, Kershaw, Richland, Lexington, Edgefield, and Aiken Counties, S.C., and to points in North Carolina in Bladen, Columbus, Pender, Brunswick and New Hanover Counties, N.C. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E291), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Knox County, Ill., to points in Dillon, Marion and Horry Counties, S.C., and to points in Brunswick, New Hanover, Pender, Onslow, Jones, Carteret, Craven, Pamlico, Pasquotank, Camden and Currituck Counties, N.C. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E292), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Putnam County, Ill., to points in Chatham County, Ga., to points in Jasper, Beaufort, Charleston, Georgetown, Marion and Horry Counties, S.C. and to points in Brunswick, New Hanover, Pasquotank, Camden and Currituck Counties, N.C. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 125777 (Sub-No. E91), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinders and shale*, in bulk, in dump vehicles, from Ottawa, Ill., to points in Lucas, Wood, Fulton, Ottawa, Erie, Henry, Williams, and Defiance Counties, Ohio, and points in Lenawee, Monroe, Hillsdale, Jackson, Washtenaw, and Wayne Counties, Mich. The purpose of this filing is to eliminate the gateway of Fort Wayne, Ind.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10862 Filed 4-12-77;8:45 am]

[Notice No. 48]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 6, 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 on or before April 27, 1977. 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 71642 (Sub-No. 25TA) filed March 25, 1977. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Allen Drive, Newark, Del. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemically hardened fibre and insulating materials, articles, sheets, shapes and forms, including plastics and plastic articles, sheets, shapes, forms, rods, tubes, grinding and pellets*, for the account of Keysor-Century Corporations, between Delaware City Commercial Zone, and Newark, Del., on the one hand, and, the commercial zones of Hialeah and Miami, Fla., and Mt. Vernon, N.Y., and Holtsville and Holbrook, L.I., N.Y., and return from these points, under a continuing contract with Keysor Century Corp., for 180 days. Supporting shipper: Keysor Century Corp., P.O. Box 311, Delaware City, Del. 19706.

No. MC 79687 (Sub-No. 9TA) filed March 24, 1977. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Road, Zelienople, Pa. 16063. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, stoppers and covers*, from the facilities of Glenshaw Glass Company, Inc., Glenshaw, Allegheny County, Pa., to Detroit and Howell, Mich., and points in their Commercial Zone; with the right to return refused, rejected or damaged shipments, to point of origin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Glenshaw Glass Company, Inc., 1101 Wm. Flynn Highway, Glenshaw, Pa. 15116. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 87617 (Sub-No. 4TA) (amendment) filed March 8, 1977, published in the FR issue of March 24, 1977, and republished as amended this issue. Applicant: HARRY BLOCK TRUCKING CO., INC., 100 Lockwood St., Newark, N.J. 07105. Applicant's representative: Piken & Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the warehouse and terminal of Harry Block

Trucking Co., Inc., in Newark, N.J., to points in Fairfield County, Conn.; Dutchess, Sullivan and Ulster Counties, N.Y.; Burlington, Hunterdon, Warren, Sussex and Ocean Counties, N.J.; and (2) *Wheeled vehicles*, including but not limited to doll carriages, carriages, strollers, children's vehicles, bicycles, tricycles, unicycles; infant's dressing tables; baby car seats; outdoor playground apparatus and sleds, from the warehouse and terminal facilities of Harry Block Trucking Co., Inc., in Newark, N.J., to New York City, Nassau, Orange, Putnam, Rockland, Sullivan, Ulster, Suffolk, Westchester and Dutchess Counties, N.Y.; Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Union, Hunterdon, Burlington, Warren, Sussex, and Ocean Counties, N.J., and Fairfield County, Conn., restricted to traffic having a prior movement by rail or truck, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Hedstrom Co., Box 432, Bedford, Pa. 15522. (2) Min Dee Distributors, Inc., P.O. Box 130, Syosset, N.Y. 11791. (3) Carriage Craft Co., One Park Ave., New York, N.Y. 10016. (4) Jack and Murray Levene Corp., 73–73 196th Place, Flushing, N.Y. 11366. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102. The purpose of this republication is to amend the territorial description in this proceeding.

No. MC 102567 (Sub-No. 195TA), filed March 25, 1977. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, 4295 Meadow Lane, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric* (muriatic acid), in bulk, in rubber-lined tank vehicles, from Deer Park (Harris County), Tex., to points in Arkansas, Louisiana, Mississippi and Oklahoma, for 180 days. Supporting shipper: Arkla Chemical Corporation, P.O. Box 751, Little Rock, Ark. 72203. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 104589 (Sub-No. 34TA), filed March 21, 1977. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, Fla. 32726. Applicant's representative: David C. Venable, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cade, Lozes and New Iberia, La., to points in Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin, under a continuing contract with Bruce Foods Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bruce Foods Corporation, P.O. Drawer 1030, New Iberia, La. 70560. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 107496 (Sub-No. 1072TA), filed March 24, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer materials*, in bulk, in tank vehicles, from Sangamon and Cass Counties, Ill., to points in Missouri, Iowa, Indiana, Michigan, Ohio, Kentucky, Wisconsin, Florida, Texas, New Mexico, Kansas, Arizona and Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brandt Chemical Co., Inc., P.O. Box 276, Pleasant Plains, Ill. 62677. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108297 (Sub-No. 27TA), filed March 23, 1977. Applicant: FOX TRANSPORT SYSTEM, 21 S. Fifth St., Philadelphia, Pa. 19106. Applicant's representative: James Fox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable, scrap, lead covered copper and reels, cable, electric* on vehicles with specialized equipment for loading or unloading, between points in Northampton, Lehigh, Franklin, Fulton, Redford and Adams Counties, Pa., on the one hand, and, on the other, Kearny, N.J., and Tottenville, N.Y., and Baltimore, Md., for 180 days. Supporting shipper: American Telephone & Telegraph Company, 5554 Port Royal Road, Springfield, Va. 22151. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 696TA), filed March 22, 1977. Applicant: PUROLATOR COURIER, CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ophthalmic goods and business papers and records*, moving therewith, between Wheeling W. Va., on the one hand, and, on the other, Cumberland, Md., and Washington, Pa., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: White-Haines Optical Co., 82 N. High St., Columbus, Ohio 43215. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111956 (Sub-No. 36TA), filed March 25, 1977. Applicant: SUWAK TRUCKING COMPANY, 1105 Fayette St., Washington, Pa. 15301. Applicant's representative Henry M. Wick, 2310 grant Bldg., Pittsburgh, Pa. 51219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, stoppers and covers*, from the facilities of Glenshaw Glass Company, Inc., Glenshaw, Allegheny Co., Pa., to Detroit and Howell, Mich., and points in their commercial zones, with the right to return refused, rejected or damaged shipments to point of origin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Glenshaw Glass Company, Inc., 1101 Wm. Flynn Highway, Glenshaw, Pa. 15116. Send protests to: J. A. Niggmyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 113658 (Sub-No. 14TA), filed March 23, 1977. Applicant: SCOTT TRUCK LINE, INC., 5820 Newport St., Commerce City, Colo. 80022. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities* used by packinghouses as described in 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 Sterling, Colo., to points in Illinois, Ohio, New York, Pennsylvania, New Jersey, Maryland and Massachusetts, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sterling Colorado Beef Co., P.O. Box 1728, Sterling, Colo. 80751. Send protests to: Roger L. Buchanan, District Supervisor, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 114897 (Sub-No. 125TA), filed March 25, 1977. Applicant: WHITFIELD TANK LINES, INC., 821 E. Pasadena, P.O. Box 7676, Phoenix, Ariz. 85011. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea and ammonium nitrate and potash*, in bulk, in tank vehicles, from points in Eddy County, N. Mex., to points in Terry, Hockley and Yoakum Counties, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Anderson Grain Corporation, P.O. Box 1117, Levelland, Tex. 79335. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 116710 (Sub-No. 28TA), filed March 25, 1977. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, 2001 E. Texas St., Bossier City, La. 71010. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in

tank or hopper motor vehicles, from the plantsite and storage facilities of Texas Eastman Company, at or near Longview, Tex., to Des Plaines, Ill., and Oconto, Wis., under a continuing contract with Texas Eastman Company, Division of Eastman Kodak Company, for 180 days. Supporting shipper: Texas Eastman Company, Division of Eastman Kodak Company, P.O. Box 7444, Longview, Tex. 75601. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 116913 (Sub-No. 6TA), filed March 24, 1977. Applicant: RAYMOND BUIS, doing business as BUIS TRUCKING., Box 337, Somerset, Ky. 42501. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from the plantsite of C F Industries, Inc., Terre Haute Nitrogen Complex, near Terre Haute, Ind., to points in Kentucky, under a continuing contract with Southern States Cooperative, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern States Cooperative, Inc., P.O. Box 13065, Louisville, Ky. 40213. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, 216 Bakhaus Bldg., 1150 W. Main St., Lexington, Ky. 40505.

No. MC 117639 (Sub-No. 9TA), filed March 24, 1977. Applicant: PICK'S PACK HAULER, doing business as PICK'S PACK HAULER, INC., 1214 E. South St., Hastings, Nebr. 68901. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from Weir and Kanapolis, Kans., to points in Nebraska, under a continuing contract with Lumbermen's Brick and Supply Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dale Funk, President, Lumbermen's Brick and Supply Co., 900 S. 15th St., Omaha, Nebr. 68108. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg. and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 119726 (Sub-No. 85TA), filed March 24, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 E. Washington St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, floor covering, wallpaper, and materials, equipment and supplies* used in the manufacture, distribution, installation, maintenance, removal, and sale of the above commodities (except commodities in bulk), from the plant and warehouse facilities of Color Tile Supermart, Inc., at or near Houston, Tex., to points in Indiana, Ohio, Michigan, Wisconsin and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Color Tile Supermart, Inc., P.O. Box 2475, Fort Worth, Texas. 65101. Send protests to: William S. Ennis, Transportation Specialist, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 119988 (Sub-No. 109TA), filed March 23, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Hwy. 103 West, Lufkin, Tex. 75901. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk, in tank vehicles), from Monroe and West Monroe, La., to points in Texas on and west of a line beginning at the Oklahoma-Texas state line and extending along Interstate Highway 35 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 45, thence along Interstate Highway 45 to Galveston, Tex., for 180 days. Supporting shipper: Olinkfaft, Inc., P.O. Box 488, West Monroe, La. 71291. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 123233 (Sub-No. 67TA), filed March 23, 1977. Applicant: PROVOST CARTAGE INC., 7887 Grenache St., Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from the Ports of Entry on the International Boundary Line between the United States and Canada, located in New York and Vermont, to points in Connecticut, Massachusetts, New York and Vermont, restricted to the transportation of traffic having an immediate prior movement in foreign commerce in through, single-line local movement, for 180 days. Supporting shipper: St. Lawrence Sugar, Division of Sucronel Limited, 4026 Notre Dame St., East, Montreal, Quebec, Canada H1W 2K3. Send protests to: David A. Demers, District supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 124711 (Sub-No. 44TA) (correction), filed March 21, 1977. Applicant: BECKER CORPORATION, P.O. Box 1050, 2643 W. Central, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* (except petroleum products), in bulk, in tank vehicles, from the facilities of Agrico Chemical Company, at or near Indianola, Nebr., to points in Colorado and Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agrico Chemical Company, Box 3166, Tulsa, Okla. 74101. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, Kans. 67202. The purpose of this republication is to add the supporting shipper's name and address.

No. MC 128683 (Sub-No. 13TA), filed March 24, 1977. Applicant: LAUREL HILL TRUCKING CO., 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, from Secaucus, N.J., to Cleveland, Ohio, restricted to traffic destined to The May Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The May Company, 158218 Euclid Ave., Cleveland, Ohio 44144. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 133095 (Sub-No. 154TA), filed March 24, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpeting*, from Marlin, Tex., to points in Mississippi, Louisiana, Arkansas, Minnesota, Iowa, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, New Mexico, Colorado, Wyoming, Montana, Arizona, Utah, Idaho, Nevada, California, Oregon and Washington; and (2) Materials, equipment and supplies utilized in the manufacture and distribution of carpeting, from points in (1) above, to Marlin, Tex., restricted against the transportation of commodities in bulk, for 180 days. Supporting shipper: Marlin Mills, Inc., Marlin, Tex. 76661. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133119 (Sub-No. 117TA), filed March 25, 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: *Fresh meats*, from port of entry on the International Boundary between the United States and Canada located at or near Sweetgrass, Mont., to Denver, Colo., restricted to the transportation of traffic moving in foreign commerce from Alberta, for 180 days. Applicant has also

filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert Sauer, President, WESPAC Meat Processing Ltd., 12130 68th St., Edmonton, Alberta T5B 1R1. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, Omaha, Nebr. 68102.

No. MC 133565 (Sub-No. 10TA) filed March 25, 1977. Applicant: TRUE TRANSPORT, INC., 293 Wilson Ave., P.O. Box 829, Newark, N.J. 07101. Applicant's representative: Charles J. Williams, 1815 Front St., Scotch Plains, N.J. 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dishes, plates, containers and trays* made from paper, pulpboard or woodpulp, in containers or trailers, from Plattsburgh and Ogdensburg, N.Y., to points in that part of 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), restricted to traffic having a subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Diamond International Corporation, 733 Third Ave., New York, N.Y. 10017. (2) United States Lines, Inc., One Broadway, New York, N.Y. 10004. (3) Seatrain Lines, Inc., Container Division, Port Seatrain, Weehawken, N.J. 07087. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 133689 (Sub-No. 116TA), filed March 23, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by retail department stores (except commodities in bulk and footstuffs), from points in Connecticut, Delaware, Illinois (except those north of U.S. Highway 24), Indiana, Kansas (except those in the Kansas City, Mo., Kansas City, Kans., and St. Joseph, Mo. Commercial Zones), Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri (except Kansas City and points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zones, St. Joseph and points in its Commercial zone and Maryville), New Hampshire, New Jersey (except those in Essex, Hudson, Hunterdon, Mercer, Middlesex, Passaic and Union Counties, N.J.), New York (except those each of New York Highway 12), North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis and points in its Commercial Zone), Vermont, Virginia and West Virginia, to Minnetonka, Minn., restricted to traffic originating at the named origins and destined to the facilities of Modern Merchandising, Inc., and its wholly owned subsidiaries, for 180 days. Supporting shipper: Modern Merchandising, Inc., 1300 S. Second St., Hopkins, Minn. 55343. Send protests to: Marion L. Chenney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135283 (Sub-No. 20TA), filed March 22, 1977. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., East Hwy. 30, P.O. Box 1665, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Section A 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 Fresh Meats Company, at or near Grand Island, Nebr., to points in Ohio, Orwigsburg, Pa., and points in Maryland, New York, Pennsylvania, and West Virginia on and west of Interstate 81, for 180 days Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper, William H. Rudge, Mgr., Transportation Services, Swift Fresh Meats Company, a Division of Swift & Company, 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 136605 (Sub-No. 23TA), filed March 24, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulfate* (restricted against transportation in bulk, in tank vehicles), from the port of entry on the United States-Canada International Boundary line at or near Sweetgrass, Mont., to points in Montana, Wyoming and North Dakota, restricted to traffic originating in the Province of Alberta, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 138382 (Sub-No. 3TA), filed March 22, 1977. Applicant: PATTERSON COASTAL TRANSPORT, INC., 20607 S. La Grange Road, Frankfort, Ill. 60423. Applicant's representative: H. Barney Firestone, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gymnasium equipment, sporting equipment and parts, attachments and accessories* for gymnasium equipment and sporting equipment, (1) from the facilities of Universal Gym Equipment, at or near Fresno and Irvine, Calif., and the facilities of Nissen Corporation, at or near Cedar Rapids, Iowa, to Seattle, Wash.; Portland, Oreg.; Phoenix, Ariz.; Kansas City, Mo.; Oklahoma City, Okla.; Arlington, Tex.; Memphis, Tenn.; Atlanta, Ga.; Baltimore, Md.; Hempstead, N.Y.; Latrobe, Pa.; Chicago, Ill.; Hillsboro, Wis.; and (2) between the facilities of Universal Gym Equipment, at or near Fresno and Irvine, Calif., on the one hand, and, on the other, the facilities of Nissen Corporation, at or near Cedar Rapids, Iowa. Restrictions: The operations in (1) and(2) above are limited to a transportation service to be performed under a continuing contract with Universal Gym Equipment, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Gym Equipment, Charles S. Fisher, Traffic Manager, 17352 Von Karman St., Irvine, Calif. 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 139520 (Sub-No. 2TA), filed March 25, 1977. Applicant: DEAN McCARY, doing business as FLYING "S" FEED EXPRESS, Route 4, Box 84, Clovis, N. Mex. 88101. Applicant's representative: James E. Snead, P.O. Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed*, between points in California, on the one hand, and, on the other points in Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas and California, under a continuing contract with Wilbur-Ellis Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilbur-Ellis Company, P.O. Box 427, Clovis, N. Mex. Send protests to: District Supervisor, John H. Kirkemo, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 141865 (Sub-No. 2TA), filed March 25, 1977. Applicant: B. R. ELLIS, doing business as ACTION DELIVERY SERVICE, 3021 Pinewood Dr., Arlington, Tex. 76010. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors for the account of Amway Corporation, from the warehouse and storage facilities of Amway Corporation, at Arlington, Tex., to points in Wyoming and Nebraska, under a continuing contract with Amway Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Amway Corporation, 2001 Timberlake Drive, Arlington, Tex. 76010. Send pro-

tests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 142145 (Sub-No. 4TA), filed March 22, 1977. Applicant: LINDSAY TRANSPORTATION, INC., P.O. Box 156, Lindsay, Nebr. 68644. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems and parts, equipment, materials and supplies* used in the irrigation systems, their shipment, or their installation, from the facilities of Lindsay Manufacturing Co., Inc., at Columbus, Nebr., to points in the United States (except Alaska, Hawaii, and Nebraska); and (2) *Equipment, materials and supplies* utilized in the manufacture of irrigation systems, from points in the United States (except Alaska, Hawaii, and Nebraska), to the facilities of Lindsay Manufacturing Co., Inc., at Columbus, Nebr., restricted to a service under a continuing contract with Lindsay Manufacturing Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George L. Abts, Vice President, Finance, Lindsay Manufacturing Co., Inc., Lindsay, Nebr. 68644. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 142964 (Sub-No. 1TA), filed March 4, 1977. Applicant: RONALD D. FOSTER, JAMES ARRON, AND GLADYS FOSTER, doing business as, RONAR TRUCKING, INC., 32 Comanche Road, Gunnison, Colo. 81230. Applicant's representative: Ronald D. Foster (same address as applicant). Authority sought to operate as a *contract 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, from Sterling, Colo., to points in New York and New Jersey, under a continuing contract with Sterling Colorado Beef Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sterling Colorado Beef Co., P.O. Box 1728, Sterling, Colo. 80751. Send protests to: Herbert C. Ruoff, District Supervisor, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 143051 (Sub-No. 1TA), filed March 22, 1977. Applicant: MICHAEL C. KOMBOL AND BRAD S. FRITZ, doing business as, SANDAU MOVING & STORAGE, 10836 Galt Industrial Ct., St. Louis, Mo. 63132. Applicant's representative: Joseph E. Rebman, 314 N. Broadway, Suite 1330, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings and carpeting*, between St. Louis, Mo., on the one hand, and, on the other, points in Jersey, Macoupin, Madison, St. Clair, Monroe, and Randolph Counties, Ill., under a continuing contract with Dolnick Furniture, Inc., for 180 days. Applicant has also filed an underlyinb ETA seeking up to 90 days of operating authority. Supporting shipper: Dolnick Furniture, Inc., 10725 Page, St. Louis, Mo. 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 143051 (Sub-No. 1TA), filed March 22, 1977. Applicant: MICHAEL C. KOMBOL AND BRAD S. FRITZ, doing business as, SANDAU MOVING & STORAGE, 10836 Galt Industrial Ct., St. Louis, Mo. 63132. Applicant's representative: Joseph E. Rebman, 314 N. Broadway, Suite 1330, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings and carpeting*, between St. Louis, Mo., on the one hand, and, on the other, points in Jersey, Macoupin, Madison, St. Claire, Monroe and Randolph Counties, Ill., under a continuing contract with Dolnick Furniture, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dolnick Furniture, Inc., 10725 Page, St. Louis, Mo. 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 143071TA, filed March 24, 1977. Applicant: UNIVERSAL DEVELOPMENT, INC., P.O. Box 568, York, Nebr. 68467. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum coils*, from Lancaster, Pa., Hannibal, Ohio, Lewisport, Ky., and Terre Haute, Ind., to the plant and warehouse facilities of Kroy Metal Products, at York, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kenneth T. Nordlund, General Manager, Kroy Metal Products, P.O. Box 309, York, Nebr. 68467. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg. and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 143074TA, filed March 24, 1977. Applicant: BIG RED ENTERPRISES, INC., Box 758, Gauley Bridge, W. Va. 25085. Applicant's representative: Russell F. Brannon, 430 W. 10th St., Huntington, W. Va. 25704. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery parts and supplies* as used in the mining industry between the facilities of Long-Airdox Company, in Fayette County, W. Va., on the one hand, and, on the other, Belmont and Harrison Counties, Ohio, Washington, Indiana, Armstrong, Green and Westmoreland Counties, Pa., Pike, Letcher, Martin, Knott, Perry, Floyd and Harlan Counties, Ky., and Dickenson, Buchanan, Wise, Tazewell and Lee Counties, Va., under a continuing contract with Long-Airdox Company, Division of Marmon Group, for 180 days. Supporting shipper: Charles M. DeBusk, Mgr. Renewal Parts Sales, Long-Airdox Company, Division of Marmon Group, Box 331, Oak Hill, W. Va. 25901. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 143079TA, filed March 23, 1977. Applicant: DALTON TRUCKING, INC., 120 E. Junius St., Fergus Falls, Minn. 56537. Applicant's representative: Brent Wm. Primus, 432 Midland Bank Bldg., Minneapolis, Minn. 55401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed ingredients*, from points in Minnesota, to the port of entry on the United States-Canadian boundary line at or near Noyes, Minn., (traffic is destined to points in the Province of Manitoba, Canada), under a continuing contract with L. V. Patteson, Inc., for 180 days. Supporting shipper: L. V. Patteson, Inc., 215 Panet Road, Winnipeg, Manitoba, Canada R2J OS4. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 143081TA, filed March 24, 1977. Applicant: W. R. LALEVEE TRUCKING CO., INC., R.D. No. 1, Flemington, N.J. 08822. Applicant's representative: John T. Hildemann, P.O. Box D, Newark, N.J. 07105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial kidneys, dialysate solution, dialysis treatment machines, and equipment, materials and supplies* used or useful in the performance of dialysis treatment, from Cinnaminson and Delran Townships, N.J., to dialysis clinics, hospitals (public and private), and home treatment facilities in the states of Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Virginia, and the District of Columbia within 350 miles of Cinnaminson and Delran Townships, N.J., under a continuing contract with Erika, Ind., for 180 days. Supporting shipper: Erika, Inc., One Erika Plaza, Rockleigh, N.J. 07647. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

PASSENGER APPLICATION

No. MC 141460 (Sub-No. 2TA), filed March 24, 1977. Applicant: THE GRAY LINE TOURS COMPANY, 1207 W. Third St., Los Angeles, Calif. 90017. Applicant's representative: Warren M. Grossman, 606 S. Olive St., Los Angeles, Calif. 90014. 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, sight seeing and pleasure tours, beginning and ending at points in

Los Angeles and Orange Counties, Calif., and extending to the port of entry (located in California, along the United States-Mexico International Boundary line at or near the Southernmost terminus of Interstate Highway 5, visiting such points of sight seeing interest enroute as San Juan Capistrano, San Clemente, La Jolla, and Coronado, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. 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: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10861 Filed 4-12-77;8:45 am]

[Notice No. 148]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 13, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77065. By application filed April 5, 1977. JOSEPH BUCCIERO CONTRACTING, INC., 185 Third Street, Troy, N.Y. 12180, seeks temporary authority to transfer the operating rights of Lester M. Gundrum, an individual, d.b.a. P & E Buehler Trucking, 15 Smith Avenue, Troy, N.Y. 12180, under section 210a(b). The transfer to Joseph Bucciero Contracting, Inc., of the operating rights of Lester M. Gundrum, an individual, d.b.a. P & E Buehler Trucking, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10864 Filed 4-12-77;8:45 am]

[I.C.C. Order No. 29; Service Order No. 1252]

REROUTING TRAFFIC

In the opinion of Joel E. Burns, Agent, The Chesapeake and Ohio Railway Company is unable to handle traffic to and from connections at Elkhorn City, Kentucky, because of flooding and track damage on its Big Sandy Division.

It is ordered, That: (a) *Rerouting traffic.* The Chesapeake and Ohio Railway Company, being unable to handle traffic to and from connections at Elkhorn City, Kentucky, because of flooding and track damage on its Big Sandy Division, that line is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:30 a.m., April 6, 1977.

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 13, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads, subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 6, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-10863 Filed 4-12-77;8:45 am]

[No. MC-113658 (Sub-No. 11)]

SCOTT TRUCK LINE, INC. (COMMERCE CITY, COLO.)

APRIL 8, 1977.

Notice to all interested parties: Attention of all interested persons is called to the order of Division 1 acting as an Appellate Division, entered in Scott Truck Line, Inc., Docket No. MC-113658 (Sub-No. 11)[1] which assigned these matters for *prehearing conference* instead of oral hearing. These proceedings involve applications by numerous common carriers for authority for the transportation of meats and related commodities from all or specified points in Colorado to points in designated states. Pursuant to that order, applicants in all similar cases, whether or not published in the FEDERAL REGISTER, who desire or expect to have similar applications consolidated for hearing, should attend the prehearing conference now scheduled before Administrative Law Judge Edward J. Reidy on April 20, 1977, at Denver, Colorado, at 9:30 a.m. local time at the Tax Court, Room 587, U.S. Federal Building, 19th and Stout St., Denver, Colorado.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-10853 Filed 4-12-77;8:45 am]

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[1] Embraces Nos. MC 25869 (Sub-No. 129), MC 48221 (Sub-No. 6), MC 53965 (Sub-No. 122), MC 114273 (Sub-No. 269), MC 114632 (Sub-No. 104), MC 115826 (Sub-No. 264), MC 118159 (Sub-No. 201), MC 124679 (Sub-No. 71), MC 134755 (Sub-No. 95), MC 138018 (Sub-No. 31), and MC 139973 (Sub-Nos. 18 and 22).

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[MA-5 amending M-10]

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

CANCELLATION OF MEETING

APRIL 7, 1977.

The April 7, 1977 meeting regarding a Briefing by the Bureau of Enforcement-Activities and Plans and Briefing by the Bureau of Enforcement-Pending and Proposed Court Cases announced on March 31, 1977 will not take place.

At the scheduled meeting time, the press of other agency business would have permitted the attendance of only two Board Members for the entire length of the anticipated meeting. Because the purpose of the meeting was to brief and obtain the views of the Board, it was decided to cancel the announced meeting and re-schedule the Briefings for an as-yet-undetermined future time to permit the attendance of a greater number of Board Members.

SUPPLEMENTARY INFORMATION: The following Members have voted that agency business requires that this meeting be cancelled and that no earlier announcement of the change was possible:

Chairman John E. Robson
Member G. Joseph Minetti
Member Lee R. West

Vice Chairman Richard J. O'Melia and Member R. Tenney Johnson were not present.

PHYLLIS T. KAYLOR,
Secretary.

[S-137-77 Filed 4-8-77;3:05 pm]

2

AGENCY HOLDING THE MEETING: U.S. Comission on Civil Rights.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 13574.

DATE AND TIME: March 14 and 15, 1977.

PLACE: Patio Room, Los Angeles Hilton Hotel, Los Angeles, California.

CHANGES IN THE MEETING:

In the previous announcement of the meeting, agenda items 5. Review of H.R. 3504 Civil Rights Amendments Act of 1977; 7. Proposed Technical and Jurisdictional Amendments of the Commission Statute (42 U.S.C. 1975) and 8. Review of Fiscal Year 1977 Commission Program, were scheduled for the open portion of the meeting. On March 14, 1977, the Commissioners unanimously voted in separate votes that items 5, 7, and 8 be rescheduled for the closed portion of the meeting.

In addition, a new item, Discussion of a draft of the Los Angeles School Desegregation Report was added to the agenda of the closed portion of the meeting and a new item: Consideration of interim appointments to the District of Columbia and Missouri State Advisory Committees was added to the open portion of the meeting.

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, 202-254-6697.

[S-140-77 Filed 4-11-77;9:33 am]

3

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: April 20, 1977, 9:30 a.m.

PLACE: 3rd Floor Hearing Room, 1111 18th St. NW, Washington.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Mid-Year Review: The Commission will continue the mid-fiscal year review of its Operating Plan, which it began at the April 14, 1977 Commission meeting.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suit 300, 1111 18th St. NW., Washington, D.C. 20207. Telephone: 202-634-7700.

[S-141-77 Filed 4-11-77;10:03 am]

4

AGENCY HOLDING THE MEETING: United States Parole Commission—National Commissioners (the three Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Tuesday, April 12, 1977; 9:30 a.m.

PLACE: Room 338 Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed—Pursuant to 5 U.S.C. 552b(c)(10) and 28 CFR 16.205(b)(1).

MATTERS TO BE CONSIDERED: Referrals from regional directors of approximately 20 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or madatory release.

CONTACT PERSON FOR MORE INFORMATION:

Jack Schneider—Analyst, 202-724-3094.

[S-143-77 Filed 4-11-77;10:39 am]

5

AGENCY HOLDING THE MEETING: U.S. Commission on Civil Rights.

TIME AND DATE: 9 a.m. to 12 p.m.; 1:30 p.m. to 5:30 p.m. Monday, April 18, 1977; 8 a.m. to conclusion of agenda, Tuesday, April 19, 1977.

PLACE: Open portion of meeting: Room 512; Closed portion of meeting: Room 800, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Part of the meeting will be open to the public and part of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion open to the public 1 p.m. to 2:30 p.m., Monday, April 18, 1977:

1. Approval of agenda.
2. Approval of minutes of last meeting.
3. Staff Director's report: (A) Status of funds; (B) Personnel Report; (C) Correspondence; and (D) Office directors' reports.
4. Decision regarding interim appointments to Arkansas, New York, and Rhode Island Advisory Committees.
5. Decision regarding rechartering of New Jersey and Wisconsin Advisory Committees.

6. Report on civil rights developments in the Southern and Southwestern Regions.
7. Decisions on consumer federation request regarding discriminatory clubs.
8. Report on Voting Rights Act monitoring efforts.
9. Decision on age discrimination hearings.
10. Decision on Arab boycott hearing.
11. Newsclips.

MATTERS TO BE CONSIDERED:

Portion closed to the public on April 18, 1977, at 9 a.m. and 2:30 p.m. and on April 19, at 8:00 a.m.:

1. Decision on proposed legislation extending life of Commission.
2. Review of testimony on H.R. 3504 (amendments to Title VII of the Civil Rights Act of 1964, reorganization of the EEOC).
3. Review of Los Angeles hearing report on school desegregation.
4. Review of Volume VII, Federal Civil Rights Enforcement Effort report (civil rights policymaking in the Federal Government).

[S-144-77 Filed 4-11-77;11:28 am]

federal register

WEDNESDAY, APRIL 13, 1977

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Communities Eligible for Sale of Insurance

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2841]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202-755-5581) or Toll Free Line (800-424-8872) Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	
Kentucky	Greenup	Worthington, city of	Feb. 22, 1977, emergency		210092
Missouri	Callaway	Cedar City, city of	Mar. 13, 1974, emergency; Feb. 2, 1977, regular	Oct. 18, 1974	290050A
New York	Erie	Sloan, village of	Feb. 22, 1977, emergency		† 361586
Ohio	Geauga	Unincorporated areas	Feb. 18, 1977, emergency		390190
Pennsylvania	Clearfield	Osceola Mills, borough of	Feb. 22, 1977, emergency	Mar. 29, 1974	420333A
Do.	Snyder	Monroe, township of	Sept. 26, 1975, emergency; Feb. 2, 1977, regular	Feb. 1, 1974 May 7, 1976	421030A
Do.	Perry	Tyrone, township of	Feb. 22, 1977, emergency	Jan. 31, 1975	421961
Do.	Washington	Union, township of	Dec. 3, 1971, emergency; Feb. 2, 1977, regular	June 28, 1974 June 18, 1976	420860A
Do.	do.	West Bethlehem, township of	Feb. 22, 1977, emergency	Nov. 29, 1974	422156
Virginia	Independent City	Norton, city of	Mar. 17, 1972, emergency; Feb. 16, 1977, regular	June 15, 1973	510108A
Washington	Clallam	Lower Elwha Indian Reservation	Feb. 22, 1977, emergency		† 530316
*	*	*	*	*	*
New York	Genesee	Elba, village of	Feb. 24, 1977, emergency	Jan. 24, 1975	361499
Ohio	Tuscarawas	Unincorporated areas	Feb. 18, 1977, emergency		390782
Pennsylvania	Venango	Richland, township of	Feb. 24, 1977, emergency	Jan. 24, 1975	422540
Do.	do.	Scrubgrass, township of	do.	Feb. 28, 1975	422542A
*	*	*	*	*	*
Delaware	Sussex	Lewes, city of	Mar. 23, 1973, emergency; Mar. 15, 1977, regular	June 7, 1974 Dec. 12, 1975	100041B
Florida	Duval	Neptune Beach, city of	Nov. 19, 1971, emergency; Mar. 15, 1977, regular	May 31, 1974 Mar. 26, 1976	120079B
Do.	Okaloosa	Valparaiso, city of	June 19, 1970, emergency; Apr. 1, 1977, regular	June 17, 1970 Jan. 9, 1976	120176B
New Jersey	Atlantic	Hamilton, township of	Nov. 26, 1971, emergency; Mar. 15, 1977, regular	July 26, 1974	340009A
Do.	Ocean	Lakewood, township of	Aug. 4, 1972, emergency; Mar. 15, 1977, regular	Jan. 16, 1974	430378A
Do.	Essex	Livingston, township of	Nov. 5, 1971, emergency; Mar. 15, 1977, regular	June 1, 1973	340985A
North Carolina	Carteret	Emerald Isle, town of	June 29, 1973, emergency; Apr. 1, 1977, regular	June 7, 1974 July 2, 1976	370047B
Do.	Brunswick	Southport, city of	Apr. 11, 1973, emergency; Apr. 15, 1977, regular	May 24, 1974	370028B
*	*	*	*	*	*
New York	Clinton	Ausable, town of	Feb. 24, 1977, emergency		360165
Ohio	Athens	Amesville, village of	do.	July 25, 1975	390015
Do.	Morgan	Unincorporated areas	do.	Jan. 10, 1975	390420
Do.	Champaign	St. Paris, village of	do.	June 7, 1974	390050A
Pennsylvania	Indiana	Canoe, township of	Feb. 18, 1977, emergency	July 11, 1975	421713
Do.	Cambria	Ehrenfeld, borough of	Feb. 24, 1977, emergency	Aug. 9, 1974 Sept. 24, 1976	420228A
*	*	*	*	*	*
New York	Erie	Kenmore, village of	Feb. 25, 1977, emergency		† 361700
Pennsylvania	Cambria	East Conemaugh, borough of	do.	Nov. 15, 1974	422259
Do.	Jefferson	Heath, township of	do.	Dec. 6, 1974	421728
Do.	Butler	Jefferson, township of	do.	Nov. 1, 1974 June 25, 1976	421421A
Do.	Forest	Kingsley, township of	do.	Dec. 12, 1974	422422
Do.	Cambria	Lilly, borough of	do.	Nov. 1, 1974	421430A
Do.	Westmoreland	New Florence, borough of	do.	July 30, 1976	420859
Do.	Armstrong	West Franklin, township of	do.	Jan. 10, 1975	422336

† New.

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

Issued: February 25, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10667 Filed 4-12-77;8:45 am]

[Docket No. FI-2842]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program. Flood Insurers Association servicing located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal of federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

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

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Ohio	Lawrence	Chesapeake, village of	Feb. 14, 1977, emergency	Jan. 10, 1975	390688
Do.	Portage	Unincorporated areas	Feb. 11, 1977, emergency	Dec. 27, 1974	390153
				Dec. 10, 1976	
Do.	Scioto	Rarden, village of	Feb. 14, 1977, emergency	Aug. 23, 1974	390499A
				May 21, 1976	
West Virginia	Marion	Fairmont, city of	do	July 23, 1976	54089
*	*	*	*	*	*
New York	Cattaraugus	Ischua, town of	Feb. 15, 1977, emergency	May 31, 1974	360879A
Ohio	Delaware	Unincorporated areas	Feb. 16, 1977, emergency		390146
Do.	Cuyahoga	Orange, village of	do	Apr. 18, 1975	390737
Do.	Adams	Rome, village of	do	July 25, 1975	390001
Oklahoma	Pittsburg	Savanna, town of	Feb. 22, 1977, emergency	Apr. 9, 1976	400440
Texas	Shelby	Center, city of	do	Mar. 1, 1974	480506A
Do.	Kaufman	Mabank, city of	do		480414
Washington	Lewis	Toledo, city of	do	July 11, 1975	530303
Kentucky	Greenup	Unincorporated areas	Feb. 16, 1977, emergency		210284
New York	Rensselaer	North Greenbush, town of	Feb. 17, 1977 emergency	Oct. 3, 1975	361164
Pennsylvania	Bucks	Doylestown, borough of	do		421410
Do.	Beaver	Independence, township of	Feb. 16, 1977, emergency	Aug. 30, 1974	421323A
				June 18, 1976	
Do.	Allegheny	Ingram, borough of	Feb. 17, 1977, emergency	Nov. 5, 1976	420045
Do.	Clinton	Leidy, township of	do	Dec. 20, 1974	421540A
				May 28, 1976	
Do.	Huntingdon	Miller, borough of	do		422647
Do.	Venango	Victory, township of	do	Jan. 31, 1975	422543
Do.	Armstrong	Worthington, borough of	Feb. 16, 1977, emergency	Dec. 27, 1974	422306
*	*	*	*	*	*
Kansas	Barton	Great Bend, city of	Feb. 24, 1977, emergency	Mar. 19, 1976	200019
Missouri	Gasconade	Bland, city of	do	May 17, 1974	290139
New York	Erie	Farnham, village of	Feb. 17, 1977, emergency		361588
Do.	do	Hamburg, village of	do	Oct. 29, 1976	360243
Oklahoma	Okmulgee	Morris, city of	Feb. 24, 1977, emergency	Apr. 23, 1976	400407
Pennsylvania	Allegheny	Bellevue, borough of	Feb. 17, 1977, emergency	Dec. 28, 1973	420009A
Do.	Mercer	French Creek, township of	do		421867
Do.	Venango	do	do	Nov. 22, 1974	422110
Do.	Somerset	Rockwood, borough of	do	Dec. 6, 1974	422045
Do.	Bucks	Silverdale, borough of	do	Jan. 3, 1975	422338
Do.	Somerset	Somerset, borough of	Sept. 10, 1971, emergency; Nov. 27, 1976, regular; Dec. 13, 1976, suspended; Feb. 18, 1977, reinstated.	June 28, 1974 May 28, 1976	420803B
Do.	Armstrong	Washington, township of	Feb. 17, 1977, emergency	Nov. 15, 1974	421317
*	*	*	*	*	*
California	San Luis Obispo	Pismo Beach, city of	Feb. 25, 1977, emergency	Mar. 26, 1976	060309
New York	Cattaraugus	Carrollton, town of	Feb. 18, 1977, emergency	Sept. 20, 1974	360063B
				May 7, 1976	
Do.	Chautauqua	Forestville, village of	do		361501
Do.	Cattaraugus	Franklinville, village of	do	May 31, 1974	360073A
Ohio	Jefferson	Adena, village of	do	July 23, 1976	390295
Oklahoma	Pittsburg	Canadian, town of	Feb. 25, 1977, emergency	Apr. 16, 1976	400272
Pennsylvania	Westmoreland	South Huntingdon, township of	Feb. 18, 1977, emergency	Aug. 9, 1974	422194A
				Sept. 10, 1976	
Virginia	Spotsylvania	Unincorporated areas	Feb. 25, 1977, emergency	July 11, 1975	510308
*	*	*	*	*	*
Florida	Martin	Jupiter Island, town of	February 15, 1977, suspension withdrawal		
Illinois	Peoria	Chillicothe, city of	do	Aug. 9, 1974	170535
Iowa	Floyd	Charles City, city of	do		190128
Michigan	Ingham	Meridian, charter township	do	June 28, 1974	260093A
Missouri	Callaway	Cedar City, city of	do	Oct. 18, 1974	290050
New Jersey	Hunterdon	Clinton, town of	do	do	340233
Do.	Essex	East Orange, city of	do	Feb. 13, 1976	340181
Do.	Union	Garwood, borough of	do	Feb. 1, 1977	340464
Do.	do	Summit, city of	do	Mar. 16, 1973	340476
New York	Erie	West Seneca, town of	do	Oct. 12, 1973	360262
North Carolina	Haywood	Canton, town of	do	do	370121A
				Feb. 20, 1976	
Do.	Beaufort	Washington, city of	do	Feb. 29, 1973 June 18, 1976	370017

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Ohio	Lake	Painesville, city of	do	Nov. 2, 1973	390510
Do.	Wayne	Wooster, city of	do	Oct. 26, 1973	390570
Pennsylvania	Northampton	Bangor, borough of	do		420716
Do.	Centre	Bellefonte, borough of	do	June 7, 1974 Jan. 16, 1976	420357A
Do.	Clinton	Castanea, township of	do	Jan. 9, 1974 Apr. 20, 1976	420322B
Do.	Delaware	Collingdale, borough of	do	do	420408
Do.	Union	East Buffalo, township of	do	June 28, 1974 May 28, 1976	421011
Do.	Delaware	Eddystone, borough of	do	Apr. 6, 1973 June 25, 1976	420413
Do.	Clinton	Flemington, borough of	do	June 15, 1973	420239A
Do.	Union	Lewisburg, borough of	do	Feb. 20, 1973	420801
Do.	Clinton	Lock Haven, city of	do	Apr. 12, 1974	420328
Do.	Lehigh	Lower Macungie, township of	do	June 28, 1974	420789
Do.	Centre	Millesburg, borough of	do	Dec. 28, 1973 June 11, 1976	420564B
Do.	Snyder	Monroe, township of	do	Feb. 1, 1974 May 7, 1976	421020A
Do.	Northumberland	Northumberland, borough of	do	June 28, 1974 May 7, 1976	420739A
Do.	Schuylkill	St. Clair, borough of	do	Mar. 15, 1977	420786
Do.	Clinton	South Renovo, borough of	do	Feb. 2, 1977	420335
Do.	Washington	Union, township of	do	June 28, 1974 June 18, 1976	420800A
Texas	Atascosa and Bexar	Lytle, city of	do	Aug. 2, 1974 July 18, 1975	480002

[1] New.

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

Issued: February 18, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10669 Filed 4-12-77;8:45 am]

[Docket No. FI-2843]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

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

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Missouri	Franklin	St. Clair, city of	Mar. 7, 1977, emergency	Apr. 12, 1974 Dec. 5, 1975	290135A
New York	Cattaraugus	Otto, town of	Feb. 28, 1977, emergency	May 31, 1975 Sept. 19, 1975	360096A
Ohio	Marion	Unincorporated areas	do		390774
Pennsylvania	Forest	Barnett, township of	Mar. 7, 1977, emergency	Dec. 27, 1974	421043
Do.	Clearfield	Burnside, borough of	Feb. 28, 1977, emergency	Jan. 24, 1975	421518
Do.	Cambria	Dale, borough of	do	Mar. 21, 1975	421428
Do.	Beaver	Economy, borough of	do	Apr. 5, 1974 June 4, 1976	420100A
Do.	Clarion	Foxburg, borough of	do	Dec. 20, 1974	421502
Do.	Fayette	Jefferson, township of	do	Jan. 3, 1975	421029
Do.	Clearfield	Karthaus, township of	do	Nov. 29, 1974	421538
Do.	Armstrong	Kiskiminetas, township of	do	Sept. 20, 1974 May 21, 1976	421209A
Do.	Warren	Limestone, township of	do	Dec. 27, 1974	422547
Do.	Venango	Oakland, township of	do	Dec. 13, 1974	422311
Do.	Montgomery	Pennsburg, borough of	do	Dec. 27, 1974	422496

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Do.	Bedford	Snake Spring, township of	do.	Jan. 24, 1975	421349
Do.	Armstrong	South Bend, township of	do.	Sept. 20, 1974 May 14, 1976	420214A
Do.	Forest	Tionesta, township of	do.	Nov. 29, 1974 June 25, 1976	42 468A
Do.	Warren	Watson, township of	do.	Jan. 10, 1975	422551
*	*	*	*	*	*
Connecticut	New London	Groton, town of	Feb. 18, 1972, emergency; Apr. 15, 1977, regular.	Feb. 21, 1975	090097A
Illinois	Henry	Geneseo, city of	Mar. 31, 1972, emergency; May 16, 1977, regular.	Dec. 17, 1973 Mar. 5, 1976	170284C
Maryland	Howard	Unincorporated areas	Oct. 22, 1971, emergency; Mar. 15, 1977, regular.	Mar. 15, 1977	240044
Massachusetts	Bristol	Mansfield, town of	Jan. 28, 1972, emergency; Apr. 1, 1977, regular.	June 28, 1974	250057A
Minnesota	Benton, Sherbune, & Sterns.	St. Cloud, city of	Mar. 31, 1972, emergency; Apr. 1, 1977, regular.	Dec. 17, 1972 Sept. 26, 1975	270456B
New York	Broome	Dickinson, town of	July 22, 1975, emergency; Apr. 15, 1977, regular.	Dec. 19, 1973 Mar. 8, 1974	360044B
Do.	do.	Kirkwood, town of	Apr. 6, 1973, emergency; June 1, 1977, regular.	Oct. 5, 1973	360048A
Ohio	Clermont	Moscow, village of	Oct. 27, 1972, emergency; Mar. 15, 1977, regular.	Feb. 8, 1974	390070A
Pennsylvania	Bradford	Athens, borough of	Nov. 17, 1972, emergency; Mar. 15, 1977, regular.	Feb. 8, 1973 Mar. 5, 1976	420167N
Do.	Union	Buffalo, township of	Mar. 17, 1975, emergency; Apr. 1, 1977, regular.	Jan. 24, 1975	421237A
Do.	Cumberland	Camp Hill, borough of	Oct. 20, 1972, emergency; Mar. 15, 1977, regular.	Feb. 8, 1974	420357A
Do.	Lebanon	Cleona, borough of	Mar. 9, 1973, emergency; Apr. 1, 1977, regular.	Dec. 28, 1973	420571B
Do.	Delaware	Clifton Heights, borough of	Aug. 18, 1972, emergency; May 16, 1977, regular.	Oct. 12, 1973	420407A
Do.	Chester	Downing, borough of	Dec. 3, 1971, emergency; Apr. 15, 1977, regular.	Feb. 9, 1973	420275A
Do.	Cumberland	East Pennsboro, township of	do.	Sept. 20, 1974 June 18, 1976	420359B
Do.	Luzerne	Edwardsville, borough of	Dec. 1, 1972, emergency; Apr. 15, 1977, regular.	Mar. 23, 1973	420604
Do.	Allegheny	Elizabeth, township of	May 19, 1972, emergency; Mar. 15, 1977, regular.	Mar. 29, 1974 June 18, 1976	420033B
Do.	do.	Fox Chapel, borough of	Aug. 18, 1972, emergency; Apr. 15, 1977, regular.	July 26, 1974 Aug. 6, 1976	420036B
Do.	Luzerne	Forty Fort, borough of	Nov. 3, 1972, emergency; Apr. 1, 1977, regular.	Mar. 30, 1973	420607B
Do.	Dauphin	Highspire, borough of	Nov. 10, 1972, emergency; Apr. 15, 1977, regular.	Mar. 23, 1973	420381A
Do.	Wayne	Honesdale, borough of	Apr. 18, 1973, emergency; Mar. 1, 1977, regular.	Nov. 30, 1973	420864A
Do.	Dauphin	Hummelstown, borough of	Mar. 30, 1973, emergency; Mar. 15, 1977, regular.	Nov. 23, 1973	420382A
Do.	Cambria	Johnstown, city of	Aug. 4, 1972, emergency; Apr. 15, 1977, regular.	Jan. 16, 1974 Sept. 3, 1976	420231B
Do.	Union	Kelly, township of	Sept. 19, 1974, emergency; Mar. 1, 1977, regular.	Oct. 25, 1974 June 25, 1976	422103B
Do.	Northampton	Lower Mount Bethel, township of	Apr. 18, 1973, emergency; Mar. 1, 1977, regular.	Jan. 16, 1974	420724A
Do.	Luzerne	Luzerne, borough of	Mar. 2, 1973, emergency; Apr. 15, 1977, regular.	Nov. 23, 1973	420616A
Do.	do.	Nanticoke, city of	Apr. 4, 1973, emergency; Apr. 15, 1977, regular.	Aug. 24, 1973 Dec. 14, 1973 Oct. 3, 1975	420617C
Do.	York	North York, borough of	Mar. 16, 1973, emergency; May 2, 1977, regular.	Mar. 1, 1974 Mar. 5, 1976	420933B
Do.	Clinton	Pine Creek, township of	Apr. 24, 1973, emergency; Apr. 1, 1977, regular.	Apr. 1, 1977	420332
Do.	Luzerne	Pittston, city of	Apr. 17, 1973, emergency; May 2, 1977, regular.	Aug. 31, 1973	420620B
Do.	Dauphin	Royalton, borough of	Mar. 16, 1973, emergency; Apr. 15, 1977, regular.	June 15, 1973 Sept. 10, 1976	420894B
Do.	Lycoming	South Williamsport, borough of	Jan. 7, 1974, emergency; Apr. 15, 1977, regular.	Apr. 5, 1974 Aug. 27, 1976	420658B
Do.	Luzerne	West Pittston, borough of	Nov. 24, 1972, emergency; Apr. 15, 1977, regular.	Mar. 29, 1974 July 30, 1976	420628B
Texas	Medina	Devine, city of	Nov. 14, 1973, emergency; Apr. 15, 1977, regular.	Jan. 9, 1974 Jan. 9, 1976	480600B
Wisconsin	Manitowoc	Manitowoc, city of	May 21, 1971, emergency; Apr. 15, 1977, regular.	June 7, 1974 July 16, 1976	550240B
*	*	*	*	*	*
Massachusetts	Berkshire	Becket, town of	Mar. 8, 1977, emergency	Dec. 31, 1976	250018
Michigan	Oakland	Sylvan Lake, city of	do.		[1] 260701
New York	Orleans	Clarendon, town of	Mar. 1, 1977, emergency	Mar. 28, 1975 Oct. 15, 1977	361254A
Do.	Chautauqua, Erie, Allegany, and Cattaraugus.	Seneca Nation of Indians	Feb. 24, 1977, emergency		[1] 361591
Do.	Orleans	Shelby, town of	Mar. 1, 1977, emergency	Nov. 8, 1974 Dec. 12, 1975	361258-A
Do.	Genesee	Stafford, town of	do.	Jan. 24, 1975	361118
Do.	Washington	White Creek, town of	do.	Oct. 18, 1974 July 23, 1976	361238-A
Pennsylvania	Northampton	Allen, township of	do.	Sept. 6, 1974 May 21, 1976	421928-A
Do.	Indiana	Black Lick, township of	do.	Jan. 10, 1975	421435
Do.	Butler	Clinton, township of	do.	do.	422345
Do.	Washington	East Finley, township of	do.	Nov. 29, 1974	422147
Do.	Fayette	German, township of	do.	Jan. 3, 1975	421627
Do.	Somerset	Jennerstown, borough of	do.	Dec. 27, 1974	422514
Do.	Lehigh	Lowhill, township of	do.	Dec. 20, 1974	421811
Do.	Clearfield	Mahaffey, borough of	Feb. 28, 1977, emergency	Aug. 30, 1974 Apr. 23, 1976	420310-A
Do.	Beaver	New Galilee, borough of	Mar. 1, 1977, emergency	Jan. 31, 1975	422322
Do.	Venango	Plumb, township of	do.	Jan. 24, 1975	422539
Do.	Lawrence	Slippery Rock, township of	do.		422466
Do.	Somerset	Southampton, township of	do.	Dec. 27, 1974	422523
Do.	Crawford	Spring, township of	do.	May 31, 1974 July 9, 1976	421570-A
Do.	Fayette	Vanderbilt, borough of	do.	Jan. 31, 1975	421620
Do.	Bradford	Warren, township of	do.	do.	421408
Do.	Jefferson	Warsaw, township of	do.	Jan. 17, 1975	422450
Do.	Clearfield	Woodward, township of	do.	Dec. 27, 1974	421532
Utah	Piute	Marysvale, city of	Mar. 8, 1977, emergency		490008
California	Monterey	Unincorporated areas	Mar. 9, 1977, emergency		060195
Kentucky	Lewis	do.	Mar. 2, 1977, emergency	Dec. 20, 1974	210141
Michigan	St. Joseph	Colon, township of	Mar. 9, 1977, emergency	July 18, 1975	260510
Do.	do.	Colon, village of	do.		260511
Minnesota	Ramsey	White Bear, township of	do.		270688
New York			Mar. 2, 1977, emergency		
Do.	Cattaraugus	Yorkshire, town of	do.	Apr. 11, 1975	361104
Ohio	Gallia	Unincorporated areas	do.	Dec. 27, 1974	390185
Do.	Athens	Trimble, village of	do.	Oct. 1, 1976	390021
Do.	Coshocton	Unincorporated areas	Feb. 28, 1977, emergency		390765
Oklahoma	Kay	New Kirk, city of	Mar. 9, 1977, emergency	Apr. 30, 1976	400422

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Pennsylvania	Somerset	Black, township of	Mar. 2, 1977, emergency	Jan. 24, 1975	422510
Do	Clearfield	Glen Hope, borough of	do	Dec. 20, 1974	420000A
				June 4, 1976	
Do	Butler	Karns City, borough of	do	Nov. 8, 1974	420078
Do	Bedford	Manns Choice, borough of	do	Dec. 13, 1974	423325
Do	Lawrence	North Beaver, township of	do	Feb. 14, 1975	422705
Do	Somerset	Shanksville, borough of	do	Nov. 15, 1974	420802
Texas	Fort Bend	Fort Bend County Water Control and Improvement District No. 4.	Mar. 9, 1977, emergency		[1] 481229
Do	Wilson	La Vernia, city of	do	Aug. 6, 1976	481000
*	*	*	*	*	*
California	Sacramento	Folsom, city of	Mar. 10, 1977, emergency	Dec. 3, 1976	060263-A
Pennsylvania	Armstrong	Boggs, township of	Mar. 3, 1977, emergency	Aug. 30, 1974	421306-A
				Apr. 9, 1976	
Do	Indiana	Buffington, township of	do	Dec. 27, 1974	421771
Do	Fayette	Connellsville, township of	do	Dec. 20, 1974	421023
Do	Westmoreland	East Huntingdon, township of	do	Sept. 20, 1974	422588-A
				May 21, 1976	
Do	Bedford	East St. Clair, township of	do	Feb. 28, 1975	421937
Do	Mercer	Liberty, township of	do		421870
Do	Armstrong	Mahoning, township of	do		422033
Do	Butler	Petrolia, borough of	do		420221
Do	Venango	Rockland, township of	do	Jan. 10, 1975	422111
*	*	*	*	*	*
Delaware	New Castle	Delaware City, city of	Feb. 28, 1977, suspension withdrawals	Apr. 5, 1974	100021A
				Dec. 19, 1975	
Florida	Broward	Sea Ranch Lakes, village of	do	June 21, 1974	120058A
New Jersey	Union	Mountainside, borough of	do		340078
Do	Monmouth	Neptune township of	do	July 13, 1973	340117A
				Sept. 3, 1976	
Do	do	Oceanport, borough of	do	May 11, 1973	340220
Do	Passaic	Paterson, city of	do	June 1, 1973	340004
Do	Monmouth	Wall, township of	do	do	340231
North Carolina	Brunswick	Yaupon Beach, town of	do	June 28, 1974	370039A
				June 25, 1976	
Pennsylvania	Luzerne	Conyngham, township of	do	May 10, 1974	420000A
				Oct. 22, 1976	
Do	Dauphin	Dauphin, borough of	do	Nov. 9, 1973	420025A
				Oct. 8, 1976	
Do	Wayne	Honesdale, borough of	do	Nov. 30, 1973	420864
Do	Union	Kelly, township of	do	Oct. 25, 1974	422360A
				June 25, 1976	
Do	Northampton	Lower Mount Bethel, township of	do	Jan. 16, 1974	420720
Do	Clinton	Mill Hall borough of	do	Mar. 29, 1974	420330A
				June 11, 1976	
Do	Cumberland	New Cumberland, borough of	do	Aug. 24, 1973	420096A
				May 14, 1976	
Do	Wayne	Pampack, township of	do	Dec. 13, 1974	420823A
				July 16, 1976	
Do	Bucks	Perkasie, borough of	do	Feb. 9, 1973	420108
Do	Snyder	Shamokin Dam, borough of	do	Jan. 16, 1974	420870
Do	Cumberland	West Fairview, borough of	do	Aug. 24, 1973	420073A
				Apr. 30, 1976	
Do	do	Wormleysburg borough of	do	Aug. 31, 1973	420074A
				June 4, 1976	
Do	Chester	Thornberry, township of	do	Aug. 2, 1974	420295A
				Aug. 13, 1976	
*	*	*	*	*	*
Indiana	Perry	Tell City, city of	Sept. 24, 1971, emergency; Mar. 1, 1977, regular	Jan. 16, 1974	180197-B
				July 16, 1976	
Iowa	Floyd	Charles City, city of	Mar. 3, 1972, emergency; Feb. 2, 1977, regular		190038-A
New York	Chemango	Greene, village of	Mar. 4, 1977, emergency	Feb. 20, 1976	360139-A
				May 21, 1976	
Do	Washington	Salem, town of	do	Mar. 26, 1976	361237
Do	Erie	West Seneca, town of	Mar. 31, 1972, emergency; Feb. 2, 1977, regular	Oct. 12, 1973	360282-A
Ohio	Wayne	Wooster, city of	Mar. 24, 1972, emergency; Feb. 2, 1977, regular	Oct. 26, 1973	390579-A
Pennsylvania	Northampton	Bangor, borough of	June 1, 1973, emergency; Feb. 2, 1977, regular	Feb. 1, 1974	420739-A
Do	Luzerne	Conyngham, township of	Feb. 9, 1973, emergency; Feb. 16, 1977, regular	May 3, 1974	420000-B
				May 7, 1976	
Do	Union	Lewisburg, borough of	Nov. 3, 1972, emergency; Feb. 2, 1977, regular	Feb. 20, 1973	420803-A
Virginia	Independent city	Chesapeake, city of	May 24, 1974, emergency; Feb. 2, 1977, regular	June 18, 1970	510030-A
				Jan. 23, 1976	

[1] New.

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

Issued: March 3, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10668 Filed 4-12-77;8:45 am]

[Docket No. FI-2848]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

DATES: See table.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

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

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The last date that appears in the fourth column of the table is provided in order to designate the effective date of the suspension of the sale of flood insurance in the area under the emergency or the regular phase of the National Flood Insurance Program.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

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

The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Connecticut	New London	Groton, town of	Feb. 18, 1972, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	Feb. 21, 1975	090097
Maryland	Dorchester and Caroline	Federalsburg, town of	Nov. 5, 1971, emergency; Mar. 15, 1977, regular; Apr. 15, 1977.	Jan. 30, 1976	240013
Do	Harford	Havre de Grace, city of	Feb. 26, 1975, emergency; Mar. 15, 1977, regular; Apr. 15, 1977, suspended.	July 26, 1974 Jan. 16, 1976	240043A
Massachusetts	Bristol	Mansfield, town of	Jan. 28, 1972, emergency; Apr. 1, 1977, regular; Apr. 15, 1977, suspended.	June 28, 1974	250057
New Jersey	Camden	Haddonfield, borough of	July 14, 1972, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	Nov. 30, 1973 Feb. 6, 1976	340510A
Do	do	Pennsauken, township of	Jan. 28, 1972, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	Jan. 16, 1974 Mar. 19, 1976	340142A
Do	Burlington	Riverton, borough of	Mar. 31, 1972, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	Dec. 28, 1973 Dec. 27, 1974	340114A
North Carolina	Brunswick	Southport, city of	Mar. 11, 1973, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	May 24, 1974	370028A
South Carolina	Beaufort	Port Royal, town of	Sept. 10, 1971, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	June 14, 1974 Oct. 10, 1975	450028A
Texas	Hardin	Rose Hill Acres, city of	Mar. 8, 1974, emergency; Apr. 15, 1977, regular; Apr. 15, 1977, suspended.	Sept. 13, 1974 Mar. 5, 1976	480846A

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

Issued: March 1, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-10603 Filed 4-12-77;8:45 am]

[Docket No. FI-2850]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

DATES: See table.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

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

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The last date that appears in the fourth column of the table is provided in order to designate the effective date of the suspension of the sale of flood insurance in the area under the emergency or the regular phase of the National Flood Insurance Program.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

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

The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Alabama	Lauderdale	Florence, city of	May 24, 1973, emergency; May 16, 1977, regular; May 16, 1977, suspended.	May 17, 1974 Mar. 26, 1976	010140A
Connecticut	Hartford	Avon, town of	Oct. 6, 1972, emergency; May 16, 1977, regular; May 16, 1977, suspended.	Jan. 23, 1974	090021
Do.	Fairfield	New Canaan, town of	Apr. 7, 1972, emergency; May 16, 1977, regular; May 16, 1977, suspended.	July 19, 1974	090010
Do.	Hartford	Simsbury, town of	Dec. 10, 1971; emergency; May 16, 1977, regular; May 16, 1977, suspended.	Aug. 2, 1974	090052-A
Georgia	Fulton and Clayton	Forest Park, city of	Sept. 15, 1972, emergency; May 15, 1977, regular; May 16, 1977, suspended.	May 31, 1974 May 21, 1976	130042A
Iowa	Buchanan	Independence, city of	Sept. 24, 1971, emergency; May 16, 1977, regular; May 16, 1977, suspended.	May 3, 1974 July 23, 1976	190031-A
Massachusetts	Norfolk	Brookline, town of	Mar. 24, 1972, emergency; May 2, 1977, regular; May 16, 1977, suspended.	Aug. 9, 1974	250224
Do.	Essex	Salisbury, town of	Nov. 17, 1972, emergency; May 2, 1977, regular; May 16, 1977, suspended.	Sept. 13, 1974	250103
Missouri	St. Louis	Crestwood, city of	June 18, 1973, emergency; May 2, 1977, regular; May 16, 1977, suspended.	May 3, 1974	290343
•	•	•	•	•	•
New Jersey	Burlington	Delran, township of	Mar. 24, 1972, emergency; Apr. 15, 1977, regular; May 16, 1977, suspended.	Nov. 23, 1973	340094
Do.	Bergen	Saddle River, borough of	Mar. 10, 1972, emergency; May 16, 1977, regular; May 16, 1977, suspended.	Jan. 9, 1974	340073
North Carolina	Beaufort	Belhaven, town of	Oct. 27, 1972, emergency; May 16, 1977, regular; May 16, 1977, suspended.	Apr. 13, 1973	370015
Rhode Island	Newport	Tiverton, town of	Aug. 18, 1972, emergency; May 2, 1977, regular; May 16, 1977, suspended.	May 24, 1974	440032
Texas	Montgomery	Conroe, city of	Mar. 8, 1974, emergency; May 16, 1977, regular; May 16, 1977, suspended.	June 14, 1974 May 21, 1976	480484-A
Do.	do.	Universal City, city of	Feb. 14, 1974, emergency; May 16, 1977, regular; May 16, 1977, suspended.	Mar. 8, 1974 Apr. 2, 1976	480049-A
•	•	•	•	•	•
Wisconsin	Milwaukee	Fox Point, village of	Aug. 7, 1973, emergency; May 16, 1977, regular; May 16, 1977, suspended.	Mar. 1, 1974	550274-A
Do.	Winnebago	Oshkosh, city of	Nov. 12, 1971, emergency; May 16, 1977, emergency; May 16, 1977, suspended.	Nov. 23, 1973	550511-A
Virginia		Newport News, independent city	Aug. 16, 1974, emergency; May 2, 1977, regular; May 16, 1977, suspended.	Aug. 16, 1974	510103
Do.		Poquoson, independent city	Aug. 29, 1973, emergency; May 16, 1977, regular; May 16, 1977, suspended.	July 26, 1974 Sept. 24, 1976	510183-A
•	•	•	•	•	•
Delaware	New Castle	Wilmington, city of	Dec. 19, 1973, emergency; May 16, 1977, regular; May 16, 1977, suspended.	May 31, 1974	100028-A

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

Issued: April 1, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-10602 Filed 4-12-77;8:45 am

federal register

WEDNESDAY, APRIL 13, 1977

PART III

OFFICE OF MANAGEMENT AND BUDGET

■

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

April 1977

OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

April 1977

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of April 1, 1977, of the 13 rescissions and 54 deferrals contained in the first nine special messages transmitted to the Congress for fiscal year 1977. These messages were transmitted to the Congress on July 29, September 22, October 1, November 5, December 3, 1976, January 7, and 17, and March 9, and 24, 1977.

RESCISSIONS (TABLE A AND ATTACHMENT A)

There are no rescissions of budget authority pending before the Congress at the present time. Table A summarizes the status of rescissions proposed as of April 1, 1977. Attachment A shows the history and status of each rescission proposed for fiscal year 1977.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of April 1, 1977, $4,412.2 million in 1977 budget authority was being deferred from obligation and another $59.5 million in 1977 obligations was being deferred from expenditure. Table B summarizes the status of existing deferrals. Attachment B shows the history and status of each deferral proposed during fiscal year 1977.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Tuesday, August 3, 1976 (Vol. 41, No. 150, Part VI)
Monday, September 27, 1976 (Vol. 41, No. 188, Part III)
Thursday, October 7, 1976 (Vol. 41, No. 196, Part IV)
Wednesday, November 10, 1976 (Vol. 41, No. 218, Part VII)
Wednesday, December 8, 1976 (Vol. 41, No. 237, Part II)
Thursday, January 13, 1977 (Vol. 42, No. 9, Part X)
Monday, January 24, 1977 (Vol. 42, No. 15, Part VIII)
Wednesday, March 16, 1977 (Vol. 42, No. 51, Part IV)
Wednesday, March 30, 1977 (Vol. 42, No. 61, Part VI)

JAMES T. MCINTYRE, Jr.,
Acting Director.

TABLE A

STATUS OF 1977 RESCISSION PROPOSALS

	Amount (In millions of dollars)
Proposed rescissions	1,135.4
Withdrawn (R77-4A, Special Message No. 4, R77-13A, Special Message No. 8)	-95.0
Accepted by the Congress (R77-3, R77-5, R77-8, R77-9, R77-10, R77-11)	-711.6
Rejected by the Congress	-60.4
Adjustments	-268.4 1/
Pending before the Congress	---

* *

TABLE B

STATUS OF 1977 DEFERRALS

	Amount (In millions of dollars)
Proposed deferrals	7,088.4
Routine Executive releases (-2,087.7M and adjustments (-503.4M) 2/ through April 1, 1977.	-2,591.1
Overturned by the Congress	-25.6
Currently before the Congress	4,471.7 3/

1/ This amount is the difference between $721.0 million in Navy shipbuilding and conversion funds originally proposed for rescission and $452.6 million rescinded. When the rescission was proposed, these funds were already obligated for supply contracts. In testimony before the House Appropriations Committee, the Secretary of Defense concurred in the opinion that these contracts should not be terminated.

2/ An amount equal to $1,431.1 million included in the "Adjustments" column of Attachment B to this report represents superseded deferrals. This amount is not included in the "adjustments" entry above because superseded deferrals are netted out in calculating the amount shown on the line "Deferrals proposed by the President" to avoid double counting.

3/ Includes $59.5 million of outlays in two Treasury deferrals--D77-26 and D77-27A.

ATTACHMENT A

A-1

STATUS OF RESCISSIONS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

As of April 1, 1977

Agency/Bureau/Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Funds Appropriated to the President							
International Security Assistance:							
Foreign military credit sales.....	R77-5	[41,500] 1/	01-17-77	41,500 2/	03-25-77		
Department of Commerce							
U.S. Travel Service							
Salaries and expenses.	R77-6	[525]	01-17-77			525	03-15-77
National Oceanic and Atmospheric Administration:							
Operations, research, and facilities.....	R77-7	[1,500]	01-17-77			1,500	03-15-77
Department of Defense-Military							
Retired pay, Defense....	R77-8	[143,600]	01-17-77	143,600 2/	03-25-77		
Shipbuilding and conversion, Navy.....	R77-9	[721,000] 3/	01-17-77	452,600 2/	03-25-77		
Other procurement, Air Force.....	R77-10	[14,350]	01-17-77	14,350 2/	03-25-77		
Department of Defense-Civil							
Corps of Engineers-Civil:							
Revolving fund.....	R77-2	[6,600]	09-22-76			6,600	03-02-77
Department of the Interior							
Bureau of Mines:							
Helium fund.....	R77-3	[47,500]	09-22-76	47,500 4/	03-10-77		
Department of State							
Contributions for international peacekeeping activities.....	R77-11	[12,000]	01-17-77	12,000 2/	03-25-77		

Agency/Bureau/Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Transportation							
Federal Highway Administration:							
Highway crossing Federal projects.....	R77-4	[35,000]	09-22-76				
	R77-4A	0	11-05-76			35,000 5/	10-01-76
Coast Guard:							
Retired pay.....	R77-12	[6,803]	01-17-77			6,803	03-15-77
Other Independent Agencies							
Legal Services Corporation:							
Payment to the Legal Services Corporation.	R77-1	[45,000] 6/	07-29-76			45,000 6/	10-01-76
Small Business Administration:							
Business loan and investment fund.....	R77-13	[60,000]	01-17-77				
	R77-13A	0	03-09-77			60,000 7/	10-01-76 7/
TOTAL:		0		711,550		155,428	

1/ This amount was included in a deferral (D77-38) that was transmitted to the Congress on 12-03-76.
2/ P.L. 95-15.
3/ Of the $721,000,000 proposed for rescission, $452,600,000 was rescinded because the difference, totaling $268,400,000, was previously obligated. The $452,600,000 was assumed to be included in a deferral (D77-34) transmitted to the Congress on 11-05-76.
4/ P.L. 95-10.
5/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on November 5, 1976.
6/ These funds were not withheld during the 45-day Congressional consideration period.
7/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on March 9, 1977. These funds were not withheld during the 45-day Congressional consideration period.

ATTACHMENT B

B-1

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 04-01-77
		Superseded	Current		OMB/Agency	House	Senate		
Emergency Refugee and Migration Assistance Fund.....	D77-1		8,640	10-01-76					
				10-28-76	-1,000				
				11-12-76	-1,200				
				12-29-76	-2,000				
				01-10-77	-1,000				
				01-31-77	-2,100				1,340
International Security Assistance									
Military assistance, 1977.....	D77-37		73,000	12-03-76					73,000
Foreign military credit sales.....	D77-38		740,000	12-03-76				-41,500 1/	
				01-10-77	-23,627				
				01-25-77	-585,533				89,340
TOTAL:			821,640		-616,460			-41,500	163,680

1/ This amount was proposed for rescission (R77-5). The proposal was accepted by the Congress in P.L. 95-15.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 04-01-77
Foreign Agricultural Service									
Salaries and expenses: (Special foreign currency program).....	D77-2	[1,610]		10-01-76					
				01-17-77				-1,610 1/	
	D77-2A		1,743	01-17-77					1,743
Agricultural Stabilization and Conservation Service									
Commodity credit corporation administrative expenses.....	D77-3		2,919	10-01-76					
				12-30-76	-2,629				
				03-25-77	-84				206
Forest Service									
Expenses, brush disposal.	D77-4		22,321	10-01-76					22,321
Licensee programs.....	D77-5	[146]		10-01-76					
				01-17-77				-146 1/	
	D77-5A		239	01-17-77					239
TOTAL:		1,756	27,222		-2,713			-1,756	24,509

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
General Administration									
Special foreign currency program	D77-45		654	01-17-77					654
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	D77-46		7,500	01-17-77					
				03-28-77	-1,200				6,300
Promote and develop fishery products and research pertaining to American fisheries	D77-6	[1,771]		10-01-76					
				01-07-77				-1,771 1/	
	D77-6A		1,772	01-07-77					
				03-08-77	-600				1,172
Fisheries loan fund	D77-7		5,799	10-01-76					5,799
Offshore shrimp fisheries fund	D77-8		59	10-01-76					59
Fisherman's guaranty fund	D77-9	[356]		10-01-76					
				10-01-76				-356 1/	
	D77-9A		544	01-07-77					544
Maritime Administration									
Ship construction	D77-47		200,900	01-17-77					200,900
TOTAL:		2,127	217,228		-1,800			-2,127	215,428

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 04-01-77
Shipbuilding and conversion, Navy.....	D77-34		929,250	11-05-76 01-17-77				-452,600 1/	476,650
Military construction, all services.....	D77-10	[76,483]		10-01-76 12-03-76				-76,483 2/	
	D77-10A	[335,883]		12-03-76 01-17-77				-335,883 2/	
	D77-10B	[387,652]		01-17-77 03-09-77				-387,652 2/	
	D77-10C		424,240	03-09-77 03-25-77 03-28-77 03-30-77	-12,960 -18,527 -34,011				358,742
TOTAL:		800,018	1,353,490		-65,498			-1,252,618	835,392

1/ This amount was included in a rescission proposal (R77-9). The proposal was accepted by the Congress in P.L. 95-15.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 04-01-77
		Superseded	Current		OMB/Agency	House	Senate		
Corps of Engineers-Civil									
Construction, general...	D77-53		7,760	03-24-77					
				03-14-77	-5,095				2,665
Panama Canal									
Canal Zone Government:									
Capital outlay.....	D77-11		146	10-01-76					146
Miscellaneous Accounts									
Wildlife conservation, etc., military reservations.....	D77-12	[363]		10-01-76					
				03-09-77				-363 1/	
	D77-12A		515	03-09-77					515
TOTAL:		363	8,421		-5,095			-363	3,326

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
Office of the Assistant Secretary for Health									
Scientific activities overseas (Special foreign current program)	D77-13	[1,113]		10-01-76 01-07-77				-1,113 1/	
	D77-13A		2,113	01-07-77					2,113
Office of Education									
Higher education	D77-14	[31,702]		10-01-76 11-05-76				-31,702 1/	
	D77-14A		303,862	11-05-76 02-28-77	-23,082				280,780
Social Security Administration									
Limitation on construction	D-77-15	[17,272]		10-01-76 11-05-76				-17,272 1/	
	D77-15A		18,673	11-05-76					18,673
Special Institutions									
Howard University	D77-35		500	11-05-76					500
TOTAL:		50,087	325,148		-23,082			-50,087	302,066

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
Bureau of Land Management									
Oregon and California grant lands	D77-16		5,426	10-01-76					5,426
Bureau of Reclamation									
Colorado River Basin Project	D77-54		4,790	03-24-77					
				03-15-77	-4,790				0
Bureau of Outdoor Reclamation									
Land and water conservation fund	D77-17		30,000	10-01-76					30,000
National Park Service									
Road construction	D77-18		3,245	10-01-76					
				10-01-76	-3,245				0
Geological Survey									
Payment from proceeds, sale of water	D77-19		30	10-01-76					30
Bureau of Mines									
Drainage of anthracite mines	D77-20		3,525	10-01-76					3,525
TOTAL:			47,016		-8,035				38,981

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 04-01-77
		Superseded	Current		OMB/Agency	House	Senate		
Federal Prison System									
Buildings and facilities.	D77-21		1,900	10-01-76				-1,900 1/	0
TOTAL:			1,900					-1,900	0

1/ This deferral resulted from anticipated savings attributable to a plan for leasing a New York State correctional facility. The lease proposal on which the deferral was based was not accepted by New York and the funds are needed to construct the facility as originally planned. Funds related to this deferral were not withheld.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 04-01-77
		Superseded	Current		OMB/Agency	House	Senate		
Employment and Training Administration									
Advances to the unemployment trust fund and other funds.....	D77-39		2,919,000	12-03-76 12-28-76	-1,119,000				1,800,000
TOTAL:			2,919,000		-1,119,000				1,800,000

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 04-01-77
Administration of Foreign Affairs									
Acquisition, operation, and maintenance of buildings abroad.....	D77-22		14,225	10-01-76					14,225
TOTAL:			14,225						14,225

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 04-01-77
Coast Guard									
Acquisition, construction and improvements..	D77-23		22,581	10-01-76					22,581
Federal Aviation Administration									
Civil supersonic aircraft development termination.	D77-24	[464]		10-01-76 01-17-77				-464 1/	
	D77-24A		8,080	01-17-77					8,080
Facilities and equipment (Airport and airway trust fund).....	D77-25	[276,101]		10-01-76 01-17-77				-276,101 1/	
	D77-25A	[287,095]		01-17-77 03-09-77				-287,095 1/	
	D77-25B		278,095	03-09-77					278,095
Federal Highway Administration									
Trust fund share of other highway programs.....	D77-48		31,250	01-17-77					31,250
TOTAL:		563,660	340,006					-563,660	340,006

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-77
Office of the Secretary									
State and local government fiscal assistance trust fund.....	D77-26		113,732 1/	10-01-76					
				11-01-76	-28,433 1/				
				01-31-77	-28,433 1/				56,866 1/
State and local government fiscal assistance trust fund.....	D77-27	[10,000] 1/		10-01-76					
				12-03-76				-10,000 1/2/	
	D77-27A		21,075 1/	12-03-76					
				12-31-76	-16,893 1/				
				01-31-77	-1,590 1/				2,592 1/
State and local government fiscal assistance trust fund.....	D77-28		81,500	10-01-76					
				11-01-76	-226				
				12-01-76	-186				
				12-31-76	-7,888				
				03-01-77	-317				
				04-01-77	-4				72,879
Loans to the District of Columbia for capital outlay.....	D77-36		51,002	11-05-76					51,002
TOTAL:			132,502BA		-8,621BA				123,881BA
		10,000O	134,807O		-75,349O			-10,000O	59,458O

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Energy, Research and Development Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 04-01-77
		Superseded	Current		OMB/Agency	House	Senate		
Operating expenses (Energy extension service).....	D77-49		7,500	01-17-77 02-22-77				-7,500 1/	0
Operating expenses (Magnetic fusion energy).....	D77-50		12,000	01-17-77		-12,000 2/			0
Operating expenses (Program support-community operations).....	D77-51		5,400	01-17-77		-5,400 3/			0
Operating expenses (Biomedical and environmental research).....	D77-52		8,200	01-17-77		-8,200 4/			0
TOTAL:			33,100			-25,600		-7,500	0

1/ This adjustment reflects the impact of P.L. 95-3 which makes the source of ERDA's funding their regular 1977 appropriations, rather than the continuing resolution (P.L. 94-473), without need for enactment of authorizing legislation.
2/ Impoundment resolution H. Res. 305 passed the House on March 3, 1977, rejecting this deferral.
3/ Impoundment resolution H. Res. 306 passed the House on March 3, 1977, rejecting this deferral.
4/ Impoundment resolution H. Res. 307 passed the House on March 3, 1977, rejecting this deferral.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Releases Resulting From Subsequent Actions Taken by			Adjustments	Amount Deferred as of 04-01-77
		Superseded	Current		OMB/Agency	House	Senate		
Rare Silver Dollar Program.....	D77-29	[1,709]		10-01-76 01-07-77				-1,709 1/	
	D77-29A		1,797	01-07-77					1,797
TOTAL:		1,709	1,797					-1,709	1,797

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 04-01-77
Action									
Operating expenses, international and domestic programs.....	D77-40		550	12-03-76					
				12-31-76	-15				535
Foreign Claims Settlement Commission									
Payment of Vietnam prisoner of war claims.	D77-30		10,833	10-01-76					10,833
American Revolution Bicentennial Administration									
Commemorative activities fund.....	D77-31	[1,346]		10-01-76					
				01-07-77				-1,346 1/	
	D77-31A		198	01-07-77					198
Interstate Commerce Commission									
Payment for directed rail service.....	D77-32		13,700	10-01-76					13,700
National Commission on the Observance of International Women's Year									
Salaries and expenses....	D77-33		680	10-01-76					680
U.S. Information Agency									
Salaries and expenses (special foreign currency program).....	D77-41		2,437	01-07-77					2,437
Special international exhibitions.....	D77-42		1,716	01-07-77					1,716
Special international exhibitions (special foreign currency program).....	D77-43		112	01-07-77					112

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies (continued)

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	Releases Resulting From Subsequent Actions Taken by: House	Releases Resulting From Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 04-01-77
U.S. Railway Association									
Payments for the purchase of Conrail securities.....	D77-44		680,700	01-07-77					
				01-27-77	-162,000				518,700
TOTAL:		1,346	710,926		-162,015			-1,346	548,911
TOTAL, ALL DEFERRALS:		1,421,066BA	6,953,621BA		-2,012,319BA	-25,600BA		-1,924,566BA	4,412,202BA
		10,000O	134,807O		-75,349O			-10,000O	59,458O

1/ Subsequently incoporated in a supplementary report.

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