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NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

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# Title 3—The President

Executive Order 11870 • July 18, 1975

## Environmental Safeguards on Activities for Animal Damage Control on Federal Lands

By virtue of the authority vested in me as President of the United States, and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the provisions of Section 1 of the Act of March 2, 1931 (46 Stat. 1468, 7 U.S.C. 426) and the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531 *et seq.*), Executive Order No. 11643 of February 8, 1972, is amended to read as follows:

"SECTION 1. It is the policy of the Federal Government, consistent with the authorities cited above, to:

(1) Manage the public lands to protect all animal resources thereon in the manner most consistent with the public trust in which such lands are held.

(2) Conduct all mammal or bird damage control programs in a manner which contributes to the maintenance of environmental quality, and to the conservation and protection of the Nation's wildlife resources, including predatory animals.

(3) Restrict the use on public lands and in Federal predator control programs of any chemical toxicant for the purpose of killing predatory animals or birds which would have secondary poisoning effects.

(4) Restrict the use of chemical toxicants for the purpose of killing predatory or other mammals or birds in Federal programs and on Federal lands in a manner which will balance the need for a responsible animal damage control program consistent with the other policies set forth in this Order; and

(5) assure that where chemical toxicants or devices are used pursuant to Section 3(b), only those combinations of toxicants and techniques will be used which best serve human health and safety and which minimize the use of toxicants and best protect nontarget wildlife species and those individual predatory animals and birds which do not cause damage, consistent with the policies of this Order."

"SEC. 2. Definitions. As used in this Order the term:

(a) "Federal lands" means all real property owned by or leased to the Federal Government, excluding (1) lands administered by the Secretary of the Interior pursuant to his trust responsibilities for Indian affairs, and (2) real property located in metropolitan areas.

(b) "Agencies" means the departments, agencies and establishments of the Executive branch of the Federal Government.

(c) "Chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to or injected into the body, in relatively small amounts, by its chemical action may cause significant bodily malfunction, injury, illness, or death, to animals or to man.

(d) "Predatory mammal or bird" means any mammal or bird which habitually preys upon other animals, birds, reptiles or fish.

(e) "Secondary poisoning effect" means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed, or when applied to or injected into, a mammal, bird, reptile or fish, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter ingested by man, mammal, bird, reptile or fish, produces the effects set forth in paragraph (c) of this Section.

(f) "Field use" means use on lands not in, or immediately adjacent to occupied buildings."

"SEC. 3. Restrictions on Use of Toxicants. (a) Heads of agencies shall take such action as is necessary to prevent on any Federal lands under their jurisdiction, or in any Federal program of mammal or bird damage control under their jurisdiction:

(1) the field use of any chemical toxicant for the purpose of killing a predatory mammal or bird; or

(2) the field use of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing mammals, birds, or reptiles.

(b) Notwithstanding the provisions of subsection (a) of this Section, the head of any agency may authorize the emergency use on Federal lands under his jurisdiction of a chemical toxicant for the purpose of killing predatory mammals or birds, or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential:

(1) to the protection of the health or safety of human life;

(2) to the preservation of one or more wildlife species threatened with extinction, or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

(c) Notwithstanding the provisions of subsection (a) of this Section, the head of an agency may authorize the use, on an experimental basis, of sodium cyanide to control coyote and other predatory mammal or

bird damage to livestock on Federal lands or in Federal programs, provided that such use is in accordance with all applicable laws and regulations, including those relating to the use of chemical toxicants, and continues for no more than one year."

"SEC. 4. Rules for Implementation of Order. Heads of agencies shall issue such rules or regulations as may be necessary and appropriate to carry out the provisions and policy of this Order."

Gerald R. Ford

THE WHITE HOUSE,
*July 18, 1975.*

[FR Doc.75-19171 Filed 7-21-75;9:56 am]

Executive Order 11871 • July 18, 1975

## Transferring the SCORE and ACE Programs From the ACTION Agency to the Small Business Administration

By virtue of the authority vested in me by Section 12 of the Small Business Act (72 Stat. 394, 15 U.S.C. 641), the Domestic Volunteer Service Act of 1973 (87 Stat. 405, 42 U.S.C. 5041, *et seq.*), which are incidental 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. All functions, powers, and duties vested in the ACTION Agency or its Director under Title III of the Domestic Volunteer Service Act of 1973 (87 Stat. 404, 42 U.S.C. 5031, *et seq.*), which relate to a Service Corps of Retired Executives ("SCORE") and an Active Corps of Executives ("ACE") are hereby transferred to the Small Business Administration.

SEC. 2. All the functions, powers, and duties vested in the ACTION Agency or its Director under Title IV of the Domestic Volunteer Service Act of 1973 (87 Stat. 405, 42 U.S.C. 5041, *et seq.*), which are incidental to or necessary for the performance of the functions, powers, and duties transferred by Section 1 of this Order, are hereby transferred to the Small Business Administration.

SEC. 3. Nothing in this Order shall preclude the ACTION Agency or its Director from continuing, establishing, or conducting volunteer programs to carry out his other responsibilities as provided for in Title III or Title IV of the Domestic Volunteer Service Act of 1973.

SEC. 4. The authority of the President under Section 12 of the Small Business Act (15 U.S.C. 641) to provide for appropriate transfers of records, property, necessary personnel, and unexpended balances of appropriations and other funds in connection with the transfers provided by this Order is hereby delegated to the Director of the Office of Management and Budget, who shall take such action as he deems appropriate to enable the proper performance of the functions, powers, and duties transferred by this Order.

SEC. 5. The rights, privileges, and disabilities attaching to volunteers under Title III and Title IV of the Domestic Volunteer Service Act of 1973, and to Federal employees otherwise entitled to Civil Service protection and transferred hereunder, shall not be otherwise affected by this transfer.

SEC. 6. This Order shall be effective on the fifteenth day of July, 1975.

Gerald R. Ford

THE WHITE HOUSE,
*July 18, 1975.*

[FR Doc.75-19172 Filed 7-21-75;9:57 am]

Executive Order 11873 • July 21, 1975

## Amending Executive Order No. 11868,[1] on the President's Commission on Olympic Sports

By virtue of the authority vested in me as President of the United States, Section 2 of Executive Order No. 11868 of June 19, 1975, is hereby amended to read as follows:

"SEC. 2. The Commission shall consist of a Chairman and thirteen other members, who shall be appointed by the President. In addition, the Speaker of the House of Representatives and the President Pro Tempore of the Senate are requested to appoint four members of the House of Representatives and four members of the Senate, respectively, to serve as members of the Commission."

Gerald R. Ford

THE WHITE HOUSE,
*July 21, 1975.*

[FR Doc.75-19196 Filed 7-21-75;10:53 am]

[1] 40 FR 26255.

Executive Order 11872 July 21, 1975

## Amending Executive Order No. 11861,[1] Placing Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, Section 1 of Executive Order No. 11861, of May 21, 1975, as amended, placing certain positions in level IV of the Executive Schedule, is further amended by adding the following:

"(14) Executive Vice President, Export-Import Bank."

Gerald R. Ford

THE WHITE HOUSE,
*July 21, 1975.*

[FR Doc.75-19195 Filed 7-21-75;10:52 am]

[1] 40 FR 22531.

# rules and regulations

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

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

## Title 7—Agriculture

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

## PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

### Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, February 3, 1975 (40 FR 4897), March 20, 1975 (40 FR 12646), and May 6, 1975 (40 FR 19633), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

**§ 354.2 Administrative instructions prescribing commuted traveltime.**

* * * * *

*Commuted traveltime allowances (in hours)*

| Location covered | Served from | Metropolitan area: Within | Metropolitan area: Outside |
|---|---|---|---|
| Add in alphabetical order: | | | |
| * * * * * | | | |
| Louisiana: | | | |
| Lake Charles | | 1 | |
| Ohio: | | | |
| Columbus | Sidney | | 5 |
| Do | Washington Court House. | | 3 |
| Dayton | Marysville | | 3 |
| Do | Sidney | | 2 |
| Do | Washington Court House. | | 3 |
| Pennsylvania: | | | |
| Harrisburg International Airport. | Moosic | | 6 |
| Philadelphia | McGuire AFB | | 3 |
| Puerto Rico: | | | |
| Mayaguez (including points from Ramey to Cabo Rojo). | San Juan | | 5 |
| Texas: | | | |
| Beaumont | Lake Charles | | 3 |
| Orange | do | | 2 |
| Port Arthur | do | | 3 |
| * * * * * | | | |

(64 Stat. 561; (U.S.C. 2260))

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

*Effective date.* The foregoing amendment shall become effective July 22, 1975.

Done at Washington, D.C., this 15 day of July 1975.

THOMAS G. DARLING,
*Acting Deputy Administrator, Plant Protection and Quarantine Programs.*

[FR Doc.75-18813 Filed 7-21-75;8:45 am]

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

[Peach Reg. 12]

## PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

### Regulation by Grades and Sizes

This regulation specifies the grade, size and pack requirements applicable to the handling of Washington peaches during the 1975 season. These requirements are designed to provide consumers with acceptable quality peaches. Such requirements will require peaches to grade Washington Extra Fancy grade except that peaches packed in the western lug, the standard peach box, or approved experimental containers need only meet the requirements of the Washington Fancy grade. The minimum diameter is 2⅜ inches, except the minimum diameter for Elberta peaches in any container and peaches of any variety when packed in the standard peach box or approved experimental containers is 2¼ inches. All peaches are required to be well matured and have a reasonably uniform degree of firmness. Loose or jumble packs are permitted for containers of a capacity equal to that of a Western lug box if they contain 26 pounds net weight or are well filled.

Notice was published in the FEDERAL REGISTER issue of June 24, 1975 (40 FR 26529) that the Department was giving consideration to a proposal which would limit the handling of fresh peaches grown in designated counties in Washington by establishing regulations, pursuant to the applicable provisions of the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This regulation is based upon an appraisal of the current and prospective crop and market conditions. Washington's 1975 peach crop is estimated at 20,000 tons, compared with commercial production in 1974 of 13,000 tons. Total fresh market shipments are expected to be 15,400 tons. The regulation, as hereinafter set forth, is designed to prevent the handling on and after August 1, 1975, of lower quality and smaller size peaches and provide orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Individual shipments, not exceeding 500 pounds, of peaches sold for home use and not for resale, subject to necessary safeguards, are excepted from said requirements in that the quantity of peaches so handled has been relatively inconsequential when compared with the total quantity handled.

The grade, size, and pack requirements for peaches in the specified containers are designed to provide identifiable packs of peaches which meet trade preferences. For example, it has been found that peaches of the Washington Fancy Grade, packed in Western lug boxes or standard peach boxes, compete successfully in distant markets with peaches of similar grade in such containers from other production areas. Washington peaches, except Elberta varieties, packed in standard peach boxes may be of a slightly smaller minimum size than such peaches shipped in other containers because such peaches must compete with peaches that are produced in other areas and marketed in the standard peach box with a minimum diameter of 2¼ inches. The requirement that loose or jumble packed Washington peaches be in containers of a capacity at least equal to the Western lug box and not less than 26 pounds net weight or be "well filled" prevents unfair competition through the marketing of such peaches packed in containers of smaller capacity. The provision that permits shipment of loose or jumble packs weighing less than 26 pounds if the containers are "well filled" reflects the fact that the larger sizes of such peaches may not always weigh 26 pounds, hence, the substitution of the "well filled" container requirement.

After consideration of all relevant matters presented, including the pro-

posal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and upon other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (40 F.R. 26529), and no objection to this regulation or such effective date was received; and (2) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Section 921.312 is revised as set forth below.

§ 921.312 Peach Regulation 12.

*Order.*—(a) During the period August 1, 1975 through July 31, 1976 no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (6) of this paragraph:

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade, or better may be handled if they are packed in the Western lug box or the standard peach box.

(2) *Minimum size.*

(i) Such peaches of any variety, except peaches of the Elberta varieties, packed in any container except the standard peach box, shall measure not less than 2⅜ inches in diameter;

(ii) Such peaches of any variety when packed in a standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties, packed in any container shall measure not less than 2¼ inches in diameter.

(3) *Minimum maturity.* Such peaches shall be well matured, except that any lot of peaches shall be deemed to have met such minimum maturity requirement if not more than 25 percent, by count, of the peaches in such lot are mature but not well matured.

(4) *Uniform firmness.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(5) *Pack.*

(i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a western lug box and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight may be handled if such containers are well filled; and

(ii) Such peaches other than peaches in loose or jumble packs in any container shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (Order No. 1212), or the U.S. Standards for Peaches (7 CFR 51.1210 et seq.).

(6) Notwithstanding any other provision of this section, any individual shipment of peaches sold by the producer or at an established packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and § 921.55 (Inspection and Certification) if:

(i) The shipment consists of peaches sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(c) The terms "Washington Extra Fancy Grade", "Washington Fancy Grade", and "Mature" shall have the same meaning as when used in the Washington Standards for Peaches (effective October 18, 1971), issued by the State of Washington Department of Agriculture; the term "well matured" shall mean peaches which will yield very slightly to moderate pressure at the suture or blossom end, have shoulders and sutures that are well filled out, and have skin and flesh colored sufficiently that it will show characteristic varietal color when ripe; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "Western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 inches; the term "well filled" shall mean that the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance, measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

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

Dated: July 16, 1975.

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

[FR Doc.75-18932 Filed 7-21-75;8:45 am]

## CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 449.1]

## PART 1845—FmHA EMERGENCY LIVESTOCK LINE OF CREDIT GUARANTEES

### Revision of Policies for "Line of Credit" Guarantees

Part 1845 of Title 7, Code of Federal Regulations, Chapter XVIII (39 FR 27685; 39 FR 29582; 39 FR 30478; 39 FR 37053; 39 FR 38889) is revised to reflect a change in title from "Emergency Livestock Loans" to "FmHA Emergency Livestock Line of Credit Guarantees," and to implement the changes made in the guaranteed Emergency Livestock loan program by Public Law 94–35, the amendment to the Emergency Livestock Credit Act of 1974. This revision sets out the policies and procedures for "line of credit" guarantees covering loan advances made by legally organized lenders to bona fide farmers and ranchers who are primarily and directly engaged in agricultural production, and who have substantial livestock operations in order that they may continue their normal farming or ranching operations through the temporary adverse economic period. The major changes will:

(1) Broaden eligibility to require that only a substantial part of an applicant's farming or ranching operation be in breeding, raising, fattening, or marketing livestock, including dairy cattle raised and maintained for the primary purpose of marketing dairy products;

(2) Lengthen the period to approve new guarantees to December 31, 1976;

(3) Increase the guarantee limit for each borrower to $350,000;

(4) Make the guarantee apply to not more than 90 percent of the principal and interest owed on loan advances made under a guaranteed "line of credit";

(5) Increase maximum terms to 7 years with a 3-year renewal provision; and

(6) Broaden security requirements to authorize acceptance of repayment ability as a substitute for collateral under certain conditions.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. See the Secretary of Agriculture's statement setting forth the policy on public participation in rulemaking 36 FR 13804, dated July 24, 1971. This amendment, however, is being published without prior notice of proposed rulemaking because such notice would delay the granting of Emergency Livestock loans to eligible borrowers causing possible financial losses, and therefore be contrary to the public interest. Moreover, lenders could not continue making loans to livestock producers without such guaranteed loans and this

would adversely affect the livestock industry.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the Office of Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before August 21, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this Part as amended will remain effective until it is further amended, in order to permit the public business to proceed expeditiously.

As revised, the table of contents and text of Part 1845 reads as follows:

Sec.
1845.1 General.
1845.2 Program objective.
1845.3 Definitions.
1845.4 Lender.
1845.5 Regulations and forms.
1845.6 Application and loan processing.
1845.7 Case and identification (ID) numbers.
1845.8 [Reserved].
1845.9 [Reserved].
1845.10 EL eligibility requirements.
1845.11 EL loan purposes.
1845.12 Prohibited EL loan purposes.
1845.13 EL line of credit limitations and special provisions.
1845.14 EL loan rates, terms, and security.
1845.15 Special provisions regarding security.
1845.16 Promissory notes, security instruments, and financing statements.
1845.17 Loan fee and charges.
1845.18 Appraisal of property.
1845.19 Environmental impact requirements.
1845.20 National Historic Preservation.
1845.21 [Reserved].
1845.22 [Reserved].
1845.23 [Reserved].
1845.24 [Reserved].
1845.25 Request for Contract of Guarantee.
1845.26 Conditions precedent to issuance of Contract of Guarantee.
1845.27 Equal opportunity and nondiscrimination.
1845.28 Appeal procedure.
1845.29 Records and reports of lenders.
1845.30 Forms and forms distribution.
1845.31 Revision of existing forms.
1845.32 Loan servicing.
1845.33 Liquidation of a claim under a Contract of Guarantee.
1845.34 Transfer and assumption of EL loan advances—general.
1845.35 Eligible transferee—full assumption.
1845.36 Ineligible transferee—full assumption.
1845.37 Termination of Contract of Guarantee.
1845.38 Guarantee approval authority.
1845.39 Responsibilities of FmHA Officials.
1845.40 Guarantee processing steps.
1845.41 County Office file.

AUTHORITY: Sec. 10, Pub. L. 93-357 as amended; delegation of authority Secretary of Agriculture (7 CFR 2.23); delegation of authority by Assistant Secretary for Rural Development (7 CFR 2.70).

### § 1845.1 General.

Emergency Livestock (EL) line of credit guarantees will be processed in accordance with this Part 1845.

### § 1845.2 Program objective.

The basic objective is to make more credit available during the period authorized by Public Law 93-357 as amended by Public Law 94-35 in the form of "line of credit" loan advances guaranteed by FmHA for bona fide farmers and ranchers who are primarily and directly engaged in agricultural production, and who have substantial livestock operations, in order that they may continue their normal farming or ranching operations.

### § 1845.3 Definitions.

The following general definitions are applicable to the terms used in this regulation and related forms.

(a) *Act.* The Emergency Livestock Credit Act of 1974 (P.L. 93-357); as amended by Public Law 94-35.

(b) *Citations of Code of Federal Regulations (CFR) and Federal Register (FR) material.* Citations of the CFR include amendments and revisions of the cited material published in the FR pending issuance of the next applicable CFR book. All CFR sections, Parts, and Subparts cited in the regulations are in this Chapter XVIII unless otherwise indicated.

(c) *FmHA.* The United States of America acting through the Farmers Home Administration, an Agency of the United States Department of Agriculture.

(1) *FmHA officials.* Unless otherwise indicated, the term FmHA officials also means the County Supervisor or Acting County Supervisor and District Director or Acting District Director serving the county involved.

(2) *FmHA offices.* References to the National Office, Finance Office, State Office, County Office, State Director, District Director, County Supervisor, or other FmHA office or official should be read as prefaced by "FmHA."

(d) *Finance Office.* The office which maintains the FmHA financial records. It is located at 1520 Market Street, St. Louis, Missouri 63103, (Phone 314-622-4400).

(e) *United States.* The term "United States" means the United States itself, any of the 50 states, Puerto Rico, and the Virgin Islands, as appropriate in the context in which the term is used.

(f) *State.* Any of the fifty States, Puerto Rico, or the Virgin Islands.

(g) *Guaranteed line of credit.* EL loan advances made and serviced by a lender subject to a maximum amount agreed to by the lender and FmHA which is specified in a Contract of Guarantee.

(h) *Borrower.* All parties liable for EL loan advances or any part thereof made subject to an approved line of credit.

(i) *Lender.* The legally organized financial institution making and servicing the guaranteed EL loan advances subject to an approved line of credit. The purchaser of the entire guaranteed and unguaranteed loan advances will also be known as the lender in this regulation.

(j) *Protective advances.* Payments made by the lender to third parties to protect or preserve security property or liens thereon.

(k) *Loan servicing.* All actions that are necessary after loan closing to collect the indebtedness and to protect the security and security rights. This involves, but is not limited to, obtaining and maintaining compliance with the provisions of the EL loan advances and security instruments, any supplementary agreements, and this regulation. The term "servicing" also includes transfer and assumption and liquidation.

(l) *Liquidation actions.*

(1) *Liquidation of the EL guarantee.* The final settlement of a guarantee claim when the lender or FmHA determines such action is needed to protect their interest.

(2) *Liquidation of the security.* The disposition of collateral serving as security for a guaranteed EL line of credit by the lender after final settlement of a guarantee claim.

(m) *Basic security.* All real estate property, fixtures, foundation herds, machinery, and equipment serving as security.

(n) *Non-basic security.* All normal income security property planned to be marketed in the regular course of business in going concern cases.

(o) *Market value.* The amount for which the property would sell for its highest and best use at voluntary sale.

(p) *Transfer and assumption terms.* In relation to transfer and assumption cases, where appropriate, "liquidation" and "loan" shall be construed to mean "transfer and assumption," "promissory note" shall be construed to mean "assumption agreement," and "borrower" shall be construed to mean "assuming party" or "transferee."

(q) *Hazard insurance.* Includes fire, windstorm, lightning, hail, explosion, riot, civil commotion, aircraft, vehicles, smoke, builder's risk, public liability, property damage, flood, workmen's compensation, or any similar insurance that is available and needed to protect the security, or that is required by law.

(r) *Livestock.* The term "livestock" means beef cattle, dairy cattle, swine, sheep, goats, chickens, and turkeys, including dairy cattle raised and maintained for the primary purpose of marketing dairy products.

### § 1845.4 Lender.

Lenders are of two types, supervised and unsupervised.

(a) *Supervised lender.* Any Federal or State chartered bank, Federal land bank, production credit association, savings and loan association, building and loan association, insurance company, credit union, mortgage loan company, or other legally organized lender that is subject to examination and supervision by an agency of the United States or a State, is approved by FmHA to make and service or to subsequently acquire and service guaranteed loans, provided it meets:

(1) Any licensing, loan making, loan servicing, or other requirements of the State in which the security property is or will be located.

(2) The loan making and/or loan servicing office requirements in paragraph (d) of this section.

(b) *Unsupervised lender.* Any legal or organization or party desiring approval as a lender that does not meet the examination and supervision requirements of paragraph (a) of this section, must submit to FmHA the material required in paragraphs (1), (2), and (3) below.

(1) Form FmHA 449–18, "Lenders or Holders Request for Approval."

(2) Copy of any license or other evidence of authority required by the State as a prerequisite for engaging in the proposed loan making and loan servicing activity.

(3) Information on lending operations, including period of time in lending business, range and volume of lending activities, current financial statement, loan making and servicing office location, and such documentation as requested by FmHA to substantiate the representations made in the request for approval.

(4) FmHA will make such investigation as it deems necessary and will notify the lender in writing whether its request is approved or rejected. If the request is rejected, the reasons for rejection will be given. If the lender can overcome FmHA's reasons for rejection, it may resubmit the request.

(c) *Advice from lender as to supervised status.* Each lender will inform the FmHA official in writing whether it falls within the supervised or unsupervised category and, if supervised, by what agency.

(d) *Loan making and servicing office.* Each lender, or the purchaser of the entire amount of EL loan advances, must maintain an office (either its main or branch office or that of an agent) near enough to the security property location so it can properly and efficiently discharge its loan making or loan account servicing responsibilities.

(1) The lender will advise FmHA on Form FmHA 449–25, "Request for Contract of Guarantee (Emergency Livestock Loan)," or in letter form whether it plans to make and service the loan through its main office or through a branch office or agent.

(2) If at a subsequent date the lender plans to service the account through a different office or agent, it will advise FmHA in writing to that effect, giving the name, address, and other relevant information regarding the new office or agency arrangement.

(3) If the servicing arrangement proposed by the lender is not satisfactory to FmHA, it will inform the lender to that effect so that the lender may take whatever action is necessary to comply with FmHA's requirements.

(e) *Sale of all of the loan advances.* The lender may sell *all* of any loan advances, upon prior written FmHA approval, to another lender who will undertake the full responsibility to service the account. The Contract of Guarantee shall be assigned to such other lender. After FmHA approval of the new lender, Form FmHA 471–7, "Notice and Acknowledgment of Sale of Insured or Guaranteed Loan," will be completed by the seller and mailed to the FmHA Finance Office.

### § 1845.5 Regulations and forms.

Lenders should contact the local FmHA office for program details and FmHA forms. Copies of the Part 1845 may be obtained by writing to:

Director, Finance Office, Farmers Home Administration, USDA, 1520 Market Street, St. Louis, Missouri 63103.

Also, refer to the FmHA Fact Sheet pertaining to the Emergency Livestock Line of Credit Guarantees which is available in the local FmHA office.

### § 1845.6 Application and loan processing.

(a) *Applicant may contact lender or FmHA.* Regardless of whether the applicant first contacts an approved lender or goes directly to FmHA, if the lender is interested in making a guaranteed EL loan to the applicant and believes that the applicant will qualify for such a loan, the lender will assist the applicant in preparing the application required for the EL loan. If an applicant contacts FmHA, FmHA will refer the applicant to his present creditor to see if his creditor needs a guarantee to continue the loan.

(b) *Preparation of loan docket.* If after reviewing the completed application, the lender is still interested in making a guaranteed EL loan to the applicant and believes that the applicant can qualify for such a loan, the lender, with the assistance of the applicant, may prepare a loan docket and proceed with loan processing. (See § 1845.40 for guarantee processing.)

(c) *Loan making.* The responsibility for making and closing guaranteed EL loans rests with the lender. Loan funds should not be disbursed until after FmHA issues a Contract of Guarantee. The loan will be considered closed when all loan and security instruments have been executed and the mortgage or financing statements, or both, is/are filed for record.

(d) *Relationship with other FmHA insured or guaranteed loans.* If an applicant for FmHA assistance will qualify for another type or types of FmHA insured or guaranteed loans and an EL guarantee for the same purpose, it will be the policy to process an EL guarantee for that purpose if the repayment and security requirements for the EL guarantee will not preclude furnishing the credit necessary to enable the applicant to carry on sound farming or ranching operations. However, if the applicant qualifies for an Emergency (EM) loan in a designated disaster area, he should be first considered for an EM loan. An EL guarantee may be processed to continue his livestock operation(s) even though the applicant receives an EM loan.

### § 1845.7 Case and identification (ID) numbers.

(a) *Case number.* The case number should be the applicant's (borrower's), or transferee's Social Security or Internal Revenue Service (IRS) tax number, whichever is appropriate. If such party is an individual, his or her Social Security number should be used. If such party is husband and wife, the husband's Social Security number will be used. If such party objects to the use of the Social Security number, a case number will be assigned. If such party is a legal entity, its IRS tax number will be used.

(b) *ID number of lender.* The lender's IRS tax number will be used as its ID number in correspondence and FmHA forms relating to the guarantee.

### § 1845.8–1845.9 [Reserved]

### § 1845.10 EL eligibility requirements.

To be eligible for an EL loan, an applicant must:

(a) *Citizen.* Be a citizen of the United States or a person who has been legally admitted for permanent residence in the United States. If a partnership, the principal partners must be citizens or such permanent residents of the United States. If a corporation, it must be incorporated under the laws of the United States, its principal stockholders must be citizens or such permanent residents of the United States, and the corporation must be authorized to carry on farming or ranching operations in the State in which the EL operation is being conducted. See § 1845.3 for definition of "State" and "United States." Any partner or stockholder owning or controlling as much as 20 percent interest in a partnership or corporation will be considered a principal partner or stockholder. If no person owns of controls as much as 20 percent, all partners and stockholders will be considered principal partners or stockholders.

(b) *Bona fide farmer or rancher.* Be a *bona fide* farmer or rancher (owner-operator, or tenant), (1) doing business in the United States either as an individual, corporation, or partnership, which is recognized in the community as one whose chief occupation is farming or ranching, (2) primarily and directly engaged in agricultural production, and (3) having substantial operations in breeding, raising, fattening or marketing livestock, including dairy cattle raised and maintained for the primary purpose of marketing dairy products (hereinafter referred to as a livestock operation). *In the case of an individual loan applicant* the term "primarily and directly engaged in agricultural production" means that he derives more than 50 percent of his gross income from *his own* agricultural production *or* devotes more than 50 percent of his time to such production. The term "substantial livestock operation" means that he derives not less than 25 percent of his gross farm income from his own livestock operation, *or* devotes not less than 25 percent of his time to such operation, *or* has not less than 25 percent of his total capital investment in such operation *In the case of a corporation or partnership loan applicant,* the term "primarily and directly engaged in agricultural production" means that the cor-

poration or partnership derives more than 50 percent of its gross income from agricultural production, and that the shareholders or partners owning or controlling a majority interest in such corporation or partnership derive more than 50 percent of their gross income from their own or the corporation's or partnership's agricultural production, *and* devote more than 50 percent of their time to such production. The term "substantial livestock operation" means that the corporation or partnership derives not less than 25 percent of its gross farm income from its own livestock operation, *or* devotes not less than 25 percent of its time to such operation, *or* has not less than 25 percent of its total capital investment in such operation.

(1) Bona fide farmers and ranchers must be actually engaged in the livestock operations to be financed by the guaranteed EL line of credit. If the applicant is an individual, he must manage such livestock operation. If the applicant is a partnership or corporation, it must be managed by one or more of the partners or stockholders. An applicant who does not devote full time to the livestock operation may be considered the manager provided he (or the managing partners or stockholders) visits the farm at sufficiently frequent intervals to exercise control and see that the livestock operation is being carried on properly. Any livestock operation that involves a full-time hired manager or management service does not qualify irrespective of the number of visits made by the partners or stockholders. In addition, bona fide farmers or ranchers do not include those commencing livestock operations or reentering such operations after July 25, 1974, or those engaged in farming, ranching, or livestock operations as a hobby or for tax shelter purposes; or those chiefly engaged in other business or employment.

(2) An applicant conducting livestock operations as an individual in different counties or locations may be considered for more than one EL contract when more than one lender is involved, if each lender is financing a separate enterprise, provided (a) identifiable separate security is given to each lender and (b) the combined total amount of contracts for each line of credit for all lenders involved will not exceed $350,000.

(3) The fact that an EL loan is made to a corporation, partnership, or to individuals doing business as partners, in connection with livestock operations being conducted by such entities, may disqualify the individual stockholder or partner from obtaining a separate EL loan. Conversely, the fact that an EL loan is made to an individual in connection with his individual livestock operation may disqualify a corporation or partnership in which he is a stockholder or partner from obtaining an EL loan. See § 1845.13(a) for more specific information regarding these interrelated situations.

(4) Individual members of a partnership, or individuals doing business jointly or as partners, will not receive individual loans to finance their interest in the joint or partnership livestock operation. The partnership or joint operation will be considered for one loan to cover the livestock operation being conducted jointly or as a partnership.

(5) An estate or trust; a corporation owned primarily by an estate, trust, other corporations, or other partnerships; a partnership composed primarily of an estate, trust, corporation, or other partnerships; or an applicant operating under an order of a bankruptcy court, is not considered to be a bona fide farmer or rancher for EL purposes.

(c) *Legal capacity.* Possess legal capacity to contract for the loan.

(d) *Ability and experience.* Possess the ability, industry, and experience necessary to carry out the proposed livestock operations to assure a reasonable prospect of success with the assistance of the loan, and honestly endeavor to carry out the undertakings and obligations required of the applicant in connection with the loan.

(e) *Credit elsewhere.* Be unable to provide the necessary funds from the applicant's own resources, or obtain sufficient credit from local commercial sources to finance the applicant's actual livestock operations needs without a guarantee. The applicant's equity in livestock, crops, chattels, real estate, and other assets and income will be considered in determining the applicant's ability to obtain such credit from other sources without a guarantee.

### § 1845.11 EL loan purposes.

EL loans may be guaranteed for purposes which are *essential* to carrying on livestock operations related to breeding, raising, fattening, or marketing livestock. These purposes are:

(a) Purchase of livestock for replacement or restocking purposes, but not to permit expansion of livestock operations beyond a level equal to the highest number during the eighteen months immediately preceding July 25, 1974.

(b) Purchase or production of livestock feed.

(c) Payment of customary and equitable charges for grazing permits and for the use of farm or ranch buildings, pasture land, and land for the production of feed crops.

(d) Hire, repair, or replace fixtures, farm machinery, equipment necessary for livestock production, and marketing.

(e) Transportation of livestock, normally incurred in the livestock operation.

(f) Building or repair of fences and holding pens.

(g) Refinancing of secured and unsecured debts incurred for the livestock operation, when:

(1) Such refinancing is absolutely essential for the applicant to remain in business.

(2) The lending agency would not refinance the loan in the absence of a guarantee, and

(3) The lending agency is not currently refinancing similar loans to others without such a guarantee. The term "similar loans" means loans for like purposes, for comparable amounts and periods of time, and for which comparable security is required.

(h) Payment of real estate or personal property taxes and water or drainage taxes or assessments that must be paid to permit continuation of the livestock operation.

(i) Payment of premiums on insurance necessary to obtain or secure the loan.

(j) Repair or essential improvement of livestock water supplies, and providing any pollution abatement facilities which are necessary to comply with requirements of § 1845.19.

(k) Repair of existing irrigation systems necessary for livestock production.

(l) Payment of veterinary fees and charges for livestock medicines.

(m) Cost of hired labor used in livestock production.

(n) Costs of construction or repair and normal maintenance of farm and ranch buildings essential to continuance of the authorized level of operation including silos and other feed storage facilities necessary for livestock production.

(o) Purchase of fuel, seed, fertilizer, insecticides, farm supplies, and payment of other operating expenses that are essential to continuation of the livestock operations.

(p) Purchase any stock in a cooperative lending agency that is necessary to obtain the loan.

(q) Payment of a loan fee and costs incident to consummation of the loan as authorized in § 1845.17.

(r) Payment of essential family living expenses.

(s) Payment of not more than 1 year's installment(s) (Principal and interest) on debts secured by liens on chattels or real estate related to the livestock operation when a deferment on such obligations cannot be obtained.

(t) To permit eligible borrowers with existing EL loans to refinance such loans pursuant to subsection (g), and receive an EL guaranteed line of credit.

### § 1845.12 Prohibited EL loan purposes.

No EL loan advance may be guaranteed which will:

(a) Establish or reestablish an applicant in livestock operations, or to permit an expansion of such operations beyond the level set forth in § 1845.11(a).

(b) Finance or refinance anything not essential to continuation of the livestock operations.

(c) To finance livestock or poultry feeding operations where the applicant does not maintain ownership of the feeders through the normal feeding period, or is only performing a service for others.

(d) To a landlord to furnish credit, equipment, or supplies to his tenant operators, whether share, cash, or standing rent is paid by the tenants.

(e) To enable an applicant to make major changes or adjustments in his livestock operation.

(f) To pay Federal or State income taxes, or to pay Social Security taxes payable by the borrower in his own behalf.

(g) To pay for labor performed by the borrower or members of his immediate family.

(h) To purchase passenger automobiles; or to purchase any other vehicles or machinery or equipment that is not essential to the livestock operation.

(i) To purchase machinery or equipment, or for supplies or labor which will be used in the handling, processing, or marketing of livestock products such as milk, eggs, wool, and mohair. However, this does not prohibit refinancing debts which have already been created for these purposes when they are part of an "overall" livestock operation indebtedness being refinanced with an EL loan under the conditions set forth in § 1845.11(g).

**§ 1845.13 EL line of credit limitations and special provisions.**

(a) *Total loans to applicants.* The total principal balance outstanding at any one time on guaranteed EL loan advances made to assist a livestock operation shall not exceed $350,000. If an individual owns or controls 20 percent or more of a corporation or partnership and they are engaged in the same or different livestock operations, the individual and the corporation or partnership will be considered as one entity for application of the $350,000 line of credit ceiling. If an individual owns or controls less than 20 percent or more of a corporation or partnership and the individual and corporation or partnership are engaged in separate livestock operations, the individual and the corporation or partnership will be considered as separate entities for application of the $350,000 line of credit ceiling. The following examples illustrate how these limitations are to be applied:

| | Situation No. 1 | | Situation No. 2 | |
|---|---|---|---|---|
| | Individual | Corporation or partnership | Individual | Corporation or partnership |
| (1) Individual loan applicant—Applies for and gets a loan as individual in the amount of | $350,000 | | $150,000 | |
| (i) Owns 20 percent or more interest in a corporation or partnership that also applies for a loan to finance part of the same livestock operation or a separate livestock operation | | 000,000 | | $200,000 |
| or | | | | |
| (ii) Owns less than 20 percent interest in a corporation or partnership that also applies for a loan to finance: | | | | |
| (A) Part of the same operation | | 000,000 | | $200,000 |
| (B) A separate livestock operation | | $350,000 | | 350,000 |
| (2) Corporation or partnership loan applicant—Applies for and gets a loan as corporation or partnership in the amount of | | 350,000 | | 150,000 |
| (i) A stockholder or partner who owns 20 percent or more interest in the corporation or partnership also applies for a loan to finance a part of the same livestock operation or a separate livestock operation | 000,000 | | 200,000 | |
| or | | | | |
| (ii) A stockholder or partner who owns less than 20 percent interest in the corporation or partnership also applies for a loan to finance: | | | | |
| (A) Part of the same operation | 000,000 | | 200,000 | |
| (B) A separate livestock operation | 350,000 | | 350,000 | |

(b) *Guarantee limit.* Payments made pursuant to an EL line of credit guarantee shall not exceed: 90 percent of the *difference between* the total amount of principal and interest owed on any EL loan advance(s) made under an approved line of credit *and* the market value of such loan security less the amount owed on any prior liens (as agreed upon by the lender and FmHA) at the time a decision is made by the lender or FmHA that action other than transfer of the account is necessary for collection of the loan(s) under the terms of the security instruments and principal and interest indebtedness on secured approved protective advances. Refer to paragraph 1843.33 (a) when a lender and FmHA cannot agree on the market value of the security.

(c) *Guarantee coverage.* The Contract of Guarantee, Form FmHA 449-27, shall constitute an obligation supported by the full faith and credit of the United States and is incontestible except for fraud or misrepresentation of which lender had actual knowledge at the time it became such lender or in which lender participated in or condoned. In addition, the Contract of Guarantee will be unenforceable by the lender to the extent that any loss is occassioned by the violation of usury laws, use of loan funds for unauthorized loan purposes, negligent servicing, or failure to obtain the required security. Contracts of Guarantee shall not cover any claim that may arise within 90 days of the date thereof.

(d) *County Committee certification.* A County Committee certification is required for an eligibility certification and approval of a line of credit ceiling. See Sections 1845.26 and 1845.40.

(e) *Personal liability.* The promissory note(s) will be signed by the applicant, and by any other parties (such as spouses, principal partners, or stockholders) required by the lender to provide needed repayment ability or security.

(f) *Separate lines of credit.* When the same lender is involved in an EL guaranteed and a separate line of credit and there will be like security for each, the EL guaranteed line of credit must be adequately secured by (1) a lien on separate security property that is clearly identifiable, or (2) a lien of a higher priority if the same property is used to secure both lines of credit. In the latter case when the same security secures both lines of credit the lender must agree in writing that the EL guaranteed line of credit will be paid first.

(g) *Lines of credit.* EL loan advances by a lender may be made through December 31, 1976, subject to a Contract of Guarantee *executed* on or prior to that date. The amount of loan advances outstanding at any one time under the guarantee may not exceed the line of credit ceiling set forth in the Contract of Guarantee.

**§ 1845.14 EL loan rates, terms, and security.**

(a) *Interest rate to borrower.* The interest rate to be paid by the borrower to the lender will be any legal rate agreed upon between the lender and the borrower. It may be a variable or fixed rate.

(b) *Loan terms.* Each loan (or advance under an approved line of credit) will be scheduled for repayment over a period not to exceed 7 years from the date of the Contract of Guarantee or such shorter period as may be necesary to assure that the loan will be adequately secured. The borrower's needs, repayment ability and type of security he has to offer will be taken into consideration when scheduling loans for repayment. Generally, amounts advanced for annual recurring operating expenses should be scheduled for repayment from that year's income.

(c) *Renewal authority.* When a lender determines that a renewal will assist in orderly collection of EL loan advances which have reached the full 7 year maturity date, it may renew notes covering such loan advances but not for more than 3 additional years, *provided* the lender and FmHA agree that: (1) the borrower meets the eligibility and security requirements for an initial loan as contained in Sections 1845.10 and 1845.14, and (2) the renewal will not be used in lieu of liquidation. Such renewal may not exceed 10 years from the date of the Contract of Guarantee. This will be accomplished by obtaining a replacement note setting forth the new repayment schedule. Any renewal must be approved in writing by FmHA.

(d) *Security.* The security must be adequate, in the opinion of the lender and FmHA to assure repayment of each EL loan advance. If the lender and FmHA agree, the applicant's repayment ability may be considered for replacement of depreciated security value if such depreciation is due to temporarily economic conditions only when the borrower's first full year's operating plans clearly show ability to pay the full line of credit authorized and the applicant will give a lien on all the security he owns. Any extension of credit made by the lender on or after January 1, 1977, must be secured by a lien junior to the security for the guaranteed EL advances or by a lien on other collateral.

§ 1845.15 Special provisions regarding security.

The lender is responsible for seeing that proper and adequate security is obtained and maintained in existence and of record to protect the interests of the lender and FmHA. The entire loan advance shall be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of advances made. The unguaranteed portion of a loan advance shall not be paid first nor given any preference or priority over the unguaranteed portion of such an advance.

(a) *Third party liens (laborers, mechanics, etc.).* Among other things in obtaining the required security, the lender is responsible for ascertaining that there are no claims of laborers, materialmen, contractors, subcontractors, suppliers of machinery and equipment or other lienholders or lien claimants againt the security property or the borrower.

(b) *All collateral must secure entire loan.* All collateral of any nature securing a line of credit guaranteed by FmHA must secure the entire loan unless that is legally impossible as in some Texas homestead cases. The lender cannot take separate collateral to secure only that portion of a line of credit not covered by the FmHA guarantee, unless the security for the guaranteed line of credit is real estate and it is clearly adequate. The lender shall not require compensating balances or certificates of deposit.

§ 1845.16 Promissory notes, security instruments, and financing statements.

(a) *Promissory notes, mortgages, and security agreements.* The lender may use its forms of promissory notes, real estate mortgages (including deeds of trust and similar instruments), and security agreements (including chattel mortgages in Louisiana and Puerto Rico), provided such forms do not contain any provisions that are in conflict or are inconsistent with the provisions of this regulation or if they do contain any such conflicting or inconsistent provisions, such provisions will not be relied on or enforced by the lender in any way or to any extent while the Contract of Guarantee is in effect.

(b) *Financing statements.* Commercial financing statement forms that comply with State laws and regulations may be used. They must be adapted to meet FmHA requirements by inserting provisions:

(1) Covering the "proceeds and products" of the collateral described, and

(2) That "disposition of the collateral is not authorized hereby."

§ 1845.17 Loan fee and charges.

(a) *Loan fee.* The lender may charge the borrower a loan fee at time of loan closing if the fee is in line with his established practice for other borrowers receiving non-guaranteed loans.

(b) *Closing costs.* The borrower may pay expenses which are his or its responsibility and are incident to consumation of the loan (as distinguished from payments to obtain or service the loan), such as fees or charges for legal, architectural, appraisal, and other technical services, hazard insurance premiums, and recordation costs.

(c) *Late payment charges.* Such charges may be made only if: They are being made by the lender on the same basis against all other borrowers obtaining loans for similar purposes and periods of time in the borrower's area with or without an FmHA Contract of Guarantee. However, late payment charges are not covered by the Guarantee.

§ 1845.18 Appraisal of property.

Property that will serve as security for the loan must be appraised by a qualified appraiser who is experienced in appraising the kind of property involved.

(a) *Qualifications of appraisers.* The lender will be responsible for determining that appraisers have the necessary qualifications and experience to make the appraisals. If the lender has any questions in this regard, it should check with FmHA before having an appraisal made.

(b) *Appraisal fees or charges.* The lender must determine that the fees or charges are reasonable.

(c) *Appraisal reports.* Real estate appraisal reports will be made on forms approved by the lender based on at least two comparable sales.

§ 1845.19 Environmental impact requirements.

Compliance must be made with all applicable environmental impact requirements. The State Director or his designee will determine in each case whether an environmental impact statement is required. Federal requirements that may be applicable are made by or pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 1857), the Federal Water Pollution Control Act (33 U.S.C. 1251), Executive Order 11738 (38 FR 25161), and State and local laws. Regulations with respect to the Clean Air Act, issued by the Environmental Protection Agency, are published at 38 FR 35310, December 27, 1973. Effluent guidelines and standards with respect to feedlots, issued by the Environmental Protection Agency, are published in the FEDERAL REGISTER for February 14, 1974 (39 FR 5704, 40 CFR, Part 412).

(a) *Environmental impact evaluation.* The lender will furnish a completed copy of Form FmHA 449-10, "Applicant's Environmental Impact Evaluation," to the FmHA County Supervisor in every case except where the State Director or his designee determines that such form is not required because a substantial environmental impact will not be caused by the livestock operation. The submission should be made as early as possible.

(b) *Submission to State Director.* Upon receipt of Form FmHA 449-10, the FmHA County Supervisor will forward it to the State Director or his designee for determination of whether an environmental impact statement is needed. That determination will be made and required actions taken in accordance with Part 1824 of this chapter (FmHA Instruction 442.10).

(1) If the State Director or his designee determines that an environmental impact statement is *not* required, the FmHA County Supervisor will notify the lender to that effect.

(2) If the State Director or his designee determines that an environmental impact statement is required, the actions provided for in said Part 1824 of this chapter (FmHA Instruction 442.10) will be taken.

(c) *Delayed issuance of Contract of Guarantee.* The Contract of Guarantee will not be issued until any required environmental impact statement has been completed and the State Director has authorized the Contract of Guarantee to be executed.

§ 1845.20 National Historic Preservation.

The policies and regulations contained in 7 CFR § 1890r apply to loans made under this Part 1845.

§ 1845.21–1845.24 [Reserved]

§ 1845.25 Request for Contract of Guarantee.

(a) *Form of request.* The request for issuance of a Contract of Guarantee will be made on Form FmHA 449-25.

(b) *Enclosures with request.* Enclosed with the Request for Contract of Guarantee will be Form FmHA 449-26, "Certificates of Lender and Loan Applicant (Emergency Livestock Loan)," and other enclosures required by Form FmHA 449-25.

§ 1845.26 Conditions precedent to issuance of Contract of Guarantee.

(a) *Evaluation of request.* When FmHA receives a Request for Contract of Guarantee with required enclosures, it will evaluate the material submitted and obtain any other information it deems necessary to determine:

(1) Whether the applicant appears to be eligible; loan funds have been or will be used for authorized purposes only; the amount of the loan, interest rate, repayment period and schedule, insurance requirements, plan of operations, line of credit agreement, any appraisal or other authorized fees or charges, and any late payment charges appear to be satisfactory; the loan appears to be sound; the lender plans to service the loan properly; and there is a reasonable probability of accomplishing the loan purposes and collection of the loan.

(2) Whether the lender has advised in the request for Contract of Guarantee and enclosures therewith that:

(i) The initial loan advance will be properly closed and the required security instruments will be obtained on any after-acquired property that cannot be covered initially under State law.

(ii) The borrower has title marketable in fact to the security property then owned by him or it, subject only to the instruments securing the loan to be guar-

anteed and any other exceptions approved in writing by FmHA.

(iii) Security property then owned by the borrower and/or that which will be acquired, repaired, constructed, or developed with loan funds after issuance of the Contract of Guarantee is considered adequate security (as required in § 1945.-14(d)) for the loan to be guaranteed, and the security instruments covering such property will be properly filed or recorded simultaneously with issuance of the Contract of Guarantee.

(iv) Any necessary hazard insurance is in effect.

(v) Truth in Lending requirements have been met.

(vi) All equal opportunity and nondiscrimination requirements have been met or will be met at the appropriate time.

(vii) All planned property acquisition has been or will be properly completed and the cost thereof has not or will not exceed the amount approved for that purpose. *NOTE: It is anticipated that the Contract of Guarantee will be executed before such actions have taken place.* The lender will be responsible for seeing that all such actions are properly completed.

(3) Whether accomplishment of the loan purposes has or likely will produce any material adverse environmental effects, and if so, whether any applicable environmental requirements as set forth in § 1845.19 have been or will be met. If actions that will produce adverse environmental effects are to be taken after issuance of the Contract of Guarantee, the lender and borrower must, before the Contract of Guarantee is executed, assure FmHA in writing that such environmental requirements can and will be met and that any needed funds are available for that purpose.

(4) Whether any other requirements have been met or assurances have been obtained that they will be met.

(b) *County Committee certification.* The County Supervisor will present the case to the County Committee for certification on Form FmHA 440–2, "County Committee Certification or Recommendation. The Committee's certification will include approval of a "line of credit" ceiling.

(c) *Favorable determination.* If (1) the County Committee makes an affirmative certification, (2) the FmHA approval official makes a favorable determination and (3) loan guarantee obligation authority is available, the Contract of Guarantee will be executed and it will set forth specifically or by reference the terms and conditions of the guarantee. The original Contract of Guarantee will be forwarded to the lender and the County Supervisor will complete Form FmHA 449–31, "Emergency Livestock Loan Analysis," and it will be sent to the State Office and to the Finance Office. No Contract of Guarantee shall be executed after December 31, 1976. (See Section 1945.39.)

(d) *Rejection by County Committee.* If the County Committee rejects the application, an FmHA official will inform the lender of the reasons for the rejection. If the lender then furnishes the FmHA official satisfactory evidence to show that the County Committee's objections have been met, the FmHA official will resubmit the case to the County Committee.

(e) *Unfavorable determination.* If the FmHA official makes an unfavorable determination, because of rejection by the County Committee or for other reasons, the official will promptly inform the lender on Form FmHA 449–13, "Denial Letter," of the reasons and give the lender 30 days within which to satisfy FmHA's objections, or such shorter period as necessary to end the time for satisfying the objections at least two days before December 31, 1976. If FmHA does not receive a resubmission within the 30 days or such shorter period, it will consider the request withdrawn.

### § 1845.27 Equal opportunity and nondiscrimination.

The following equal opportunity and nondiscrimination forms and requirements are applicable to certain cases *involving construction* as indicated. The lender is responsible for seeing that the requirements of paragraphs (b) through (f) of this section are met. (For more detailed information see *7 CFR Part 15, and 41 CFR Part 60.*)

(a) *Compliance reports.* No prospective contractor or subcontractor will be eligible for a contract or subcontract financed with a guaranteed loan until he has filed all of the compliance reports required of him under any previous contracts.

(b) *Equal Opportunity Agreement.* Before loan closing, each applicant whose loan involves a construction contract of more than $10,000 must execute Form FmHA 400–1, "Equal Opportunity Agreement."

(c) *Contract or subcontract in excess of $10,000.* If the contract or a subcontract exceeds $10,000:

(1) The contractor or subcontractor must submit Form FmHA 400–6, "Compliance Statement," before or as a part of the bid or negotiation.

(2) An Equal Opportunity Clause must be part of each contract and subcontract. This clause is incorporated in Form FmHA 424–6, "Construction Contract," which may serve as a guide.

(3) With notification of the contract award, the contractor must receive:

(i) Form FmHA 400–3, "Notice to Contractors and Applicants," signed by the lender, with an attached Equal Employment Opportunity Poster. Posters in Spanish must be provided and displayed where a significant portion of the population is Spanish speaking.

(ii) Form AD–425, "Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375," if the contractor or subcontractor is subject to the requirements of paragraph (e) of this section.

(d) *100 or more employees and contract or subcontract exceeds $10,000.* If the contractor or subcontractor has 100 or more employees and the contract or subcontract is for $10,000 or more:

(1) In addition to meeting the requirements of paragraph (c) of this section, each such contractor or subcontractor must file Standard Form 100, "Employer Information Report EEO–1" with the Joint Reporting Committee within 30 days of the contract or subcontract award unless this report has already been submitted within the last 12 months.

(2) An annual report must be filed on or before March 31 as long as the contractor or subcontractor holds a contract equal to $10,000 or more which is financed with a guaranteed loan. Failure to file timely, complete, and accurate reports constitutes noncompliance with the Equal Opportunity Clause. Report forms are distributed by the Joint Reporting Committee and any questions on this form should be addressed by the contractor or subcontractor to the Joint Reporting Committee, 1800 G Street, NW, Washington, D.C. 20006.

(e) *50 or more employees or contract or subcontract exceeds $50,000.* If the contract or subcontract is $50,000 or more or the contractor or subcontractor has 50 or more employees, in addition to the requirements of paragraph (c) of this section, each such contractor or subcontractor must be informed that he must develop a written affirmative action compliance program for each of his establishments and put it on file in each of his personnel offices within 120 days of the commencement of the contract or subcontract. Form AD–425 provides guidelines for the contractor or subcontractor in developing such a program.

(f) *Compliance reviews.* Compliance reviews must be made during construction inspections to determine whether the required posters are displayed, the facilities are not segregated, and there is no evidence of discrimination in employment. Findings of the borrower or lender, whichever has the responsibility in the particular type of loan case, will be shown on Form FmHA 424–12, "Inspection Report," which will be signed by the lender. If there is any evidence of noncompliance, such borrower or lender will try to achieve voluntary compliance. If the effort fails, such borrower or lender will report all the facts to FmHA.

(g) *Employee complaints.* Any employee of, or applicant for, employment with such contractors or subcontractors may file a written complaint of discrimination with FmHA.

(1) A written complaint of alleged discrimination must be signed by the complainant and should include the following information.

(i) The name and address (including telephone number, if any) of the complainant.

(ii) The name and address of the person committing the alleged discrimination.

(iii) A description of the acts considered to be discriminatory.

(iv) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(2) Such complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by FmHA for good cause shown.

§ 1845.28 Appeal procedure.

(a) *Decisions of State Directors.* If a State Director rejects any party's request for approval as a lender, for approval to serve any area, terminates the previously approved status of any lender, rejects a request from an approved lender for issuance of a Contract of Guarantee, or determines that a previously issued Contract of Guarantee is void or voidable or unenforceable, in a particular case, such lender or holder may request the Administrator of FmHA to review the State Director's decision. His address is: Administrator, Farmers Home Administration, United States Department of Agriculture, Washington, D.C. 20250.

(1) The request for review must be in writing and must be accompanied by supporting information and documentation. A copy of the request and supporting material must be sent by the requesting party to the State Director at the same time such party forwards the original to the Administrator.

(2) Upon receipt of the copy of this material, the State Director will furnish a full report on the matter to the Administrator.

(3) The Administrator will act on the request as expeditiously as possible under all the circumstances, and will notify the requestor and the State Director in writing of his decision and the reason therefor. The Administrator's decision is final.

(b) *Decisions of County Supervisors.* If a County Supervisor rejects a request from an approved lender for issuance of a Contract of Guarantee, or determines that a previously issued Contract of Guarantee is void, voidable, or unenforceable in a particular case, such lender may request the State Director to review the County Supervisor's decision.

(1) The matter will be handled in the same manner as in paragraph (a) of this section, except that the County Supervisor and the State Director, rather than the State Director and Administrator, will be involved.

(2) If the requesting party is not satisfied with the State Director's decision, such party may follow the procedure in paragraph (a) of this section in obtaining the Administrator's review of the State Director's decision.

§ 1845.29 Records and reports of lenders.

(a) *Access to records.* Lenders will permit representatives of FmHA (or of other agencies of the U.S. Department of Agriculture authorized by that Department) to inspect and make copies of their records pertaining to EL guaranteed loans. Such inspections and copying will be made during regular office hours of lenders.

(b) *Reports to FmHA.* Lenders will make an annual report to the FmHA Finance Office on the status of EL guaranteed loans held by them as of December 31. Such reports as a minimum will provide FmHA all of the information obtained by the lender on the borrower's progress and the status of the security, operations, and loan account. In addition, the lender will report to the Finance Office on June 30 and December 31 of each year the outstanding principal and interest balance owed on each account. Some of this material may be in the form of computer printouts if the information is collated by the lender in that manner.

§ 1845.30 Forms and forms distribution.

The following chart lists the applicable FmHA forms, number to be prepared, signatures required, and manner of distribution. Any of these forms needed by lenders or applicants may be obtained from FmHA:

| FmHA form No. | Name of form | Total number | Signed by [1] | Distribution |
|---|---|---|---|---|
| 400-1 [2] | Equal opportunity agreement | 3 | B-O | O-L, C-B, C-FmHA. |
| 400-3 [2] | Notice to contractors and applicants | 4 | L-O | O-Con, C-B, C-L, C-FmHA. |
| 400-6 [2] | Compliance statement | 4 | L. & Con 3-O | O-L, C-Con, C-B, C-FmHA. |
| 440-2 | County committee certification or recommendation. | 1 | County Comm. | FmHA. |
| 449-6 [2] | Application for guaranteed loan (farmer programs). | 2 | B-O | O-L, C-FmHA. |
| 449-13 | Denial letter | 2 | FmHA-O | O-L, C-FmHA. |
| 449-20 [2] | Report of loss | 3 | L-O | O-FmHA, C-L, C-FmHA. |
| 449-25 [2] | Request for contract of guarantee (Emergency livestock loan). | 2 | L-O | O-FmHA, C-L. |
| 449-26 [2] | Certificates of lender and loan applicant (emergency livestock loan). | 3 | L. & B.-O | O-FmHA, C-L, C-B. |
| 449-27 | Contract of guarantee (emergency livestock loan). | 2 | FmHA-O | O-L, C-FmHA. |
| 449-31 | Emergency livestock loan analysis | 3 | FmHA-O | O-FC, C-FmHA, C-State director. |
| 471-7 [2] | Notice and acknowledgment of sale of insured loan or guaranteed loan. | 4 | L-O | O-FC, C-FC, C-L, C-FmHA. |

[1] Signature and distribution "L"—Lender (includes holder); "B"—Borrower or assumptor; "FC"—Finance office; "FmHA"—Authorized FmHA official; "Con"—Contractor; "O"—Original; "C"—Copy.
[2] Forms needed by a lender for use in preparing the EL guarantee request.

(a) *Other forms and information.* Any needed forms not furnished by FmHA will be provided by the lender. The lender may obtain information from FmHA and copies of other FmHA forms that may be helpful in various aspects of loan making, construction and development, and loan servicing.

(b) *Racial code.* Some FmHA forms contain space for coding the race of the applicant for the loan or assumption. In that code, "W" means "White," "N/B" means "Negro (Black)," "S" means "Spanish-American," "AI" means "American Indian," and "O" means any other race. The lender is responsible for completing this code on all forms on which it appears, in accordance with his best judgment as to the race involved.

§ 1845.31 Revision of existing forms.

Until the present supply is exhausted, the forms described below will be revised on an individual case basis as follows:

(a) *Form FmHA 400–1, "Equal Opportunity Agreement."* In the second paragraph after the word "Recipient," insert "or to Recipient's lender." In subparagraph 1 (e), change the word "or" to "issued."

(b) *Form FmHA 400–6, "Compliance Statement."* In the first paragraph between "with" and "assistance," insert "loan guarantee."

(c) *Form FmHA 440–2, "County Committee Certification or Recommendation."* In the upper right hand corner insert "Guaranteed Line of Credit." Check the "Other" box in Type of Assistance and insert "EL" in the blank opposite "Other (Specify)." Add "11. ☐ For an EL line of credit, we certify an amount not exceeding $_____."

(d) *Form FmHA 449–6, "Application for Guaranteed Loan (Farmer Programs)."* The crop and livestock production tables on the face of the form may be omitted.

§ 1845.32 Loan servicing.

The lender shall be responsible for servicing all the loan advances and shall remain mortgagee and/or secured party of record. In addition to the items covered in § 1845.3 (k), the term "servicing" also includes transfer and assumption and liquidation. The specific servicing functions involved in transfers and assumptions and liquidations are set forth under those headings in this regulation. The lender's significant general servicing functions are:

(a) *Collections of indebtedness.* Indebtedness is collected as it falls due from the borrower, third party converters, or other parties liable, or through transfer and assumption or liquidation action.

(b) *Hazard insurance.* Adequate hazard insurance, as available and needed for the type of property and operation involved, is obtained and kept effective on the insurable security property, with loss payable clause in favor of the holder as mortgagee or secured party.

(c) *Taxes.* Taxes and any assessments or ground rents against or affecting the security property are paid.

(d) *Litigation.* The loan and security are protected in foreclosure, bankruptcy, receivership, insolvency, condemnation, or other litigative or third party actions.

(e) *Loss payments and compensation awards.* Any insurance loss payments, condemnation awards, or similar proceeds are applied on the guaranteed loan in accordance with lien priorities on which the guarantee was based; or to rebuilding or otherwise acquiring needed replacement security property of at least equal security value.

(f) *Sale of security property and disposition of proceeds.* The sale or other disposition of security property is not approved unless the guaranteed loan is paid in full or all proceeds are applied in accordance with the lien priorities on which the guarantee was based, except that:

(1) Proceeds from the disposition of *basic* security may be used to acquire property of similar nature, equal value, and equal lien priority when the lender determines that such use is necessary for the success of the enterprise. Basic security means all real property, fixtures, foundation herds, machinery, and equipment serving as security for the guaranteed loan.

(2) Proceeds from the disposition of any *non-basic* (normal income) security property planned to be marketed in the regular course of business in going concern cases may be used for purposes which the lender determines are necessary and proper in connection with the type of operation invloved including family living expenses.

(g) *Protective advances.* No advances for protection or preservation of the security or security property shall be made without FmHA's written approval, when such advances will exceed the line of credit ceiling. Approved protective advances will be covered by the Contract of Guarantee.

(1) *Security.* Any advances must constitute an indebtedness of the borrower to the lender that is secured by the guaranteed loan security instruments.

(2) *Settlement Claim.* Any advances made by the lender to remedy a failure on its part to properly discharge its responsibilities under this regulation will not be included in the protective advances in calculating a claim in liquidation of accounts. This includes, but is not limited to, the failure to obtain or maintain lien priority, obtain adequate security, provide insurance coverage of property, evidence of indebtedness, or record notice required or agreed to by FmHA under or pursuant to the provisions of this regulation. However, other authorized protective advances, with unpaid interest thereon, will be included as guaranteed loan items in the "Report of Loss" in calculating a claim in liquidation of accounts.

(h) *Personal liability.* The borrower (any party liable) is not released from personal liability for all or any part of the guaranteed loan except in transfer and assumption cases in which the full amount of the indebtedness is assumed.

(i) *Compliance with laws and ordinances.* Compliance is made with all laws and ordinances applicable to the security property or to the lender.

(j) *Loan servicing.* The County Supervisor may make periodic investigations as he considers necessary to determine whether any security property that was to be acquired or constructed after issuance of the Contract of Guarantee has been acquired or constructed, and whether the guaranteed line of credit is being properly serviced. If a problem develops, the County Supervisor will promptly get together with the party servicing the loan account in trying to get it resolved satisfactorily.

### § 1845.33 Liquidation of a claim under a Contract of Guarantee.

The lender will confer with FmHA regarding any planned liquidation action prior to liquidation of the security property. When it is determined by the lender or FmHA that action other than transfer of the guaranteed EL account is necessary because of one or more defaults or third party actions that the borrower cannot or will not cure or eliminate within a reasonable period of time, or the borrower is no longer a bona fide farmer or rancher, it will notify the other party in writing and the matter will be handled as follows:

(a) *Settlement of claims under terms of the guarantee.* The FmHA and the lender will each appraise (or arrange for appraisals) and endeavor to agree on the market value of the security property. When a lender and FmHA cannot agree on the market value of the security, the lender will be required to liquidate the security at his own cost and the claim will be based on the value of the security as determined at the sale provided the sale is conducted in a commercially reasonable manner. When the value of the security and the amount of the debt owed by the borrower have been agreed to by the lender and FmHA, the FmHA will pay the lender not more than 90 percent of the *difference between* the total amount of principal and interest owed on any EL loan advances made under the approved line of credit *and* the market value of security less the amount owed on any prior liens.

(b) *Report of Loss.* The lender will complete Form FmHA 449-20, except that items VII C, IX, and X B and E are inapplicable and will be left blank. The lender will send the form as completed to the County Supervisor. The County Supervisor will examine it for accuracy and forward it to the Finance Office. The Finance Office will analyze the form and process the claim payment after it has checked the mathematical accuracy.

(c) *Surrender of Contract.* Upon payment of the appropriate amount to the lender the contract will terminate automatically. The lender will surrender the contract to the FmHA Finance Office for cancellation and notify the FmHA County Supervisor of this action.

### § 1845.34 Transfer and assumption of EL loan advances—general.

The transfer of security property by the borrower and assumption of guaranteed loan indebtedness by the transferee will be handled as provided for in this Section 1845.34 and Sections 1845.35 and 1845.36. In transfer and assumption cases, preference will be given to applicants who, after the transfer and assumption are made, will meet the eligibility requirements for the FmHA guaranteed EL loan(s). If any cash down payment in connection with the transfer and assumption is to be applied on the loan, or if any security property is to be sold before the transfer and assumption, the amount of such cash down payment or sale proceeds should be credited on the transferor's guaranteed loan debt before the transfer and assumption transaction is closed. A County Committee certification will not be required. The transferee's Social Security or IRS Tax number, whichever is appropriate, should be used as the FmHA case number (see § 1845.7). The original borrower may be released from personal liability when the entire indebtedness is being assumed. The words "transfer and assumption," and "promissory note" shall be construed to mean "assumption agreement," and "borrower" shall be construed to mean "transferee."

### § 1845.35 Eligible transferee—full assumption.

An "eligible transferee" is one that after the assumption meets the eligibility requirements specified in § 1845.10. No applicant shall be deemed "eligible" after December 31, 1976, and any transfers and assumptions must be made on an "ineligible" basis under § 1845.36 after that date.

(a) *Assumption agreement.* The assumption of the entire debt will be made on the lender's form(s) of assumption agreement. However, the assumption agreement must contain the FmHA case numbers of the transferor and the transferee.

(b) *Changes in promissory note or security instrument provisions.* If the assumption arrangement changes the repayment schedule, interest rate, or other provisions of the promissory note or security instruments, the changes must be approved in writing by FmHA for the contract to be continued with the transferee. The changes must also be approved in writing by the present debtors if they are not to be released from personal liability. Any new repayment schedule needed to meet the repayment ability of the eligible transferee may cover a period not to exceed 7 *years* from the date of the assumption agreement. The lender's request for a transfer will be accompanied by:

(1) An explanation of the reasons for the proposed change in the provisions of the promissory note or security instruments.

(2) A statement that the lender's determinations required by paragraph (d) of this section can be made.

(c) *Concurrence of FmHA.* If FmHA concurs in the proposed changes in the promissory note or security instrument provisions, it will so advise the lender in writing and the lender may proceed with the transfer and assumption.

(d) *Determinations by lender.* Before the transfer and assumption can be approved, the lender must determine that all of the following conditions exist or can be met:

(1) The transferee is eligible for the type of loan involved.

(2) The transferee will acquire all of the property securing the guarantee loan balance unless (a) the transferee has substitute security of equal or greater value to secure the loan or (b) the market value of the transferee's security is more than the debt owed and he is retaining a portion of the excess security as his equity payment and the security transaction is agreed to in writing by the lender and FmHA.

(3) The transferee cannot acquire the security property without a guarantee.

(4) The market value of the security property being acquired by the transferee plus any additional security the transferee proposes to give to secure the debt must be at least equal to the amount of the indebtedness being assumed plus the value of any liens against the property.

(5) The priorities of the existing lien or liens securing the guaranteed loans will be maintained or improved.

(6) The transferee has the necessary repayment ability.

(7) Proper hazard insurance will be continued in effect.

(8) Any applicable Truth in Lending requirements will be met.

(9) The transaction can be properly closed and the conveyance instruments will be filed, registered or recorded, as appropriate and legally permissable.

(e) *Closing transfer and assumption.* As soon as the lender finds that it will be able to make the determinations required in paragraph (d) of this section and has received FmHA's approval of any changes in the provisions of the promissory note or security instruments, the lender may proceed with closing the transfer and assumption transaction. The closing will include, but will not be limited to, obtaining execution and delivery of the conveyance instruments and the assumption agreement, compliance with any Truth in Lending requirements, and the filing, registration, or recordation of said conveyance instruments, as appropriate and legally permissible.

(f) *Contract of Guarantee.* The existing Contract of Guarantee will continue in effect, so a new Contract of Guarantee will not be issued. However, as soon as the transfer and assumption have been completed, the lender will so indicate on the original Contract of Guarantee by inserting the name of the assuming party on the Contract of Guarantee. When FmHA receives its copy of the assumption agreement, FmHA will make the same insertions on its copy of the Contract of Guarantee and make any appropriate notations in its records.

(g) *Material furnished by lender to FmHA after closing.* Immediately after the transfer and assumption have been closed, the lender will furnish to FmHA:

(1) One conformed copy of the executed assumption agreement.

(2) A statement showing:

(i) What changes, if any, have been made in the provisions of the promissory note or security instruments.

(ii) That all of the conditions and requirements of paragraph (d) of this section have been met.

(iii) That insertions have been made on the original Contract of Guarantee as required by paragraph (f) of this section.

(iv) Whether the present debtors have been released from personal liability or have signed an agreement of continued personal liability.

(h) *Conformed copies—sent and checked by FmHA.* When FmHA receives its copy of the executed assumption agreement and the original statement from the holder as required in paragraph (g) of this section, it will examine them to see whether they are proper in all respects. If FmHA finds any errors or omissions in the conformed copies, it will return the defective material to the holder so that the errors or omissions may be corrected. If the original assumption agreement contains the same defects, it will first have to be corrected and the corrections initialed by the assuming parties and the lender, and also by the present debtors if they will remain personally liable.

### § 1845.36 Ineligible transferee—full assumption.

An "ineligible transferee" is one that does not meet the eligibility requirements specified in § 1845.10.

(a) *Assumption agreement.* The assumption of the entire EL debt will be made on the lender's form(s) of assumption agreement.

(b) *Continued liability of present debtors.* If the promissory note repayment schedule and/or interest rate are changed in the assumption agreement, the present debtors will be required to sign the agreement of continued liability on the bottom of the assumption agreement if their continued personal liability is required.

(c) *Interest rate and term of assumption.* The interest rate may be any legal rate agreed to by the lender and the assuming parties. The term of the assumption will be in accordance with the repayment ability of the applicant but it will not exceed *5 years* from the date of the assumption agreement.

(d) *Determinations by lender.* Before the transfer and assumption are consummated, the lender must obtain FmHA's approval in writing of the transaction. As a basis for obtaining that approval, the lender must furnish to FmHA a completed but unexecuted copy of the assumption agreement and a statement showing that the following determinations have been made:

(1) That the transferee is *not* eligible for the FmHA guaranteed EL loan.

(2) That the proposed transfer and assumption appear to be the best method for adequately protecting the financial interests of the lender and the FmHA.

(3) That the market value of the security property to be transferred plus any additional security the transferee proposes to give to secure the debt must be at least equal to the unpaid balance on the guaranteed loan(s) plus any prior liens, or that the financial situation of the transferee is such that any difference could be collected at the time of closing the transfer.

(4) That the conditions and requirements of § 1845.35(d) (2), (3), (4), (5), (6), (7), (8), and (9) can be met.

(5) That the proposed term of the assumption is necessary and meets the requirements of paragraph (c) of this section.

(6) Whether the present debtors will sign an agreement of continued liability or will be released from personal liability (see paragraph (b) of this section).

(e) *Approval by FmHA.* If FmHA concurs in the lender's determinations and agrees that the transfer and assumption should be made as proposed, it will send a letter of approval to the lender. If FmHA determines that it cannot approve the proposed transaction, it will inform the lender in writing of the reasons. If the lender satisfies FmHA's objections, it may resubmit the matter for reconsideration.

(f) *Contract of Guarantee.* The existing Contract of Guarantee will continue in effect, so a new Contract of Guarantee will not be issued. The same insertions will be made on the original and copies of the Contract of Guarantee as provided in § 1845.35(f).

(g) *Closing transfer and assumptions.* Upon receipt of FmHA's approval letter, the lender may proceed with closing the transfer and assumption transaction. The closing will include, but will not be limited to, obtaining execution and delivery of the conveyance instruments and the assumption agreement, compliance with any Truth in Lending requirements, and filing, registration, or recordation of said conveyance instruments, as appropriate and legally permissable.

(h) *Material furnished by lender to FmHA after closing.* Immediately after the transfer and assumption have been closed, the holder will furnish to FmHA:

(1) One conformed copy of the executed assumption agreement.

(2) A statement showing:

(i) That all of the conditions and requirements of paragraph (d) of this section have been met in accordance with the approval letter issued by FmHA under paragraph (e) of this section.

(ii) That the insertions have been made on the original Contract of Guarantee as required in paragraph (f) of this section.

(iii) Whether the present debtors have been released from personal liability or have signed the agreement of continued liability on the bottom of the assumption agreement. See paragraph (b) of this section.

(i) *Conformed copies—sent to and checked by FmHA.* The procedure set forth in § 1845.35(h) will be followed in examining the handling the material required by this section.

**§ 1845.37 Termination of Contract of Guarantee.**

The Contract of Guarantee will terminate automatically:

(a) Upon written notice from the lender to the Finance Office that the contract will terminate.

(b) Not later than six months after the final due date of the last loan advance covered by the contract, unless renewed with FmHA consent.

(c) Upon full payment of any claim made under terms of the Contract of Guarantee. The Contract of Guarantee upon termination will be forwarded to the FmHA Finance Office.

**§ 1845.38 Guarantee approval authority.**

Guarantee approval authority will be exercised by execution of Form FmHA 449–27, "Contract of Guarantee (Emergency Livestock Loan)." This will be done only after the FmHA State Director advises that guarantee obligation authority is available. See FmHA Instruction 440.2 and § 1845.39 regarding guarantee approval authority.

**§ 1845.39 Responsibilities of FmHA Officials.**

County Supervisors are responsible for handling all FmHA functions with respect to EL line of credit guarantees, except those delegated to other FmHA positions.

(a) The State Director has authority to approve EL line of credit guarantees up to the $350,000 limit. He will do so by signing Form FmHA 449–27.

(b) The District Director is responsible for making determinations and for taking actions prerequisite to execution of contracts of guarantee and for signing Form FmHA 449–27 in cases where the guaranteed line of credit exceeds $150,000, but is not more than $350,000. The District Director is expected to request the advice of the State Director in questionable cases exceeding $150,000 where repayment ability will be substituted for security or when other complex or unusual circumstances are involved before he signs Form FmHA 449–27.

(c) The County Supervisor is responsible for making determinations and taking actions prerequisite to execution of contracts of guarantee, and for signing Form FmHA 449–27 in cases where the guaranteed line of credit does not exceed $150,000. The County Supervisor is expected to request the advice of the District Director in questionable cases where repayment ability will be substituted for security or when other complex or unusual circumstances are involved before he signs Form FmHA 449–27.

(d) The County Supervisor is responsible for protecting FmHA's interests and discharging its obligations as guarantor after the Contract or Guarantee is executed. The County Supervisor and District Director are jointly responsible for appraisals to determine the market value of security property needed in connection with guarantee claim reports. The District Director may request the assistance of State Office personnel in making such an appraisal on an individual case basis.

**§ 1845.40 Guarantee processing steps.**

The following steps (sometimes referred to by paragraph number) will be taken:

(a) *Form FmHA 449–25, "Request for Contract of Guarantee (Emergency Livestock Loan)."*

(1) The lender will submit this form with enclosures to the County Supervisor.

(2) The County Supervisor will analyze the material submitted and make any independent investigation or inspections he considers necessary (or that the District Director considers necessary if the line of credit exceeds $150,000). If such inspections are made, specific determinations, recommendations, and requirements will be documented in the running case record.

(3) If the material shows that the guarantee *cannot* be approved (for reasons that would not be affected by County Committee Certification), the County Supervisor will send a denial letter to the lender on Form FmHA 449–13.

(4) If the material indicates that the request appears to qualify for a guarantee, the County Supervisor will proceed to step (b).

(b) *County Committee Certification.* The County Supervisor will submit case to the County Commitee.

(1) If the County Committee refuses to make favorable certification, the County Supervisor will send the lender a denial letter on Form FmHA 449–13.

(2) If the County Committee makes favorable certification in the new item 11 to be inserted in Form FmHA 440–2, the County Supervisor will proceed to step (c) or (d), whichever is applicable.

(c) *When County Supervisor is Sole Guarantee Approval Official.* Unless the State Director has advised that EL line of credit guarantee authority is not available, the County Supervisor will:

(1) Prepare Form FmHA 449–31, in an original and 2 copies, sign the original, and conform both copies. This form will be prepared on the basis of information contained in Forms FmHA 449–6, FmHA 449–25 and enclosures, and FmHA 449–26. It will be completed on the same date the Contract of Guarantee is executed, and the original will be sent to the Finance Office and a copy will be immediately transmitted to the State Office.

(2) Execute Form FmHA 449–27 and send or deliver it to the lender and conform his copy.

(3) If the State Director has advised that guarantee obligation authority is *not* available, the County Supervisor will notify the lender to that effect on Form FmHA 449–13 instead of taking the actions set forth in subparagraphs (1) and (2) of this paragraph.

(d) *When District Director is Guarantee Approval Official.* The County Supervisor will take the actions required by paragraphs (a), (b) and (c) above, except that he will *not* execute Form FmHA 449–27, or send a Form FmHA 449–31 to the State Office or Finance Office. Instead, he will forward the complete loan docket to the District Director for approval action. If the District Director determines approval is proper, he will *execute* Form FmHA 449–27, and *date* Form FmHA 449.31. He will then immediately forward the original of Form FmHA 449–31 to the Finance Office, and a copy to the State Office. The balance of the loan docket will be returned to the County Office. Upon receipt of the executed Form FmHA 449–27, the County Supervisor will send or deliver it to the lender and conform his copy.

(e) *When State Director is Guarantee Approval Official.* The County Supervisor will take the actions required by paragraphs (a), (b) and (c) above, except that he will *not* execute Form FmHA 449–27, or send a Form FmHA 449–31 to the State Office or Finance Office. Instead, he will forward the complete loan docket to the State Office through the District Director for approval action. If the State Director determines approval is proper, he will *execute* Form FmHA 449–27, and *date* Form FmHA 449–31. He will then immediately forward the original of Form FmHA 449–31 to the Finance Office, and retain a copy for the State Office records. The balance of the loan docket will be returned to the County Office. Upon receipt of the executed Form FmHA 449–27, the County Supervisor will send or deliver it to the lender and conform his copy.

(f) *Time Limitation.* The processing actions required by paragraphs (a), (b), (c), (d), and (e) above will be completed within fifteen days if possible but in no case more than thirty days after FmHA receives a lender's formal written request for an EL guarantee, unless unusual circumstances are involved.

(g) *State Office and Finance Office Actions.*

(1) *State Office.* The State Director will maintain a daily record of all Forms FmHA 449–31 received. The record will provide the name of the borrower, his county code number, line of credit ceiling, date the State Office forwards any form to the Finance Office, and the state subtotals. This daily record will be used to assure the State Director that he does not exceed the amount distributed to the state for EL line of credit guarantees.

(2) *Finance Office.* Upon receipt of Form FmHA 449–31, the Finance Office will charge the *line of credit ceiling amount* shown against the allocation for the particular state. At the end of each month, the Finance Office will report to each State Director a record of those forms received during the month by borrower name, case number, and amount of loan so the State Director can reconcile his records. The Finance Office will submit a state summary report on line of credit obligations to the National Office weekly.

**§ 1845.41 County Office file.**

Since the lender has responsibility for making and servicing EL guarantees, the County Office is not expected to maintain

complete case files on them. However, the County Office file on each case should contain material such as originals or copies of forms and other material issued or received by the County Office in connection with the case.

Dated: July 14, 1975.

FRANK B. ELLIOTT,
*Administrator,*
*Farmers Home Administration.*

[FR Doc.75-18747 Filed 7-21-75;8:45 am]

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## Title 14—Aeronautics and Space

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

[Airspace Docket No. 75-CE-4]

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

### Alteration of Transition Area

On Page 20107 of the FEDERAL REGISTER dated May 8, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Wichita, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 9, 1975.

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

Issued in Kansas City, Missouri, on July 3, 1975.

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

In § 71.181 (40 FR 441), the following transition area is amended to read:

WICHITA, KANSAS

That airspace extending upward from 700 feet above the surface within 8.5 mile radius of the Wichita, Kansas Municipal Airport (latitude 37°39'09" N., longitude 95°25'47" W.); and from 9.5 miles west of the LOC (BC) to Runway 1L, extending from 8.5 miles to 15 miles south of the airport to 4.5 miles east of the LOC (FC) to Runway 1R to 6.5 miles east of the 176° radial of the Wichita, Kansas VORTAC facility, extending from the 8.5 mile radius to 15 miles south of the airport; within 8.5 radius of the McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); and 2 miles each side of the McConnell AFB ILS localizer south course, extending from the 8.5 mile radius to 8 miles south of the OM; within a 5-mile radius of the Comotara Airpark (latitude 37°44'45" N., longitude 97°13'20" W.); and within 2 miles each side of the 344° bearing from the Comotara Airpark extending from the 5-mile radius to 6 miles north and within 3 miles each side of the 083° bearing from the Comotara Airpark extending from the 5-mile radius to 5.5 miles east of the Comotara Airpark; within a 5-mile radius of the Augusta, Kansas Airport (latitude 37°40'21" N., longitude 97°04'38" W.)

[FR Doc.75-18899 Filed 7-21-75;8:45 am]

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[Airspace Docket No. 75-CE-5]

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

### Designation of Transition Area

On Page 21485 of the FEDERAL REGISTER dated May 16, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Neodesha, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 9, 1975.

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

Issued in Kansas City, Missouri, on June 3, 1975.

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

In § 71.181 (40 FR 441), the following transition area is added:

NEODESHA, KANSAS

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Neodesha, Kansas Municipal Airport, excluding that portion which coincides with the Parsons, Kansas transition area.

[FR Doc.75-18900 Filed 7-21-75;8:45 am]

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[Airspace Docket No. 75-WA-12]

## PART 73—SPECIAL USE AIRSPACE

### Alteration of Temporary Restricted Areas

On May 30, 1975, Airspace Docket No. 75-SW-10 was published in the FEDERAL REGISTER (40 F.R. 23457) amending Part 73 of the Federal Aviation Regulations effective August 14, 1975, to designate Temporary Restricted Areas R-6315A, R-6315B and R-6315C for a joint military exercise BRAVE SHIELD XII. A time of designation of continuous, 0001 CDT, August 21 through 2400 CDT, August 24, 1975, was then assigned to the temporary restricted areas. Subsequently, however, it was determined that the airborne operations scheduled for BRAVE SHIELD XII during August 18, 19 and 20, 1975, will be sufficiently hazardous to other aircraft to warrant containment within restricted airspace. Therefore, on June 18, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 F.R. 25688) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would extend the time of designation for R-6315 A, B and C to include 0600-1800 CDT, daily, August 18, 19 and 20, 1975.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0902 G.m.t., August 14, 1975, as hereinafter set forth.

In § 73.63 (40 FR 694, 23457).

1. The time of designation for Temporary Restricted Area R-6315A Brave Shield XII, Tex., is changed to read as follows:

Time of designation. 0600-1800 CDT, Daily, August 18 through August 20, 1975. Continuous 0001 CDT August 21 through 2400 CDT, August 24, 1975.

2. The time of designation for Temporary Restricted Area R-6315B Brave Shield, XII, Tex., is changed to read as follows:

Time of designation. 0600-1800 CDT, Daily, August 18 through August 20, 1975. Continuous 0001 CDT August 21 through 2400 CDT, August 24, 1975.

3. The time of designation for Temporary Restricted Area R-6315C Brave Shield XII, Tex., is changed to read as follows:

Time of designation. 0600-1800 CDT, Daily, August 18 through August 20, 1975. Continuous 0001 CDT August 21 through 2400 CDT, August 24, 1975.

As stated in the original Notice, the users of Temporary Restricted Areas R-6315A, R-6315B and R-6315C understand that they are obligated to observe the minimum safe altitudes prescribed in § 91.79 of the Federal Aviation Regulations that are applicable for the protection of persons and property on the surface.

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

Issued in Washington, D.C., on July 16, 1975.

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

[FR Doc.75-18898 Filed 7-21-75;8:45 am]

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[Airspace Docket No. 75-SW-42]

## PART 73—SPECIAL USE AIRSPACE

### Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of Restricted Areas R-5104A Melrose, N. Mex., and R-5104B Melrose, N. Mex.

The revised boundary descriptions are being made at the request of the Department of the Air Force to more accurately define the areas actually required for using agency activities conducted within R-5104A and R-5104B.

Since this amendment relieves a restriction and is minor in nature, notice

and public procedure thereon are unnecessary. Also, as it is essential to return the airspace to the public as soon as possible, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective July 22, 1975, as hereinafter set forth.

In § 73.51 (40 FR 684) the boundary descriptions for Restricted Areas R-5104A and R-5104B are amended to read as follows:

1. R-5104A Melrose, N. Mex.
Boundaries.
Beginning at Lat. 34°28'00" N., Long. 103°-43'15" W., to Lat. 34°25'25" N., Long. 103°-40'00" W., to Lat. 34°14'30" N., Long. 103°-40'00" W., to Lat. 34°10'00" N., Long. 103°-46'00" W., to Lat. 34°10'00" N., Long. 103°-55'00" W., to Lat. 34°28'00" N., Long. 103°-55'00" W., to point of beginning.

2. R-5104B Melrose, N. Mex.
Boundaries.
Beginning at Lat. 34°28'00" N., Long. 103°-43'15" W., to Lat. 34°25'25" N., Long. 103°-40'00" W., to Lat. 34°14'30" N., Long. 103°-40'00" W., to Lat. 34°10'00" N., Long. 103°-46'00" W., to Lat. 34°10'00" N., Long. 103°-55'00" W., to Lat. 34°28'00" N., Long. 103°-55'00" W., to point of beginning.

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

Issued in Washington, D.C., on July 16, 1975.

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

[FR Doc.75-18901 Filed 7-21-75;8:45 am]

## CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-917, Consolidation, Recodification and Revision of Part 296]

## PART 296—CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATION

*Correction*

In FR Doc 75-17405 appearing at page 28079 in the issue of Thursday, July 3, 1975 the fourth line of § 296.83(a)(4) appearing at page 28086 should be corrected to read "motor carrier or railroad carrier or via in-".

## Title 17—Commodity and Securities Exchanges

## CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-11424; File No. S7-541]

## PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

## PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

### Registration as a Broker-Dealer or an Associated Person

The Securities and Exchange Commission today announced adoption of Form U-3, a uniform application for registration as a broker-dealer under Section 15(b) of the Securities Exchange Act of 1934 (the "Act") and for the amendment of such registration. Form U-3 replaces present Form BD (17 CFR 249.501), but the designation "Form BD" is retained and the Form is so referred to hereinafter. The Commission also announced adoption of Form U-4, a uniform application for registration of associated persons. Form U-4 replaces Form SECO-2 (17 CFR 249.502).

In addition; Rule 15b3-1 (17 CFR 240.-15b3-1) has been amended to provide that, after the effective date, each registered broker or dealer is required to file new Form BD (that is, Form U-3 as adopted) furnishing all information required therein at such time as the broker's or dealer's registration presently on file requires amendment. In any case a new Form BD must be filed within 120 days after the effective date of the amendment to Rule 15b3-1.

Paragraph (a)(3) of Rule 15b8-1 (17 CFR 240.15b8-1) has been amended to provide that, after the effective date, each nonmember broker or dealer is required to file a Form U-4 when the information contained in any Form SECO-2, currently on file on behalf of any associated person, becomes inaccurate or incomplete for any reason. Form U-4 does not have to be filed for all associated persons within a specific time frame. The procedures for amending Form U-4 under Rule 15b8-1 as proposed have been revised somewhat.[1]

*Introduction*—The securities industry has recognized the need for uniform forms for a number of years. Efforts to develop a uniform application for registration as a broker-dealer began as early as 1967 when, in Securities Exchange Act Release No. 8125 (July 18, 1967, 32 F.R. 10984), the Commission announced major revisions of Form BD.[2]

The current impetus for development of uniform forms came in September, 1972, when the Commission appointed three advisory committes to undertake a comprehensive review of the reports and other paperwork requirements incident to rules of the Commission and those of the self-regulatory organizations in the securities industry. One of these committees, the SEC Advisory Committee on Broker-Dealer Reports and Registration Requirements, was asked to direct its attention to the reporting requirements of registered brokers and dealers. In December, 1972, the Committee presented its Study to the Commission ("Advisory Committee Study"). The Advisory Committee Study concluded that,

[T]he present regulatory reports submitted by broker-dealers require duplication of efforts by firms and regulators. This is wasteful without necessarily serving the public interest.

In 1972, after the Advisory Committee Study was presented, a Committee of the North American Securities Administrators ("NASA," the organization of state securities administrators) renewed active development of Form U-3 and invited Commission and industry participation.

Form U-4 developed from a concurrent effort directed principally by the New York Stock Exchange, Inc. ("NYSE"), the National Association of Securities Dealers, Inc. ("NASD"), and other self-regulatory organizations. A number of other entities, including the NASA and the Commission, also contributed to the development of the Form.

In January, 1974, the Commission announced a program of implementation regarding the Advisory Committee Study. The release setting forth the program stated,

The Commission believes that the development and implementation of . . . uniform forms on a wide scale would be significant in enhancing the flow within the securities industry of information needed for regulatory purposes while at the same time alleviating a substantial and particularly duplicative paperwork burden imposed on broker-dealers registered with more than one organization or state.[3]

Subsequently, the forms were considered by the SEC Report Coordinating Group (Advisory), an advisory committee charged with reviewing forms and reports required of broker-dealers by the Commission and the self-regulatory organizations. The Report Coordinating Group adopted the following resolution:

Resolved that the SEC Report Coordinating Group recommends that the Securities and Exchange Commission publish for comment as proposed forms the Form U-3 to replace the Form BD and the Form U-4 to replace the SECO-2 Form, and that the Commission urge the states and the self-regulatory organizations to adopt said Form U-3 and Form U-4.

The NASA has advised the Commission that as of this time approximately 45 states have expressed approval of new Form BD. The NASD has similarly indicated that it will use new Form BD.

The Commission understands that all of the national securities exchanges, approximately 45 states and the NASD have expressed approval of Form U-4.

Accordingly, the Commission has adopted these forms.[4]

[1] Form U-3 (i.e. new Form BD), Form U-4, and the amendments to Rules 15b3-1 and 15b8-1 were proposed in Securities Exchange Act Release No. 11135, December 13, 1974, 39 F.R. 45382.

[2] It was hoped that revised Form BD would be adopted by the states and the self-regulatory organizations as well as the Commission, but unfortunately Form BD did not achieve wide acceptance. Since that time, despite periodic efforts, uniformity has not been achieved. Forms U-3 and U-4, however, have been accepted by a substantial number of organizations and states.

[3] Securities Exchange Act Release No. 10612 (Securities Investor Protection Act of 1970 Release No. 9), January 24, 1974, 39 F.R. 5204.

[4] The Securities Acts Amendments of 1975 (P.L. 94-29) were signed into law by the President on June 4, 1975. The forms may be subject to modification in order to conform to applicable provisions of P.L. 94-29.

*Form BD*—New Form BD is the product of a significant joint effort over the past two years on the part of the NASA, representatives of the securities industry and the self-regulatory organizations, and members of the Commission's staff. In general, the structure of new Form BD is similar to current Form BD. The scope of the questions has been expanded. While the Commission believes that the Form will provide a more comprehensive picture of the applicant or registrant, the Form is not significantly longer than current Form BD.

It is important to note that only the substantive wording of new Form BD has been adopted. The Commission is preparing a format for the Form and would appreciate the comments of interested persons on the appropriate format. In order to allow completion of this format and printing, new Form BD will not be put into service until October 1, 1975.[5]

Several significant changes have been made in the Form as adopted based upon the comments of interested persons on the proposed Form.

Some commentators suggested that Questions 10(a)(i) and 10(a)(iv) were overly broad and might encompass matters wholly unrelated to the safe operation of the securities business such as revocation of a driver's license. Similarly, Question 10(a)(xii) was criticized as covering matters not necessarily within the scope of information needed by the Commission for regulatory purposes.

Accordingly, Questions 10(a)(i) and 10(a)(iv) (relating to material misstatements and certain violations of the securities laws, respectively) have been limited to situations where the person has been found to have committed the act or violation by a state or the Federal government or an agency thereof and only in relation to the securities laws of that state or the Federal government.

Question 10(b)(i), the comparable question relating to commodities, has been similarly modified to limit the question to findings by a governmental authority.

Question 10(a)(xii) dealing with certain penalties for violations of standards of professional conduct has been deleted because the question was deemed to be too wide-ranging without a sufficient counterbalancing regulatory purpose. This is particularly so in view of the fact that Form U–4, which will be used by the self-regulatory organizations and SECO, requests information generally covering such problems.

In the Schedules, it was noted that the provision of Schedule A requiring officers, directors, and certain shareholders to disclose the exact percentage of their ownership was unnecessarily specific and would frequently require the computation of minute fractional interests. The same comment was made in regard to Schedule B for partnership interests. It was suggested that general categories indicating a range of ownership be inserted as is done in current Form BD.[6]

The Schedules have been modified to indicate ranges of ownership, but these have been altered from current Schedules A and B to more closely reflect the regulatory and enforcement needs of the Commission. For example, persons with a 5% or greater ownership interest in a brokerage firm have a more restricted status than ordinary customers in the event of the liquidation of that firm under the Securities Investor Protection Act of 1970 (15 USC 78aaa). Thus, the Schedules would now allow identification of such persons.

In Schedule D, the Form as proposed required a manual signature and notarization of the individual or person for whom the Schedule was submitted. It was suggested that this would create a serious burden for broker-dealers with large numbers of officers and directors registered in various states. In view of the fact that the entire Form is signed, certified and notarized by a principal officer, general partner or managing agent, the additional signature on Schedule D has been eliminated. As a result, a broker-dealer registering with the Commission and in a number of states could make mechanical reproductions of the entire Form completing only Item 1 for each individual agency, jurisdiction or organization and signing Item 4.[7] In addition, a Schedule F would have to be separately prepared for each state.

Finally, as with current Form BD, a warning regarding intentional misstatements and certain other matters and notice that the Form must be kept current is printed in the left-hand margin. It is anticipated that this would appear on every page.

*FORM U–4*—Form U–4, as noted, replaces Form SECO–2. Form SECO–2 was adopted in September 1965 pursuant to Rule 15b8–1 (Securities Exchange Act Release No. 7697, 30 F.R. 11676).

Like Form SECO–2, Form U–4 is in two parts. The first is to be completed by the broker-dealer with which the applicant will be associated. It contains general information regarding the organizations and states with which the associated person is to be registered and the identity of the prospective employer. It indicates the capacity in which the applicant will be employed. It also contains a certification that the prospective employer has made a due and diligent inquiry into the background of the applicant.

The second part, to be completed by the applicant, contains information concerning the person's educational background and business associations; a series of questions concerning any disciplinary proceedings or court actions brought against him; and certain information about criminal convictions. Form U–4 also requests information as to whether the applicant has taken and passed qualifying examinations.

While Form U–4 is longer than Form SECO–2, the Commission believes the additional information is both necessary and appropriate.

Several changes should be noted, however. Item 12 has been modified. Item 12 requires the broker-dealer firm to certify that it has made due and diligent inquiry into the applicant's background and that the applicant is qualified to undertake the position for which he is applying. The certification as proposed contained a sentence, required by certain states, that the acts, omissions, or misstatements of the employee would be considered the acts, omissions, or misstatements of the firm and be binding on the firm. Since the statement is required by only a few states, the sentence has been moved to the state supplemental information sheet, where it will be submitted only to those states which require it.[8]

Questions 26 and 51 of Form U–4 require significant supplemental information to be submitted to verify the background of the applicant. As Form U–4 was proposed, this supplemental information would not be required for NASD purposes. The Commission has concluded that such supplemental information is not necessary for SECO purposes either, and in some cases may not be appropriate to meet the Commission's regulatory needs. Accordingly, this supplemental information will not be required for associated persons of SECO broker-dealers.

Questions 52 and 53 of Form U–4 request information about certain criminal convictions the applicant may have on his record. Information about arrest, indictment, and conviction records of associated persons is required to be kept by broker-dealers under Rule 17a–3(a)(12)(A)(8) (17 CFR 240.17a–3(a)(12)(i)(h)) under the Securities Exchange Act of 1934. This requirement is satisfied if the broker-dealer submits an application or questionnaire concerning the associated person which contains the required information to a self-regulatory organization and retains a complete copy in his records. Form U–4 would, in general, serve as the application or questionnaire.

Rule 17a–3(a)(12)(A)(8) has been proposed for amendment to eliminate certain information now required (Securities Exchange Act Release No. 11402, May 7, 1975, 40 F.R. 21498). It is anticipated that Questions 52 and 53 would be modified to follow the language in the rule. Accordingly, the precise wording of these questions has not been finalized at this time.

In other material respects, Form U–4 as adopted is comparable to the Form as proposed except for wording changes designed to make the Form clearer.

*Rule 15b3–1*—Rule 15b3–1 has been amended as proposed. The purpose of the amendment is to require every broker or dealer whose registration is effective, or who has an application for registration pending on the date on which the

[5] See note 9, *infra*.

[6] Current Form BD is divided into the following categories: 0 to 10; above 10 to 25; above 25 to 50; above 50 to 75; and above 75 to 100.

[7] In printed format it is anticipated that both Item 1 and Item 4 would be on page 1.

[8] It is the Commission's understanding that approximately 10 states require this. In regard to the liability of a broker-dealer for the acts of its agents, see, *inter alia*, Securities and Exchange Commission v. Management Dynamics, Inc., 2d Cir. No. 74–1680 (March 18, 1975).

amendment becomes effective, to file a complete new Form BD the first time an amendment to the Form BD currently on file otherwise is required, but in no event later than 120 days after the effective date. The effective date for Rule 15b3–1 and new Form BD is October 1, 1975.[9]

*Rule 15b8–1*—The purpose of the amendment to Rule 15b8–1 is to require each nonmember broker or dealer to file a new Form U–4 for each associated person whenever the Form SECO–2 currently on file for such person becomes inaccurate or incomplete for any reason.

The Rule, as proposed, would also have required a nonmember broker-dealer to update Form U–4 by filing a complete new Form U–4 whenever the information in Form U–4 already on file on behalf of as associated person became inaccurate or incomplete for any reason. Because of the greater length of Form U–4, several commentators suggested that refiling a complete new Form for each update would be unnecessarily burdensome.

The Commission has modified Rule 15b8–1 so that amendments to Form U–4 can be submitted by letter. The letter must state clearly the associated person on whose behalf it is being filed, the exact identification by number of the item(s) being changed, and the new information submitted.

It should be carefully noted that this does not change the obligation of each nonmember broker or dealer to file a Form U–4 to replace each Form SECO–2 currently on file for any associated person when the information on such Form SECO–2 becomes inaccurate or incomplete for any reason. A new Form U–4 will not have to be filed to replace a Form SECO–2 within any specified time period, however. The effective date for amended Rule 15b8–1 and Form U–4 is October 1, 1975.[10]

*Statutory Authority*—The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, hereby amends Parts 240 and 249 of Chapter II of Title 17 of the Code of Federal Regulations by adopting revised Form BD and Form U–4 and the related rule changes. Revised Form BD and new Form U–4 are adopted pursuant to Sections 15(b), 17(a) and 23(a) of the Securities Exchange Act of 1934. The amendments to Section 240.–15b3–1, Section 240.15b8–1 and Section 249.502 of Chapter II of Title 17 of the Code of Federal Regulations are adopted pursuant to Sections 15(b), 17(a) and 23(a) of the Securities Exchange Act of 1934. Revised Form BD and amended Rule 15b3–1 are effective October 1, 1975; new Form U–4 and amended Rule 15b8–1 are effective October 1, 1975.

The text of amended paragraph (a) of Rule 15b3–1 (17 CFR 240.15b3–1) is as follows:

**§ 240.15b3–1. Amendments to application.**

(a) Every broker or dealer whose registration is effective or whose application for registration is pending on October 1, 1975, shall file as an amendment to the application a complete Form BD (§ 249.–501 of this chapter, as revised April 16, 1975). This shall be filed the first time an amendment is required to be filed under paragraph (b) of this section, but in no event later than 120 days after October 1, 1975.

* * * * *

The text of amended paragraph (a) (3) of Rule 15b8–1 (17 CFR 240.15b8–1) is as follows:

**§ 240.15b8–1. Qualifications and fees relating to brokers or dealers who are not members of a national securities association.**

* * * * *

(3) Such nonmember broker or dealer shall file promptly, in writing, information making accurate or complete a Form U–4 (§ 249.502 of this chapter, as revised April 16, 1975) filed after October 1, 1975, on behalf of any associated person, whenever the information filed previously on behalf of such associated person is or becomes inaccurate or incomplete for any reason. This information may be in letter form and must be signed by a principal officer, partner, sole proprietor, or managing agent as appropriate. A nonmember broker or dealer who prior to October 1, 1975, filed a Form SECO–2 (§ 249.502 of this chapter) on behalf of any associated person shall file promptly a complete Form U–4 (§ 249.502 of this chapter, as revised April 16, 1975) for such associated person when the information contained in the Form SECO–2 (§ 249.502 of this Chapter) is or becomes inaccurate or incomplete for any reason.

The heading of Section 249.502 (17 CFR 249.502) is amended as follows:

**§ 249.502. Form U–4, personnel form, to be filed by registered brokers or dealers not members of a registered national securities association, for associated persons of such brokers and dealers.**

* * * * *

(Sec. 15(b), 48 Stat. 895, as amended, 15 USC 78o(b); Sec. 17(a), 48 Stat. 897, as amended, 15 USC 78q(a); Sec. 23(a), 48 Stat. 801, as amended 15 USC 78w(a)).

*Conclusion*—Interested persons may submit their comments on the appropriate formating for Form BD in writing by August 11, 1975,[11] to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should bear File No. S7–541 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

MAY 16, 1975.

[FR Doc.75–18892 Filed 7–21–75;8:45 am]

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[Rel. No. 34–11530; File No. S7–541]

## PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

## PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

### Registration as a Broker-Dealer or an Associated Person

The Securities and Exchange Commission today announced the postponement of the effective date of revised Form BD (previously designated Form U–3) from August 1, 1975, to October 1, 1975. In this regard, the Commission will continue to solicit the comments of interested persons on the appropriate format of Form BD until August 11, 1975. The Commission also announced the postponement of the effective date of Form U–4 from July 15, 1975, to October 1, 1975.

In addition, technical amendments have been made to related Rules 15b3–1 (§ 240.15b3–1) and 15b8–1 (§ 240.15b8–1) under the Securities Exchange Act of 1934 ("the Act") to reflect the new effective date of Forms BD and U–4, respectively. The effective date of Rule 15b3–1, as amended, has been postponed from August 1, 1975, to October 1, 1975, and the effective date of Rule 15b8–1, as amended, has been postponed from July 15, 1975, to October 1, 1975.

Form BD has been modified in several places to reflect changes effected in the Act by the Securities Acts Amendments of 1975 ("1975 Amendments") (Pub. L. 94–29). Finally, technical amendments have been made in Rules 15b8–1 and 15b9–1 (§ 240.15b9–1) under the Act to substitute references to new Form U–4 for certain references to current Form SECO–2 (§ 249.502 of this chapter).

*Discussion*—In Securities Exchange Act Release No. 11424, May 16, 1975,[1] the Commission announced the adoption of Form U–3, now designated Form BD, and the amendment of related Rule 15b3–1 under the Act and the adoption of Form U–4 and the amendment of related Rule 15b8–1 under the Act. In addition the Commission solicited comments on the appropriate format for revised Form BD.

Form BD is a uniform application for registration, and amendment of such application, as a broker-dealer under Section 15(b) of the Act. Form U–4 is a uniform application for registration of associated persons of broker-dealers. Form BD will be used by approximately 45 states and the National Association of Securities Dealers, Inc. ("NASD"). Form U–4 will likewise be used by approxi-

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[9] The original effective date of August 1, 1975, was postponed to October 1, 1975, in Securities Exchange Act Release No. 11530, July 10, 1975, ____ F.R. _____.

[10] The original effective date of July 15, 1975, was postponed to October 1, 1975, in Securities Exchange Act Release No. 11530, July 10, 1975, appearing in the Rules and Regulations section of this issue.

[11] The original period for comment ending June 16, 1975, was extended to August 11, 1975, in Securities Exchange Act Release No. 11530, July 10, 1975, appearing in the Rules and Regulations section of this issue.

[1] See FR Doc. 18892 appearing in the rules and regulations section of this issue.

mately 45 states, as well as by the national securities exchanges and the NASD. Rules 15b3–1 and 15b8–1 under the Act were amended to require the filing with the Commission of Forms BD and U–4, respectively, under specified circumstances.

The recent enactment of the 1975 Amendments, signed by the President on June 4, 1975, has made it necessary to amend revised Form BD in certain respects. Although this was anticipated in Release No. 11424 (see footnote 4 of that release), the extent of the changes could not be determined precisely until the 1975 Amendments were signed.

In general, two changes have been effected in Form BD as a result of the new legislation. Section 3(a)(39) of the Act as amended provides a list of "statutory disqualifications" for persons in regard to membership or participation in, or association with a member of, a self-regulatory organization. This list enlarges the statutory bars previously contained in the Act. Similarly, Section 15(b)(4) contains a list of offenses which may result in certain disciplinary actions being taken against a broker-dealer or any associated person has committed such offenses. The list is expanded from the offenses enumerated in Section 15(b)(5) of the Act prior to amendment. Moreover, Section 15(b)(6) of the Act as amended extends to associated persons liability to disciplinary action for commission of such offenses. Accordingly, these disqualifications and offenses have been incorporated into Question 10(a) of Form BD which requires the broker-dealer to report whether it or any associated person has been involved in specified difficulties in the securities industry. Question 10(b) regarding commodities activities has been amended to conform in certain respects.

In addition, in Question 10 and Question 14(a) the phrase "controlling or controlled by" has been augmented by the phrase "or under common control with" to track new statutory language.[18]

The Commission also has effected certain technical changes in Rules 15b8–1 and 15b9–1 in order to change certain references to Form SECO–2 to references to Form U–4.

In order to incorporate the foregoing modifications, to meet printing schedules and to assure that the broker-dealer community has a supply of the forms well ahead of the effective date, the Commission has decided to postpone the effective date of Form BD and of amended Rule 15b3–1 to October 1, 1975, and has decided to postpone the effective date of Form U–4 and of amended Rule 15b8–1 to October 1, 1975. The Commission also has decided to extend the period for the submission of comments on the formating of Form BD to August 11, 1975.

*Statutory Authority*—The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly Sections 15(b) and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby amends Parts 240 and 249 of Chapter II of Title 17 of the Code of Federal Regulations by amending revised Form BD and related Sections 240.15b3–1, 240.15b8–1 and 240.15b9–1, and postpones the effective date of revised Form BD and of Form U–4 and of the related amendments to Section 240.15b3–1 and Section 240.15b8–1 to October 1, 1975. Inasmuch as the amendments to Form BD are designed solely to conform the form to legislative changes effected in the Securities Exchange Act of 1934, the Commission has concluded that notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) are unnecessary with respect to such amendments. Because the effect of the postponement of the effective dates is to postpone the time for compliance with the Rules, the Commission similarly has concluded that notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) are unnecessary with respect to such postponement. In regard to the amendments to paragraphs (a)(2) and (a)(4) of Section 240.15b8–1 and paragraph (c) of Section 240.15b9–1 the Commission finds that notice and procedure are unnecessary because of the purely technical nature of the amendments.

## Text of Amended Question 10 of Form BD

The text of amended Question 10 of Form BD (§ 249.501, as revised April 16, 1975, and as amended) is as follows:

10. (a) State whether the applicant, any person named in Items 2(a), 8 or 9, or any Schedule thereunder, or any other person directly or indirectly controlling, controlled by, or under common control with the applicant, including any employee:

(i) Has been found by the Securities and Exchange Commission or any jurisdiction willfully to have made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false and misleading with respect to any material fact, or to have omitted to state any material fact, which was required to be stated, in any application for registration or report required to be filed under the Federal securities laws or under the securities laws of any jurisdiction, or in any proceeding before the Securities and Exchange Commission or any jurisdiction relating to securities or the conduct of business as a broker-dealer or investment adviser or associated person thereof. Yes ( ) No ( )

(ii) Has been convicted within 10 years of any felony or misdemeanor (1) involving the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any such offense; (2) arising out of the conduct of the business of a broker, dealer, municipal securities dealer, investment adviser, bank, insurance company, or fiduciary; (3) involving the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds or securities; or (4) involving the violation of Section 152, 1341, 1342 or 1343 or Chapter 25 or 47 of Title 18, United States Code (concealment of assets, false oaths and claims, or bribery, in any bankruptcy proceeding; mail fraud, fraud by wire, including telephone, telegraph, radio or television; counterfeiting, forgery; fraud, false statements) or similar provisions of the Dominion of Canada; or has pleaded *nolo contendere* to any such felony or misdemeanor. Yes ( ) No ( )

(iii) Is enjoined permanently, or within the past 10 years has been enjoined temporarily, by order, judgment or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, or municipal securities dealer, or as an associated person or employee of any of the foregoing, or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security, or arising out of any securities or investment advisory activities. Yes ( ) No ( )

(iv) Has been found by the Securities and Exchange Commission or any jurisdiction or any court to have violated or to have aided, abetted, counselled, commanded, induced, or procured the violation by any other person of the Federal laws, or the laws of any jurisdiction, relating to securities or relating to the conduct of business as a broker, dealer, municipal securities dealer, or investment adviser, any rule or regulation under any of such laws, or any rule of any self-regulatory organization, or to have failed reasonably to supervise another person who committed such a violation. Yes ( ) No ( )

(v) Has been the subject of an order of the Securities and Exchange Commission entered pursuant to paragraph (6) of Section 15(b) of the Securities Exchange Act of 1934, as amended, or an order of a court or jurisdiction (or any agency thereof), barring or suspending the right of such person to be associated with a broker or dealer. Yes ( ) No ( )

(vi) Has been denied membership or registration with, or participation in, or has been suspended, revoked or expelled from membership, participation in, or registration with any self-regulatory organization; or has been suspended or barred from being associated with any member of such self-regulatory organization. Yes ( ) No ( )

(vii) Has been denied registration (license) with, or suspended, revoked or expelled from registration (license) with the Securities and Exchange Commission or any jurisdiction (or any agency thereof) as a broker, dealer, investment adviser, securities salesman, or municipal securities dealer, or has been barred from being associated with a person engaged in such business. Yes ( ) No ( )

(viii) Has been found to have been a cause of (1) the denial, suspension, or revocation of any person's membership or participation in, or registration with the Securities and Exchange Commission, any jurisdiction (or any agency thereof), or any self-regulatory organization, (2) any bar or suspension of any person from being associated with a broker, dealer, municipal securities dealer, or member of a self-regulatory organization or (3) any expulsion of any person from a

[18] In the Act as amended, Section 3(a)(18) defining "person associated with a broker or dealer" now includes not only persons controlling or controlled by the broker-dealer but persons "under common control with" the broker-dealer. Section 3(a)(21) defining "persons associated with a member" has been expanded to include the concept of control relationships which was not included in the former section. (Other changes were also effected in Sections 3(a)(18) and 3(a)(21) but are not relevant here.)

self-regulatory organization. Yes ( ) No ( )

(ix) Has associated with him any person who is known, or in the exercise of reasonable care should be known, to be a person described by Items 10(a) (v), (vi), (vii) or (viii). Yes ( ) No ( )

(x) Has willfully made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false and misleading with respect to any material fact, or has omitted to state any material fact, which was required to be stated, in any application for membership or participation in, or to become associated with a member of, a self-regulatory organization, or in any proceeding before a self-regulatory organization. Yes ( ) No ( )

(xi) Has been, within the past 10 years, the subject of any cease and desist, desist and refrain, prohibition, or similar order which was issued by the United States or any jurisdiction arising out of the conduct of the business of a broker-dealer or investment adviser. Yes ( ) No ( )

(xii) Has been associated at any time as an officer, director, general partner, or owner of 10 percentum or more of the voting securities, or has at any time directly or indirectly through agreement or otherwise exercised or had the power to exercise a controlling influence over the management or policies of, a broker or dealer which has been adjudicated bankrupt or for which a trustee has been appointed pursuant to the Securities Investor Protection Act of 1970. Yes ( ) No ( )

(xiii) Has been the subject of any order, judgment, decree or other sanction of a foreign court, foreign exchange, or foreign governmental or regulatory agency arising out of any securities or investment advisory activities. Yes ( ) No ( )

10. (b) For purposes of part (b), the terms the "Act," the "CEA," the "Secretary," the "CEC" and the "CFTC" mean, respectively, the Commodity Exchange Act, as amended, the Commodity Exchange Authority, the Secretary of Agriculture, the Commodity Exchange Commission and the Commodity Futures Trading Commission, and the terms "contract of sale," "commodity," "future delivery," "contract market," "futures commission merchant," "floor broker," commodity trading adviser," "commodity pool operator" and "national futures association" have the meanings provided in the Act. State whether the applicant, any person named in Items 2(a), 8 or 9, or any Schedule thereunder, or any person, directly or indirectly controlling, controlled by, or under common control with the applicant, including any employee:

(i) Has been found by the Secretary, the CEA, the CEC, the CFTC, or any jurisdiction to have made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false and misleading with respect to any material fact, or to have omitted to state any material fact, which was required to be stated in any application for registration or report required to be filed with the CEA, the Secretary, the CEC, the CFTC, or any jurisdiction under the Act or under the commodities laws of any jurisdiction or in any proceeding before the CEA, the Secretary, the CEC, the CFTC, or any jurisdiction. Yes ( ) No ( )

(ii) Has been convicted within 10 years of any felony or misdemeanor (1) involving the purchase or sale of contracts of sale of a commodity for future delivery; (2) arising out of the conduct of the business of a futures commission merchant, floor broker, commodity trading adviser, commodity pool operator, member of a contract market, or as a member of a national futures association; (3) involving the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds or contracts of sale of a commodity for future delivery; or has pleaded *nolo contendere* to any such felony or misdemeanor. Yes ( ) No ( )

(iii) Is enjoined permanently, or within the past ten years has been enjoined temporarily, by order, judgment, or decree of any court of the United States or any jurisdiction from acting as a futures commission merchant, floor broker, commodity trading adviser, commodity pool operator, member of a contract market or member of a national futures association, or as an associated person or employee of any of the foregoing, or from engaging in or continuing any conduct or practice in connection with the purchase or sale of contracts for future delivery of a commodity, or arising out of any commodity trading or commodity advisory activities. Yes ( ) No ( )

(iv) Has been denied registration (license) with, or suspended, revoked or expelled from registration (license) with the CEA, the Secretary, the CEC, the CFTC, any contract market, any national futures association, or any jurisdiction (or any agency thereof), or has been barred from engaging in business as a futures commission merchant, floor broker, commodity trading adviser, commodity pool operator, member of a contract market or member of a national futures association or from being associated with any person engaged in any such business. Yes ( ) No ( )

10. (c) State whether the applicant, any person named in Items 2(a), 8 or 9, or any Schedule thereunder, or any other person directly or indirectly controlling, controlled by, or under common control with the applicant, including any employee, is presently the subject of any proceedings in which an adverse decision would result in any of the foregoing questions in part (a) or (b) being answered "yes". Yes ( ) No ( )

### TEXT OF AMENDED QUESTION 14(a) OF FORM BD

The text of amended Question 14(a) of Form BD (§ 249.501, as revised April 16, 1975, and as amended) is as follows:

14. (a) Does applicant control, is applicant controlled directly or indirectly by, or is applicant under common control with any partnership, corporation, or other organization engaged in the securities or investment advisory business? If "yes," state full name and principal business address of such organization and describe the nature of control on Schedule E. Yes. ( ) No ( )

### TEXT OF AMENDED PARAGRAPH (a) OF RULE 15b3–1

The text of revised paragraph (a) of Rule 15b3–1 (§ 240.15b3–1) is as follows:

**§ 240.15b3–1. Amendments to application.**

(a) Every broker or dealer whose registration is effective, or whose application for registration is pending on October 1, 1975, shall file as an amendment to the application a complete Form BD (§ 249.501 of this chapter, as revised April 16, 1975, and as amended). This shall be filed the first time an amendment is required to be filed under paragraph (b) of this section, but in no event later than 120 days after October 1, 1975.

* * * * *

### TEXT OF AMENDED PARAGRAPHS (a)(2), (a)(3) AND (a)(4) OF RULE 15b8–1

The text of amended paragraphs (a)(2), (a)(3) and (a)(4) of Rule 15b8–1 (§ 240.15b8–1) is as follows:

**§ 240.15b8–1. Qualifications and fees relating to brokers or dealers who are not members of a national securities association.**

(a) No nonmember, broker or dealer shall effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) unless such nonmember, broker or dealer meets all of the following conditions:

* * * * *

(2) Such nonmember broker or dealer shall have filed with the Commission a Form U–4 (§ 249.502 of this chapter, as revised April 16, 1975) with respect to each associated person engaged directly or indirectly in securities activities, before such person engages in any such activities on behalf of such nonmember broker or dealer: *Provided, however,* That such nonmember broker or dealer shall file a Form U–4 (§ 249.502 of this chapter, as revised April 16, 1975).

* * * * *

(iii) Information submitted on Form U–4 (§ 249.502 of this chapter, as revised April 16, 1975) shall be maintained in a nonpublic file: *Provided, however,* That it shall be available, for official use, to any official or employee of the United States or any State; and to any other person to whom the Commission authorizes disclosure in the public interest.

(3) Such nonmember broker or dealer shall file promptly, in writing, information making accurate or complete a Form U–4 (§ 249.502 of this chapter, as revised April 16, 1975) filed after October 1, 1975, on behalf of any associated person, whenever the information filed previously on behalf of such associated person is or becomes inaccurate or incomplete for any reason. This information may be in letter form and must be signed by a principal officer, partner, sole proprietor, or managing agent as appropriate. A nonmember broker or dealer who prior to October 1, 1975, filed a Form SECO–2 (§ 249.502 of this chapter) on behalf of any associated person shall file promptly a complete Form U–4 (§ 249.502 of this chapter, as revised April 16, 1975) for such associated person when the information contained in the Form SECO–2 (§ 249.502 of this chapter) is or becomes inaccurate or incomplete for any reason.

(4) Such nonmember broker or dealer shall have filed with the Commission on or before July 31 of each year a list of associated persons with respect to whom Form U–4 (§ 249.502 of this chapter, as revised April 16, 1975) or Form SECO–2 (§ 249.502 of this chapter) has been filed with the Commission and who have ceased to be associated persons during the preceding year ending June 30.

* * * * *

TEXT OF AMENDED PARAGRAPH (c) OF RULE 15b9–1

The text of amended paragraph (c) of Rule 15b9–1 (§ 240.15b9–1) is as follows:

**§ 240.15b9–1. Initial fees for registered brokers or dealers not members of a registered national securities association and their associated persons.**

* * * * *

(c) Every nonmember broker or dealer who is required to file a Form U–4 (§ 240.502 of this chapter, as revised April 16, 1975) by Section 15b8–1 (§ 240.15b8–1 of this chapter) shall pay to the Commission the fee prescribed by the form, *Provided, however,* That no fee need be paid as to (1) any Form U–4 (§ 249.502 of this chapter, as revised April 16, 1975) filed for any associated person for whom a Form U–4 (§ 249.502 of this chapter, as revised April 16, 1975) or SECO–2 (§ 249.502 of this chapter) previously had been filed by such nonmember broker or dealer, or (2) any Form SECO-2F (§ 249.502a of this chapter) filed for any person who confines his securities activities to areas outside the United States, its territories and possessions, and who does not deal with or act for any U.S. resident or national wherever located.

* * * * *

(Sec. 15(b), 48 Stat. 895, as amended, 15 USC 78o(b); Sec. 23(a), 48 Stat. 801, as amended, 15 USC 78w(a))

*Conclusion*—Interested persons may submit their comments on the appropriate formating for Form BD in writing by August 11, 1975, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should bear File No. S7–541 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

JULY 10, 1975.

[FR Doc.75–18891 Filed 7–21–75;8:45 am]

## Title 21—Food and Drugs

### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75F–0136]

### PART 121—FOOD ADDITIVES

**Food Additives Permitted in Food for Human Consumption; Methyl Esters of Fatty Acids Produced from Edible Fats and Oils**

Notice was given by publication in the FEDERAL REGISTER of April 3, 1974 (39 FR 12151), that a food additive petition (FAP 4A2998) had been filed by Markel, Hill & Byerley, 1625 K St., NW., Washington, DC 20006, on behalf of PVO International, Inc., San Francisco, CA, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of methyl esters of fatty acids produced from edible fats and oils in dehydrating grapes to produce raisins.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, is adding § 121.1266 (21 CFR 121.1266) as set forth below to provide for use of the additive as proposed by the petitioner, effective July 22, 1975.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding § 121.1266 to Subpart D to read as follows:

**§ 121.1266 Methyl esters of fatty acids produced from edible fats and oils.**

Methyl esters of fatty acids produced from edible fats and oils may be safely used in food, subject to the following prescribed conditions:

(a) The additive consists of a mixture of methyl esters of fatty acids produced from edible fats and oils and meets the following specifications:

(1) Not less than 90 percent methyl esters of fatty acids.

(2) Not more than 1.5 percent unsaponifiable matter.

(b) The additive is used or intended for use at a level not to exceed 3 percent by weight in an aqueous emulsion in dehydrating grapes to produce raisins, whereby the residue of the additive on the raisins does not exceed 200 parts per million.

Any person who will be adversely affected by the foregoing order may at any time on or before August 21, 1975 file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.* This order shall become effective July 22, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: July 15, 1975.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.75–18895 Filed 7–21–75;8:45 am]

[Docket No. 75N–0035]

### PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

**Sterile Benzathine Penicillin G and Procaine Penicillin G Suspension**

The Commissioner of Food and Drugs has evaluated a new animal drug application (65–277V) filed by John D. Copanos & Co., Inc., Baltimore, MD 21225, proposing safe and effective use of sterile benzathine penicillin G and procaine penicillin G suspension for treatment of penicillin G-susceptible bacterial infections in horses, dogs, and beef cattle. The application is approved, effective July 22, 1975.

The Commissioner is amending Part 540 (formerly Part 135b prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) to reflect the approval as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 540 is amended in § 540.255c (formerly § 135b.43) by revising the section heading and paragraph (c)(2) to read as follows:

**§ 540.255c Sterile banzathine penicillin G and procaine penicillin G suspension.**

* * * * *

(c) * * *

(2) *Sponsor.* See Nos. 000008, 000015, 000856, and 010271 in § 510.600(c) of this chapter.

* * * * *

*Effective date.* This order shall be effective on July 22, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: July 15, 1975.

C. D. VAN HOUWELING,
*Director, Bureau of Veterinary Medicine.*

[FR Doc.75–18894 Filed 7–21–75;8:45 am]

## Title 23—Highways

### CHAPTER II—HIGHWAYS SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

### PART 1204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

**Virginia; Temporary Waiver**

**•Purpose. The purpose of this notice is to announce a partial temporary waiver of Highway Safety Program Standard No. 5, Driver Licensing, 23 CFR 1204.4, to permit the State of Virginia to conduct an experimental program pursuant to section 402(a) of the Highway Safety Act of 1966, 23 U.S.C. 402(a).•**

The requirement of Standard No. 5 for which Virginia seeks a waiver is the requirement for periodic reexamination of drivers for knowledge of the rules of the road. The intent of the requirement is to reduce accidents that may be attributable to drivers' ignorance of applicable

traffic laws. The primary objective of the program proposed by Virginia is to test the relationship between knowledge, as determined by a written test given selected applicants for license renewal, and the number of accidents, convictions, and administrative actions resulting from subsequent driving performance. Four groups of subjects will be involved in Virginia's study—a control group and three experimental groups. Applicants for license renewal in experimental group I will receive a copy of the Virginia Driver's Manual and will be encouraged to become familiar with the materials contained in the manual. They will not, however, be tested on the materials at the time of license renewal. Applicants in experimental group II will be required to complete a written test at home. Applicants in experimental group III will be required to take an examination at the time of application for renewal.

It has been determined that the public interest will be served by temporarily waiving the driver licensing standard to permit implementation of this experimental program. In consideration of the foregoing, paragraph III(B) of Highway Safety Program Standard No. 5, 23 CFR 1204.4, is hereby waived, but only to the extent that the State of Virginia may, for the period beginning immediately and ending October 1, 1977, conduct the experimental program described herein.

The National Highway Traffic Safety Administration is not by this waiver approving or authorizing any of the programs, activities, procedures, or methodologies planned or to be engaged in by the State of Virginia in connection with this waiver, or agreeing beforehand to adopt results. The Administration only agrees not to apply the periodic reexamination requirement of Standard No. 5 to the State of Virginia should it undertake to carry out the program described above.

The State has submitted to the National Highway Traffic Safety Administration a detailed plan including program design, operational methodologies, evaluation methods, and intended results of the activities to be conducted in connection with this waiver. Pursuant to its plan, the State will submit a final report explaining the results of the program and conclusions reached.

(Sec. 402(a), Highway Safety Act of 1966, (23 U.S.C. 402(a)); delegations of authority at 49 CFR 1.5, 501.8)

Issued on July 16, 1975.

FRED W. VETTER, Jr.,
*Associate Administrator,*
*Traffic Safety Programs.*

[FR Doc.75-18897 Filed 7-21-75;8:45 am]

## Title 24—Housing and Urban Development

## CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-292]

## PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

### Submission of Applications

On June 9, 1975, at 40 FR 24692, the Department revised 24 CFR Part 570 to consolidate the several changes previously made to the above Part. The regulations currently establish the dates of March 15, 1975, through May 15, 1975, for applicants to submit final applications for general purpose funds for metropolitan areas. The Department is changing the May 15, 1975, deadline to September 30, 1975.

When the regulations governing discretionary grants were first published on February 7, 1975, it was contemplated that funds would be available for discretionary grants in metropolitan areas from the Fiscal Year 1975 appropriation. The Department of Housing and Urban Development currently has on hand more than 1500 preapplications requesting $438 million for metropolitan area discretionary grants.

As a result of the Department's validation of hold harmless calculations and the unexpectedly large number of applications submitted by urban counties, however, no funds remained for discretionary grants in metropolitan areas. Consequently, the preapplications have been held on file pending resolution of the funding situation.

The Congress has now passed, and the President has signed, a Fiscal Year 1975 supplemental appropriation of $54,625,000 to be used exclusively for discretionary grants in metropolitan areas. The supplemental appropriation now makes it possible to proceed with the acceptance of final applications and the approval of discretionary grants in metropolitan areas.

Except for the extension of the deadline for receipt of final applications to September 30, 1975, the regulations governing discretionary grants remain unchanged and are applicable.

HUD will review each preapplication presently on hand and will advise each applicant of HUD's determinations on eligibility of proposed activities and the likelihood of proposed funding based on the criteria set forth in the regulations. HUD intends to complete this action by July 18, 1975. As provided in the regulations, HUD will also accept final applications from any eligible applicant, whether or not a preapplication was previously submitted.

It is necessary that this amendment take effect at the earliest possible date so that applicants can proceed with preparation of final applications within the time remaining under the extended deadline. Accordingly, the Assistant Secretary for Community Planning and Development finds good cause for foregoing the usual public comment and the notice procedure, and he further finds good cause that this amendment to the regulations should take effect on the date of publication.

In connection with the environmental review of this technical change to the final regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1 38 FR 19182. A copy of the Finding is available for public inspection in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

In view of the foregoing, 24 CFR Part 570 is amended by revising § 570.400(c)(3)(i) to read as follows:

(i) General purpose funds:

(A) For metropolitan areas—March 15, 1975 through September 30, 1975;

(B) For nonmetropolitan areas—March 15, 1975 through May 15, 1975.

(Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

*Effective date:* This amendment shall be effective July 22, 1975.

DAVID O. MEEKER, Jr.,
*Assistant Secretary for Community Planning and Development.*

[FR Doc.75-18985 Filed 7-21-75;8:45 am]

## Title 31—Money and Finance

## CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

## PART 347—REGULATIONS GOVERNING 2 PERCENT TREASURY BONDS—R.E.A. SERIES

### Public Debt Series No. 22-75: Correction

Public Debt Series No. 20-75, referred to in Part 347—Regulations Governing 2-Percent Treasury Bonds-R.E.A. Series, dated July 10, 1975 (published in FEDERAL REGISTER, Volume 40, No. 137, page 29846, dated July 16, 1975), should read "Public Debt Series No. 22-75."

Dated: July 18, 1975.

CHARLES A. GUERIN,
*Acting Chief Counsel,*
*Bureau of the Public Debt.*

[FR Doc.75-19036 Filed 7-21-75;8:45 am]

## Title 33—Navigation and Navigable Waters

## CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-022]

## PART 110—ANCHORAGE REGULATIONS

### Anchorage Grounds; Los Angeles and Long Beach Harbors, California

On February 4, 1975, there was published in the FEDERAL REGISTER (40 FR

5164), a notice of proposed rule making to terminate Quarantine Anchorage B, Los Angeles Harbor, California. Interested persons were given the opportunity to submit, not later than March 7, 1975, comments concerning the proposed termination.

No comments were received, and the proposed amendment is adopted without change, as set forth below.

Effective date. This amendment is effective on August 22, 1975.

Dated: July 16, 1975.

R. I. PRICE,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.*

Title 33 of the Code of Federal Regulations is amended by revoking paragraph (a)(2) of § 110.214 and amending paragraphs (a)(1)(ii) and (a)(3)(i) of § 110.214 to read as follows:

**§ 110.214 Los Angeles and Long Beach Harbors, Calif.**

(a) * * *
(1) * * *
(ii) Vessels requiring examination by quarantine, customs, or immigration authorities may anchor in this area.

* * * * *

(2) [Revoked]
(3) * * *
(i) In this area, the requirements of commercial vessels will predominate. Vessels requiring examination by quarantine, customs, or immigration authorities for the ports of Los Angeles or Long Beach may anchor in this area.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; (33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1)))

[FR Doc.75-18904 Filed 7-21-75;8:45 am]

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[CGD 3-75-6-R]

## PART 127—SECURITY ZONES

### Governors Island, New York

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of Buttermilk Channel, New York as a security zone. This security zone is established because of the presence of the Japanese Fishing Vessel "TOKACHI MARU" which, having been duly seized, is in the custody of the UNITED STATES OF AMERICA.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.322, to read as follows:

**§ 127.322 Buttermilk Channel, New York.**

That area of the waters of Buttermilk Channel, New York Harbor, within a 200 yard (radius) circle drawn from the center of the "Y" shaped pier on the eastern shore of Governors Island, N.Y.

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

*Effective date:* This amendment becomes effective on July 16, 1975.

Dated: July 16, 1975.

FRANK OLIVER,
*Captain, U.S. Coast Guard, Captain of the Port of New York.*

[FR Doc.75-18908 Filed 7-21-75;8:45 am]

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## Title 47—Telecommunications

## CHAPTER 1—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19417; RM-1836; FCC 75-819]

## PART 76—CABLE TELEVISION SERVICE

### Sports Programs

In the matter of amendment of Part 76 of the Commission's Rules and Regulations Relative to Cable Television Systems and the Carriage of Sports Programs on Cable Television Systems. Docket No. 19417.

Petition for rule making; amendment to Section 76 of the Commission's Rules and Regulations Relative to Cable Television Systems Filed by Channel 6, Inc., licensee of Television Broadcast Station KCEN-TV, Temple-Waco, Texas. RM-1836.

1. This proceeding was commenced in February of 1972 to determine whether regulation is needed to restrict the cable television carriage of sports events which are telecast by distant television broadcast stations.[1] Oral arguments were heard by the Commission on July 20 and 21, 1972, and additional comments were solicited in December of 1974.[2]

2. In the early stages of the Commission's regulation of cable television, comments were received suggesting that cable carriage of broadcast sports events should be treated differently than other programming presented on commercial television.[3] This follows, at least in part, from the Congressional policy established in Public Law 87-331, 15 USC 1291-5. That statute exempts the four major professional team sports from certain provisions of the anti-trust laws by permitting the pooling of team television rights by the leagues and the resulting package sale to the television networks, and by sanctioning the blackout of television broadcasts of games of the same league in the home territory of a team when it is playing at home.

3. In light of the relevant Congressional policy, the current broadcasting practices of the sports industry and the comments which have been filed in this proceeding, we have concluded that the public interest would best be served by adopting a rule prohibiting any cable television system located within the specified zone of a television broadcast station from importing, via a distant television signal, a sports event which is being played in the community of license of such station when the event is not being telecast by local television broadcast stations. We have determined that such a rule is necessary to maintain the totality of sports programming now made available to television viewers.

*Judicial, Congressional and Administrative Setting*

4. Because our decision to commence this proceeding was premised in large part on the Congressional policy established in P.L. 87-331, a discussion of the events leading up to the passage of that statute, as well as subsequent Congressional activities relevant to sports telecasts, is necessary to place the issues in their proper perspective. On October 9, 1951, the Department of Justice filed a civil suit against the National Football League (NFL) seeking an injunction against the enforcement of portions of the NFL bylaws on the ground that they represented a conspiracy in restraint of trade and therefore were illegal under the Sherman Act, 15 U.S.C.A. § 1 *et. seq.* At that time each NFL team sold the broadcast rights to all of its games subject only to the league bylaws which provided in Article X that: (1) teams were precluded from telecasting their games into the home territories of other teams on days when the other teams were playing at home; (2) teams were precluded from telecasting their games into the home territories of other teams on days when the other teams were playing away from home and permitting the telecast of their games into their home territories; (3) teams were precluded from broadcasting their games by radio into the home territories of other teams both on days when the other teams were playing at home and on days when the other teams were playing away from home and were permitting the games to be broadcast or televised into their home territories; (4) the Football Commissioner was given the power to prevent any club from televising or broadcasting any of its games.

5. The action brought by the Justice Department was decided by Judge Allan K. Grim on November 12, 1953.[4] Judge Grim concluded as to the first of the four provisions under attack that:

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[1] *Notice of Proposed Rule Making in Docket 19417*, FCC 72-109, 36 FCC 2d 641 (1972).

[2] *Further Notice of Proposed Rule Making in Docket 19417*, FCC 74-1416, 50 FCC 2d 48 (1974).

[3] These comments were received in response to the Commission's *Notice of Proposed Rule Making and Notice of Inquiry in Docket 18397*, FCC 68-1176, 15 FCC 2d 417 (1968), and *Second Further Notice of Proposed Rule Making in Docket 18397-A*, FCC 70-676, 24 FCC 2d 580 (1970). *See also*, paragraph 51, *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143, 165 (1972).

[4] *United States* v. *National Football League*, 116 F. Supp. 319 (E.D.Pa. 1953).

The purposes of the Sherman Act certainly will not be served by prohibiting the defendant clubs, particularly the weaker clubs, from protecting their home gate receipts from the disastrous financial effects of invading telecasts of outside games. . . . The League is truly a unique business enterprise, which is entitled to protect its very existence by agreeing to reasonable restrictions on its member clubs. The first type of restriction imposed by Article X is a reasonable one and a legal restraint of trade.[5]

Judge Grim was not sympathetic to the remaining three provisions of Article X, however. Finding no factual justification in the record for those provisions, Judge Grim declared them to be unreasonable, and enjoined the activities which they authorized.

6. In 1960 the newly formed American Football League (AFL) entered into a league-wide package agreement with the American Broadcasting Company (ABC), which was followed the next year by a similar agreement between CBS, Inc. (CBS) and the NFL.[6] By the terms of these agreements, the member clubs pooled the television rights to their games and authorized the leagues to sell the rights to the television networks as a package. The revenue from these league sales was to be distributed equally among the member clubs. The NFL contract permitted CBS to televise all of its games and to determine where the games would be televised.

7. Judge Grim's 1953 decree enjoined the NFL and its member clubs from making any agreement with the league or any member club ". . . having the purpose or effect of restricting the areas within which broadcasts or telecasts of games . . . may be made. . . ."[7] Following the signing of its 1961 agreement with CBS, the NFL petitioned the court for a ruling as to whether its terms were in violation of the earlier decree. Judge Grim's response was that the provision giving CBS the power to determine which games were to be telecast and where they were to be telecast was contrary to his 1953 decree and that the NFL/CBS contract could not be legally executed.[8] This rnuling, however, did not apply to the similar AFL/ABC package contract because the AFL had not been a party to Judge Grim's 1953 decree. As a result, the NFL found itself in a highly disadvantaged position.

8. The NFL immediately petitioned Congress for relief from Judge Grim's ruling. It was argued that pooled network contracts were desirable because they allowed the member teams to negotiate for the sale of television rights with a single voice and resulted in an equalization of revenue among the member teams, thereby strengthening the weaker teams which could not demand as much for their television rights as the stronger teams. Congress responded to the NFL's appeal with the Sports Broadcasting Act, Public Law 87-331,[9] which was approved on September 30, 1961. See Appendix A for the full text of Pub. L. 87-331.

9. The Act consists of three major substantive provisions. The first provision of Pub. L. 87-331 provides an exemption from the antitrust laws permitting the individual teams engaged in professional football, baseball, basketball and hockey to pool their television rights and to authorize the respective leagues to sell those rights as a package. The second provision stipulates that the anti-trust exemption afforded by the first provision shall not apply when the resulting package contracts provide for television blackouts other than in the "home territory of a member club of the league on a day when such club is playing a game at home." In other words, Congress codified that portion of Judge Grim's 1953 decision which held that home territory blackouts to protect local gate receipts were a "reasonable" restraint of trade. The final provision of P.L. 87-331, as amended by P.L. 89-800,[10] makes the anti-trust exemption of the first provision inapplicable to package agreements which permit the telecasting of football games on Friday evenings and Saturdays within 75 miles of the game site of any intercollegiate or interscholastic football contest. In effect, this provision prevents network football telecasts from competing with college and high school football games.

10. With the development of the cable television industry in the 1960's, cable television carriage of sports events became an increasingly important cause for concern to sports interests. By importing sports programming televised on distant stations—stations whose signals are not generally receivable off-the-air by non-cable subscribers—cable systems infringe upon the ability of sports teams and leagues to control the areas in which events may be viewed. For example, when the New York Mets sell the broadcast rights to their away games to television station WOR in New York, the games may also be viewed by cable television subscribers in Philadelphia where WOR is carried by the local cable television system. Thus, Mets' games are being viewed in areas outside the New York television market, a situation which may not be contemplated by the Mets/WOR contract.[11] Additionally, on days when the Philadelphia Phillies are playing the Mets at home and the Mets are televised on WOR, the home game blackout approved in Judge Grim's decision and incorporated in P.L. 87-331 is frustrated.[12]

11. In an effort to head off the growing cable television threat, sports interests appealed to both Congress and this Commission for restrictions on cable television carriage of sports events.[13] On August 5, 1971, the Commission sent a letter of intent to Congress which outlined its proposed regulatory scheme for cable television.[14] In this letter, the Commission addressed the sports carriage problem, stating:

Sports events stand on a separate footing from other programming presented on commercial television. Public Law 87-331, among other things, exempts professional sports from the anti-trust laws for the purpose of allowing professional football, baseball, basketball, and hockey to enter into pooled or league television agreements with networks, and to blackout television broadcasts of home games within the "home territory" of the team concerned. Certainly, cable systems should not be permitted to circumvent the purpose of the law by importing the signal of a station carrying the home game of a professional team if that team has elected to blackout the game in its home territory.

The Commission then went on to state that it would issue a *Notice of Proposed Rule Making* in order to ascertain the full thrust and purposes of P.L. 87-331 and how best to formulate a rule to implement those purposes.

12. On February 2, 1972, the same day that the Commission adopted its new rable television rules, a *Notice of Proposed Rule Making* was adopted which established the subject proceeding.[15] In that *Notice*, the Commission recognized the complexity of the sports carriage problem and welcomed Congressional guidance. But in the absence of such guidance, the Commission stated that it would proceed to resolve the sports question in accordance with the representations made in its "Letter of Intent."

13. In the 1972 *Notice*, the following sports carriage rule was set forth for comment:

When a professional baseball, basketball, football or hockey team is playing at home, no cable television system located within the predicted Grade B contour of a station located within the home city of the team shall, without the consent of the home team and its league, carry the television broadcast of a professional game of the same sport if such event is not available on a television station that: (a) is located within 35 miles of the reference point of the community of the system or (b) has an audience in the county or community of the system meeting the significant viewing test set

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[5] *Id.* at 326.

[6] Horowitz, *Sports Broadcasting, Government and the Sports Business*, Brookings Institution, 283 (1974).

[7] *See, United States v. National Football League*, 196 F. Supp. 445, 447 (E.D.Pa. 1961).

[8] *Id.*

[9] 15 U.S.C. §§ 1291-1295. For the legislative history of Pub. L. 87-331, *see* H.R. Rep. No. 1178, 87th Cong. 1st Sess. (1961) and S. Rep. No. 1087, 87th Cong., 1st Sess. (1961).

[10] Public Law 89-800, § 6(b)(3), Nov. 8, 1966, 80 Stat. 1515.

[11] There are some instances where cable viewing outside of the normal service area of a broadcast station is contemplated by the televising station. See comments of Station KBMA-TV, paragraph 36 *infra*.

[12] See paragraph 5, *supra*.

[13] *See*, Hochberg, "Second and Goal to Go: The Legislative Attack in the Ninety-Second Congress on Sports Broadcasting Practices," 18 *N.Y. Law Forum*, 841 (1973).

[14] The rules proposed in this letter were adopted in substantial part in the *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143 (1972).

[15] *Supra* note 1.

forth in Section 76.54 of the Commission's Rules and Regulations.[16]

This proposed rule was designed to protect the gate receipts of major professional sports teams by prohibiting the importation by cable systems of games of the same sport broadcast by distant television stations. Thus, the teams and their leagues would have been allowed to control the distant signal cable carriage of events of the same sport which might compete for audience with the playing of home games. The right to restrict such competing telecasts was considered important as well as reasonable by Judge Grim in his 1953 decision and by Congress in P.L. 87–331.

4. During the pendency of this proceeding, two significant Congressional developments have taken place which concern sports broadcasting. The first occurred in September of 1973 when Public Law 93–107 was passed by Congress. See Appendix B for the full text of P.L. 93–107. This statute amended the Communications Act[17] to make invalid any sports blackout agreement sanctioned by P.L. 87–331 which would prevent local telecasting of home games sold out 72 hours in advance of game time. Additionally, the law placed an affirmative duty on the holder of broadcast rights to such events to make the events available for local telecast on "reasonable terms and conditions."[18]

15. The second Congressional development took place during the 1974 debate over revisions to the copyright laws. The Senate Judiciary Subcommittee reported a section for inclusion in the copyright revision bill under consideration, S. 1361, which would have barred cable systems, in the absence of a negotiated copyright fee, from carrying a sporting event of an organized professional team in an area beyond the local service area of a licensed broadcaster televising the event, and within the local service area of another licensed broadcasting station which was not authorized to carry that event.[19] All other cable television signal carriage would be subject to the mandatory license provisions of the bill. This special sports provision, along with proposals for the protection of intercollegiate and interscholastic sports from the competition of distant televised professional games carried by cable television systems, was subsequently rejected by the full Senate Committee on the Judiciary. It was stated in the committee report that:

> Without prejudice to the arguments advanced in behalf of these proposals, the committee has concluded that these issues should be left to the rule making process of the Federal Communications Commission, or if a statutory resolution is deemed appropriate to legislation originating in the Committee on Commerce.[20]

The bill was then referred to the Senate Committee on Commerce which proposed an amendment directing the Commission to issue rules governing the cable television carriage of televised sports events after considering "the effect upon broadcasting, cable television, sports, the policy objectives of Public Law 87–331, and any other factors it deems appropriate."[21] This proposal was tabled by the full Senate and S. 1361 was passed without special language relating to cable television carriage of sports programming. The bill was not passed by the House of Representatives and died with the passing of the 93rd Congress.

16. In light of this Congressional activity on televised sports, the Commission issued a *Further Notice of Proposed Rule Making* in December, 1974,[22] requesting comment on what impact, if any, these activities have on the subject proceeding. Final comments and replies were due on April 22, 1975, and May 6, 1975, respectively.

*Issues to be Resolved*

17. The threshold issue to be resolved is whether discernable Congressional policy and our responsibilities under the Communications Act constitute a mandate to issue a rule governing the cable television carriage of distant signal sports programs. If this question is to be resolved in the affirmative, we must then concentrate on the particular form such a rule should take.

18. In our initial *Notice* we sought specific comment on a number of questions concerning the rule which we proposed. With regard to the Congressional intent embodied in P.L. 87–331, we stated that the Congressional policy appeared to focus on the protection of gate receipts, and we therefore drafted the proposed rule without distinguishing between teams that pool their television rights and those that do not. Comment was requested on whether the rule should apply only to those events specifically addressed in P.L. 87–331, that is, events subject to pooling agreements and sold as packages. Additionally, we asked whether the zone of protection should be defined by the Grade B contours of television stations licensed to the home city of a sports team, or whether some other standard should be used, such as a fixed mileage zone. We noted that Congress in P.L. 87–331 left the zone of protection or "home territory" to be defined by the particular sports leagues or by custom and usage.[23] A related question concerned what stations should be regarded as "distant" to the cable community and subject to the restrictions of the rule. We also sought comment on the scope of the proposed rule: should it include all professioanl sports, only the four major professional sports addressed by P.L. 87–331, only team sports, both major and minor league teams, collegiate and scholastic teams, etc.? Finally, we questioned whether it would be appropriate for us to consider broadcast revenues derived from the sale of games and the effects that unrestricted cable television distant signal sports carriage might have on these revenues.

19. In our *Further Notice* of December, 1974, we directed attention to the Congressional developments discussed in the preceding section. Specifically, we invited comment on whether the passage of P.L. 93–107 and the debate attendant to the Senate copyright revision bill represented expressions of policy instructive to the Commission with regard to the matters to be decided in this proceeding. We also posed two additional questions concerning the proposed rule. We asked whether the proposed prohibition against the importation of games of the same sport should be modified to prohibit the importation of games of the same league, or of only the same game. Secondly, we asked what impact, if any, would adoption of a sports blackout rule have on cable television systems when taken in conjunction with the Commission's other carriage and program exclusivity regulations.

*Discussion of Comments*

20. Over 100 comments and reply comments have been filed in response to the two notices of rule making in this proceeding. In the discussion which follows, the major arguments propounded by the various parties are briefly stated. Although only a few of the comments are specifically referred to, all of the comments have been carefully examined and the individual views presented have received all due consideration.

21. As our notices in this proceeding indicate, our primary focus concerns the question of whether regulation of cable television sports carriage is appropriate in light of established Congressional sports broadcasting policy. Therefore, we must attempt to discern precisely what that policy is and how it should

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[16] We also requested comment on the following rule proposed by television broadcast stations KCEN–TV, Temple-Waco, Texas, and KLTV, Tyler, Texas: Whenever carriage of a sporting event is "blacked-out" to a television broadcast station either by the promoters of the event or by the network with which the station is affiliated, such sporting event shall not be carried by any CATV system operating in the whole or in part within the predicted Grade B contour of said "blacked-out" station.

[17] 47 U.S.C. 331.

[18] For the legislative history of P.L. 93–107, see Evaluation of the Necessity for Television Blackouts of Professional Sporting Events, Report by the Special Subcommittee on Investigations of the Committee on Commerce, 93rd Congress, 1st Sess. (1973), TV Blackout—Professional Sports, S. Rep. No. 93–347, 93rd Cong., 1st Sess. (1973), and, generally, Sooshan, "Confrontation with Congress: Professional Sports and the Television Anti-blackout Law," 25 *Syracuse Law Review* 733 (1974).

[19] *See*, S. Rep. No. 93–1035, 93rd Cong., 2d Sess. at 67–68 (1974).

[20] S. Rep. No. 93–983, 93rd Cong., 2d Sess. at 132 (1974).

[21] *Supra*, note 19 at 69. The language of the proposed amendment was provided by the Commission at the request of the Senate Committee on Commerce.

[22] *Supra*, note 2.

[23] *See*, H.R. Rep. 1178, 87th Cong., 1st Sess. 5 (1961).

be applied to cable television operations.

22. Congressional sports broadcasting policy is embodied principally in the legislative history accompanying the two statutes which Congress has passed to govern sports telecasts—P.L. 87–331 and P.L. 93–107. The debate over proposed copyright legislation is also instructive, although no majority expression concerning the substance of the cable television sports carriage question was ever achieved.

23. The comments in this proceeding reflect widely divergent views as to the policy underlying P.L. 87–331. The narrow view is that Congress, in passing P.L. 87–331, merely wanted to place the NFL on an equal footing with the AFL by allowing the NFL to pool its television rights as was already being done by the AFL. Having accomplished this end in the first provision of the statute, Congress then made it clear in the second provision that television blackouts were not to be extended further than what Judge Grim considered to be reasonable in his 1953 decision. Finally, Section 3 of P.L. 87–331 and its progeny were added to protect intercollegiate and interscholastic football contests from competing professional football telecasts.[24] The comments from cable television interests generally conclude that this is the extent of Congressional policy and that nothing in P.L. 87–331 can be regarded as Congressional intent to protect professional sports from the impact of cable television operations.

24. Proponents of a more expansive view of P.L. 87–331 argue that Congressional policy goes far beyond the desire to place the NFL on an equal footing with the AFL, although this was certainly the proximate cause for Congress' 1961 expression. The policy of P.L. 87–331, it is argued, was to "grant the four major professional sports leagues antitrust exemptions so that all the teams of each league could act jointly in the sale of their television rights for the purpose of re-establishing control over their own patterns of telecasts." [25] Advocates of this view contend that P.L. 87–331 can be regarded as a Congressional mandate to afford protection not only to the gate receipts of professional sports teams, but also to the value of their television packages.

25. Interpretations as to the Congressional policy underlying P.L. 93–107 also vary widely in scope. Those who view P.L. 87–331 as Congressional intent to give professional sports teams and their leagues absolute control over their telecasts argue that the same policy was confirmed in P.L. 93–107, except for the one limited situation when pooled games are sold out 72 hours prior to their scheduled occurrence. In such instances, Congress directed that the games should be made available for local telecasting. It is clear from the legislative history of P.L. 93–107 that the attention of Congress was focused on professional football where all regular season games are pooled for network telecasts and where all of them were being blacked out locally prior to 1973 even though they were sold out long in advance.[26] It is argued, that the fact that the anti-blackout provision was narrowly applied, points out that Congress' concern was limited to the public's criticism of football blackouts, and was not meant to reverse to policy established in P.L. 87–331.

26. Cable television interests find in P.L. 93–107 Congressional intent to reduce the favored position given professional sports when P.L. 87–331 gave them an anti-trust exemption so they could pool their television rights. It is argued that P.L. 93–107 represents a clear expression of policy to reduce the sports leagues' control over telecasts and to expand the number of events offered to television viewers. Since cable television offers additional viewing choices, it is argued that any rule which would reduce the cable television carriage of sports events would be contrary to the policy of P.L. 93–107.

27. This view is supported, it is argued, by the Senate debate in connection with the copyright revision bill. The Senate refusal to include a cable television sports carriage restriction in S. 1361, or even to direct the Commission to consider such a restriction, is regarded by cable television interests as clear and convincing evidence that Congressional policy does not favor restrictions on cable television sports carriage. Proponents of a sports carriage restriction find no such expression of Congressional intent. They state that the debate over S. 1361 merely indicates that a majority of the Senate felt that the proposed cable restriction was not germane to general copyright legislation and that the issue should be taken up separately.

28. Apart from these expressions of Congressional policy, sports and broadcast interest argue that restrictions on the cable television carriage of distant signal sports events are warranted on the basis of the Commission's own communications policies. The Commission has just recently issued elaborate rules to prevent the "siphoning" of sports events from conventional television to subscription or "pay" television.[27] The Commission determined that the public's ability to view sports events on conventional television should not be diminished as a result of subscription operations. It is argued that the public interest in viewing sports events over conventional television is also jeopardized by unrestricted cable television importation of sports events broadcast by distant television stations.

29. Except when control over its television rights is relinquished to the league for pooling, each sports team is able to sell the broadcast rights to its games to a local television station or a regional network of television stations. These stations become the exclusive outlet for the team's telecasts, apart from when a game is televised nationally pursuant to a pooled network agreement. To preserve each team's viewing audience, teams within a particular league generally do not sell the television rights to their games to stations in another team's home territory.[28] Thus, a game being televised in the home territory does not have to compete for audience with other games being played in the league.[29] Even when there are national network telecasts, the local team's telecast must only compete with the national telecast, and this competition may be averted by scheduling the local team's game at a different time than the game to be televised nationally.[30]

30. It is claimed by sports and broadcast interests that cable television systems disrupt this marketing pattern by removing from the sports team or league control over where its games are to be viewed on television. The result is that a New York Yankee game sold for exclusive broadcast in New York may be carried by a cable system in Philadelphia via the distant New York signal. If a Philadelphia Phillies game is being televised locally at the same time, cable subscribers may choose to watch the Yankee game instead of the Phillies game. Even if the Phillies game is not to be televised the same day as the Yankee telecast, cable subscribers who watched the Yankee game may be "saturated" with baseball and choose not to watch the next Phillies game which is telecast.

31. When cable television expands the choices for the viewing of sports on television, the audience for local telecasts may be fractionalized. With fewer people watching the local telecast, local advertisers will pay less for the right to sponsor the local team's telecast, resulting in less revenue for the broadcaster who in turn will pay less for the television rights to the game. Thus, the value of the sports team's television package, which for the

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[24] *See*, Comments of the Philadelphia 76ers and Milwaukee Bucks, pp. 12–26, and Further Comments of the National Cable Television Association, Inc., pp. 5–9.

[25] Reply Comments of the National Association of Broadcasters, p. 2 (1975).

[26] *Supra*, note 18.

[27] *First Report and Order in Docket 19554*, FCC 75–369, 52 FCC 2d 1 (1975).

[28] Some regional television networks do overlap. For instance, Chicago Cubs games are televised by WMTV, Madison, Wiscopsin, and Milwaukee Brewers games are televised by WKOW, also of Madison. Therefore, Cubs and Brewers telecasts compete against one another in Madison, but not in Chicago or Milwaukee.

[29] In two-team markets, such as Los Angeles where the Dodgers and Angels baseball clubs are located, the playing schedule is arranged so that when one club is playing at home, the other club is playing away. Thus, the Dodgers away game telecasts in Los Angeles do not have to compete with Angels away game telecasts. However, the local away game telecasts of both clubs do compete with each other's home games. On most days when the Dodgers play at home, an Angels away game telecast is available. The converse is true when the Angels are playing at home.

[30] For instance, NHL games being televised nationally have been scheduled for Sunday afternoons. All other Sunday games have been played in the evening.

major sports teams is second in importance only to gate receipts, is reduced. It is argued that not only will the value of the broadcast package be reduced, but the "saturation effect" of additional television viewings of the same or even different sports will reduce gate receipts, both for the major sports teams and for minor leagues and collegiate and interscholastic events.

32. It is predicted that these effects will have far reaching and disastrous consequences on sports broadcasting as cable television becomes available to increasing numbers of television viewers. In its most recent comments, that National Association of Broadcasters (NAB) states:

If cable is permitted to import distant signal sports at will, the leagues and teams may have to take steps to regain control of the distribution of their games. Local and regional telecasts could be eliminated, substituting in their stead a network game-of-the-week format to eliminate the effect of a cable retransmissions. . . . Also, sports teams might be forced to sell their product to only network affiliates, since the Commission's distant signal rules are geared to importation of independent television stations.[31]

An additional consequence is mentioned by the National Basketball Association (NBA):

Conceivably, the deleterious effects of unrestrained importation of distant signals on the value of their television package may ultimately compel teams to incur the loss of broadcast revenues because they can sell more profitably to pay cable—contrary to the present intentions and desires of sports and contrary to the public's and the Commission's interest in preserving the availability of sports programming on free television.[32]

33. To prevent the realization of these predictions, and to maintain the public's ability to view the present level of sports events on conventional television as well as at the stadium, a number of proposed rules are suggested in the comments. The position advanced by the major professional sports interests is reflected in the rule propounded by the Commissioner of Baseball and the National Hockey League. Without the express consent of the team or league holding the broadcast rights, cable television systems would be prohibited from importing any game of any sport via a distant television signal within 75 miles of the home site of a major league team, within 20 miles of a minor league team when that team is playing at home, or within 35 of a television station carrying a local or regional telecast. These restrictions would not apply to nationally distributed games unless they were blacked out, and would not apply to cable television systems that were operating on March 31, 1972, the date that the new cable television rules came into effect.[33]

34. Contending that the loss of even a few admissions because of competition from televised sports events may be of great significance to an individual high school or college, and force the curtailment of suspension of sports programs for which funds to replace those lost are not available, the National Collegiate Athletic Association (NCAA) proposes the following restriction:

No cable television system operating in a community located in whole or in part within seventy-five miles of the game site of any intercollegiate or interscholastic football contest scheduled to be played on such date shall on any Friday after six o'clock post meridian or on any Saturday during the period specified by 15 U.S.C. Section 1293 (the third section of P.L. 87-331) carry either simultaneously or delayed all or a substantial part of any television broadcast of a professional football game, where such intercollegiate or interscholastic football contest meets the relevant requirements of Section 1293.[34]

Additionally, the NCAA believes that the same blackout protection that is afforded professional sports should also be afforded to intercollegiate sports. Therefore, the NCAA proposes a rule which would prohibit the cable television carriage of NCAA events which are not available to local television broadcast stations.

35. The proposed rules submitted by sports interests reflect their concern that cable television importation of distant signal sports will reduce gate receipts and diminish the value of their television packages. Broadcast interests are concerned about audience fragmentation, which relates to the value of sports television packages. If cable television is allowed to import events televised on distant stations at the same time that local television stations carry sports events, the local audience may be fractionalized to the point where advertiser support for the local telecasts is not sufficient to maintain the telecasts. Should this happen, the events would no longer be televised locally and the public would lose a popular source of entertainment.

36. To prevent fractionalization of televised sports audiences, the American Broadcasting Companies, Inc., (ABC) and other broadcast interests have suggested the following rule:

Except for the television stations whose signals are, upon request, required to be carried under this subpart (hereinafter "local stations"):

(a) In the cases of professional baseball, basketball, football or hockey, where any local television station has carried, or will carry, some or all events of one or more of these sports, simultaneous with the event's occurrence, no cable television station shall carry the signal of any television station carrying an event of the same professional sport, simultaneous with its occurrence.

(b) Where all local stations are precluded from carrying a sports event, simultaneous with its occurrence, because of refusal by the sports entrepreneur, league or association to permit its live telecast by the local stations, no cable television system shall carry the signal of any television station carrying that sports event, simultaneous with its occurrence.[35]

This view is not unanimously shared by all television broadcasters, however. Television broadcast station KBMA-TV, Kansas City, Missouri, states in its comments that:

The practical effect of a ban would be to provide professional sports teams territorial monopolies to control sports viewing and attendance within that region.

The restriction of distant signal coverage would also directly affect the ability of the independent station to support the high cost of sports since many advertisers use the extra home coverage afforded by the distant signal distribution to justify the cost. For example, KBMA-TV is carried on nearly 300,000 cable homes and nearly one-half of those are outside our Grade B coverage area.[36]

37. The cable television industry denies that distant sport importations adversely affect gate receipts or erode advertiser support for television packages. It is asserted that sports and broadcast interests have submitted no evidence to support their claims of adverse impact, and that the Commission's own study of the effects of P.L. 93-107 indicates that the local televising of sports events has little effect on actual attendance at the sports stadium.[37] On the other hand, cable interests claim that sports carriage restrictions would have substantial impact on their industry. The National Cable Television Association, Inc. (NCTA) asserts that the Commission's proposed rule would blackout a substantial number of sports telecasts in more than 3,000,000 American homes presently served by cable television, and would drastically impact the future development of cable television in the country's major television markets. The NCTA points out that there are major league professional sports teams in 34 of the

[31] Comments of the National Association of Broadcasters, p. 8.

[32] Additional comments of the National Basketball Association, p. 14.

[33] Comments of the Commissioner of Baseball Regarding Proposed Rule Concerning Carriage of Sports Programs on Cable Television Systems, pp. 3-6, and Further Comments of National Hockey League, p. 9.

[34] Supplemental Comments of the National Collegiate Athletic Association, p. 9.

[35] Further Comments of American Broadcasting Companies, Inc., p. 7.

[36] Comments of KBMA-TV, p. 3.

[37] Second Annual Report of the Federal Communications Commission on the Effect of P.L. 93-107, the Sports Anti-Blackout Law, on the Broadcasting of Sold-out Home Games of Professional Football, Baseball, Basketball and Hockey, submitted to the House Subcommittee on Communications, 93rd Congress, 2d Sess., April 15, 1974. The Commission concluded that local telecasts of sold-out games had no significant effect on actual attendance at the game.

top 50 television markets. According to the NCTA, imposition of the Commission's proposed restriction would eliminate much of the most popular programming that the Commission's signal carriage rules permit cable systems to import from distant stations, thereby severely inhibiting cable service to the 32 million television households located within these 34 top 50 markets.

38. When applied in conjunction with the Commission's syndicated program exclusivity restrictions,[38] the NCTA states that the proposed sports rule would result in deletion of major portions of the programming imported by cable systems from distant stations. For example, in Scranton, Pennsylvania, the local cable system is allowed to import three distant independent television signals by the Commission's signal carriage rules. The NCTA estimates that during the prime time viewing hours, the Scranton cable system would have to delete 32 percent of all the programming on the three distant stations pursuant to the syndicated program exclusivity rule and the proposed sports blackout rule.[39]

39. The California Community Television Association points out that the Commission's proposed rule would create significant anomalies if given effect. These would result because the Grade B zone of protection contemplated by the rule does not always reflect actual television viewing areas. Thus, according to the California Association, sports events televised by Los Angeles stations would have to be blacked out by San Diego cable systems even though the Los Angeles signals can be viewed off-the-air in large portions of San Diego.[40]

*Conclusions*

40. The argument that cable television carriage of sports events televised by distant broadcast stations will erode advertiser support for sports events televised locally, ultimately resulting in the loss of sports programming made available over-the-air by conventional broadcast television, is but one manifestation of a controversy which has raged between television broadcasters and cable television operators ever since the potential of cable television technology was first recognized. Since 1958 the Commission has considered the arguments of television broadcasters that the audience fragmentation resulting from cable television operations will inhibit the ability of television stations to serve the public.[41] After years of study and debate, the Commission adopted its present signal carriage rules in February of 1972.[42] In order to protect local television stations from debilitating audience erosion, these rules restrict the number of distant television signals which may be imported into television markets by cable television systems. It was in 1972, and continues to be, the judgment of the Commission that the distant signals permitted will not adversely affect local television service.

41. The argument is now put forth that sports programming is different than all other television programming and should be treated differently by the Commission's cable rules. It is argued that because sports programming is highly perishable, and because the sports industry depends heavily upon broadcast revenues for its sustenance, the public interest requires strict regulations to maintain the present pattern of distributing sports programs.

42. We are not persuaded by these arguments of audience fragmentation. Our responsibilities under the Communications Act to foster an efficient, nationwide communications service, compelled us to issue cable television signal carriage, program exclusivity and anti-siphoning[43] rules which we have determined will adequately protect the ability of television broadcast stations to serve the public. We can find no public interest rationale in terms of our national communications policies for affording sports programming additional protection against audience fragmentation. Sports is but one form of television programming, and must compete for audience with other programs provided by local television stations and cable systems. Absent convincing evidence that distant signal sports importations threaten to undermine local conventional television service, we are not prepared at this time to issue new rules to sustain the audience levels of established television broadcast stations at the expense of existing and potential cable television viewers.[44]

43. Although there is not sufficient evidence in the record to warrant restrictive measures aimed at protecting television broadcast revenues by preserving the audiences of stations which televise events, there are other considerations which must be given weight in making our decision. Since the inception of this proceeding, Congressional policy has been the primary element of our concern and the main thrust of our inquiry has been directed toward a determination of Congressional intent. The existence of clear Congressional intent concerning the issues relevant to this proceeding would be strong evidence of public policy which we must follow in reaching our final determination.

44. Significant developments have taken place in the area of organized sports since the passage of P.L. 87–331. Major among them is the proliferation of professional sports teams and leagues, and the concomitant increase in sports telecasts which have taken place during the past decade. Since 1961 the overall number of major-league football teams has expanded from 14 to 38; the number of basketball teams from nine to 28; hockey from six to 32 and baseball from 16 to 24. Since 1961, professional sports revenues have tripled to more than one billion dollars annually.[45]

45. Along with the spectacular expansion of professional sports since 1961, network television blackout policies have been revised to permit more sports telecasts. In 1953 Judge Grim found that it was reasonable for the NFL to require home area blackouts when member teams were playing at home, and this practice was specifically approved in P.L. 87–331. But the major sports leagues have not strictly adhered to this policy. Before the merger of the NFL with the AFL, AFL games were being televised in the home areas of NFL teams when NFL games were blacked out in those areas In 1966, to increase television revenues and to establish competition with the AFL telecasts, the NFL allowed other NFL games to be televised in the home territories of NFL clubs at the same time that a local game was being played. Although this resulted in NFL telecasts competing directly with NFL gate attendance, total attendance for the league actually increased between 1965 and 1966.[46]

46. Today, all four major sports leagues follow a limited blackout policy with respect to network telecasts. The network contracts with the NFL provide for the telecasting of two games into any team's home market on dates when the team is playing at home. Nationally televised baseball games are blacked out only in the home territories of the participating teams,[47] and in those areas a backup

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[38] Section 76.151 of the Commission's Rules requires major market cable systems to delete syndicated programs imported from distant television stations when local stations hold exclusive rights to exhibit the programs in the market. Significantly, this rule does not apply to live sports telecasts.

[39] Further Comments of the National Cable Television Association, Inc., pp. 42–61.

[40] Comments of the California Community Television Association Concerning the Carriage of Sports Programs on Cable Television Systems, p. 8.

[41] *See, In the Matter of the Impact of Community Antenna Systems, TV Translators, TV "Satellite" Stations and TV "Repeaters" on the Orderly Development of Television Broadcasting, Docket 12443,* 26 FCC 403 (1959).

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

[43] With regard to the argument that distant signal sports importation will force sports teams to sell their television rights to subscription television rather than to conventional television, we are confident that the new rules adopted in the *First Report and Order in Docket 19554,* FCC 75–369, 52 FCC 2d 1 (1975), will adequately prevent the siphoning away of sports programs from conventional television to subscription television.

[44] The comments contain no evidence that local sports telecasts have been curtailed because of audience fragmentation resulting from cable sports importations, or that this is likely to occur. In fact, the audience of some television stations carried as distant signals by cable systems is significantly increased by such carriage, thereby creating a potential for increased advertiser support of the programs which they broadcast.

[45] The Sports Boom is Going Bust . . ., *Forbes,* February 15, 1975, pp. 24–28.

[46] Evaluation of the Necessity for Television Blackouts of Professional Sporting Events, Report by the Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce, 93rd Cong., 1st Sess., pp. 14–16 (1973).

[47] In the home area of the away team, the game is televised by the club's local television outlet.

game is televised. The National Basketball Association in 1972 limited the number of network games that may be blacked out in each home area to a total of 25 games for the season. The National Hockey League does not blackout any national telecasts, but the games televised are played at a different time than games not being televised by the network.[45]

47. These broadcast policies indicate that any given NFL game must compete with at least two other NFL games which are televised locally pursuant to the league network contract. On any given Saturday afternoon in New York, a city having two baseball clubs, the team playing at home must compete for audience with the telecast of the other local team's away game, and the network Saturday afternoon game of the week. No statistical evidence has been presented which indicates that the gate receipts of local teams suffer as a direct result of these competing telecasts. A study conducted by the California Community Television Association concerning football and baseball games played in San Francisco and San Diego indicates a large number of local sports telecasts as well as cable television sports importations has had no significant effect on local gate receipts.[46] Furthermore, this study indicates that the number of sports telecasts, home, away or total, do not appear to have an important effect on television rights fees.[50]

48. The playing of some events must not only compete against the local televising of other events, in many cases the game being played must compete for audience with the local telecast of the very same game. In baseball, both the Chicago Cubs and the Chicago White Sox televised locally all of their home games in 1973. The clubs in Baltimore, Boston, Cincinnati, Detroit, Milwaukee, New York (both teams) and Philadelphia televised at least some of their home games in 1973.[51] All of the Boston hockey team's home games were televised locally in 1973, and three of the Minnesota home games were televised that year.[52] No evidence has been presented which establishes that the televising of these home games had any effect on gate attendance.

49. With the increase in the number of sports telecasts has come major increases in the revenues derived from such telecasts. Football Commissioner Pete Rozelle, in a 1973 interview, estimated that the NFL received around 40 million dollars from the sale of its broadcast rights, and predicted that this amount would be increased in the future.[53] In 1975, major league baseball will receive a record 44.5 million dollars from the sale of its broadcast rights. Of that amount, 18 million dollars comes from the network television agreement with NBC which expires this year.[54] It has been estimated that the new four-year television contract with NBC and ABC calls for payment of 92.8 million dollars to professional baseball, up from the estimated 72 million dollars which NBC paid for the previous four-year contract.[55]

50. It appears, however, that the huge sports expansion may have, in some cases, outdistanced fan interest. Season ticket sales and overall gate attendance have turned downward for some clubs. Expansion teams and new leagues are having trouble. Television ratings have also been down. For example, regular season football ratings on CBS were down about 4.2% from last year. And expenses, particularly player salaries, have outdistanced the dramatically increased revenues. The Philadelphia Eagles football club expects to lose $450,000, even though all seven of the regular season home games were sold out last season. Similar or worse situations exist in baseball, basketball and hockey. For basketball, only three of the NBA's 18 teams made money last season. The conclusion to be reached from these facts, reports *Forbes*, is that, "Sports isn't dying; it is merely shrinking to a more healthy size."[56]

51. When Congress passed P.L. 87–331 in 1961, it was believed that professional football in particular, and also professional baseball, basketball and hockey, needed financial protection in order to survive. Television blackouts in home territories were believed to be necessary in order to protect gate receipts. The pooling and selling of the rights to televise games were believed to be necessary to enhance the stability of the leagues by permitting bargaining for the package rather than individual games, assuring equal distribution of revenues among all teams, which was essential to the weaker teams, and providing a reasonable balance of the number of games to be televised by each team, thus promoting the sport in all areas.[57]

52. As demonstrated in the foregoing discussion, the circumstances of professional sports are vastly different now than they were in 1961. Revenues from both gate receipts and the sale of broadcast rights run into the tens of millions of dollars. Nevertheless, the Congressional policy established in P.L. 87–331 is still valid in many respects today and points to a need for some, albeit quite limited, restriction on cable television sports importations.

53. Judge Grim's 1953 decision and the blackout provision of P.L. 87–331 established that blackout restrictions imposed by the leagues to protect home gate receipts were reasonable restraints on competition. However, Judge Grim held that the league rules which imposed a blackout to protect television and radio rights were unreasonable and he enjoined their implementation. Likewise, Congress refused to sanction such restrictions in P.L. 87–331. We believe that a rule restricting cable television sports importations in a manner consistent with these judicial and Congressional pronouncements would be in the public interest and would reflect Congressional policy as applied to today's sports practices.

54. Judge Grim and Congress concluded that sports leagues should have the right to restrict the telecasting of other league games in the home territory of member teams when they were playing at home. As we have pointed out, this right, at least with respect to network telecasts, has not always been exercised, and many teams now play at home on the same day that other league games are televised in their home territories. This practice leads us to believe that prohibiting cable television importations of other games into the home territory of teams playing at home is not necessary to protect the home team's gate receipts. Therefore, we have decided to adopt a rule prohibiting cable systems from importing only the same game which is being played locally. This rule is consistent with the policy established by Congress and helps to assure the continued availability of sports telecasts to the public.

55. Gate receipts are the primary source of revenue for sports clubs, and teams have a reasonable interest in protecting their home gate receipts from the potentially harmful financial effects of invading telecasts of their games from distant television stations. If cable television carriage of the same game that is being played locally is allowed to take place, the local team's need to protect its gate receipts might require that it prohibit the telecasting of its games on television stations which might be carried on local cable systems.[58] If this were to result, the overall availability of sports telecasts would be significantly reduced. In light of these considerations, most parties, including the NCTA, have recognized the reasonableness of a rule which

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[45] *See*, Report of the Federal Communications Commission, *supra*, note 37.

[46] Comments of the California Community Television Association Concerning the Carriage of Sports Programs on Cable Television Systems.

[50] *Supra*, note 7, at 296.

[51] *See* Docket 19554, Comments of the Commissioner of Baseball, pp. 8–9, and Supplemental Comments of the National Association of Broadcasters, Appendix A.

[52] *See* Docket 19554, Comments of the National Hockey League, Appendix A, and Supplemental Comments of the National Association of Broadcasters, Appendix B.

[53] Why Pro Football Insists on TV Blackouts, *U.S. News & World Report*, September 10, 1973, p. 60.

[54] Baseball's Upward Curve Flattens a Bit in '75, *Broadcasting*, March 3, 1975, p. 36.

[55] New Deal for Baseball Between ABC, NBC, *Broadcasting*, March 17, 1975, p. 6.

[56] *Supra*, note 45.

[57] House Report No. 1178, September 13, 1961, 87th Cong., 1st Sess.

[58] The expansion of blacked out areas to protect gate receipts has occurred in the past. In 1974 the blacked out area of the Miami Dolphins was extended to include certain Fort Myers area broadcast stations because they penetrate significantly into the Dolphins' home territory, and because there is a "considerable array of reception equipment" in the Miami area "that makes local reception of these station's signals a regular practice." Letter of Commissioner Pete Rozelle to the Honorable L. A. Bafalis, Second Annual Report of the Federal Communications Commission, *supra*, note 37 at 217.

would prohibit same game importations.[59]

56. The rule that we are adopting today will have minimal impact on present and future cable television viewers. Where events are made available for local telecast, either voluntarily by the sports club or by operation of P.L. 93–107, cable and non-cable viewers alike will be able to watch home game telecasts.[60] Only when a home game is not telecast locally, and is being telecast by a distant television station carried by a local cable system, will the rule affect cable subscribers. To minimize the impact of the rule on existing cable subscribers, we have decided to grandfather signals lawfully carried by cable systems prior to March 31, 1972. Our initial notice of proposed rule making in this proceeding was issued in February of 1972, and cable systems adding distant television signals subsequent to that date were on notice that distant signal sports importations might be restricted. To prevent a reduction of service established prior to that date, the new sports rule will not apply to signals lawfully carried prior to March 31, 1972, the effective date of our existing cable regulations and the grandfather date established for purposes of our signal carriage rules.

57. We emphasize that our interest is not to assure the profitability of organized sports. Our concern is with the availability of television broadcast programming to the general public, which is of vital importance to the larger and more effective use of the airwaves.[61] The public interest in sports programming was recognized in the Senate Committee report on S. 1841, which became P.L. 93–107. It was stated that:

Under the circumstances, your committee believes that when fans are unable to attend the home games of a local professional team because tickets are unavailable, the public's overriding interest in the larger and more effective use of the airwaves should enable them to view these games.[62]

In the case of cable television importations of blacked out home games, the ultimate effect of frustrating local blackouts might be to reduce overall sports telecasts. The potential loss of gate receipts resulting from these importations could force sports clubs to extend their blacked out zone of protection to include all distant stations which may be carried by local cable television systems. Thus, the games would be available to fewer television viewers, contrary to our communications policy and the sports broadcasting policy of Congress.

58. Although the foregoing discussion focuses on professional team sports, the need to maximize live audiences is shared by all spectator sports, intercollegiate and interscholastic as well as professional, and individual as well as team sports. Therefore, our rule will apply to all sports telecasts where the event is not exhibited on local conventional television stations. By so doing, we hope to assure that no sports telecast is discouraged because of the possible frustration of a local blackout by cable television operations.

59. We have decided to use the 35-mile specified zones already established by our cable television regulations for purposes of defining the zones of protection to be afforded sports events. The cable television rules presently define television markets in terms of the specified zones of television stations. The specified zone of a television station includes the area extending 35 air miles from the reference point in the community to which that station is licensed or authorized by the Commission. The reference points for television communities are set forth in the rules. Because these 35-mile zones are already used for purposes of the cable television signal carriage and network program nonduplication rules, they provide a convenient and readily ascertainable standard for purposes of the new sports rule.

60. We recognize that many sports events draw their gate attendance from a broad area, in some cases extending out 75 miles or more from the stadium. Nevertheless, the vast majority of gate attendance is derived from metropolitan areas in and immediately surrounding the community in which the event takes place.[63] This indicates that the 35-mile zone standard now applied by the rules for other purposes will provide sufficient protection to accomplish the purpose of the new sports rule.

61. The sports rule which we are adopting will affect cable television systems located in whole or in part within the specified zones of television broadcast stations licensed to communities in which sports events take place. These cable systems will be required to delete sports programming carried via distant television signals when that programming consists of sports events taking place simultaneously in the reference community of the specified zone and the events are not being telecast live by a television station whose signal is required to be carried by the systems pursuant to the Commission's mandatory signal carriage rules. If there is no television station licensed to the community in which a sports event is taking place, the applicable specified zone will be that of the television station or stations licensed to the community with which the sports event or local team is identified. For instance, because there is no television station licensed to Irving, Texas, the community in which the Dallas Cowboy's football club plays, the rule will apply to all cable systems located within the specified zone of the Dallas television stations.[64] If there is no television stations licensed to the community in which an event is to take place, and the event or home team is not identified with any other community to which a television station is licensed, the applicable specified zone will be that surrounding the nearest community to which a television station is licensed.

62. Deletion of sports programming by affected cable systems will be contingent upon notice being given by the holder of the broadcast rights (*i.e.*, the team, promoter, league, or other agent) of the event to be protected as to what programming is to be deleted. Such notice must be given according to the procedure set forth in Section 76.94(a), which concerns requests for network program nonduplication protection. Notice by the appropriate person must be given to cable system operators on a monthly basis, no later than eight days preceding the calendar month during which home game blackout protection is requested. Changes in the monthly notification must be submitted at least eight days prior to the programming to be deleted. The notice should identify the distant television stations which will be televising the event to be protected, and the time at which the event is scheduled to take place.

63. In conclusion, we believe that the rule which we adopt today best serves the public interest in the larger and more effective use of the airways and follows the sports telecasting policy which has been established by Congress. Having weighed the various comments from sports entrepreneurs, cable system

[59] Comments of the National Cable Television Association, Inc. (NCTA), pp. 3–4.

[60] When a telecast is being carried by a local television station as well as by a distant station provided by a local cable system, the distant signal will have to be blacked out by the cable system pursuant to our network nonduplication rules, thereby preserving the local station as the exclusive local television outlet for the event. *See, Cable TV of Fairmont*, FCC 74–990, 48 FCC 2d 991 (1974), recon. denied, FCC 75–82, 50 FCC 2d 976 (1975).

[61] Our concern for the availability of television programming is evidenced by our prime time access rule, *see, Second Report and Order in Docket 19622*, FCC 75–67, 50 FCC 2d 829 (1975). The purpose of the rule is not to increase the profitability of independent program producers, but to assure the availability of diverse program material.

[62] Senate Report No. 93–347, 93rd Cong. 1st Sess., 3 (1973).

[63] A NFL season ticket patron survey shows that 75% of this group resides within 25 miles of the stadium, 16% between 25 and 50 miles, 4% between 50 and 75 miles and 5% over 75 miles. Evaluation of the Necessity for Television Blackouts of Professional Sporting Events, Report by the Special Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce, House of Representatives, Ninety-Third Congress, First Session, p. 83 (1973).

[64] Other examples of this situation would include the Los Angeles Lakers, who play in Inglewood, California, and the Washington Capitals, who play in Largo, Maryland. Other clubs, such as the New England Patriots and the California Angels, are not clearly identified with a specific community and do not play in a television community. Such clubs, however, are commonly associated with particular communities. In the case of the Patriots and the Angels, absent expressions of contrary intent by the clubs, we would associate them with Boston, Massachusetts and Los Angeles, California, respectively. Some teams play their home games in more than one city, such as the Green Bay Packers which play games in both Green Bay and Milwaukee, Wisconsin. In this type of situation, the applicable specified zone for purposes of the sports rule will be that of the reference community where the particular event is taking place.

operators, television broadcasters, members of Congress and private citizens, we have found that the public interest lies in the middle ground which we have taken. We expect our rule to preserve the overall availability of sports telecasts to the public, without unreasonably restricting the distant programming available to cable subscribers.

Authority for the adoption of the rule 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 August 22, 1975, Part 76 of the Commission's Rules and Regulations are revised as set forth below.

*It is further ordered*, That the proceeding in Docket 19417 IS TERMINATED.

Adopted: July 9, 1975.

Released: July 22, 1975.

(Secs. 2, 4, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1066, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 154, 303, 307, 308, 309)

FEDERAL COMMUNICATIONS COMMISSION,[65]
VINCENT J. MULLINS,
*Secretary.*

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

In Part 76, Cable Television Service, § 76.67 is added to read as follows:

**§ 76.67 Sports Broadcasts.**

(a) No cable television system located in whole or in part within the specified zone of a television broadcast station licensed to a community in which a sports event is taking place, shall, on request of the holder of the broadcast rights to that event, or its agent, carry the live television broadcast of that event if the event is not available live on a television broadcast signal carried by the system pursuant to the mandatory signal carriage rules of this Part. For the purposes of this Section, if there is no television station licensed to the community in which the sports event is taking place, the applicable specified zone shall be that of the television station licensed to the community with which the sports event or local team is identified, or, if the event or local team as not identified with any particular community, the nearest community to which a television station is licensed.

(b) Notification of the programming to be deleted shall be made in accordance with the procedures specified in Section 76.94, for obtaining network program nonduplication protection.

(c) The provisions of this section shall not be deemed to require the deletion of any portion of a television signal which a cable television system was lawfully carrying prior to March 31, 1972.

[65] Commissioner Hooks concurring; Commissioner Robinson dissenting and issuing a statement, filed as part of the original document.

APPENDIX A

*Public Law 87-331 (as amended) 15 U.S.C. §§ 1291-1293*

CHAPTER 32.—TELECASTING OF PROFESSIONAL SPORTS CONTESTS

*§ 1291. Exemption from antitrust laws of agreements covering the telecasting of sports contests and the combining of professional football leagues.*

The antitrust laws, as defined in section 12 of this title or in the Federal Trade Commission Act, as amended, shall not apply to any joint agreement by or among persons engaging in or conducting the organized professional team sports of football, baseball, basketball, or hockey, by which any league of clubs participating in professional football, baseball, basketball, or hockey contests sells or otherwise transfers all or any part of the rights of such league's member clubs in the sponsored telecasting of the games of football, baseball, basketball or hockey, as the case may be, engaged in or conducted by such clubs. In addition, such laws shall not apply to a joint agreement by which the member clubs of two or more professional football leagues, which are exempt from income tax under section 501(c)(6) of Title 26, combine their operations in expanded single league so exempt from income tax, if such agreement increases rather than decreases the number of professional football clubs so operating, and the provisions of which are directly relevant thereto. As amended Pub. L. 89-800, § 6(b)(1), Nov. 8, 1966, 80 Stat. 1515.

*§ 1292. Area telecasting restriction limitation.*

Section 1291 of this title shall not apply to any joint agreement described in the first sentence in such section which prohibits any person to whom such rights are sold or transferred from televising any games within any area, except within the home territory of a member club of the league on a day when such club is playing a game at home. As amended Pub. L. 89-800, § 6(b)(2), Nov. 8, 1966, 80 Stat. 1515.

*§ 1293. Intercollegiate and interscholastic football contest limitations.*

The first sentence of section 1291 of this title shall not apply to any joint agreement described in such section which permits the telecasting of all or a substantial part of any professional football game on any Friday after six o'clock postmeridian or on any Saturday during the period beginning on the second Friday in September and ending on the second Saturday in December in any year from any telecasting station located within seventy-five miles of the game site of any intercollegiate or interscholastic football contest scheduled to be played on such a date if—

(1) such intercollegiate football contest is between institutions of higher learning both of which confer degrees upon students following completion of sufficient credit hours to equal a four-year course, or

(2) in the case of an interscholastic football contest, such contest is between secondary schools, both of which are accredited or certified under the laws of the State or States in which they are situated and offer courses continuing through the twelfth grade of the standard school curriculum, or the equivalent, and

(3) such intercollegiate or interscholastic football contest and such game site were announced through publication in a newspaper of general circulation prior to August 1 of such year as being regularly scheduled for such day and place.

As amended Pub. L. 89-800, § 6(b)(3), Nov. 8, 1966, 80 Stat. 1515.

APPENDIX B

*Public Law 93-107, 47 U.S.C. § 331.*

BROADCAST OF GAMES OF PROFESSIONAL SPORTS CLUBS

Sec. 331. (a) If any game of a professional sports club is to be broadcast by means of television pursuant to a league television contract and all tickets of admission for seats at such game which were available for purchase by the general public one hundred and twenty hours or more before the scheduled beginning time of such game have been purchased seventy-two hours or more before such time, no agreement which would prevent the broadcasting by means of television of such game at the same time and in the area in which such game is being played shall be valid or have any force or effect. The right to broadcast such game by means of television at such time and in such area shall be made available, by the person or persons having such right, to a television broadcast licensee on reasonable terms and conditions unless the broadcasting by means of television of such game at such time and in such area would be a telecasting which section 3 of Public Law 87-331, as amended (15 U.S.C. 1293), is intended to prevent.

(b) If any person violates subsection (a) of this section, any interested person may commence a civil action for injunctive relief restraining such violation in any United States district court for a district in which the defendant resides or has an agent. In any such action, the court may award the cost of the suit including reasonable attorneys' fees.

(c) For the purposes of this section:

(1) The term 'professional sports club' includes any professional football, baseball, basketball, or hockey club.

(2) The term 'league television contract' means any joint agreement by or among professional sports clubs by which any league of such clubs sells or otherwise transfers all or any part of the rights of such league's member clubs in the sponsored telecasting of the games engaged in or conducted by such clubs.

(3) The term 'agreement' includes any contract, arrangement, or other understanding.

(4) The term 'available for purchase by the general public', when used with respect to tickets of admission for seats at a game or games to be played by a professional sports club, means only those tickets on sale at the stadium where such game or games are to be played, or, if such tickets are not sold at such stadium, only those tickets on sale at the box office closest to such stadium.

(d) The Commission shall conduct a continuing study of the effect of this section and shall, not later than April 15 of each year, submit a report to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives with respect thereto. Such report shall include pertinent statistics and data and any recommendations for legislation relating to the broadcasting of professional football, baseball, basketball, and hockey games which the Commission determines would serve the public interest."

[FR Doc.75-18990 Filed 7-21-75;8:45 am]

[Docket No. 19995, FCC 75-820]

## PART 76—CABLE TELEVISION SERVICE

### Network Program Exclusivity

In the matter of amendment of Subpart F of Part 76 of the Commission's Rules and Regulations with Respect to Network Program Exclusivity Protection by Cable Television Systems, Docket No. 19995, RM-2275.

1. By its *Notice of Inquiry and Proposed Rule Making in Docket 19995*, FCC 74-335, 46 FCC 2d 1164 (1974), the Commission initiated a broad review of its then-existing network program nonduplication (exclusivity) rules. This rule making notice was issued in response to a "Petition for Rule Making" (RM-2275) submitted by the National Cable Television Association. As requested in the NCTA petition and as enumerated in our *Notice*, this rule making proceeding was undertaken to address several nonduplication-related issues. Among those areas set forth for examination were: (a) a general exemption for small systems; (b) dual or multiple channel carriage of priority signals; (c) procedures and sanctions; (d) a new or modified system of priorities or zones of protection; (e) continued "same-day" protection in the Mountain Time Zone; (f) protection of translator stations; (g) program deletions on signals available off-the-air in the community; and (h) program overruns.

2. Following the filing of voluminous formal comments and replies from various interested parties and our receipt of thousands of letters, signed petitions and related submissions from the public and members of Congress, the Commission adopted, on April 3, 1975, its *First Report and Order in Docket 19995*, FCC 75-413, 52 FCC 2d 519 (1975). Paramount in this Commission document were nonduplication rule amendments establishing fixed mileage zone priorities and exempting cable operations serving fewer than 1000 subscribers from a single headend. The Commission also eliminated its "single-channel" carriage rule (see former Section 76.55(a)(3) of the Commission's Rules) and modified the degree to which nonduplication protection is to be afforded television translator facilities. However, as to two further points at issue in this proceeding, it was the Commission's determination that action thereon should be deferred and that their specific resolution would be set forth in documents issued subsequent to the *First Report and Order*. The first of these issues was that concerning nonduplication deletion of signals viewable off-the-air in the cable community. Recognizing situations where these deletions should not occur, the Commission stated its intention to develop, in the near future, an appropriate standard for relief. (See paragraph 43 of the *First Report and Order in Docket 19995, supra*). The other matter left for our determination was, of course, the measure of nonduplication protection to be afforded television broadcast stations licensed to communities located in the Mountain Time Zone.

3. Perceiving a need for additional information and data concerning Mountain Time Zone nonduplication in order to make a reasoned decision, the Commission severed consideration of this matter from the *First Report and Order*, called for a special panel discussion proceeding, and asked that the panel participants submit supportive factual data in advance of the panel. (See paragraph 6 of the *First Report and Order in Docket 19995, supra;* Commission *Order*, released April 11, 1975, FCC 75-407, FCC 2d (1975).) The subject panel proceeding was held before the Commission meeting *en banc* on June 17, 1975, and it is for the purpose of now addressing and resolving these Mountain Time Zone issues that this *Second Report and Order* is issued today.

4. With the March 31, 1972 effective date of the *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143 (1972), the Commission moved from a same-day to a simultaneous standard for network program nonduplication but stated that it would grant, on appropriate petition, special relief where a "time zone situation" was concerned (*Cable Television Report and Order, supra* at p. 181). Various petitions for reconsideration of these 1972 rules insisted that network stations within the Mountain Time Zone did not have uniform or near-uniform broadcast schedules among themselves such that simultaneous protection would provide insufficient protection. As the source of these nonsimultaneous programming patterns petitioners cited ". . . a combination of lack of direct network feeds and the common practice of 'bicycling' programs or taping a network feed and replaying it on a delayed basis." It was thus maintained that same-day protection should continue to be afforded Mountain Time Zone stations as a general rule. In response to such arguments the Commission issued, later in 1972, its *Reconsideration of the Cable Television Report and Order*, FCC 72-530, 36 FCC 2d 326 (1972), which modified relevant former Section 76.93(b) of the Commission's Rules to restore same-day nonduplication protection to television broadcast stations licensed to Mountain Time Zone communities not within the top fifty major television markets.[1] In its petition for rule making, as in its subsequently filed comments in Docket 19995, the NCTA argues that the Commission's *Reconsideration* conclusion that same-day nonduplication is truly necessary to protect the network programming of Mountain Time Zone television stations was apparently drawn from the unchallenged assertions of broadcasters and that it can no longer be supported in view of, *inter alia*, the Association's 1973 study of network nonduplication in the time zone.

[1] Former Section 76.93(b) of the Commission's Rules was amended, as follows, by the *Reconsideration of the Cable Television Report and Order, supra:*

(b) Notwithstanding the provisions of paragraph (a) of this section, on request of a television station licensed to a community in the Mountain Standard Time Zone that is not one of the designated communities in the first 50 major television markets, a cable television system shall refrain from duplicating any network program broadcast by such station on the same day as its broadcast by the station. Where a cable system is required to provide same-day program exclusivity, the following provisions shall be applicable:

(1) A cable television system need not delete reception of a network program if, in so doing, it would leave available for reception by subscribers, at any time, less than the programs of two networks (including those broadcast by any stations whose signals are being carried and whose program exclusivity is being protected pursuant to the requirements of this section);

(2) A system need not delete reception of a network program which is scheduled by the network between the hours of 6 and 11 p.m., eastern time, but is broadcast by the station requesting deletion, in whole or in part, outside of the period which would normally be considered prime time for network programming in the time zone involved.

Language similar to the above was recently incorporated into new Section 76.94 of the Commission's Rules as promulgated by the *First Report and Order in Docket 19995, supra*. The *First Report and Order* revoked and reserved section 76.93 of the Commission's Rules.

*Summary of Comments*

5. A substantial percentage of the interested parties submitting documents in response to our *Notice of Inquiry and Proposed Rule Making in Docket 19995, supra*, chose to specifically address those issues uniquely concerning network program nonduplication in the Mountain Time Zone. Below we shall summarize the Mountain Time Zone comments and replies of broadcast and cable interests. Following these general summaries we shall also set forth a description of the comments and supportive factual data elicited by our April 11, 1975, *Order* establishing the Mountain Time Zone panel discussion, as well as a brief review of the panel proceeding itself. Additionally, we wish to underscore at this time the public's substantial role as concerning the Mountain Time Zone aspects of this rule making proceeding. Thousands of letters and petitions, specifically referencing the alleged inequities of same-day nonduplication in the Mountain Time Zone have been submitted to the Commission and to these citizens' elected representatives in the Congress. While it is possible that certain of these letters and petitions have been stimulated by cable television interests, it is reasonable to conclude that some reflect genuine dissatisfaction with our same-day nonduplication rules. As a regulatory body statutorily compelled to serve the public interest, we shall take into appropriate consideration that which has been communicated to us by an interested public.

*Comments of Cable Television Interests*

6. The National Cable Television Association, whose comments and conclusions have been endorsed by many cable interests, asserts that there is no justification for continuing to require same-day nonduplication in the Mountain Time Zone. In support of its position the NCTA submits the results of a network programming practices study it conducted of 21 television stations in 16 Mountain Time Zone smaller markets. This study, which focused upon the week of January 22–28, 1973, compiled data on these stations' same-day nonduplication protection *vis-a-vis* their markets' largest cable television systems. Data from the study is offered to show that, with but few exceptions, daytime network program schedules of local smaller market stations and imported major market network affiliates are uniform, with duplication of network programs occurring "simultaneously." NCTA thus concludes that only simultaneous protection need be afforded for daytime network broadcasts and goes on to use its study to support the claim that same-day protection is not needed during evening prime-time hours.

7. It is argued that there exists a multiplicity of direct network feeds to television broadcast stations in the Mountain Time zone and that the allegedly widespread practice of "bicycling" film and tape programs is hardly necessary, should it really exist at all to any degree. NCTA recognizes that while most local smaller market stations begin their primetime telecasts at 6:00 p.m. Mountain Time off the "live" network feed, the distant major market imported duplicating stations usually either tape delay or rearrange the order of most network broadcasts. Under these circumstances, of course, a simultaneous rule would not afford protection of network programming. However, NCTA argues that much of the non-protection which would occur under a simultaneous rule would result from these local stations' affiliation with more than one network and their broadcast of prime-time network programs often well in excess of three hours per night. NCTA notes that such "extra" network programming of "cherry picker" stations is not protected in other time zones under a simultaneous rule and protests its "bonus" protection here. Additionally, it is stated by NCTA that some local stations have the capacity to achieve substantial program schedule simultaneity with a distant duplicating station by either tape delaying network programs or rebroadcasting the duplicating station's signal.

8. Moreover, NCTA submits a special cable audience study of one Mountain Time Zone market which was subject to simultaneous-only nonduplication protection during much of 1972. The study is proffered to show the absence of "serious fractionalization" of local audiences under a simultaneous Mountain Time Zone rule. According to the NCTA, the cable audience study disproves the contention that viewers, given alternate times to watch the same program, will choose to view the distant station, and rejects the theory that substantial fractionalization of local audiences would occur both at the time of local broadcast and at the time of distant station release.

9. As noted above, the majority of commenting cable interests give wholehearted support to NCTA's arguments and positions. Additionally, Upper Valley Telecable Company, Inc., submits that the same-day requirement has created more ill will among cable subscribers than any other Commission rule. It asserts that Mountain Time Zone stations have never documented claims of fragmentation of audience that would affect income. Cablecom-General, Inc. also maintains that the same-day rule is based entirely on broadcast statements rather than on any conclusive study or evidence. Tele-Communications, Inc. notes that the technical problems in providing nonduplication in "normal" situations are magnified when it must be afforded to same-day cherry pickers. TelePrompTer Corporation asserts that the chief problem involving same-day nonduplication is that such protection is often requested by stations with multiple network affiliation. TelePrompTer asks that, if same-day protection is not totally abolished, stations should be entitled to same-day protection for programming of only one network. Kalispell Cable TV recites the difficulties of having to explain to a subscriber that he did not actually "lose" a program which was broadcast hours before he arrived home. Several operators maintain that same-day protection is unfair, is a disservice to subscribers, and compounds the costs and problems in a geographical area where systems are least able to afford it.

*Comments of Broadcast Interests*

10. Comments and replies of broadcast interests uniformly protest any reduction of Mountain Time Zone nonduplication protection from same-day to simultaneous. The National Association of Broadcasters gives its firm support to the comments of the Rocky Mountain Broadcasters Association (RMBA) which, NAB maintains, is in the best position to know Mountain Time Zone programming practices and to assess the potential impact of cable television duplication of network programming. RMBA, as well as the Association of Maximum Service Telecasters (AMST), asserts that data from NCTA's audience study actually serve to demonstrate the need for continued same-day network nonduplication protection and the serious fractionalization effects of a departure from the standard. Many commenting broadcasters question the overall accuracy and conclusions of the NCTA study and contend that the stations and systems selected for examination were not representative of those in the Mountain Time Zone. It is argued that NCTA excluded from its study several markets where simultaneous nonduplication would be inadequate. Some insist that the NCTA study only shows that certain Mountain Time Zone stations might not need more than simultaneous protection of their programs. Moreover, RMBA and several other broadcast spokesmen call the Commission's attention to an analysis prepared by Dr. William F. Duhamel which was undertaken to demonstrate the alleged damage already done to small market television stations in the Mountain Time Zone under the existing rules and to illuminate the potential problems that allegedly will be created without changing these Commission rules as cable saturation increases. Indeed, RMBA contends that the real solution to resolving the problems over the same-day nonduplication rule in the Mountain Time Zone consist of repealing cable grandfather rights to distant network signals in markets of smaller full network stations. Cable systems, RMBA asserts, could thus import only those distant network signals which are not present locally, and one independent station. Such an approach, it is argued, would greatly simplify the Commission's rules and enforcement and both preserve and implement the Commission's concept of "adequate service" in a smaller market cable community.

11. RMBA, AMST, and several other broadcast interests protest NCTA's implication that smaller market stations' affiliation with more than one network is somehow improper and its assertion that such an affiliation practice warrants denial of same-day nonduplication rights. It is maintained that multiple network affiliation occurs primarily in markets too small to support a full affiliate of each network, and that these stations serve the local public interest by providing cable and over-the-air viewers with the best complement of network programming possible. Broadcast interests further contend that such dual affiliation neither has precluded substantial origination of local interest programming nor has developed as a substitute for the purchase of more expensive syndicated programs.

12. Joint and independent comments submitted by dozens of broadcast licensees and broadcast associations find that the unique factors for which the same-day rule was retained in the Mountain Time Zone are unchanged today. And these parties question the wisdom or necessity of revisiting this regulatory area such a short time after our adoption of the *Reconsideration of the Cable Television Report and Order* in 1972. Garryowen Corporation and several other commenting parties insist that the continued growth and penetration of long-established cable systems, the fractionalization of local station audiences by cable-imported stations from within and without the time zone, the limited availability of network service to dual affiliates, the bicycling of network programs, and the delayed and out-of-sequence scheduling of network programs by distant stations all still argue against any relaxation of same-day protection for smaller market stations in the Mountain Time Zone. Certain parties note that

cable systems in the Mountain Time Zone have always been obligated to provide same-day nonduplication protection and maintain that these systems have existed and thrived despite such a requirement. They point out that no programming is lost to cable television subscribers because only duplicated programming is deleted and insist that cable operators have not shown that same-day nonduplication has caused them or the public any injury. It is maintained that small market stations have difficulty, under any circumstances, to attain audience levels sufficient to attract advertisers and that the problem is exacerbated when such stations must "compete" with distant imported stations that receive substantial shares of viewing hours in local markets. Without sufficient nonduplication protection they fear that local, regional and national advertisers will purchase time on the distant imported signals rather than on the local station to reach the same local audience.

13. Should the Commission adopt a simultaneous-only nonduplication rule for the Mountain Time Zone, several parties argue, such a change would force the local broadcaster to rearrange its program schedule to conform with distant signal duplicating programming, thus curbing individual licensee judgment as to how best to program for local needs. To the extent a smaller market station is subjected to nonsimultaneous duplication of its network programs by imported major market signals, there is a disincentive for utilizing individual discretion in programming to meet the needs of the station's viewers and, they insist, the station would be encouraged to put its programming into "lock step" with that of the distant station in order to obtain protection. This activity, it is contended, would be contrary to the local public interest. These parties argue that same-day protection must be retained to adequately protect local stations from the "invasion" of their markets by cable-imported duplicating network signals. Certain parties go on to ask that same-day protection be afforded to top-50 major market stations in the Mountain Time Zone or be extended to all UHF smaller market stations throughout the country. Some request that nonduplication protection cover at least a period of one week, arguing that substantial audience loss can occur when cable has imported the same program earlier in the week or on the previous evening.

*Mountain Time Zone Panel*

14. As noted above, the Commission issued, on April 11, 1975, an *Order* announcing a panel discussion at which Mountain Time Zone issues could be addressed further and precise analysis be given with the benefit of additional relevant information.[2] Panel participants, designated by subsequent Commission *Order* released May 2, 1975, were asked to address a number of specific issues and to provide, in advance of the panel, factual data in support of their positions.[3] Appearing at the panel discussion were three spokesmen for the broadcast industry and three cable television representatives. Also attending and taking on an informational role was an executive of Western Tele-Communication, Inc. (WTCI), a major microwave common carrier distributor of network and broadcast station signals in the Mountain Time Zone. Data and written comments submitted prior to the panel were responsive to those specific inquiries set forth in the Order (see footnote 3, above) and the oral presentation before the Commission tended to give sharp focus to these issues.

15. NCTA's analysis of the microwave route map submitted by WTCI indicates that 85 percent of all television stations in the Mountain Time Zone currently have access to "live" network program feeds and that the remaining "handful" of stations generally receive microwaved signals taken off-the-air from primary network affiliates located in Salt Lake City, Denver, Phoenix, and Albuquerque. Based on its observation that each smaller market station with access to a "live" network feed also possesses generally between two and five video tape recorders, NCTA states that ". . . it would be no problem at all . . ." for stations to delay all network prime-time programs to conform with the release time in major markets. In opposition, broadcasters insist that video tape machines on hand are currently run to capacity with minimal allowance for breakdown and that licensees could use additional machines to meet present station requirements. With few exceptions, broadcasters contend that their existing facilities could not tape delay all network programs to obtain simultaneous protection. They contend that the costs of acquiring between one and four additional video tape machines to meet such a tape delaying task, at approximately $85,000 per VTR, combined with related maintenance and operating costs, would be astronomical and beyond the economic reach of smaller market Mountain Time Zone stations. One station submits that it cannot afford to do any network tape delaying at all. Other broadcasters argue that their stations' tape delaying of network programs or rebroadcast of major market stations to achieve simultaneity would make these local stations "slaves" to the programming practices of the major markets. Additionally, some broadcasters note that they have been refused rebroadcast rights by certain stations, while other broadcasters indicate that off-air or microwave-imported rebroadcast signals are often costly to obtain and technically degraded.

16. Contrary to the assertions of cable operators, the broadcast representatives maintain that many network programs would not be protected under a simultaneous rule, could not be tape-delayed to attain protection, and that this circumstance would lead to serious fractionalization of audience and cause an appreciable adverse impact on broadcast revenues. Broadcast interests submit that only recently have rating services been able to report the impact of cable-imported stations on local audiences. Broadcasters characterize these losses as substantial and anticipate serious detri-

[2] Prior to the issuance of this *Order*, the Commission's staff sent detailed questionnaires to a number of Mountain Time Zone television broadcast stations in an effort to better ascertain the potential economic impact of rescinding the same-day nonduplication rule and substituting one based on a simultaneous standard. These questionnaires have been placed in the record.

[3] The areas of inquiry for this panel discussion were enumerated in the April 11, 1975, *Order*, as follows (footnotes omitted):

(a) What are the network programming practices of those stations broadcasting in the Mountain Time Zone? Explain the reasons for the lack of simultaneity of network program broadcasts throughout the time zone, addressing factors such as (1) local broadcast station programming discretion, (2) stations' multiple network affiliation, (3) the availability (or unavailability) of direct or indirect network feeds, and (4) the employment of "bicycle" methods of network program distribution.

(b) What network program exclusivity problems are presented in the Mountain Time Zone by cable television importation of television stations licensed to communities in the Pacific Time Zone?

(c) What network program feed opportunities and options are available to those stations licensed to communities in the Mountain Time Zone? Discuss these stations' economic and technical abilities to obtain a "live" or delayed electronic network feed. Explain the nature of these feeds (i.e., are they "clean" or do they contain another station's I.D.'s, commercials, etc.?) their costs and their practical availability. To what extent, if any, do the networks themselves absorb a portion of these line charges?

(d) To what extent could video tape facilities be used to offset potential program protection loss associated with a simultaneous network program exclusivity rule for the Mountain Time Zone? Discuss the current use of these stations' existing video tape facilities and set forth the approximate costs (in terms of new investment, maintenance, labor, etc.) for a station to establish a daily video tape procedure capable of achieving a network program schedule substantially identical with that of imported network broadcast signals. Under what circumstances could such simultaneity not be attainable?

(e) A major issue is the impact on the financial viability of Mountain Time Zone television stations, and their ability to serve the public, if same-day protection was reduced to simultaneous. Factual information is needed on the possible loss of revenue by local television stations if same-day protection was withdrawn on the cable systems in their areas; how much revenue loss in network program time and how much, as a result of lead-in, to non-network time. Also, how much potential is there for cable to expand in the area and with what further impact on local station?

(f) To what extent will national and regional advertisers tend to "skip" the Mountain Time Zone stations and cover the area through the cable-carried stations in the Salt Lake City, Denver, Spokane and other television markets, if the local station's audience is further reduced?

(g) Explain the nature and extent of those private agreements by which certain Mountain Time Zone television broadcast stations have, for a fee, "contracted away" their same-day network program exclusivity rights for simultaneous-only protection.

(h) Have there been any material changes in those factors which persuaded the Commission to treat Mountain Time Zone stations differently, with respect to network program exclusivity in its *Cable Television Report and Order* and the *Reconsideration* thereof?

mental effects on the abilities of local stations to offer meaningful local programs. Asserting that sophisticated time buyers may simply ignore smaller markets in favor of imported stations, broadcasters refer to a recent media research study issued by N. W. Ayer/ABH International titled "SPILL-OUT/SPILL-IN TV COVERAGE" and concerning cable importation of Salt Lake City signals into several smaller markets, which allegedly supports the broadcast position. Examples are submitted by broadcasters of how "local" advertisers have allegedly purchased advertising time on distant stations imported by local cable systems. Representatives of the broadcast industry insist that broadcast losses of audience and revenues cannot be justified in the name of giving cable subscribers multiple choices for viewing the same network program.

17. NCTA states that there are approximately 43 smaller market Mountain Time Zone television stations which can now request nonduplication protection, as only this number (out of a total of 49 smaller market stations) are carried by cable systems with 1,000 or more subscribers located within 55 miles of the relevant station's city of license. Of these 43 stations, NCTA asserts, perhaps 15 have asked for simultaneous-only program protection or no protection at all, 18 receive same-day protection, and 11 either ask for varying degrees of protection on separate cable systems or have contracted with a local cable system for a specific form of protection. Comments by the panel spokesmen indicate that only a minority of Mountain Time Zone broadcast stations and cable systems have entered into formal contractual arrangements under which something other than same-day network program protection is afforded. Typically, these contracts call for "anytime" protection of a station's programming from one network and only simultaneous or no protection at all for programming taken from another network. In a few instances, however, contracts provide that the station licensee will request only simultaneous nonduplication in exchange for the system's direct payment of money to the station or partial subsidy of a station's network signal feed.

*Discussion*

18. As set forth in the comments and discussed by the special Mountain Time Zone panel, the basis for broadcast objections to a simultaneous nonduplication rule for the Mountain Time Zone is that higher priority smaller market stations carried on "local" cable systems frequently have much of their daily network programming duplicated by cable-imported distant network affiliates at a time other than that of the priority station's broadcast. Under a simultaneous standard, that duplicating programming would not be deleted. In most other time zones, affiliate practice is to carry the entire network program schedule "live" as fed by the relevant network (with the common exception of a few isolated "delayed basis" or uncleared programs). Therefore, in these other time zones a simultaneous-only network nonduplication rule affords protection largely identical to that which would result under a same-day rule. However, the network affiliates licensed to Salt Lake City, Denver, and Phoenix and carried by a large percentage of Mountain Time Zone cable systems[4] regularly tape delay the "live" network prime-time feed so that their major market broadcast schedules resemble those of stations broadcasting in the Central Time Zone; that is, with broadcast of network programs at one hour later in the day.[5] Many of these major market imported stations, most notably Station KSL-TV, Salt Lake City, sometimes will not only delay but "rearrange" the order and day of presentation by which certain network programs are broadcast.

19. Most stations licensed to smaller market communities in the Mountain Time Zone state that they do not have the equipment or the economic resources with which to enter this tape delaying and rearranging practice, although it would largely ensure continued nonduplication protection were a simultaneous rule to supersede the same-day standard. The majority of these smaller market stations obtain or can obtain a "live" network feed and nearly each possesses at least two or three color-capable video tape machines. However, because of the high costs of equipment acquisition, tape head replacement, overall maintenance, video tape, etc., the number of video tape machines owned by a broadcast station, especially one with a marginal operation, rarely exceeds the number of machines absolutely required for the station's daily needs. Video tape machines are often used for commercial playback, station-related video production (e.g., news production) and commercial production during those hours when the station broadcasts what is coming down its network feed. To record and then play back network programs and still engage in the above-mentioned functions of a broadcast station would usually require the acquisition of at least two more video tape units. Some stations, however, have been able to achieve basic programming simultaneity with a major market duplication station without using a tape delay, resorting instead to obtaining rebroadcast rights to the station's "already-delayed" signal and receiving the "originating" station's signal over-the-air or by employing either an inter-city relay facility or common carrier link.

20. Cable operators, of course, have made the argument that a station whose broadcast of network programs is now about one hour "off-center" with that of a duplicating station could adjust its own broadcast schedule by (a) tape delaying its own network presentations, or (b) obtaining rebroadcast rights and using an already-delayed network signal source. The Commission recognizes the related economic obstacles and understands broadcasters' objections to both alternatives. Although a station could both technically obtain and economically afford a delayed rebroadcast feed, it may have certain justifiable reservations about relying on such a network signal source. There are significant problems inherent in rebroadcasting another station's signal, such as "covering" the originating station's ID's, commercials, etc., and foregoing the benefits of a network's "closed-circuit" presentations during off-network hours. Moreover, broadcasters' objections to becoming a "quasi-satellite" of another station and acquiescing to its programming decisions are not without merit. Additionally, where Pacific Time Zone duplicating stations are concerned, simultaneous broadcast of these stations' program schedules (by rebroadcast or tape delay) would result in prime-time programming running from 9:00 p.m. to 12:00 Midnight, too late to be practical. Furthermore, on a few systems a station could never achieve simultaneous broadcast with all duplicating stations. For example, a system may be carrying three stations of the same network affiliation, and if the higher priority station alters its network program schedule to "cover" that of an imported station by delaying or rearranging its network broadcast schedule, it might well "open the gates" to cable-imported network programming of another duplicating station which does not delay or alter its network program schedule. Moreover, not all cable systems within a 55-mile radius may be carrying the same complement of duplicating network stations. And some stations, primarily those operating in more rural, sparsely populated areas, still bicycle at least a portion of their network programming such that not even a same-day rule would give full protection.

21. We appreciate the position of smaller market Mountain Time Zone stations that broadcast programs taken from more than one network. These stations are beyond the reach of the Commission's Prime Time Access Rule and, therefore, can broadcast four or more hours of network "prime-time" programs each evening. A common example is for such a station to run one network's prime-time feed live from 6:00 p.m. to 9:00 p.m. and then broadcast a tape delayed or bicycled program for a secondary network from 9:00 p.m. until the 10:00 p.m. local newscast. This practice

[4] In most instances these major market network signals have been "grandfathered" on older systems. However, any system located outside of all 35-mile specified zones (but within the 55-mile nonduplication zone of a smaller market station) can carry these distant stations under Section 76.57(b) of the rules and new systems operating in the smaller market of "cherry picker" stations can often carry these major market signals under Section 76.59(b)(1) as the closest or closest in-state primary network affiliates.

[5] With the exception of network evening news programs, for which multiple feeds are offered, a network delivers to its Eastern, Central, and Mountain Time Zone affiliates but one program feed. For example, *Marcus Welby, M.D.* is available at 10:00 p.m. Eastern, 9:00 p.m. Central, and 8:00 p.m. Mountain Time off the ABC network feed.

gives over-the-air viewers in one-station or two-station markets the opportunity to view a larger complement of the networks' more popular programming. But, because these stations broadcast more than three hours of network programs per night, even the most sophisticated video tape or rebroadcast procedure likely could not protect, under a simultaneous rule, all such network programming. And we acknowledge cable operators' statements that cherry picker stations in other time zones generally do not obtain more than three hours of prime-time protection each night.

22. Finally, it is quite clear that the deletion of distant imported network programs at times other than when they are shown locally has become a genuine irritation to some cable subscribers, and has oftentimes tended to adversely affect cable systems' public service reputations and community penetration. While the Commission believes that cable network program nonduplication truly can serve a public interest purpose, the rationale for deleting programs, sometimes at the only time of day a television viewer would be home to see it, is often difficult to explain or justify to the subscribing public. The time diversity usually resulting under a simultaneous-only nonduplication rule, especially where carriage of cherry picker stations is concerned, is generally lost where same-day protection is applied. And, in most instances, it is only where timed diversity is not forfeited that a cable subscriber will understand and accept the principles of nonduplication protection and still be convinced that he truly is getting that for which he is paying. Under a same-day rule, we note further, a system usually cannot offer its subscribers the multiple channel carriage of protected network programs now permitted in a simultaneous context, and intended to reduce subscriber dissatisfaction.

*Decision*

23. The Commission's basic inquiry in this proceeding is to determine whether smaller market Mountain Time Zone stations demonstrably benefit from same-day nonduplication, and whether any such benefit outweighs the time diversity, greater subscriber satisfaction and administrative ease that would result under a nationwide simultaneous-only nonduplication rule. From our analysis of all the information placed before us, it appears that certain smaller market Mountain Time Zone stations clearly do not require any same-day protection to be financially viable. This is apparent because of these stations' failure to ask for such protection or because their broadcast of network programs is substantially simultaneous with that of duplicating stations. Other Mountain Time Zone stations, however, have actively asserted same-day nonduplication rights in order to protect a large portion of their daily network broadcast schedule which is not simultaneously duplicated by lower priority stations.

24. The Commission has concluded that a continued across-the-board same-day nonduplication rule for the Mountain Time Zone is no longer warranted. In many situations it is simply not needed or requested, and in others gives no significant aid to broadcast stations while removing the time diversity available to systems and subscribers in other time zones. We believe the public interest will be better served through the adoption and application of a uniform nationwide standard for network nonduplication protection than by the preservation of a singular exception to this rule which appears to affect and benefit only a handful of stations. We have not been persuaded that the Mountain Time Zone is so uniquely different from other areas that such a general exception should be continued. However, we do recognize that a number of the Mountain Time Zone's smaller market stations may need some protection beyond that which would be accorded under a simultaneous-only standard. Of this number, several may be able to avail themselves of some procedure (rebroadcast, tape delay, etc.), where reasonably possible, to achieve substantial schedule simultaneity with duplicating stations. And even if these stations make no alteration whatsoever of their program schedules, it does not appear that more than a few smaller market Mountain Time Zone stations might suffer appreciably under a simultaneous-only rule. As noted above (see footnote 2) the Commission's staff conducted an economic impact study based upon responses to a questionnaire sent to the majority of smaller market Mountain Time Zone stations. Our analysis of these responses indicates that some Mountain Time Zone smaller market broadcast stations might experience a substantial reduction in audience and revenues if same-day network program nonduplication protection were withdrawn and a simultaneous-only rule were substituted.[6] This analysis does not assume that the affected smaller market stations would make any accommodating program schedule changes in order to more fully benefit under a simultaneous rule. In actual practice we anticipate that most stations will devote at least a minimal effort to achieving more simultaneity of program broadcasts, thus diminishing whatever projected audience and revenue losses they otherwise might expect.

*Special Relief Procedures*

25. It is apparent that some Mountain Time Zone smaller market stations may need more than simultaneous nonduplication of their network programs. Therefore, our adoption today of a nationwide simultaneous nonduplication rule shall be accompanied by the contemporaneous announcement of special relief procedures designed to prevent any possible genuine danger to the economic viability of particular television broadcast stations. Since the need for special relief can arise in several contexts, we are addressing these situations separately.

(a) *Stations receiving same-day nonduplication protection pursuant to Section 76.94(b) of the Commission's Rules.* Such stations have requested and are now receiving same-day network program nonduplication protection according to the procedures and provisions of our present rules. It is our intention to maintain the *status quo* for any Mountain Time Zone station that was receiving same-day network program nonduplication protection on June 18, 1975 (the date of the public notice of our decision in this Mountain Time Zone matter), which, within fifteen (15) days of the date of the publication of these proceedings in the Federal Register, submits to the Commission and serves upon the relevant cable system(s) a notice that special relief from the simultaneous nonduplication rule is required and will be sought. Television stations filing such notices shall submit to the Commission, no later than sixty (60) days[7] after the filing of the notice, a petition for special relief stating fully and precisely all pertinent facts and considerations relied on to demonstrate the need for relief from the simultaneous-only nonduplication rule and to support a determination that a grant of such relief would serve the public interest.[8] All interested parties may submit comments or opposition to the petition within thirty (30) days after it has been filed and petitioner may file a reply to the comments or oppositions within twenty (20) days after their submission. All pleadings shall conform to the special relief requirements of Section 76.7 of the Commission's Rules, with the exception that one consolidated petition may be filed on behalf of a television broadcast station seeking special relief *vis-a-vis* its continued nonduplication protection on two or more cable television systems subject to Sections 76.92 and 76.94 of the Commission's Rules. Until the Commission rules on such a petition, the subject cable television system(s) shall continue to afford the petitioning broadcast station same-day nonduplication protection.

(b) *Stations receiving other than same-day nonduplication protection pursuant to the terms of a private agreement.* Certain Mountain Time Zone television broadcast stations and cable television systems have entered into private contractual agreements which were in effect on June 18, 1975, and provide or provided for a degree of nonduplication protection different from the same-day standard permitted under Section 76.94 (b) of the Commission's Rules. In those instances where the private agreement is not abrogated by our adoption of new rules (amending Section 76.94(b)) for

[6] The methodology and results of this study are being associated with the docket established in this proceeding (Docket 19995) and will be available for public inspection during regular Commission business hours at its public reference room (Room 239) at its Headquarters in Washington, D.C. (1919 M Street, N.W.).

[7] We are allowing this period of time for stations to assemble specific data and prepare the showing required in each petition. Extensions of time are not contemplated.

[8] These petitions must satisfy the criteria specified in Paragraph 26, *infra*.

the Mountain Time Zone, but will remain valid and binding beyond the effective date of these new rules, the Commission will continue to honor and give effect to such an agreement. However, realizing that some of these agreements may, by their own terms, be abrogated due to our rule changes, or may either expire or not be renewed, we believe that special procedures may be appropriate, at least on an interim basis, to maintain the *status quo* for certain stations which are or were parties to such agreements and, in effect, did rely upon our same-day rule in contractual negotiations with cable operators. Thus, we shall provide that any station that was a party to a private agreement on June 18, 1975, may also file and serve a timely notice and then submit, within sixty (60) days of the notice, a petition for special relief from the simultaneous-only nonduplication rules which would otherwise be applicable to such station at the moment the private agreement expires, is not renewed, or for any other reason is rendered ineffective. Such stations should follow the procedures outlined in (a), above, and submit petitions meeting the requirements enumerated in Paragraph 26, *infra*. While these stations were not receiving strictly same-day nonduplication protection at the time of our June 18 public notice, it is evident that their contractual arrangements were influenced by the same-day rule and often provided for a form and degree of protection in excess of simultaneous protection which, on March 31, 1972 became the standard for the rest of the country and will now apply to the Mountain Time Zone. Therefore, in any Mountain Time Zone situation where: (1) the smaller market station had a valid nonduplication private agreement on June 18, 1975; (2) the station has filed a timely notice and petition for special relief; and (3) the contract is no longer effective or is rendered ineffective, for any reason, prior to the Commission's action on the petition, we will ensure that, with some exceptions, the type and degree of nonduplication protection afforded under the private agreement will be continued, pending Commission disposition of the petition, on any cable system which was party to such an agreement and to which Sections 76.92 and 76.94 remain applicable. During the pendency of the petition, a station whose contract is no longer effective shall be entitled to no more than same-day protection and, on request, no less than simultaneous protection. Any station whose agreement contemplated "anytime" protection (i.e., protection of its network programming was not limited to duplication on the same day) shall be entitled only to same-day protection, or, where applicable, to at least simultaneous protection of network programming even though some programs might have received *no* protection whatsoever under a pre-existing contract. We fully recognize that this decision to maintain, on an interim basis, the type and degree of network nonduplication protection specified under an expired or otherwise ineffective contract may act to preserve a degree of protection no longer required by our rules. However, we believe this procedure is appropriate as it properly preserves the *status quo* for the public and the parties while the Commission examines the merits of each petition seeking relief from the simultaneous-only rules. In those cases where stations, pursuant to contracts effective on June 18, 1975, had completely bargained away their same-day rights in favor of simultaneous-only protection, no more than simultaneous protection shall be afforded now or during the pendency of the station's petition for special relief. Where a contract provided for more than simultaneous protection but less than full same-day protection, a continuation of such level and form of protection pending formal Commission action should work no real hardship on either the public or the parties, but, rather, will maintain a proper balance of protection during the interim. The Commission shall continue to recognize newly-contracted nonduplication agreements between stations and systems located anywhere in the country, or substitute contracts entered into by parties to a Mountain Time Zone private agreement effective on June 18, 1975. However, we shall require that copies of any nonduplication contracts entered into by broadcast stations and cable television systems after August 22, 1975, be placed in the system's public inspection file and be submitted to the Commission.

26. Requests for special relief should include factual information on the extent of impact on the television station's operations if its nonduplication protection were reduced to a simultaneous standard. Although all factual data submitted will be considered, the request must include an Impact Analysis and a Financial Statement. The Impact Analysis should estimate the net effect of simultaneous-only protection on the television station's audience, revenues, and operations, and should include each of the following:

(1) Schedule of Cable Systems—This is a list of all cable systems within the station's 55 mile zone which have 1,000 or more subscribers (*i.e.*, those systems obligated to extend nonduplication protection). For each such cable system, the following should be shown: the current number of subscribers (describe source), the call letters and locations of the distant stations against which the subject station has priority and for a typical two-week period (specify) the number of prime-time program hours and non-prime-time hours which are (a) being protected on a same-day basis; (b) being protected on a simultaneous basis; (c) not being protected.

(2) Estimate of Cable Television Audience Affected—This is an estimate of the average number of cable households using television ("HUTS") during prime-time and non-prime-time, of the total subscribing households, shown in the Schedule of Cable Systems using the market average for HUTS, found in rating reports, possibly adjusted for differences between cable household viewing vs. non-cable household viewing, and explaining any adjustments made.

(3) Estimate of Loss of Cable Television Average Audience—Stating the basis of any assumptions, this is an estimate of how much of the average total cable television audience, found in (2) above, view the subject television station during prime-time and non-prime-time and how much of this audience would be diverted to other stations on the cable, if same-day protection were changed to simultaneous-only protection. This loss is then expressed as a percentage of the station's average prime-time total audience and average non-prime-time total audience.

(4) Estimate of Annual Revenue Loss and Loss of Service—This is the conversion of the percentage loss of prime-time audience into loss of the station's prime-time annual network-related revenues, and likewise the percentage loss of non-prime-time audience into loss of the station's non-prime-time annual network-related revenues, with an explanation of any assumptions made.

Finally, it includes an explanation in detail of how the estimated dollar revenue loss for the station would cause a loss in the program service, including the public service programs which would be dropped or curtailed, the cost savings that would be made by this action, the personnel changes that would be required, etc.

The Financial Statement to be submitted should include the profit and loss data for the last three years, as filed in the Commission's FCC Form 324. A complete explanation should be included for large or unusual expense items, particularly in these categories: (1) management or other services provided by the home office or affiliates, (2) other payments to principals, and (3) depreciation expense. In addition, if available, the most current balance sheet on the station and a cash flow statement for the latest year, should be submitted. If the station requires new recording equipment to delay some programs in order to minimize the effect of the rule change, submit a statement describing the equipment that would have to be purchased, its cost, and the cost of operating the equipment.

27. In acting on each petition the Commission shall endeavor to afford the appropriate measure of relief and prescribe the terms of any such special relief in the manner which will best serve the parties and the public interest. We intend to be flexible in the grant of special relief and shall tailor any relief to the specific requirements of each case. That is, relief granted may specify something more than simultaneous protection but perhaps less than full same-day protection.

28. We are amending Section 76.94(b) to reflect our change in the Mountain Time Zone nonduplication rules but are retaining paragraphs (b)(1) and (b)(2) to help govern those specific situations where same-day protection will continue to be afforded on either an interim or a more lasting basis. As we have stated many times before, any broadcast sta-

tion or cable television system may seek waiver or special relief from the specific requirements of our network nonduplication rules through the special relief provisions of Section 76.7 of the Commission's Rules. But, for the purpose of today's nonduplication rule change, only those broadcast stations described in paragraph 25, above, shall be entitled to the special "automatic stay" provisions set forth in that paragraph. Additionally we are amending Sections 76.95 (d) and 76.305 to require that copies of any nonduplication contracts entered into by broadcast stations and cable systems after August 22, 1975, be placed in the system's public inspection file and be submitted to the Commission.

*Pending Matters*

29. In paragraph 91(h) of the *First Report and Order in Docket 19995, supra*, we stated that all petitions for waiver or petitions seeking an order to show cause concerning same-day exclusivity in the Mountain Time Zone would remain on file pending the disposition of the proceedings concluded herein. Accordingly, consistent with our action today we are instructing the staff to dismiss all these matters as moot once the new rules become effective.

Authority for the rules adopted in the Appendix attached hereto contained in Sections 2, 3, 4(i) and (j), 301, 303, 307, 308, 309, 315 and 317 of the Communications Act of 1934, as amended.

Accordingly, IT IS ORDERED, That effective August 22, 1975, Part 76 of the Commission's Rules and Regulations, IS AMENDED, as set forth below.

Adopted: July 9, 1975.

Released: July 22, 1975.

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

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

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

1. In § 76.94, paragraph(b) is revised, as follows:

**§ 76.94 Notification requirements and extent of protection.**

* * * * *

(b) Where a cable system is required to provide same-day network program nonduplication protection, either pursuant to specific Commission order or pending Commission action on a broadcast station petition for special relief filed pursuant to the procedures described in paragraph 25 of the *Second Report and Order in Docket 19995*, FCC 75-820, FCC 2d (1975), the following provisions shall be applicable:

2. In § 76.95, paragraph (d) is revised, as follows:

**§ 76.95 Exceptions.**

* * * * *

(d) The Commission will give full effect to private agreements between operators of cable television systems and local television stations which provide for a type or degree of network program nonduplication protection which differs from the requirements of §§ 76.92 and 76.94. A copy of any such private agreement entered into after August 22, 1975, shall be filed with the Commission and a copy shall also be placed in the system's public inspection file (see § 76.305) and retained in such file for as long as the contract remains in force.

* * * * *

3. In § 76.305, paragraphs (a)(7) and (c) are revised, as follows:

**§ 76.305 Records to be maintained locally by cable television systems for public inspection.**

* * * * *

(a) * * *

(7) A copy of all records which are required to be kept by § 76.95(d) (network program nonduplication private agreements); § 76.205(c) (origination cablecasts by candidates for public office); §76.251(a)(11) (public access channels, educational access channels, leased access channels); § 76.253(b)(3) (cablecasting equipment requirements for larger cable systems); § 76.311(f) (equal employment opportunities).

* * * * *

(c) *Period of retention.* The records specified in paragraphs (a) (1), (2), (3), and (8) shall be retained for 15 years or until the system receives a certificate 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), 76.251(a)(11), 76.253(b)(3), and 76.311(f).

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[FR Doc.75-18989 Filed 7-21-75;8:45 am]

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[Docket No. 20363, FCC 75-821]

## PART 76—CABLE TELEVISION SERVICE

### Minimum Channel Capacity; Access Channels

In the matter of amendment of Part 76 of the Commission's Rules and Regulations Relative to Postponing or Cancelling the March 31, 1977 Date by Which Major Market Cable Television Systems Existing prior to March 31, 1972, must be in Compliance with Section 76.251(a)(1)-(a)(8), Docket No. 20363.

1. In *Notice of Proposed Rule Making in Docket 20363*, FCC 75-211, 51 FCC 2d 519 (1975), (released February 26, 1975) the Commission announced that it was considering postponing or cancelling the March 31, 1977, deadline for compliance with the channel capacity and access channel requirements of Section 76.251 (a)(1)-(a)(8) of the Rules for those systems which commenced operation prior to March 31, 1972.[1] In that *Notice*, the Commission acknowledged the concern of various parties that:

(1) Industry-wide operating revenues are clearly insufficient to generate the necessary capital to reconstruct plants and distribution networks and provide the amplifiers, converters, and modulators necessary to bring affected systems into compliance by March 31, 1977;

(2) A longer time than the five-year period between March 31, 1972 and March 31, 1977 is required for systems to generate the type of revenue and economic strength necessary for them to finance reconstruction;

(3) Considering the state of the economy and the already large existing debt of most systems, financial interests are unwilling to extend additional credit to meet what are reviewed as non-revenue producing requirements;

(4) It is unreasonable for the Commission to expect either financial interests or system operators to provide the necessary capital to reconstruct while simultaneously requiring the system operator to obtain a franchise which is consistent with the Commission's guidlines, a process which entails a review and potential alteration of the system's very authority to operate.

Accordingly, the Commission specifically invited comments upon the amount of capital required to comply with these

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[1] Effective March 31, 1972, the Commission adopted the *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143 (1972), establishing a comprehensive set of regulations for cable television. Included in these regulations are, *inter alia*, channel capacity and access channel requirements which are contained in Section 76.251. This Section requires in pertinent part that a system in a major television market provide:

1. 20 channel capacity available for immediate or potential use (76.251(a)(1));
2. For each broadcast channel used, an equivalent amount of bandwidth available for non-broadcast purposes (76.251(a)(2));
3. Technical capacity for non-voice return communication (76.251(a)(3));
4. A single channel each for public, educational, local government and leased channel use (76.251 (a)(4)-(a)(7)); such capacity to be expanded based upon need (76.251 (a)(8)); Equipment and facilities necessary for the production of programming on the public access channel (76.251(a)(4)).

In general, systems commencing service after March 31, 1972, (hereinafter referred to as new systems) were expected to fully comply with these requirements prior to commencing service, while systems already in operation as of that date (old systems) were given five years, that is until March 31, 1977, to reconstruct their plant and distribution networks, purchase new equipment and provide minimum studio facilities for the public access channel and come into full compliance with these requirements.

requirements and the availability of such capital in the marketplace.[2]

I. SUMMARY OF COMMENTS

2. We are now in receipt of responses to our *Notice* which represent viewpoints of the cable television industry, the broadcasting industry, local governmental and educational authorities, public interest organizations, access channel programmers, individual members of the public, financial analysts, lending institutions, engineering consultants, and a trade association of equipment manufacturers. In general, the comments filed by the cable television industry, financial analysts, lending institutions, engineering consultants, and the trade association of equipment manufacturers support cancellation of the deadline, while most of the comments filed by the other responding parties urge the Commission to uniformly retain the March 31, 1977, deadline or to entertain waiver petitions on a system-by-system basis. Having reviewed the responses to our *Notice* and analyzed the information provided we have determined to cancel the March 31, 1977, reconstruction deadline and suspend our reconstruction requirements pending the outcome of the proceedings in Docket 20508 (see footnote 2, *supra*).

3. Comments filed by system operators and the National Cable Television Association uniformly favored cancellation of the March 31, 1977, deadline. While some system operators, including Teleprompter, Community Tele-Communications, Suburban Cablevision and Warner Communications, as well as the NCTA[3], urge cancellation of the requirement due to the burdens placed upon the industry as a whole, others, including Central California Communications Corporation, Televents Affiliated Systems and Fetzer Cablevision, urge cancellation of the reconstruction requirements based upon their estimates of cost of compliance for their individual systems. Many of these parties as well as others insist that compliance with the March 31, 1977, deadline would be either unduly burdensome or, in fact, impossible. For example, West Shore TV Company indicates that it presently estimates a reconstruction cost of $5930 per mile which, when passed on to its subscribers, will amount to a charge of $231 per subscriber, not including the cost of installing a converter. West Shore further asserts that in view of its current debt, which is in excess of ½ million dollars, compliance with the Commission's requirements would result in its system's ceasing operations. This view is echoed by Athens Cable Company and Scottsboro TV Cable Inc., the latter noting that its present 12 channel system is under-utilized, that its cost of reconstruction would be approximately $2300 per mile for a total of $150,000, which would increase its operating costs $1.50 per month for each of its 1850 subscribers "without a justifiable basis for requesting rate increases." Montachusett Cable Television Inc. and Cablevision Inc., in urging the Commission to cancel its present requirements, assert that both their combined total pre-tax loss for last year was greater than $265,000 for their systems which have 14,500 subscribers. The only way to raise funds to finance reconstruction at this time, it is asserted, would be to raise subscriber rates about $1.60 per month, which they believe, based upon past experience, would result in a decrease in subscribers.

4. Western Communications has filed comments indicating that the cost of reconstruction of its urban systems will be at least $5,000 to $10,000 per mile and will result in an average increased investment of $126 per subscriber, not counting the cost of installing converters. Moreover, it notes that its experience to date with pay cable, which has yielded increased revenues of between 13¢ and 19¢ per month per subscriber, does not support the proposition that the revenues generated by pay cable within the near future will offset the costs of reconstruction required by the Commission's rules. In addition, Storer Broadcasting-CATV Division has provided a study indicating that the costs of compliance it estimates to rebuild its 866 miles of plant, to add converters and to make headend improvements would be in excess of $7 million. Storer has also provided the results of another study indicating that the combined cost of compliance for all affected systems in the states of Pennsylvania and California alone could exceed $81 million.

5. At least two system operators indicate that they might be able to finance reconstruction by March 31, 1977. Multivision Northwest Inc. notes that while it is presently in the process of converting its 12 channel system to 36 channel capacity, it is doing so "as older equipment is retired." It further notes that were it required to comply by the present deadline "it would be at the cost of the premature abandonment of approximately $300,000 in technically satisfactory 12-channel electronic equipment and the expenditure of over $400,000 for new equipment with capacities for which there is no present demand or need." While indicating that it also might be able to obtain the necessary capital to reconstruct, TeleCable Corporation indicates its belief that it would be unwise to do so, noting the following:

. . . It would be imprudent at best to make such an investment in a non-revenue producing venture for which there has been only miniscule public demand. This is particularly true since there are other investment alternatives which will contribute more to the public interest and sustain higher quality service. For instance, the diversion of capital to major rebuild will severely limit the planned replacement of electronics in six older TeleCable systems for the purpose of upgrading signal quality; it will reduce bidding on franchises in major markets and construction of new systems (with 20 channel and two-way capability) bringing CATV to the population centers of the nation; and it will delay the construction of additional CARS systems which enhance service by delivery of distant signals. Surely these are examples of uses of capital which better serve the public interest than expenditures for rebuild as a result of legislated artificial obsolescence.

6. Liberty Communications notes that in acquiring its initial interest in cable television, it agreed to certain limitations on future indebtedness and its total capitalization ratio, which severely restrict its ability to finance reconstruction in order to comply with the Commission's present requirements. Twenty-two cable television companies jointly filing comments argue that the practical effect of maintaining the present requirements would be to siphon what money is available from new system construction and therefore "would be totally inconsistent with the Commission's avowed purpose of 'getting cable moving'." Finally, a number of cable operators assert that in the last two years, the total market capitalization of major market cable television systems has fallen 70%; that the maintenance of the Commission's rebuild requirements will in effect constitute an additional franchise fee of over 15% for an extended period of time; that this will result in cross subsidization by systems in markets not subject to the requirements and the subscribers in those latter communities will be taxed "not just for services they don't want but for services which are not even available to them." System operators expressing these views included Colony Communications, Buckeye Cablevision, Covenant Cable TV, Sioux Falls Cable Television, Portage Telerama, New Channels Corp, Sammons Communications, and Cable TV Puget Sound.

7. Joint comments filed by 19 television licensees as well as comments filed by the American Broadcasting Company generally urge the Commission to reexamine its approach concerning how cable television service fits into the nationwide communications structure and not to retreat from imposing the public service requirements, particularly for those systems which are profitable. In addition, should compliance with one or more of the Section 76.251 requirements for an

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[2] Due to the lead time required for systems to reconstruct to meet the March 31, 1977, deadline, we limited the scope of our February 26 *Notice* to the question of whether or not the present deadline should be retained and indicated that an additional *Notice* would, shortly thereafter, be issued inquiring into substantive alternative methods by which we might reaffirm our commitment to access cablecasting while recognizing the economic realities of the marketplace. On June 3, 1975, we adopted *Notice of Proposed Rule Making in Docket 20508* FCC 75-644 —— FCC 2d —— (1975), which constitutes the subsequent *Notice*. Comments in that proceeding are due by August 18, 1975, and replies by September 8, 1975. To the extent that comments filed in this proceeding directly relate to matters under consideration in Docket 20508, we shall defer their discussion and consideration until the resolution of the proceedings in that Docket.

[3] NCTA has also provided a study, discussed in Section II, *infra*, indicating that it projects a nationwide cost of compliance of $430 million.

individual system prove unduly burdensome, these parties urge the Commission nevertheless to require compliance with those provisions which are not so expensive. While urging the Commission not to postpone or cancel the date for reconstruction until all alternatives are considered, these parties also urge that regardless of whatever decision is ultimately made, a distinction be drawn between those systems which have never obtained certificates of compliance and those which obtained certificates based upon promises that full compliance with the Commission's requirements would be obtained by March 31, 1977. While questioning the estimates of cost of compliance provided by the cable television industry, ABC notes that recent advances in the prices of publicly traded stock of cable television companies as well as in the number of subscribers receiving cable service tend to cast doubt upon the industry's claim of financial peril.

8. While most local governmental and educational authorities generally oppose a wholesale postponement of our access channel and channel capacity requirements for older systems, many feel that a selective postponement might be necessary. The parties favoring a case-by-case approach include various governmental and educational authorities from the city and county of San Diego, California, representatives from the cities of Eugene, Oregon, and Imperial Beach, California, the Schuylkill Haven Area School District of Pennsylvania and the Commission on Cable Television of the State of New York. In addition, the New York State Commission questions the per mile cost estimate to reconstruct provided by cable operators and provides figures for reconstruction which suggest that the total cost within that State might be no more than $8 million and if extrapolated to the entire nation would result in a nationwide expenditure of approximately $133 million. While indicating that there may be "no reason to require that a 12 channel system be rebuilt so as to provide 20 channel capacity if there is presently unused channel capacity sufficient to accommodate all broadcast signals and other uses," the New York Commission also points out that it may serve the public interest to require the construction of such a system if all 12 channels are now used for retransmission of television broadcast signals. In addition, the New York State Commission does not oppose postponement of the two-way requirement—a view not shared by the Commission on the Educational and Informational Uses of Cable Communications of the State of Connecticut. While indicating that all but a few systems within that State began operations after March 31, 1972, and are therefore not directly affected by this proceeding, the Connecticut Commission urges that the elimination of the two-way requirement for older systems would have "a prejudicial impact on the optimal development of viable cable television communications systems and services in our State." Lastly, while the Board of Public Works of the City of Seattle urges the Commission to allow systems to maintain their present bandwidth but to expand that bandwidth based upon demand in the individual community, the City of Pinole, California and the San Francisco Cable Television Task Force urge the retention of the present requirements arguing that local operators will not expand services without Commission directive.

9. Most "public interest" organizations, access channel programmers, and several individual members of the public generally oppose cancellation of the March 31, 1977, reconstruction date. Many of these parties, for example, the Cable Arts Foundation, Community Video Center, the Public Eye, the Committee for Open Media, the Movement for Economic Justice, and the United States Catholic Conference, while recognizing the financial difficulties encountered by cable television systems in reconstructing, also urge the Commission to retain its present requirements subject perhaps to the granting of waivers on a system-by-system basis. Urging that compliance dates must be determined on an individual basis "under the criteria of equity, reasonableness, and public benefits," the American Civil Liberties Union states:

> Such dates must be established by balancing the loss of benefits to subscribers and to program/content suppliers from delayed development against the technical and economic feasibility of adopting full state-of-the-art services.

Other parties, including the St. Louis Broadcast Coalition, the Hawaii Council of Churches, Squirrel Hill Citizens Cable TV and the Pennsylvania Learning Resources Association, while not specifically referencing financial or economic considerations urge the Commission to retain its present requirements. In support of their request, several of these organizations cite present or projected access channel utilization in various communities. For example, PLRA notes the following examples of present successful access channel uses which are occurring in its area and the continued operation of which, it believes, may be jeopardized by a cancellation of the Commission's present access channel and channel capacity requirements:

A. Meadville Master Antenna Company has a local access channel which includes news programs, school related programs, plays, administrative activities, guidance programs, etc. . .

B. Tamaqua Area School District which programs sports, plays, administrative activities, guidance programs, etc. . .

C. The Schuylkill Haven Area School District which has blended school and community functions for programs such as parades, telethons, and community related programs.

D. Colonial School District which is linked with the University of Pennsylvania and offers programs in graduate work as well as an accelerated student's program.

E. The Berks Suburban Cable Company which has done an outstanding job in cooperating with local educational institutions for programming in the entire Reading, Pa. area.

F. The consortium of Schuylkill County "Educators on CATV" who have united efforts to program a channel on a county-wide basis.

10. Other individuals and organizations in urging the maintenance of the Commission's present requirements question the estimate of the costs of compliance ($430 million) provided by the National Cable Television Association, and the supposed plight of the cable television industry in general, citing recent optimistic public statements made by cable company executives, recent increases in the price of publicly traded cable company stock (said to be 400% in the case of Teleprompter Corporation) and the emergence of pay cable as a significant new source of revenue. The groups expressing these points of view included the National Black Media Coalition, the Philadelphia Community Cable Coalition, the Public Interest Research Group and the Connecticut Citizen Action Group. In addition, comments filed by some of these parties as well as comments filed by others, including Allen Hammond, assert that to the extent the cable industry's financial situation is unhealthy, the remedy lies in increasing opportunities to provide new product either in the form of a relaxation of some of the signal carriage requirements, or in the loosening of restrictions placed upon movies and sports for pay cable, rather than postponing the reconstruction of old systems. Some of these organizations and others, including the Public Access Office of Ann Arbor Cablevision and Marin Community Video, also urge that the Commission's separation of the proceedings in this Docket from those contained in Docket 20508 (see footnote 2, *supra*) was improper and that the proceedings should be consolidated. Comments were also filed, particularly by the Black Media Coalition, asserting that the Commission did not take sufficient steps to insure that members of the public were apprised of this rule making;[4] that the views of the public are not adequately represented; that the informa-

[4] Many of these parties specifically urge that the March 6, 1975, decision of the Chief, Cable Television Bureau, acting pursuant to delegated authority, which contracted the period for filing comments and replies in this proceeding from April 7, 1975, and April 17, 1975, respectively, to March 17 and March 27, 1975, respectively, resulted in their not having sufficient time to formulate suitable comments. While it is our view that sufficient time has been afforded interested parties to formulate comments and replies in this proceeding, and that the viewpoint of the public is well represented, we also note that in decisions adopted April 11 and April 29, 1975, the Chief, Cable Television Bureau, did in fact extend the date for filing replies from March 27 to June 9. This action was taken in view of the time required by the staff to assemble data supplied in response to a *Freedom of Information Act* request filed on April 1, 1975, by the National Black Media Coalition and the time required by the Coalition to analyze the data and formulate its reply comments.

tion on file with the Commission is insufficient to justify a decision to cancel or postpone the reconstruction deadline; and that the Commission should itself inaugurate its own study of the costs of compliance and investigate whether "the costs directly attributable to compliance with 1972 requirements are the result of a wilful failure to modernize on the part of the cable industry; or whether such costs result from monopolistic powers and practices within the fledgling cable industry." Lastly, while also opposing the separation of the two dockets, various staff members of the Cable Television Information Center of the Urban Institute provide the results of a study (see Section II, *infra*) indicating that the cost of compliance may be $185 million, based upon which they conclude that "the cost of compliance is real, at least in the sense that major market system operators will in fact have to invest significant amounts of money to bring systems into compliance with the FCC's 1977 Rules."

11. In responding to the question of the cost of compliance and the availability of capital to finance reconstruction, comments filed by financial analysts, lending institutions, engineering consultants and a trade association of equipment manufacturers uniformly favor suspension or cancellation of the 1977 reconstruction deadline. In support of this conclusion, most of these parties urge that while compliance with the Commission's requirements will indeed be expensive, it will not result in significant new revenue generating services for the affected systems. Therefore, a potential lender, it is argued, would be unwilling to advance the capital required. For example, Firstmark Financial states:

In reviewing our present portfolio we find that many of our present customers, if required to rebuild in accordance with the present 1977 rules, would have extreme difficulty in refinancing their present debt and adding to said debt additional funds for rebuilding unless new services could be provided and therefore new income generated to pay off additional debt incurred.

We . . . quite honestly feel that new funds advanced for complying with the present rule making that would not generate new income would be wasteful to both us as a lender and to our customer as a borrower.

This view is echoed in comments filed by John Hancock Mutual Life Insurance Company, which notes that due to the present state of the equity market, a potential borrower will have to rely to a great extent upon the debt capital to finance reconstruction. John Hancock states:

Speaking for ourselves, we would find a loan to an existing and mature CATV company for the sole purpose of achieving 1977 standards considerably less attractive than other investment opportunities that are available today and will probably be available at that time both in and out of the industry. The reason lies not in the lack of any commitment to the industry; we have already made a number of loans to CATV companies. The reason lies, rather, in the fact that the upgrading of the systems to 1977 standards apparently does not in and of itself result in any substantial additional CATV revenues. As such, a loan to a CATV company for this purpose would be adding to its debt service requirement without the assurance that the resulting improvements would generate additional revenues with which to service the debt. It is highly likely, therefore, that other opportunities in which to invest our policyholders' funds will prove to be more attractive.

While urging the Commission to postpone its rebuild requirement, comments filed by the Broadband Communications Section, Communications Division, of the Electronic Industries Association, urge a "thorough-going re-analysis of the requirement for the 1977 rebuild." Comments provided by O. D. Page urge the Commission to cancel its present requirements and to permit the "needs and desires" of individual communities to dictate when channel capacity must be expanded.

12. Also responding to our inquiry, Warburg-Parabis Becker (a financial institution) reports the result of a survey which it conducted of 32 commercial banks, 10 intermediate lenders and 34 insurance companies which indicated that these groups anticipate lending approximately $185 million for new system construction and revenue producing rebuild this year and slightly more the following. Summarizing its findings WPB states:

It does not appear that these sources will be able to fund any meaningful portion of the capital requirement generated by the 1977 rebuild requirements. We therefore urge the Commission to suspend the 1977 compliance date. Absent such a suspension, capital investment, if available at all, will be needlessly diverted from construction of new systems and the attainment of a subscriber and revenue base needed to support the growth and development of the industry.

In supporting the estimates provided by the National Cable Television Association, Paul Kagan Associates notes that reconstruction of major market systems is in fact much more expensive than reconstruction of systems elsewhere. PKA also points out that even those few systems in major markets which are not showing large losses are attempting to raise their monthly rates in order to obtain a return on capital which is commensurate with the size and type of investment initially made. PKA further notes that in order for a cable system to obtain investment capital, it must maintain its per subscriber investment at no greater than $200, and requiring reconstruction for most systems would result in an investment greatly in excess of this figure. Lastly, PKA reports the result of a survey which it conducted indicating that $190 million would be available from financial sources for cable television building and rebuilding in 1975, and that this money should most appropriately be spent upon rebuilding plants which have become naturally obsolescent and upon new system construction.

II. NATIONWIDE COSTS OF COMPLIANCE--THE CABLE TELEVISION INFORMATION CENTER STUDY AND THE NATIONAL CABLE TELEVISION ASSOCIATION STUDY

13. In addition to the comments already discussed, separate studies of the nationwide costs of compliance have been provided by various staff members of the Cable Television Information Center of the Urban Institute, and by the National Cable Television Association. While CTIC projects a figure of $185 million as thecost of reconstruction to meet our channel capacity and access channel rules, NCTA's results indicate that the cost would be $430 million. A brief summary of the methodologies and a comparison of the results of these two studies is appropriate.

14. In conducting its analysis, CTIC first compiled a list of all cable systems in operation in the major markets prior to March 31, 1972, based upon the information available in the *Services Volume* of the *Television Factbook* for the year 1972–1973. CTIC then arranged the systems according to size in terms of potential subscribers and age of distribution network and made two assumptions. It was assumed that all systems constructed prior to 1963 were constructed in such a manner (using a copper braid outer conducter) that compliance with the Commission's requirements would necessitate a virtual complete reconstruction of the system's distribution network. The average cost of this undertaking was estimated at $5815 per mile of distribution plan. It was further assumed that systems constructed after that date were constructed with cable jacketed with aluminum and need only to replace amplifiers, splitters, taps, and connectors to comply with the Commission's requirements. The average cost of this replacement was estimated at $3544 per mile of distribution network. The validity of the data and the assumptions made were checked by random telephone inquiry, and correction factors were included designed to take into account the number of systems constructed after 1963 with copper braid, as well as the number of systems of both categories which had already undergone reconstruction. Also, a figure of $10,845 per headend was added to CTIC's estimates representing the cost of additions required for each of the affected system's headends (3 modulators and other associated equipment) and minimum production equipment for the public access channel. No provision was made for the installation of converters on either category system.

15. In compiling its estimates, NCTA employed a somewhat different approach. To estimate the number of systems in operation in 1972 in the major markets, NCTA consulted the 1974–1975 *Services Volume* of the *Television Factbook*. NCTA differentiated between those systems which indicated at least 20

channel capacity but nevertheless had to reconstruct to meet other access or channel capacity requirements and those indicating less than 20 channel capacity. The former category of systems was subdivided into those systems needing to replace amplifiers only, those systems needing to replace converters only, and those systems needing to replace both. The determination of the appropriate subcategory for each system was based upon "comparing present channel utilization and capacity to the requirements of Section 76.251." Separate cost of compliance estimates were made for each of these subcategories. The validity of this data and the cost estimates projected, NCTA states, was checked and confirmed by random telephone inquiry. Those systems possessing less than 20 channel capacity were individually surveyed and asked what modifications of existing facilities were necessary to comply with the provisions of Section 76.251; 65% of such systems NCTA indicates responded. Based upon these responses, extrapolated to all pre-1972 less than 20 channel capacity major market systems, NCTA distinguished among 5 different types of reconstruction which would be required to comply with the Commission's Rules, estimated the number of systems requiring each and provided itemized cost of compliance projections for each. For example, NCTA estimated that 80 systems (defined in a headend sense) with 7,784 miles of distribution network, serving 328,833 subscribers need to replace amplifiers, at a cost of $2,200 per mile including labor, and add converters at a cost of $50 per subscriber including labor, to meet the 1977 deadline. Other projections were made for those systems needing to replace amplifiers only, systems needing to be rebuilt totally not requiring converters, those needing to be rebuilt and to add converters, as well as systems needing to be partially rebuilt. Finally, NCTA added a projection of $23,000 per community for the acquisition of public access production facilities, studio preparation costs and 4 modulators for the access channels required by the Commission's rules.

16. In attempting to compare the apparently divergent results of the two studies and the other cost projections provided, it is necessary to note initially that any estimate of cost of compliance either on an individual or nationwide basis is fraught with difficulties. As we discussed in our June 3, 1975, *Notice*, the cost to reconstruct an older system to comply with our requirements may vary tremendously depending on the number and type of component parts which need to be replaced, the type of construction originally undertaken, the location of the system, etc Accordingly, in order to project a nationwide estimate of the costs of compliance, various assumptions must be made. The validity of those assumptions is always open to question. Recognizing these inherent difficulties, let us analyze the differing results of the two studies.

17. By far the most significant difference in the two studies concerns the inclusion in the NCTA study of the cost to add converters for certain systems. CTIC provides no estimate of this cost, noting that if the Commission's requirements were construed so as to require the installation of converters, that the "cost might well exceed $100 million." In para. 20 of the *Clarification of Rules and Notice of Proposed Rule Making*, FCC 74-384, 46 FCC 2d 175 (1974), we stated that although the addition of a converter is not required to comply with our channel capacity rules, it is required if the activated bandwidth available without the converter is insufficient to provide the four access channels required by our rules. As a practical matter, this requirement means that at least all single trunk cable systems located in major markets which carry 9 or more television signals must install a converter to be in compliance with the Commission's rules. In addition, in compiling its data, CTIC apparently omitted the cost of compliance for those systems which presently possess 20 channel capacity but which would be required to reconstruct to comply with our two-way requirement contained in Section 76.251(a)(3) of the Rules. NCTA's estimate includes a $24 million projection for bringing such systems into compliance. On the other hand, CTIC's estimate included a cost factor to provide actual two-way service which is not required by the Commission's rules, and it is somewhat unclear the extent to which the costs of reconstruction for those systems which have already reconstructed have been included in NCTA's projections. A final area of significant difference concerns NCTA's estimate of $23,000 per community for public access production facilities including equipment and studio preparation and the installation of modulators. CTIC's estimate for compliance with this requirement totals $10,845 per headend. While we believe that NCTA's estimates are somewhat high in this regard, we also note that CTIC has not included the costs of acquiring and maintaining a studio in its projections. Neither has CTIC included the cost of a fourth modulator which would be required to make a leased channel available. In addition, NCTA has assumed that each of the 528 communities it estimates to be affected would be required to provide separate studios and facilities. We have, however, on numerous occasions, (See para. 22 of our June 3 *Notice*) granted waivers of this requirement to allow several communities served from a common headend to share access channels as well as studio and production equipment for access programming. Therefore, from a practical standpoint, we believe that NCTA's projections in this regard may be somewhat unrealistically high.

18. Of more significance than the differences between the two studies are their similarities. If we eliminate those systems which must only install converters to be in compliance, and those systems which presently indicate 20 channel capacity but which nevertheless might have to reconstruct to comply with our two-way requirement, the estimated number of cable system strand miles which must be rebuilt are reasonably close (38,819 for CTIC and 34,412 for NCTA). The validity of these figures is reinforced by our own analysis taken from the information contained in the Form 325 which is filed annually by system operators. Our statistics suggest that there are approximately nine hundred less than 20 channel major market systems with 38,000 miles of plant which must be reconstructed to come into compliance by March 31, 1977. Moreover, the estimated average costs to be incurred for those systems which must completely reconstruct ($5,815 by CTIC and $5,500 for NCTA) are reasonably close and in general accord with staff projections, as are most of the individual component cost estimates provided. Therefore, while we believe that in compiling its estimates CTIC has omitted the costs of compliance with certain of our requirements, we also believe that NCTA's projections represent a "worst case" estimate which may be somewhat high. Taking into account these considerations and having reviewed the information available to us, we would suggest that the nationwide cost of compliance might be estimated within the range of $275 to $375 million. While the cost might conceivably be less depending upon advances in technology, we believe that it is more likely that our estimate, if in error, is conservative.

## III. Discussion

19. In view of the comments filed and the estimates made, we believe that it is extremely doubtful that the industry as a whole could obtain the necessary capital with which to reconstruct and add converters by March 31, 1977. Even if we were to accept the lower cost of compliance estimates which have been provided, we are doubtful that any significant portion of the industry could meet our present deadline. We recognize in particular the uniform reluctance expressed by lending interests to finance reconstruction which may not in the near term lead to the generation of significant new revenues. While we envision a future for cable in which substantial financial benefits could be derived from complying with our access requirements and in particular from the furnishing of leased channel services, we must balance our future expectations with the present realization of the very real burden our current reconstruction requirements pose. It is a burden not only to the subscriber who must pay for the system's reconstruction; it also constitutes a levy upon those citizens in communities where the benefits of new cable service will not be realized because the funds available in the marketplace will have been diverted as a result of our requirements.

20. In regulating this or any other communications media, we recognize our responsibility to measure the cost of compliance with our requirements, which must ultimately be borne by the public, against the benefits to be derived therefrom. We also recognize and fully support the growing trend among all branches of government to avoid impos-

ing requirements which may have a substantial inflationary impact. When we adopted our rules on March 31, 1972, it was our belief that, based upon the state of the economy at that time, compliance with our requirements for older systems within five years would not be unduly burdensome, and that the benefits which would inure to the public in the form of increased means for the inter- and intra-community exchange of ideas fully justified their imposition. The economic events which have occurred in the interim and the experience which we have gained in regulating this technology have, however, caused us to re-evaluate our initial projections.

21. In view of these considerations, a change in our present March 31, 1977, reconstruction deadline is required. While we have considered amending our requirements to provide for a case-by-case examination of each system's ability to finance reconstruction to meet the present deadline, it is our belief that the adoption of this alternative would be, for several reasons, inappropriate. Aside from the obvious processing difficulties in administering such an approach in a sufficiently timely manner to insure that those systems required to reconstruct could meet the 1977 deadline, it is our belief that, based upon the views expressed, only a comparatively small number of systems would in fact be able to secure financing in time to reconstruct by March 31, 1977. More fundamentally, we are not certain, even in the case of those systems which could rebuild to meet our present deadline, that the maintenance of a uniform reconstruction date which artificially mandates obsolescence does in fact further the interests of the public. This is not to say, however, that we have abandoned a system-by-system approach absent the artificial time constraint of March 31, 1977. Such an approach based upon each individual system's "natural rebuild" is in fact one of the options we are exploring in the proceedings in Docket 20508 (see para. 16). Accordingly, we have determined to cancel the March 31, 1977, deadline for reconstruction to comply with the provisions of Section 76.251(a)(1)–(a)(8) and suspend any rebuild requirements for old systems pending the outcome of the proceedings in that Docket.

22. The action which we are taking today should not be misconstrued as an indication of an abandonment of our commitment to foster the community access services cable is so uniquely capable of providing. After analyzing the comments filed in response to the proposals concerning system reconstruction contained in our June 3 *Notice*, we will be in a better position to determine how best to amend our requirements so as to foster the expansion of access services while not presenting artificial impediments to the growth of cable service throughout the nation. In light of the importance of these matters, we expect to expeditiously resolve and finalize the proceedings in Docket 20508 in the very near future.

23. It is important to note that the action which we are taking today does not affect the proposal contained in para. 17 of our June 3 *Notice* to maintain March 31, 1977, as the date for requiring those systems ultimately affected by our channel capacity and access channel requirements to provide access services on a "composite" basis without reconstructing. It also does not alter the channel capacity and access channel obligations of new systems, or the access and origination facilities requirement imposed on systems with greater than 3,500 subscribers by the *Report and Order in Docket 19988*, FCC 74§1279, 49 FCC 2d 1090 (1974). Lastly, it does not affect the requirement that old systems meet the technical standards contained in Subpart K of the Rules by March 31, 1977.

Authority for the amendments to the rules adopted in the Appendix attached hereto is contained in Sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, 315, and 317 of the Communications Act of 1934, as amended.

Accordingly, IT IS ORDERED, That Part 76 of the Commission's Rules and Regulations IS AMENDED, effective August 22, 1975 as set forth in the Appendix attached. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

Adopted: July 9, 1975.

Released: July 22, 1975.

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

FEDERAL COMMUNICATIONS COMMISSION,[*]
[SEAL] VINCENT J. MULLINS,
*Secretary.*

APPENDIX

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

In § 76.251, paragraph (c) is revised to read as follows:

**§ 76.251 Minimum channel capacity; access channels.**

* * * * *

(c) The provisions of this section shall apply to all cable television systems that commence operations on or after March 31, 1972, in a community located in whole or in part within a major television market: *Provided, however,* That if systems which commenced operations prior to March 31, 1972, begin to provide any of the access services described above, they shall comply with paragraph (a) (9), (10), and (11) of this section at that time; *And provided, further,* That if such systems receive certificates of compliance to add television signals to their operations, pursuant to § 76.61 (b) or (c), or § 76.63(a) (as it relates to § 76.61 (b) or (c)), for each such signal added, such systems shall provide one (1) access channel in the following order of priority—(1) public access, (2) education access, (3) local government access, and (4) leased access—and shall comply with the appropriate requirements of paragraphs (a) (4)–(7) of this section with respect thereto.

[FR Doc.75-18988 Filed 7-21-75;8:45 am]

## Title 49—Transportation

### CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD

### Redesignation and Revision of Regulations

*Correction*

On the cover of the Part II in the issue of Thursday, July 17, 1975 (FR Doc. 75-18603, 40 FR 30231), the National Transportation Safety Board was incorrectly listed as a sub-agency of the Department of Transportation. Since the NTSB is an independent agency, the Department of Transportation Heading is an error and should be disregarded.

[*] Concurring statement of Commissioner Hooks filed as part of the original document.

# 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 rulemaking prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 924 ]

### HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

### Approval of Expenses, Fixing of Rate of Assessment for the 1975–76 Fiscal Period and Carryover of Unexpended Assessment Funds

This notice invites written comment relative to the proposed expenses of $17,105 and rate of assessment of $0.80 per ton of prunes to support the activities of the Washington-Oregon Fresh Prune Marketing Committee for the 1975–76 season under Marketing Order No. 924, as amended. It is also proposed that unexpended assessment income from 1974–75 be carried over as a committee reserve.

Consideration is being given to the following proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 924 (7 CFR Part 924; 39 FR 33305; 34644) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1975, through March 31, 1976, will amount to $17,105.

(2) That there be fixed, at $0.80 per ton of fresh prunes, the rate of assessment payable by each handler in accordance with § 924.41 of the aforesaid marketing agreement and order.

(3) Unexpended assessment funds in excess of expenses incurred during the fiscal year ended March 31, 1975, be carried over as a reserve in accordance with § 924.42 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 12, 1975. 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)).

Dated: July 16, 1975.

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

[FR Doc.75-18931 Filed 7-21-75;8:45 am]

### [ 7 CFR Part 1046 ]

[Docket No. AO-123-A42]

### MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

### Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area, which was issued June 30, 1975 (40 F.R. 28465), is hereby extended to August 1, 1975.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on July 16, 1975.

JOHN C. BLUM,
*Acting Administrator.*

[FR Doc.75-18930 Filed 7-21-75;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education

### [ 45 CFR Part 160b ]

### PROGRAM FOR THE EDUCATION OF THE GIFTED AND TALENTED

### Proposed Rulemaking

Pursuant to the authority contained in Section 404 of Pub. L. 93-380 (20 U.S.C. 1863), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 160b to read as set forth below.

The proposed regulations would set forth rules and criteria governing the award of grants and contracts to State and local educational agencies, institutions of higher education, and other agencies and organizations for exemplary programs and projects to meet the educational needs of gifted and talented children and youth.

The proposed regulations would apply to all grant and contract awards made with funds appropriated pursuant to Section 404 of Pub. L. 93-380, or with funds made available for expenditure to assist programs for the gifted and talented, as provided in Section 402 of Pub. L. 93-380 (Special Projects Act).

A. *Summary of Program.*

Section 404 of Pub. L. 93-380 (20 U.S.C. 1863) provides a program of grants and contracts to support the education of the gifted and talented through: (1) The development and dissemination of information to the public pertaining to the education of gifted and talented children and youth (§ 404(b)); (2) Grants to State and local educational agencies for the planning, development, operation, and improvement of programs and projects designed to meet the special educational needs of the gifted and talented, at the preschool, elementary, and secondary school levels (§ 404(c)); (3) Grants to State educational agencies for training personnel engaged or preparing to engage in educating the gifted or talented, or as supervisors of such persons (§ 404(d)); (4) Grants to institutions of higher education or other appropriate nonprofit agencies for training programs (including internships) for leadership personnel for the education of the gifted and talented (§ 404(e)); and (5) Contracts with public and private agencies to establish and operate model projects to identify and educate the gifted and talented (§ 404(g)).

B. *Summary of Proposed Regulations.*

The proposed regulations provide an administrative framework for three distinct discretionary grant programs.

1. Subpart C of the proposed regulations governs assistance to State and cal educational agencies for the planning, development, operation, and improvement of programs to meet the educational needs of the gifted and talented. Grants will be made under this subpart to State educational agencies for Statewide activities of a capacity-building nature. The subpart also provides for grants to local educational agencies for exemplary projects for the gifted and talented involving differentiated education, coun-

seling, postsecondary studies at the secondary level, and similiar projects. Any application for such LEA projects must be submitted to the State educational agency for comment. Applications under this subpart must demonstrate a multiplier effect and are to be rated, among other things, on the degree of national, State, or regional impact their implementation will provide.

2. Subpart D of the proposed regulations governs the award of grants for State training projects. These training projects may be carried on directly by the State, or through subgrants, by institutions of higher education on behalf of the State. The training is to be targeted toward teachers of the gifted and talented and supervisors of these teachers.

3. Subpart E of the proposed regulations governs the award of grants to institutions of higher education or consortia thereof, or to other appropriate nonprofit agencies and institutions, to provide to leadership personnel specialized or intensive training in the education of the gifted and talented. Assistance under this subpart will be provided for a graduate training program for a limited number of exceptional leaders in the field of the education of the gifted and talented which embraces diversified academic experience supplemented with practical experience through an internship period; a training institute for the gifted and talented to establish and make available training on the national, State, or local level, through training institutes, technical assistance, information services, and other means, for leadership personnel in the area of the education of the gifted and talented; and an internship program which will provide experimental training for potential leaders in the field of the education of the gifted and talented.

The proposed regulations also address the contract authority set out in Section 404(b) of the Act by describing the general parameters for a clearinghouse system to develop and disseminate information to the public on the education of the gifted and talented, (Subpart B); and also the contract authorization for model projects (Subpart F). Requests for proposals will be issued under each of these authorities.

C. *Citations of Legal Authority.*

As required by section 431(a) of the General Education Provisions Act, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the immediately preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

D. *Other Applicable Regulations.*

The proposed regulation does not contain provisions relating to general fiscal and administrative matters. Requirements of this nature are covered by the Office of Education General Provisions Regulations (45 CFR Part 100a), which include rules on direct and indirect costs.

In addition, a number of rules common to all of the programs funded pursuant to the Special Projects Act, including the Gifted Talented program, are being prepared for publication as Part 160 of Title 45 of the Code of Federal Regulations. These rules will include definitions of terms used in this proposed regulation and in other regulations related to the Special Projects Act.

E. *Notice to Prospective Applicants.*

This first publication is not the final regulation. It is followed by a thirty-day period which allows interested members of the public to submit comments and recommendations. Each comment will be given careful consideration and will be responded to in substance in the preamble to the final regulation.

Following this review, the regulation will be published in final form, with any appropriate changes in the FEDERAL REGISTER.

As more fully explained below, no money is available at the present time for awards under the program, and *no proposals are being accepted.*

The publication of proposed regulations is only a beginning step in a series of formal procedures and actions required before funds can begin to flow to recipients. For Fiscal Year 1975, no funds were appropriated for the Program for the Gifted and Talented. Following enactment of an appropriation for Fiscal Year 1976, further administrative steps will have to be taken before awards are made. These will include, with respect to grants, preparation for distribution of appropriate application forms, the publication in the FEDERAL REGISTER of a notice of closing date informing applicants of the period within which applications must be filed and where application forms may be obtained and allowing applicants sufficient time for the preparation of applications, and the receipt, processing, evaluation, and selection of proposals for funding. Finally, the terms of the actual award documents must be negotiated with those whose applications have been selected. With respect to contracts, the procedure will include the advertising in *Commerce Business Daily* of requests for proposals to meet contract specifications.

In the meantime, in addition to providing comments on the proposed regulation, prospective applicants may wish at this early stage to reflect upon the scope and nature of the projects they may later propose for awards in the light of the criteria set forth in this notice.

F. *Submission of Comments.*

All interested parties are invited to submit written comments and recommendations concerning the proposed rule to Dr. Harold Lyon, Director, Education of the Gifted and Talented, Room 2006, ROB #3, 7th and D Streets, SW., Washington, D.C. 20202. Such comments and recommendations will be available for public inspection on Mondays through Fridays between 8:30 a.m. and 4 p.m. All relevant material received on or before August 21, 1975 will be considered.

Dated: June 20, 1975.

T. H. BELL,
*U.S. Commissioner of Education.*

Approved: July 14, 1975.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

Chapter I of Title 45 is amended by adding the new Part 160b to read as set forth below.

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## PART 160b—PROGRAM FOR THE GIFTED AND TALENTED

### Subpart A—General


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160b.53 Elements of a model project.
160b.54 Criteria for awards.


AUTHORITY: Section 404, Pub. L. 93-380; 20 U.S.C. 1863.

### Subpart A—General

**§ 160b.1 Purpose and scope.**

(a) *Purpose.* Section 404 of Pub. L. 93-380 (20 U.S.C. 1863) provides a program of grants and contracts to support the education of the gifted and talented through:

(1) The development and dissemination to the public of information pertaining to the education of gifted and talented children and youth (§ 404(b));

(2) Grants to State and local educational agencies for the planning, development, operation, and improvement of programs and projects designed to meet the special educational needs of the gifted and talented at the preschool, elementary, and secondary school levels (§ 404(c));

(3) Grants to State educational agencies for training personnel engaged, or preparing to engage, in educating the gifted or talented or as supervisors of such persons (§ 404(d));

(4) Grants to institutions of higher education or other appropriate nonprofit agencies for training leadership personnel (including internships) in the education of the gifted and talented (§ 404(e)); and

(5) Contracts with public and private agencies for the establishment and operation of model projects for the identification and education of the gifted and talented (§ 404(g)).

(b) *Scope.* This part applies to projects assisted with funds appropriated pursuant to Section 404 of Pub. L. 93-380, or with funds made available for expenditure under Section 404 pursuant to the Special Projects Act by Section 402 of Pub. L. 93-380.

(c) *Other pertinent regulations.* Assistance under this part is subject to applicable provisions contained in (1) subchapter A of this chapter, relating to fiscal, administrative, property management, and other matters (45 CFR Parts 100, 100a), and (2) Part 160 of this chapter, relating to the Special Projects Act.

(20 U.S.C. 1851, 1863)

**§ 160b.2 Definitions.**

"Act" means Section 404 of the Education Amendments of 1974 (Pub. L. 93-380), relating to assistance for the education of the gifted and talented.

(20 U.S.C. 1863)

"Differentiated education or services" means that process of educational instruction which is adaptable to varying levels of individual learning response in the education of the gifted and talented and includes but is not limited to:

(a) A differentiated curriculum embodying a high level of cognitive and affective concepts and processes beyond those normally provided in the regular curriculum of the local educational agency;

(b) Instructional strategies which accommodate the unique learning styles of the gifted and talented; and

(c) Flexible administrative arrangements for instruction both in and out of school, such as special classes, seminars, resource rooms, independent study, student internships, mentorships, research field trips, and other appropriate arrangements.

(20 U.S.C. 1863, U.S. Commissioner of Education's Report on "Education of the Gifted and Talented," p. 10 (Sen. Comm. on Labor and Public Welfare, Comm. Print, 1972, hereinafter "Comm. Print."))

"Gifted and talented" means children and, where applicable, youth, who have been identified at the preschool, elementary, or secondary level as (1) possessing demonstrated or potential abilities that give evidence of high performance capability in areas such as intellectual, creative, academic, or leadership ability or in the performing and visual arts; and (2) needing differentiated education or services beyond those being provided by the regular school system to the average student in order to realize these potentialities.

(20 U.S.C. 1863, Comm. Print (1972) 10-11)

"Instructional equipment" means those items of equipment unique to and necessary for the operation of differentiated educational programs or special educational services for gifted and talented students which do not duplicate existing items.

(20 U.S.C. 1863(c)(3))

"State and local educators", for the purposes of subparts C and D, includes persons engaged in or preparing to be engaged in the education of the gifted and talented as teachers, counselors, or first line supervisors.

(20 U.S.C. 1863(d))

"Leadership personnel", for the purposes of subpart E, includes teacher trainers, school administrators, supervisors, researchers, State consultants, and other persons (other than teachers) engaged in directing or providing services to the gifted and talented children and youth. These persons may also include potential leaders who represent parental, organizational, and other community and professional interests in the education of the gifted and talented.

(20 U.S.C. 1863(e))

"Non-public elementary or secondary schools" means schools which provide elementary or secondary education, as determined under State law (but not including any education beyond grade 12), and which are controlled by other than a public agency.

(20 U.S.C. 1863(c)(2)(A)(iii))

**§ 160b.3 General requirements.**

(a) *Scope.* Each application under this part is subject to the requirements described in paragraph (b) as well as the requirements contained in the particular subpart pursuant to which such application is submitted. Applications for assistance under this part must contain information sufficient to enable the Commissioner to determine that the requirements are satisfied with respect to the program or project for which assistance is requested in the application. Applications not meeting these requirements will not be subject to further evaluation under this part.

(b) *Requirements.* (1) *Procedures for identification and assessment of gifted and talented.* (i) In the case of any program or project under this part which involves the provision of services to the gifted and talented, the procedures for identification and assessment of the gifted and talented must be sufficiently comprehensive to identify and assess children included in all the categories of gifted and talented (as defined in § 160b.2).

(ii) Such identification may be accomplished by the use of multiple methods, such as intelligence tests, achievement tests, teacher nominations, measures of creativity, peer nominations, cultural norms or other predictive measures embracing the following areas:

(A) General intellectual ability,
(B) Specific academic aptitude,
(C) Creative or productive thinking,
(D) Leadership ability,
(E) Talent in visual and performing arts,
(F) Superior psychomotor ability.

(20 U.S.C. 1863, Comm. Print (1972) at 10-11)

(2) *Differentiated education.* Where the program or project to be assisted includes an instructional component serving the gifted and talented, the program or project must involve differentiated education or services, as defined in § 160b.2, designed to ensure emphasis on affective as well as cognitive development of the student.

(20 U.S.C. 1863)

(3) *Individualized education.* The activities to be carried out must be structured to respond to the individual needs, both cognitive and affective, of the children, teachers, and other personnel to be served.

(20 U.S.C. 1863)

(4) *Maintenance of level of support.* An application for assistance under this part must contain an assurance that funds made available to the applicant under this part will be so used (i) to supplement and, to the extent practicable, increase the level of funds that would, in the absence of funds under this part, be available from non-Federal sources for the purposes of the program for which assistance is sought, and (ii) in no event to supplant such funds.

(Sen. Rept. No. 93-763, at 72 (1974))

(5) *Multiplier effect.* The program or project must be designed to affect and improve the education of the gifted and talented on a national, Statewide, or regional level and to attract other public or private resources to the education of the gifted and talented.

(Sen. Rept. No. 93-763, at 72 (1974))

(6) *Scope of participation.* Provision must be made for the participation of, or for assistance with respect to the needs of, gifted and talented in the area to be served who are culturally different or economically deprived, as evidenced by such traits as bilingual facility or other traits common to the cultural norm.

(20 U.S.C. 1863)

(7) *Evaluation.* The application must contain satisfactory assurance that the applicant (i) will conduct a comprehensive ongoing evaluation as well as a final evaluation of the program or project, and (ii) will cooperate with the Commissioner's evaluation of specific plans, programs, projects, or activities assisted under the Act.

(8) *Internal consistency.* The application must establish that all components of the program or project are interrelated and interdependent.

(20 U.S.C. 1863)

§ 160b.4 Duration of projects.

(a) Grant awards made pursuant to this part will be for a period of up to one year.

(b) Grant applications may be filed proposing a project with a duration in excess of one year. Such application must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget breakouts to obtain these objectives in any proposed subsequent year. If the Commissioner finds that the application demonstrates that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial notification of grant award for the project, indicate an intention to assist the project on an appropriate multi-year basis through continuation grants.

(c) (1) Subject to availability of funds, where the Commissioner has made an initial award to support a project proposal requiring more than one year for completion, continuation awards may be made.

(2) (i) Continuation applications will not be competitive with initial awards in any subsequent fiscal year, but will be competitive with other applications for continuation awards in the same year.

(ii) Applications for continuation awards will be reviewed to determine:

(A) If the grantee has complied with the grant terms and conditions, the Act, and the regulations,

(B) The effectiveness of the project to date,

(C) The extent to which the project is meeting the applicable priorities, and

(D) The extent to which continuation of Federal assistance to the project is in the best interests of the government.

(20 U.S.C. 1863 (c), (d), and (e))

§ 160b.5 Pre-applications.

(a) With respect to the award of grants under subparts C, D, and E, the Commissioner may require applicants to submit a pre-application in accordance with § 100a.41 of this chapter by publishing a closing date for pre-applications in the FEDERAL REGISTER.

(b) In the event the Commissioner does require pre-applications pursuant to paragraph (a) of this section:

(1) As part of the project narrative statement required in pre-application forms provided for by § 100a.41 of this chapter, which may not exceed ten double-spaced typewritten pages, applicants for grants must provide information on the objectives and activities proposed which is responsive to applicable criteria set forth in §§ 160b.6, and 160b.24, 160b.32, or 160b.46, as appropriate.

(2) If the applicant proposes a project with a duration in excess of one year, the project narrative statement must include an explanation of the need for multi-year support, and the budget forms must include a detailed budget for the first year and summary projections for the balance of the proposed project.

(3) Pre-applications will be evaluated by the Commissioner on the basis of their prospects for meeting the funding requirements set out in § 160b.3 and the applicable subpart, and for competing successfully with similar applications in terms of the criteria set forth in § 160b.6 and the applicable subpart.

(4) Applicants submitting the most highly rated pre-applications will be invited to submit applications for review.

(20 U.S.C. 1863)

§ 160b.6 General educational and programmatic criteria.

(a) *Applicability.* Applications under this part will be evaluated on the basis of:

(1) funding criteria contained in the subpart to which the application relates (see §§ 160b.24, 160b.32, 160b.46, and 160b.54); and

(2) general criteria set forth in paragraph (b) of this section. The criteria contained in 45 CFR § 100a.26 are not applicable to this part.

(b) *General criteria.* The following general criteria will be applied in evaluating all applications under this part (100 points).

(1) *Needs assessment (10 points).* The extent to which the program, project, or activity has identified the special educational needs of the gifted and talented population that it proposes to serve and gives evidence that this identification was derived through a process involving the population to be served, educators, and the community (including parents, private groups, and/or institutions).

(2) *Statement of objectives (20 points).* The extent to which the program, project, or activity defines specific immediate objectives in relation to the needs identified and contains appropriate strategies to meet these objectives.

(3) *Activities (25 points).* The extent to which the program, project, or activity:

(i) Is designed to meet the unique needs of each participant;

(ii) Incorporates innovative concepts and techniques which can be replicated to meet current problems experienced in gifted and talented education.

(4) *Resource management (25 points).* The extent to which the program, project, or activity:

(i) Demonstrates selection of competent staff and consultants;

(ii) Shows evidence of plans to prepare and train staff;

(iii) Effectively and efficiently utilizes existing monetary, human, and informational resources, public, private, and community;

(iv) Demonstrates innovative coordination of resources for program management.

(5) *Evaluation (10 points).* The extent to which the project contains an ongoing evaluation component which will:

(i) Utilize objective assessment procedures to the greatest degree possible for all program aspects;

(ii) Involve persons both directly and indirectly affected by the program, project, or activity, such as parents, students, and the community;

(iii) Include mechanisms for effecting changes in the project based on periodic compilation of results;

(iv) Include the application of standards of success designed by persons associated with the project as well as those standards developed by professionals elsewhere;

(v) Report results based on actual accomplishments by the gifted and talented students or their teachers which are a direct result of the project, program, or activity.

(6) *Dissemination (10 points).* The extent to which the proposed project demonstrates a substantial commitment of monetary and human resources for the purpose of:

(i) Organizing final results and products in exportable form;

(ii) Training personnel from other agencies and institutions desiring to utilize a similar model or program.

(20 U.S.C. 1863)

§ 160b.7 Allowable costs.

(a) *General.* (1) Allowable costs under projects to which funds are awarded pursuant to this part shall be determined in accordance with cost principles set forth in the applicable appendices to subchapter A of this chapter.

(2) The costs of nonexpendable personal property with an acquisition cost of $1,000.00 or more per unit, depreciation or use allowances, automatic data processing, memberships, subscriptions and professional activities shall be unallowable under this part unless they have been provided for in the grant agreement and specifically authorized by the Commissioner. Facilities, capital assets, and repairs which materially increase the value or useful life of capital assets generally shall be unallowable.

(b) *Costs in training projects.* Training projects of short-term duration under Subparts D and E:

(1) Grants for these training projects may include provisions for (i) the payment of tuition and fees, and (ii) the payment to participants (who are not otherwise compensated for their time while receiving training) of stipends, as follows:

(2) (i) Where stipends are paid to participants, payments will be at the rate of $30.00 for each full day of training, up to $150.00 per week. If a day of training involves less than five hours, payment for attendance would be at the rate of $6.00 per hour subject to the weekly limit of $150.00; or

(ii) Where the educational personnel participating in the training are ordinarily paid for their work at a salary scale determined by a collective bargaining agreement in which the minimum

hourly rate for the individual is more than $6.00 per hour, the individual would be eligible for a stipend at the minimum hourly rate provided under the collective bargaining agreement;

(iii) Where a local educational agency or other educational agency or institution compensates teachers or other educational personnel whom it employs for their time in receiving training under this subparagraph and must hire a substitute for a participant in the training during the time of such participation, reimbursement may be made under the grant to the local educational agency in the amount required to hire the substitute;

(iv) Up to fifty percent of travel costs will be paid for participation in any training component under this subparagraph.

(c) *Graduate training of leadership personnel.* (1) Grants which support training in the education of the gifted and talented leading to a graduate degree or beyond as provided for in subpart E may include provisions for (i) payment to the grantee of the incremental costs of planning organizing, staffing, and conducting such courses, seminars, and practicums during their preparation and first year operation, and (ii) partial tuition and fees of participants on a credit hour basis, and (2) payment to participants of stipends and dependency allowances as the Commissioner may determine to be consistent with prevailing practices under comparable Federal programs providing fellowship support.

(d) *Internships.* Where a grant to an institution of higher education or other appropriate non-profit institution or agency, or a consortium thereof, relates to a project or program involving internships for the participants with State or local public agencies, Federal agencies, or institutions, provision may be made to include an amount for the internship in the grant at the entering rate for professionals in the agency to which the intern is to be assigned. The application must contain sufficient information and justification to satisfy the Commissioner that such payment would contribute substantially to the realization of the project objective. The amount of the internship shall be limited to the equivalent of entering salary.

(e) *Indirect costs.*

(1) Except as provided in subparagraph (2) of this paragraph, indirect costs will be allowed under projects funded under this part in accordance with the indirect cost rate allowances set out in the Appendices to subchapter A of this chapter;

(2) Indirect cost rates for educational training grants will be awarded at

(i) the actual level of indirect costs as determined under clause (1) of this subparagraph, or

(ii) the rate of eight percent of total direct costs, including stipends and dependency allowances, whichever is the lesser.

(FMC 73-8 and FMC 74-4; 20 U.S.C. 1863, 1231(c)(b); 1232c(b)(2))

## Subpart B—Information Services

### § 160.11 Information development and dissemination.

(a) *General.* The Commissioner shall enter into contracts with one or more public or private agencies or organizations to develop and disseminate information to the public pertaining to the education of gifted and talented children and youth.

(b) *Activities.* Development of such information includes, but is not limited to:

(1) Collection of available data on identification of the gifted and talented;

(2) Analyses of existing methodologies and new discoveries in the continuing educational needs of the gifted and talented; and

(3) Information on current and developing training opportunities for teachers of the gifted and talented and for leadership personnel in this area.

(c) *Dissemination methods.* Such project(s) shall provide for the preparation and dissemination of information by the most appropriate means available, including publication or any other appropriate medium of dissemination.

(d) *Targeting.* Such projects shall target dissemination activities toward one or more of the following groups: Teachers counselors, parents, administrators, and gifted and talented students.

(20 U.S.C. 1863(b))

## Subpart C—Assistance to State and Local Agencies for Planning, Development, Operation, and Improvement of Programs.

### § 160b.21 General.

(a) *Scope.* This subpart governs grants to State educational agencies and local educational agencies under subsection (c) of the Act to assist such agencies in the planning, development, operation, and improvement of programs or projects designed to meet the special educational and related needs of the gifted and talented at the preschool, elementary, and secondary school levels.

(20 U.S.C. 1863(c))

(b) *Requirements.* In addition to the requirements set forth in § 160b.3, an application for assistance under this subpart shall:

(1) Provide satisfactory assurance that funds paid to the applicant will be expended solely to plan, establish, and operate programs or projects which:

(i) are designed to identify and to meet the special educational and related needs of gifted and talented children; and

(ii) are of sufficient size, scope and quality to make substantial progress toward meeting those needs;

(20 U.S.C. 1863(c)(2)(A)(i))

(2) Set forth such policies and procedures as are necessary for acquiring and disseminating information derived from educational research, demonstration and pilot projects, new educational practices and techniques, and the evaluation of the effectiveness of the program or project in achieving its purpose;

(20 U.S.C. 1863(c)(2)(A)(ii))

(3) Provide satisfactory assurance that, to the extent consistent with the number of gifted and talented children in the area to be served by the applicant who are enrolled in non-public elementary and secondary schools, provision will be made for the participation of such children in accordance with § 160b.25 of this part;

(20 U.S.C. 1863(c)(2)(A)(iii))

(4) Set forth a sufficient description of the program or project for which assistance is sought to enable Commissioner to make all necessary determinations under this part in order to consider and evaluate the application in light of the applicable criteria in this part. Applicants are advised to organize their presentations with reference to such criteria and to explain how they believe the criteria relate to the proposed program or project.

(20 U.S.C. 1863(c))

### § 160b.22 Grants to State agencies; Statewide activities.

(a) *General.* Grants under this subpart may be made to State educational agencies or consortia thereof to assist them in planning, establishing, and operating programs or projects which are designed to have Statewide impact in identifying and meeting the special educational and related needs of the gifted and talented.

(b) *Components.* A State educational agency applying under this subpart may include in a single application components involving:

(1) A project encompassing Statewide activities as described in this subpart ("State grant");

(2) An inservice teacher training program described in subpart D ("training component"); and

(3) One or more local educational agency model projects having Statewide impact ("local model project component").

(c) *Examples.* The following list is illustrative (but not exhaustive) of the types of Statewide activities which may be assisted under this subpart:

(1) The provision by a State educational agency of developmental and technical assistance (through regional area service centers or other mechanisms) to assist specific local educational agencies in carrying out programs or projects to meet the special educational and related needs of the gifted and talented;

(2) A survey and assessment to meet these needs which currently exist in local educational agencies in the State;

(3) Determination of the need for particular programs and projects to meet these needs as a result of the survey and assessment;

(4) Development of a comprehensive State plan for serving the gifted and talented in local educational agencies in the State;

(5) Provision for a State coordinator or other official with responsibility for development, improvement, coordination, and delivery of other State services with respect to programs for the gifted and talented in local educational agencies;

(6) Arrangements with local educational agencies to carry out exemplary, demonstration model projects at the local educational agency level which have Statewide or regional impact in meeting the special educational and related needs of the gifted and talented;

(7) Statewide competitive scholarships or student internships for gifted and talented children to work with mentors;

(8) The development and implementation of an inservice training program for local educational personnel in the administration of appropriate and comprehensive methods for the identification and education of the gifted and talented and assessment of their needs (Subpart D, Training of Educators); and

(9) Other activities of a capacity-building nature designed to enhance the capacity of the State educational agency and local educational agencies in the State to meet the special educational and related needs of the gifted and talented.

(d) *State educational agencies.* Applications for assistance under this part from State educational agencies must demonstrate that the Statewide activities for which assistance is requested under this subpart will be coordinated with any other activities to be carried out by the State educational agency under this part, including activities under subpart D (relating to training of teachers).

(e) *Methods of operation.* A State educational agency may carry out its functions under an approved application under this subpart directly or through local educational agencies. However, a State educational agency must maintain administrative direction and control with respect to any program or project for which it is receiving assistance under this subpart.

(f) *Notice.* It is anticipated that, for fiscal year 1976, funds will be available to support only a limited number of comprehensive Statewide programs under this subpart, and funds will be insufficient to support State educational agency projects in all States. Accordingly, only those programs or projects will be funded which meet the requirements of this part, and which are highly rated in accordance with the applicable criteria in comparison with all other State applications submitted.

(20 U.S.C. 1863(c))

### § 160b.23 Grants to local educational agencies; locally based activities.

(a) *General.* (1) Grants to local educational agencies under this subpart will be made to assist such agencies in the improvement and replication of exemplary programs and projects to meet the special educational and related needs of the gifted and talented at the preschool, elementary, and secondary school levels. It is anticipated that only a limited number of exemplary projects under this section will be supported in the approximate range of $1,000 to $20,000 each (a total of $250,000 of the amount available will be initially reserved for grants under this section).

(b) *Priority.* In the approval of applications and the award of grants under this subpart, priority will be given to programs or projects (1) which the applicant demonstrates will best serve as a catalyst or stimulus for programs, projects, and activities as described in this part and which have significant potentiality for replicability, or (2) which will stimulate programs, projects or activities to meet the needs of the gifted and talented in areas, regions, or States lacking programs or services to meet these needs.

(20 U.S.C. 1863(c), Sen. Rept. No. 93-763, at 72 (1974))

(c) *Requirements.* In addition to the requirements of § 160b.3 and § 160b.21 (b), applications for assistance under this subpart from a local educational agency must:

(1) Provide satisfactory assurance that the application has been submitted to the State educational agency for its review and recommendation no later than the time the application has been submitted to the Commissioner;

(2) If the State has a comprehensive plan for the education of the gifted and talented, set forth a description of how the activities proposed to be carried out under the proposed program or plan relate to the State plan;

(3) If assistance is made available under this subpart, provide satisfactory assurance that provision will be made for establishing an advisory committee composed of persons broadly representative of the community and agencies or resources serving the needs of the gifted and talented (including teachers, administrators, gifted students) and parents of gifted and talented children in the school district or other area to be served;

(d) *Illustrative activities.* The following types of activities are illustrative of the types of activities which may be supported (in whole or in part) in connection with programs or projects assisted under this subpart:

(1) Exemplary programs involving comprehensive differentiated education or services to meet the special educational and related needs of the gifted and talented;

(2) Exemplary programs involving opportunity for study outside the classroom (including apprenticeships and mentorships);

(3) Exemplary programs of special counseling to meet the needs of the gifted and talented;

(4) The provision of postsecondary studies at the secondary school level;

(5) The establishment of special classes for gifted and talented children; and

(6) Exemplary programs for special target groups of gifted and talented such as preschool children, culturally different groups, and economically disadvantaged.

(e) *Allowable costs.*

(1) Allowable costs for a local model project may not include other than incremental costs of establishing or operating the project (such as salaries for additional staff, and special equipment, the purchase and use of which is justified in the proposal).

(2) The cost of facilities, capital assets, and repairs which materially increase the value or useful life of capital assets shall be unallowable under this section.

(20 U.S.C. 1863(c))

### § 160b.24 Criteria for evaluation of applications.

In order to achieve the purposes set forth in the Act, the Commissioner, in determining whether to approve an application for a Federal grant and the amount of the grant pursuant to this subpart will consider, in addition to the general requirements in § 160b.3 the following factors, weighted according to the indicated points:

(a) *All applications.* (100 points) The general educational and programmatic criteria set forth in § 160b.6 of this part.

(b) *State educational agency applications.* (100 points) With respect to State educational agency applications:

(1) (10 points)—The extent to which the Statewide or other activities under the application will be carried out pursuant to a comprehensive State plan for identifying and meeting the special educational and related needs of the gifted and talented;

(2) (20 points)—The likelihood that the activities to be carried out under the program or project will be sustained and expanded by the applicant following the expiration of Federal assistance, as measured by:

(i) Evidence of financial and other commitment of the applicant to the project, and

(ii) The extent to which the program or project is designed to build the capacity of the applicant to plan, develop, operate, improve or assist programs or projects to meet the special educational needs of the gifted and talented;

(3) (20 points)—Evidence of commitment by the State educational agency to further the Act's purposes in the State as reflected by such factors as the existing or planned organizational status within the State agency of personnel with administrative responsibilities related to the gifted and talented;

(4) (10 points)—The extent to which the proposed program or project responds to the needs of existing and planned programs for the gifted and talented in local educational agencies throughout the State for developmental and technical assistance from the State educational agency;

(5) (20 points)—in the case of State projects involving one or more local educational agency model projects, the extent to which the proposed model

project(s) is exemplary and directly related to the provision of quality differentiated educational services and activities to the gifted and talented throughout the State (in evaluating this criterion, the criteria set forth in paragraph (c) below will be used and given weight as follows: (1) (7 points); (2) (4 points); (3) (3 points); (4) (6 points)).

(6) (20 points) The comprehensiveness and quality of the in-service training of State educators component in the State application. In evaluating this factor, the criteria set forth in subpart D, § 160b.32 will be used.

(c) *Local educational agency applications.* With respect to local educational agency applications (100 points):

(1) (35 points)—The extent to which the proposed program or project, if successful, is of an exemplary design in order to stimulate the development of programs or projects to meet the special educational or related needs of the gifted and talented in school districts in addition to that of the applicant local educational agency as reflected by factors such as:

(i) the extent to which the program or project is capable of replication;

(ii) the extent to which the applicant has planned for providing developmental or technical assistance to non-applicant local educational agencies in the State with similar problems;

(iii) the relative cost effectiveness of the program or project as to development, replication, and utilization by others;

(iv) the extent to which the program or project holds promise of providing new and innovative approaches to meeting the special educational needs of gifted and talented children;

(2) (20 points)—The extent to which the applicant has developed, with the support of concerned parents and community members, fair, adequate, comprehensive, and multiple methods for identifying and assessing the educational needs of the gifted and talented which will be employed in the selection of program participants;

(3) (15 points)—The extent to which the proposed program or project provides for the integration of, or mutual reinforcement between, programs to meet the special educational needs of the gifted and talented and the regular educational program of the local educational agency (taking into account such factors as the degree to which educational benefits or innovations derived from such program or project will be communicated to or used by teachers, or will be otherwise infused into, the general instructional program of the school system).

(4) (30 points)—The extent to which the proposed program is innovative and effective enough to provide significant educational gains for the gifted and talented at low cost.

(20 U.S.C. 1863(c))

### § 160b.25 Participation of students in non-public schools.

(a) *General.* Each program and project carried out under Subpart C of this part shall, to the extent consistent with the number of gifted and talented students enrolled in non-public schools in the geographic area served by the program or project, make available for these students any differentiated educational services supported under this subpart which will meet the special educational needs of such students. Each application submitted by a State educational agency or a local educational agency shall indicate the number of students enrolled in non-public schools who are expected to participate in each program and project proposed by such agency and the manner of their expected participation.

(b) The provision of special educational services to non-public school children may involve such arrangements as dual enrollment, educational television, or other appropriate services or techniques made available by, and under the supervision of, a public agency.

(c) *Avoidance of separate classes.* Any program or project to be carried out on public premises and involving joint participation by students enrolled in public schools shall include such provisions as are necessary to avoid forming classes that are separated by school enrollment or religious affiliation.

(20 U.S.C. 1863(c)(2)(A)(iii))

## Subpart D—Training of State and Local Educators

### § 160b.31 Grants for State Training Projects.

(a) *General.* (1) The Commissioner is authorized to make grants to State educational agencies for training persons engaged or preparing to be engaged as teachers or other educational personnel, or as supervisors in the education of the gifted and talented. Applications by these State agencies shall indicate whether the programs are to be conducted directly by the State educational agency or through grants by the State educational agencies to institutions of higher education.

(2) If the State submits an application under Subpart C and this subpart, the request for assistance shall be consolidated into a single application under Subpart C. Priority will be given to these applications. See § 160b.22(b) and § 160b.24(b).

(b) *Priority.* In the review of applications under this subpart, priority will be given to applications for grants to assist inservice training through such activities as workshops during the school year, summer institutes, part-time university courses, and the establishment of area training centers for these personnel.

(20 U.S.C. 1863(d); Comm. Print, p. 33)

### § 160b.32 Criteria for awards.

In order to achieve the purposes set forth in the Act, the Commissioner, in determining whether to approve an application for a grant and the amount of the grant pursuant to this subpart or as a component of a State grant under Subpart C, will consider the criteria in § 160b.6 (100 points) and the following criteria, weighted as indicated: (20 points)

(a) *General.* (1) (3 points) The extent to which the program, project, or activity demonstrates evidence of substantial commitment to continuation of training activities beyond the funding period;

(2) (2 points) The extent to which the application is coordinated with a State agency application under Subpart C to provide a training component in the provision of planning or developing programs for the gifted and talented in the State.

(b) *Activities.* (1) (2 points) The extent to which the project, program, or activity is concentrated upon participants who will actively serve in school systems in teaching or supervising the education of the gifted and talented.

(2) (3 points) The extent to which the proposed project is, or contributes to, an on-going training program which is of a scope to produce long-range and lasting changes in the education of the gifted and talented, e.g., conferences will be supported only when they are part of a more extensive training program.

(3) (2 points) The extent to which the application, if it proposes summer institutes or workshops, also proposes one or more follow-up sessions beyond the training that is Federally supported.

(c) *Resource Management.* (1) (3 points) The extent to which the application proposes utilization as staff or consultants persons currently engaged in directing or providing service through differentiated education or services for gifted and talented students, or who have recognized expertise in the field of specialization related to the education of the gifted and talented, such as researchers, teacher trainers, and supervisors.

(2) (1 point) The extent to which an applicant State educational agency which proposes to conduct its training program through an institution of higher education will coordinate and make available all State resources necessary to enhance the quality and effectiveness of the training.

(d) *Selection of participants.* (1) (2 points) The extent to which the application indicates that the participants to be trained not only show promise of being successful teachers, or supervisors in the education of the gifted and talented, but also have a commitment from their local school districts to work in this educational field upon completion of their training.

(2) (2 points) The extent to which the application indicates that the participants have been chosen on the basis of past performance or assessed potential through the use of specified appropriate indices.

(20 U.S.C. 1863(d))

### § 160b.33 Allowable costs.

Grants under this subpart may be used for allowable costs in accordance with § 160b.7 for carrying out such training and where such training is carried out by an educational institution, may include provision for tuition and fees.

(20 U.S.C. 1863(d))

## Subpart E—Leadership Personnel Training

### § 160b.41 Grants for leadership personnel training.

(a) *Purpose.* The Commissioner is authorized to make grants to assist programs involving specialized or intensive training for leadership personnel (as defined in § 160b.2) in the education of the gifted and talented children and youth.

(b) *Eligible parties.* Parties eligible for assistance under this subpart are institutions of higher education or other appropriate non-profit institutions or agencies.

(20 U.S.C. 1863(e))

### § 160b.42 Grant activities.

(a) *General.* Assistance under this subpart is available for activities designed to carry out the purposes of § 160b.41.

(b) *Priorities.* Priority in the award of assistance under this subpart will be given to training programs in the following categories:

(1) A graduate training program designed to train a limited number of exceptional leaders in the field of education of the gifted and talented for service in this field throughout the Nation as described in § 160b.43 ("graduate training program for leadership personnel");

(2) A program providing for a leadership personnel training institute for the education of the gifted and talented as described in § 160b.44 ("training institute for the gifted and talented"); and

(3) Programs of internships for leadership personnel as described in § 160b.45 ("internships").

It is anticipated that, for Fiscal Year 1976, a single grant award will be made in each of the above categories.

(20 U.S.C. 1863(e))

### § 160b.43 Graduate training program for leadership personnel.

(a) Applications to carry out a training program for the development of leaders in the education of the gifted and talented shall set forth a program which:

(1) Provides intensive training (including graduate courses and practicums) concentrating on specific problems or areas of concern relating to the education of the gifted and talented;

(2) Includes adequate procedures for the selection of persons of potentially outstanding leadership ability in the education of the gifted and talented as participants in such program;

(3) Provides an opportunity for practical experience through an internship of not less than one semester in duration with a local, State or Federal agency or other public or private agency for which academic credit is given;

(4) Provides that the individual receiving training may obtain academic credit towards a degree for courses taken at institutions of higher education other than the one at which the participant is matriculated. Where several institutions of higher education are combined in a consortium, it is expected that the course of study will involve rotation among them; and

(5) Provides that each participant will develop, design, and complete a project designed to contribute to the improvement of education for the gifted and talented.

(20 U.S.C. 1863(e))

### § 160b.44 Training institute for gifted and talented.

Applications for a grant under this subpart to support the establishment and operation of a leadership personnel training institute for the education of the gifted and talented must demonstrate that the program for which assistance is requested will:

(a) Provide technical assistance and coordination services for short-term, intensive training institutes for leadership personnel carried out at the local level;

(b) Involve the conduct of periodic workshops and conferences on topics of importance in the education of the gifted and talented such as the culturally different gifted, the creative child, the affective development of the gifted child, the impact of the gifted child on his or her family;

(c) Arrange for the short-term training of teams of leadership personnel from local agencies or other appropriate public or private agencies or institutions or from organizations having nationwide impact on the education of the gifted and talented;

(d) Develop training materials for use by State and local educational agencies, schools, parent groups, and others relating to leadership in the education of the gifted and talented; and

(e) Provide a communication network for leadership personnel.

(20 U.S.C. 1863(f))

### § 160b.45 Internships.

(a) *General.* Assistance may be made available as part of a program carried out under § 160b.43, or § 160b.44 or under this section to support the provision of internships to train leaders or potential leaders in the education of the gifted and talented in local, State, or Federal agencies or other public or private agencies or institutions. These internships must offer unique opportunities for professional growth in serving the educational needs of the gifted and talented.

(b) *Use of funds.* Grant funds made available for internships under this subpart may be used for compensation for the interns in accordance with § 160b.7 (d).

(20 U.S.C. 1863(f))

### § 160b.46 Criteria for awards.

In addition to determining that an application under this subpart has met the applicable requirements of § 160b.3, the Commissioner will evaluate the application in accordance with the educational and programmatic criteria in § 160b.6 (100 points) and the following criteria:

(a) *General.* (50 points) The extent to which:

(1) The proposed training will provide a variety of experience, practical as well as academic (10 points);

(2) The proposed training will be of sufficient scope, quality, and duration to produce long-range and lasting changes (5 points);

(3) Provision is made for follow-up training after the initial training has ended (10 points);

(4) Participants are chosen on the basis of exceptional potential for successful leadership in advancing the education of the gifted and talented as evidenced by demonstrated ability, past performance, and assessed potential (15 points); and

(5) The quality of the training program (as evidenced by the experience and background of the proposed staff and the plan for conducting the training) is exemplary in nature (10 points);

(b) *Graduate training program for leadership personnel.*

In the case of applications to carry out a program under § 160b.43, the following factors will be considered (50 points). The extent to which:

(1) (i) The activities are integrated into a total academic program for participant trainees, and

(ii) Provision is made for experienced advisors to work as mentors with the trainees at their academic institutions as well as during internship and academic or practicum work experiences at other institutions or locations (20 points);

(2) The training involves a practicum adequately designed to give participants experiential knowledge both in identifying or teaching the gifted and talented, and in administering programs for the gifted and talented (20 points);

(3) In the case of consortia, there is evidence that the written agreement among the participating institutions permits participants who have enrolled at one institution to attend or participate (for academic credit) in the courses, programs, seminars, or other instructional offerings, of any of the other participating institutions, including the experience gained during internships (10 points);

(c) *Training institute for gifted and talented.*

In the case of applications under §160b.44, the following factors will be considered (50 points). The extent to which:

(1) The applicant possesses exceptional capability in carrying out training programs for the education of the gifted and talented (8 points);

(2) The applicant has resources to institute and maintain a nationwide communications network among those it trains or serves (8 points);

(3) The applicant has generated resources and outside support for its activities (5 points)

(4) The application demonstrates potential to organize and conduct conferences and institutes to train practitioners (teachers, parents, administrators, counselors, gifted students, and others) to

better serve gifted and talented youth (8 points);

(5) The applicant demonstrates a capacity to provide developmental assistance to State educational agencies and local educational agencies and is able to employ this capacity in its training program (7 points);

(6) There is evidence of commitment to provide training through internships under this subpart (3 points);

(7) The applicant demonstrates a capacity to disseminate its products to practitioners in the field of the gifted and talented (4 points); and

(8) Evidence of experience in or potential for providing developmental and technical assistance to State educational agenices, local educational agencies, parent groups and other special target groups such as minority groups, urban education systems, isolated educational groups, etc. (7 points).

(20 U.S.C. 1863(e))

(d) *Internships.* In the case of internships under § 160b.45, the following factors will be considered (50 points). The extent to which:

(1) The agencies at which the interns are to be placed have made, or have the potential to make, a positive contribution to the educational of the gifted and talented and are committed to doing so (10 points);

(2) The organization administering the intern program has a commitment to helping the interns to be suitably placed in their work experiences with mentors to guide them (12 points);

(3) The organization proposing to administer the intern program, because of evident potential to manage successful internship programs training educational leaders, has the capacity to manage the proposed program with a minimum organizational overhead (15 points);

(4) The agencies or institutions with which the interns will be placed have mounted, or will mount, programs on behalf of the gifted and talented in which the interns will be assigned meaningful participation (13 points).

## Subpart F—Model Projects

### § 160b.51 Contracts for model projects.

(a) The Commissioner is authorized to enter into contracts with public and private agencies and organizations to establish and operate model projects. These model projects shall involve a program of activities as defined in § 160b.52, which is targeted toward a special category of the gifted and talented (such as bilingual, early childhood, handicapped, educationally disadvantaged, migratory, rural, native American, or culturally different).

(b) Funds available for the support of model projects may not exceed 15 percent of the total amount expended under the program in any fiscal year.

(20 U.S.C. 1863(g))

### § 160b.52 Eligible applicants.

(a) From funds reserved under the provision of subsection (g) of the Act, the Commissioner may enter into contracts with any public or private agency to establish or operate a model project which embodies all or most of the characteristics of such a project as defined in § 160b.52.

(b) The Commissioner may from time to time issue requests for proposals (RFP) to establish a model project as described in the specifications for such a proposal.

(20 U.S.C. 1863(g))

### § 160b.53 Elements of a model project.

A model project shall include the following elements:

(a) It must be targeted to meet the specific needs (through differentiated services as defined in § 160b.2) of a particular sub-group of the gifted and talented as referred in § 160b.51;

(b) It must demonstrate thorough knowledge of existing research practices and theory in the education of the gifted and talented in general and the defined sub-group in particular;

(c) It must show unique relation to the target population to be addressed and speak to needs critical to this group;

(d) It must demonstrate awareness of and optimal use of available resources, human and material, on local, State, regional, or national levels, including resources of allied fields;

(e) It must employ models and strategies which can be generalized for similar target populations and are designed for replication in whole or in part;

(f) It must employ applied research and measurement methods with provision for formative and summative evaluation;

(g) It must make provision for site visits, demonstrations, and dissemination of program information to the public, including workshops or conferences for this purpose;

(h) It must allow for preparation of multi-media packages for dissemination of significant findings or procedures, including identification procedures; and

(i) It must provide special focus on identification of, and differentiated educational services for, gifted and talented children and youth in such areas as career education, bilingual education, early childhood youth, the education of the handicapped, the educationally disadvantaged (such as migrant children and youth, urban poor, and rural youth) the culturally different (such as ethnic minorities, Indians, and Eskimos) and others.

(20 U.S.C. 1863(g))

### § 160b.54 Criteria for awards.

In reviewing proposals for contracts under this subpart, in addition to considering whether the proposal is responsive to the requirements set out in § 160b.3 and the criteria in § 160b.6, the Commissioner will also apply the following criteria:

(a) *Project design.* (1) The extent the proposal demonstrates an innovative approach to the education of a targeted group of the gifted and talented;

(2) The extent to which the proposal exhibits characteristics of a model project set out in § 160b.52;

(b) *Needs assessment.* How the proposal delineates the existence of special educational needs for a targeted segment of the gifted and talented and proposes to meet those needs;

(c) *Statement of objectives.* The extent to which the proposal sets forth measurable objectives for the model project in relation to the identified needs of the targeted group of students which are realistically attainable within the limits of the award and the available resources.

(d) *Resource management.* The extent to which demonstrates that:

(1) Currently available resources will be integrated into the project; and

(2) The portion of project costs to be funded by the Federal government is reasonable in order to attain the expected benefits.

(e) *Staffing.* The extent to which the background, training, and experience of the staff is relevant to engaging in the education of the gifted and talented and particularly relevant to the needs of the targeted group.

(f) *Coordination.* The extent to which (1) the model project will provide a demonstration element for other school personnel both public and private interested in the education of the gifted and talented, and (2) how the model project can accommodate the services of and provide experience for interns as authorized under Subpart E.

(g) *Evaluation.* The extent to which the proposal provides for periodic self-evaluation, the results of which will influence the further thrust of the project; and

(h) *Replicability.* The extent to which the model project is cost effective in terms of the Federal investment therein and would be replicable by others without extensive investment.

(20 U.S.C. 1863(g))

[FR Doc.75-18861 Filed 7-21-75;8:45 am]

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# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## [ 14 CFR Part 71 ]

[Airspace Docket No. 75-SW-43]

## ALTERATION OF TRANSITION AREA

### Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Palestine, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All com-

munications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In § 71.181 (40 FR 441), the Palestine, Tex., transition area is amended as follows:

PALESTINE, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Palestine Municipal Airport (latitude 31°47'00" N., longitude 95°42'10" W.) and within 3 miles each side of the 193° bearing from the Palestine RBN (latitude 31°46'48" N., longitude 95°42'03" W.) extending from the 8.5-mile radius to 8.5 miles south of the RBN.

The proposed alteration of the Palestine, Tex., transition area will provide controlled airspace for Category III aircraft making instrument approach procedures to Palentine Municipal Airport.

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

Issued in Fort Worth, TX., on July 11, 1975.

ALBERT H. THURBURN,
*Acting Director,*
*Southwest Region.*

[FR Doc.75-18902 Filed 7-21-75;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### [ 10 CFR Parts 211 and 212 ]

### PROPANE AND BUTANE IMPORTS

### Proposed Rulemaking and Public Hearing Concerning Industrial Use

The Federal Energy Administration hereby gives notice of a proposal to amend Part 211, Chapter II, Title 10, Code of Federal Regulations, to permit industrial users to accept and use propane and butane imported from countries other than Canada in excess of their base period use. FEA also gives notice that it will hold a public hearing on the proposed amendments.

In the light of current projections of continuing declines in domestic natural gas production, FEA is concerned that domestic propane and butane production will not be adequate to keep pace with the demands of those consumers desiring to use propane or butane as an alternative to natural gas and for whom conversion from natural gas (or propane and butane) to an alternate liquid fuel is a lengthy and expensive procedure. In these cases, propane or butane may be a ready alternative to natural gas, but conversion from a gaseous to a liquid or solid fuel may require a lengthy lead time for the manufacture and installation of boilers, storage and handling devices and pollution control devices. Furthermore, many process operations require a clean gaseous fuel and conversion to a liquid fuel is not practical.

Industrial users are now limited to an inventory accumulation equal to one hundred twenty percent of their base period use for propane (10 CFR 211.86 (g)) and butane (10 CFR 211.96(e)) except that such inventories may not be used to increase the industrial user's allocation entitlement. Also 10 CFR 211.10 (g)(8) prohibits industrial users from using propane and butane in excess of the purchaser's allocation entitlement of those allocated products.

Although the special restrictions for propane and butane serve to conserve domestic supplies of these products and to ensure the availability of domestic product for priority uses, it now appears that domestic production capabilities will be outstripped by increasing natural gas curtailments for those users for whom conversions to nongaseous fuels may require substantial lead time for the manufacture and installation of the necessary equipment, or may be impractical because of the nature of the industrial process for which the fuel is used.

FEA, therefore, proposes to continue its restrictions on industrial users' use of domestic and Canadian propane and butane, but proposes to amend 10 CFR §§ 211.10(g)(8), 211.12(g), 211.86 and 211.96 to permit industrial users to import and use propane and butane other than from Canada in excess of their allocation entitlements from domestic suppliers to the extent such imports exceed like imports during the base period. As proposed, this authority would be restricted to allow such imports only between May 1 and September 30 of each year to avoid importing by industrial firms during the winter months when the added volume of such imports might threaten to upset domestic storage, handling and distribution facilities for propane and butane. FEA will monitor the purchases of industrial firms which become importers of propane and butane and may reduce the base period uses of these firms if it appears that the importing industrial user no longer has a requirement for part of his allocation entitlement from domestic suppliers.

FEA will also continue to retain its authority to redirect any firm's supplies of any allocated product, imported or domestic, if an emergency situation requires such action. This review and redirection (if indicated) is necessary both to maintain equity among industrial users in terms of their access to supplies, and to relieve domestic suppliers of supply obligations which are not required by importing firms so that these supplies can be redistributed among non-importing purchasers which might otherwise be affected by a low allocation fraction by their suppliers. The report required of wholesale purchaser-consumer and end-user importers by 10 CFR 211.225 will provide FEA with the information it needs to carry out the monitoring function. Section 211.225 as proposed would be amended to require wholesale purchaser-consumer and end-user importers of propane and butane to make one report each year prior to September 30.

FEA has considered whether to treat firms entitled to an allocation level for propane and butane for synthetic natural gas plant feedstock use and gas utility use in the same manner as proposed for industrial users. FEA believes that it would be inappropriate for these two categories of users to increase their uses of imported propane and butane because such users, faced with increasing curtailments of natural gas, would turn more and more to propane and butane to meet their and their customers' needs. Since domestic supplies of propane and butane are not expected to offset future natural gas curtailments, synthetic natural gas plants and gas utilities would, unless restrained, import ever increasing volumes of propane and butane to take care of demand. Reliance by synthetic natural gas plants and gas utilities on greater and greater use of imported propane and butane could lead to dire consequences for ultimate consumers, such as residential users, if such imports were stopped by virtue of an embargo when there would be no time for such consumers to convert to non-gaseous alternative fuels. FEA believes it is wiser policy to encourage users of gaseous fuels to convert to non-gaseous fuels gradually as curtailments increase rather than present such consumers with an abrupt cutoff of fuel service in the event of another embargo. Despite these beliefs, FEA will welcome comments with respect to the issue of whether synthetic natural gas plants and gas utilities should be permitted to acquire and use imported propane and butane to the same extent as proposed for industrial users.

FEA recognizes that the number of wholesale purchaser-consumers and end-users which are able, financially and otherwise, to avail themselves of the proposed provisions may well be limited. Smaller industrial firms qualifying as wholesale purchaser-consumers or end-users, wishing to avail themselves of this provision, might find the importation of large volumes of product on their own behalf unduly burdensome. A similar provision providing for the purchase of imports through a refiner or reseller which may be able to import large volumes of product could prove to be a more efficient mechanism for these smaller industrial firms. FEA would welcome suggestions concerning amend-

ments to the allocation and price regulations to achieve this result.

In this regard, FEA is currently considering amendments which would permit a supplier to import non-Canadian propane and butane to be sold to industrial users or to wholesale purchaser-resellers which certify that they are purchasing the imported product for industrial users. There would be no mandatory requirement that non-Canadian imports be sold to any particular wholesale purchaser-resellers or industrial users unless directed by FEA. Under this system, the importing supplier could sell the imports only to a purchaser which certifies that it will use the products for industrial use or that it will resell the products to an industrial user.

An importing supplier under this contemplated system would be required to maintain separate accounting records for its imported non-Canadian propane and butane and for its domestic and Canadian supplies. Non-Canadian imports which do not exceed the volume of such imports during the base period would be treated as domestic supplies for accounting purposes.

If a supplier has an allocation fraction of less than one (1.0), it would be required to transfer sufficient volumes from its supply of imported non-Canadian propane and butane to its domestic supplies so that its fraction could be one (1.0). Once the supplier has placed the non-Canadian imports with its domestic supplies to achieve a fraction of one (1.0), the supplier would not be permitted to subsequently transfer product back into its imported supply.

With respect to the price rules applicable to refiners and resellers, firms importing additional propane and butane for industrial purchasers will be required to compute a separate weighted average unit cost for their imported product in inventory and will be required to compute increased product costs, to be passed through in lawful prices charged to industrial purchasers, by use of the weighted average unit cost of imported product in inventory. In the event imported product is transferred to the seller's domestic inventory, it is anticipated that the import cost of the transfered product will then be included in computing the weighted average unit cost of product in the seller's domestic inventory.

In publishing this notice, FEA intends to solicit comments not only on the amendments here proposed, but also upon the propriety of the further proposal described above, including the appropriate method to be implemented for the calculation of separate product inventories and the redirection of imported product from one inventory to another.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to require evaluation of its inflationary impact.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

The public hearing in this proceeding will be held beginning at 9:30 a.m., EDST, on August 7, 1975, in Room 2105, 2000 M Street, N.W., Washington, D.C., to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., EDST, July 31, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group of class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through August 6, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., EDST, August 4, 1975, and must submit 100 copies of his or her statement to Allocation Regulation Development, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30 p.m. EDST, August 6, 1975. The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who made an oral statement will be given the opportunity if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, Room 3309, FEA, before 4:30 p.m., EDST, August 5, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rule needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to participate in this rulemaking by submitting written comments and other data with respect to the proposed regulations to Executive Communications, Room 3309, Federal Energy Administration, Box DT, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Import of Propane and Butane by Industrial Users." Fifteen copies should be submitted. All comments received by 4:30 p.m., August 4, 1975, and all other relevant information will be considered by the FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f). FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

(Emergency Petroleum Allocation Act of 1973, P.L. 93-159, as amended by P.L. 93-511; Federal Energy Administration Act of 1974, P.L. 93-275; E.O. 11790, 39 FR 23185)

Issued in Washington, D.C., July 16, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel.*

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

1. Section 211.10 is amended in paragraph (g) by revising subparagraph (8) to read as follows:

§ 211.10 **Supplier's method of allocation.**

* * * * *

(g) *Allocation fractions greater than one.* * * *

(8) *Limitation on purchaser's rights including special restrictions on propane and butane.* (i) Unless directed by FEA no supplier shall supply and no end-user or wholesale purchaser-consumer shall accept quantities of an allocated product which exceed one hundred (100) percent of the end-user's or wholesale purchaser-consumer's current requirements, *provided, That* (A) no supplier shall supply and no end-user or wholesale purchaser-

consumer (except those importing propane and butane other than from Canada for industrial use which may accept and use such imports pursuant to § 211.12 (g) of this subpart) shall accept or use propane or butane (including the propane and butane content of natural gas liquids and refinery gas) in excess of one hundred (100) percent of base period use for synthetic natural gas feedstock use, gas utility use or any industrial use (other than for refinery fuel) except for the purpose of increasing inventories for such uses to the levels allowed under §§ 211.86(g) and 211.96(e) of this part, *and provided further, That* (B) no supplier shall supply and no end-user or wholesale purchaser-consumer (except those importing propane and butane other than from Canada for refinery fuel use which may accept and use such imports pursuant to § 211.12(g) of this subpart) shall accept or use quantities of propane or butane (excluding the propane and butane content of natural gas liquids and refinery gas) in excess of one hundred (100) percent of base period use for refinery fuel use, except for the purpose of increasing inventories for such use to the levels allowed under §§ 211.86 (g) and 211.96(e) of this part.

(ii) Suppliers and wholesale purchasers shall comply with §§ 211.87 and 211.97 of this part in the purchase of surplus propane and butane.

2. Section 211.12 is amended by revising paragraph (g) to read as follows:

**§ 211.12 Purchaser's allocation entitlement.**

* * * * *

(g) *End-user and wholesale purchaser-consumer importers.*

(1) Subject to to subparagraphs (2), (3) and (4) below, end-users and wholesale purchasers-consumers which import an allocated product in excess of volumes which they imported in the base period, and end-users and wholesale purchaser-consumers which have not previously imported an allocated product may import that product for their own use.

(2) Imports of propane and butane other than from Canada for industrial use (including petrochemical feedstock use and refinery fuel use) (i) by wholesale purchaser-consumers and end-users in excess of volumes imported in the base period and (ii) by wholesale purchaser-consumers and end-users which have not previously imported these products are not subject to the limitations imposed by § 211.10(g)(8) of this subpart. Imports of propane and butane by firms having allocation entitlements for uses other than industrial use, petrochemical feedstock use and refinery fuel use are subject to the limitations imposed in § 211.10(g)(8) of this subpart.

(3) Imports by firms made pursuant to this paragraph (g) will not affect the firms' allocation entitlements unless FEA determines that such imports, without a reduction in domestic allocation entitlements, are inconsistent with the objectives of the Act. Should circumstances warrant, FEA may require that imports made pursuant to this paragraph (g) be allocated to other end-users, wholesale purchasers, producers or suppliers.

(4) End-users and wholesale purchaser-consumers who import allocated products are required to report to both the FEA National and appropriate Regional offices pursuant to § 211.225 of this part.

* * * * *

3. Section 211.86 is amended by revising paragraph (g) and by adding a new paragraph (h) to read as follows:

**§ 211.86 Method of allocation.**

* * * * *

(g) *Inventory accumulation.* (1) Except as otherwise provided in this paragraph (g), producers, suppliers, wholesale purchasers and end-users may accumulate propane in inventory between May 1 and September 30 in each calendar year in quantities which are normal and reasonable for seasonal usage in accordance with their normal business practices.

(2) Gas utilities may accumulate propane in inventory pursuant to paragraph (1) above but only up to an amount equal to one hundred twenty (120) percent of the allocation entitlement specified in § 211.83(c)(2)(v) of this subpart.

(3) Industrial users (including petrochemical feedstock users and refinery fuel users) may accumulate propane in inventory pursuant to paragraph (1) above but only up to an amount equal to one hundred twenty (120) percent of the volumes used for all industrial uses (including standby volumes) during the base period, *provided, however, That* an industrial user may not use such inventories to exceed its allocation entitlement as specified in §§ 211.83(c)(2)(iii) and 211.83(c)(4)(ii) of this subpart except to the extent permitted by paragraph (h) below for wholesale purchaser-consumers and end-users which import propane other than from Canada.

(4) If a firm controls greater than the above-mentioned inventories of propane, excluding the volume of propane which an industrial user imports other than from Canada, it shall not accept an allocation of propane from a supplier or producer until its inventories are reduced to conform to the limitations imposed by this paragraph (g).

(h) *Imports of industrial users.* (1) Notwithstanding any contrary provisions in this part, wholesale purchaser-consumers and end-users having an allocation entitlement for propane for industrial use pursuant to § 211.83 of this subpart may, between May 1 and September 30 of each calendar year, import propane other than from Canada and use such imported propane in excess of their base period use to the extent these imports exceed the volume of such imports, if any, during the base period.

(2) Firms availing themselves of the provisions of this paragraph (h) shall not be considered to be prime suppliers or producers of propane.

4. Section 211.96 is amended by revising paragraph (e) and by adding a new paragraph (f) to read as follows:

**§ 211.96 Method of allocation.**

* * * * *

(e) *Inventory accumulation.* (1) Except as otherwise provided in this paragraph (e), suppliers, wholesale purchasers and end-users may accumulate butane in inventory between May 1 and September 30 in each calendar year in quantities which are normal and reasonable for seasonal usage in accordance with their normal business practices.

(2) Gas utilities may accumulate butane in inventory pursuant to paragraph (1) above but only up to an amount equal to one hundred (100) percent of the allocation entitlement specified in § 211.93(c)(2)(iv) of this subpart.

(3) Industrial users (including petrochemical feedstock users and refinery fuel users) may accumulate butane in inventory pursuant to paragraph (1) above but only up to an amount equal to one hundred twenty (120) percent of the volumes used for all industrial uses (including standby volumes) during the base period, *provided, however, That* an industrial user may not use such inventories to exceed its allocation entitlement as specified in §§ 211.93(c)(2)(ii) and 211.93(c)(4)(ii) of this subpart except to the extent permitted by paragraph (f) below for wholesale purchaser-consumers and end-users which import butane other than from Canada.

(4) If a firm controls greater than the above-mentioned inventories of butane, excluding the volume of butane which an industrial user imports other than from Canada, it shall not accept an allocation of butane from a supplier until its inventories are reduced to conform to the limitations imposed by this paragraph (e).

(f) *Imports of industrial users.* Notwithstanding any contrary provisions in this part, wholesale purchaser-consumers and end-users having an allocation entitlement for butane for industrial use pursuant to § 211.93 of this subpart may, between May 1 and September 30 of each calendar year, import butane other than from Canada and use such imported butane in excess of their base period use to the extent these imports exceed the volume of such imports, if any, during the base period.

5. Section 211.225 is revised to read as follows:

**§ 211.225 Report of end-user and wholesale purchaser-consumer importers.**

Pursuant to § 211.12(g) of this part, end-user and wholesale purchaser-consumer importers of an allocated product are required to report to the FEA National and appropriate Regional offices (a) by September 30 of each calendar year in the case of propane and butane which they import and (b) in the case of any other allocated product at least fifteen (15) days prior to commencing use

of such other allocated product which they import:

(1) The amounts and sources of these imports;

(2) The intended use of these imports;

(3) The projected monthly consumption of these imports; and

(4) A complete record of the domestic suppliers and amounts supplied of the allocated product from January 1, 1972, to the date of the filing of the report.

[FR Doc.75-18884 Filed 7-17-75;9:32 am]

[ 10 CFR Part 212 ]

## PROFIT MARGIN

### Notice Changing Date of Public Hearing and Extending Written Comment Period

On July 1, 1975, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking and public hearing concerning the revisions to the profit margin limitation (40 FR 28634, July 8, 1975). The notice provides for a public hearing to be held on Thursday, July 24, 1975, to be continued if necessary on Friday, July 25, 1975.

The FEA hereby gives notice that the date of the public hearing has been changed to 9:30 a.m., d.s.t., on Thursday, August 14, 1975 to be continued if necessary on Friday, August 15, 1975. Any request for an opportunity to make oral presentation at the hearing must be received before 4:30 p.m., d.s.t., on Wednesday, August 6, 1975, and must include a phone number where the person making the request may be contacted through Tuesday, August 12, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., d.s.t., Friday, August 8, 1975 and must submit 100 copies of his statement to Executive Communications, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30 p.m., d.s.t., on Wednesday, August 13, 1975.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., d.s.t., on Tuesday, August 12, 1975.

The notice of proposed rulemaking also provides that all written comments must be received by July 21, 1975, in order to be considered. FEA hereby gives further notice that the period for receipt of written comments has been extended. All written comments received by Monday, August 11, 1975, before 4:30 p.m., d.s.t., and all other relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed rulemaking.

All other procedures with respect to written comments and the public hearing are as set forth in the July 1 notice.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel,*
*Federal Energy Administration.*

JULY 18, 1975.

[FR Doc.75-19092 Filed 7-18-75;1:27 pm]

## FEDERAL MARITIME COMMISSION

[ 46 CFR Part 547 ]

[Docket No. 75-6]

## POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

### Enlargement of Time To File Answers

Notice of proposed rulemaking in this proceeding was published March 24, 1975 (40 F.R. 13005).

Upon request of counsel for interested parties, and good cause appearing, time within which answers to Hearing Counsel's reply to comments may be filed in this proceeding is enlarged to and including August 8, 1975.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-18992 Filed 7-21-75;8:45 am]

## FEDERAL TRADE COMMISSION

[ 16 CFR Part 702 ]

## PRE-SALE AVAILABILITY OF WRITTEN WARRANTY TERMS

### Proceeding, Invitation to Comment, and Public Hearings

*Correction*

In FR Doc. 75-18354 appearing at page 29894 in the issue for Wednesday, July 16, 1975, on page 29895 in the first column, paragraph (d)(2) of § 702.3 now reading, "provide a copy of any written warranted consumer products:" is incorrect and should read as follows: "provide a copy of any written warranty requested by the customer.".

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

### FEDERAL SPINNING CORP.

### Notice of Petition

A petition by Federal Spinning Corporation, Sanford, North Carolina, was accepted for filing on July 17, 1975, under Section 251 of the Trade Act of 1974 and in conformity with *Adjustment Assistance Certification Regulations for Firms*, 15 CFR, Part 350, 40 Federal Register 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States 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. The petitioner asserts that imported articles classified in items 310.40 and 310.50 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with spun acrylic yarn produced by the firm.

Any party having a substantial interest in the subject matter of the proceedings (as described in Section 350.40(b) of the Regulations) may request a public hearing on the matter. A request for a hearing conforming to Section 350.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business, August 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance)

HAROLD A. BRATT, Jr.,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-18980 Filed 7-21-75;8:45 am]

### Maritime Administration

### VALUES FOR WAR RISK INSURANCE

### Interim Binders as of January 1, 1975

Notice is hereby given that the Ship Valuation Committee, Maritime Administration, has determined that the stated valuations set forth herein constitute just compensation for the vessels to which they apply computed in accordance with Sections 902(a) and 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242(a), 1289(a)(2) and the authority delegated to the Assistant Secretary of Commerce for Maritime Affairs by the Secretary of Commerce by Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973) and redelegated to the Ship Valuation Committee by Maritime Administrative Order 440-3, December 6, 1973. Such stated valuations apply to vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed by 46 CFR Part 308.

The interim binders listed below shall be deemed to have been amended as of January 1, 1975, by inserting in the space provided therefore or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period January 1, 1975, to June 30, 1975, inclusive: *Provided, however*, That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein at any time during said period: *And provided further*, That the Assured shall have the right within 60 days after date of publication of this notice or within 60 days after the attachment of the insurance under the interim binder to which such valuation applies, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)(2)).

By Order of the Ship Valuation Committee.

Dated: July 14, 1975.

ROBERT J. PATTON, Jr.,
*Secretary,*
*Ship Valuation Committee.*

*Vessels of 1,500 gross tons or more*

| Binder No. | Name of vessel | Official No. | Stated valuation (in thousands) |
|---|---|---|---|
| 870 | Achilles | 281702 | $5,425 |
| 1660 | Adabelle Lykes | 291600 | 2,305 |
| 3249 | Afoundria | 244018 | 1,400 |
| 1426 | African Comet | 289281 | 3,145 |
| 1683 | African Dawn | 291781 | 3,265 |
| 1558 | African Mercury | 290143 | 3,215 |
| 1508 | African Meteor | 289792 | 3,205 |
| 1607 | African Neptune | 290485 | 3,215 |
| 1656 | African Sun | 291026 | 3,265 |
| 1751 | Aimee Lykes | 292614 | 2,305 |
| 1032 | Alaska Getty | 1526 | 7,055 |
| 2501 | Alaskan Mail | 517120 | 6,140 |
| 2452 | Albany | 509657 | 870 |
| 2883 | Alex Stephens | 524489 | 2,410 |
| 1828 | Allison Lykes | 293817 | 2,305 |
| 2988 | Almeria Lykes | 536671 | 19,600 |
| 567 | American Accord | 267275 | 6,335 |
| 572 | American Ace | 265143 | 6,335 |
| 568 | American Alliance | 266832 | 6,335 |
| 2812 | American Apollo | 529004 | 10,050 |
| 2869 | American Aquarius | 530999 | 10,050 |
| 571 | American Archer | 267444 | 6,335 |
| 566 | American Argosy | 266181 | 6 335 |
| 2583 | American Astronaut | 520694 | 9,008 |
| 1403 | American Challenger | 289699 | 3,217 |
| 1018 | American Champion | 290524 | 3,217 |
| 1557 | American Charger | 290089 | 3,217 |
| 1652 | American Chieftain | 291020 | 3,217 |
| 1972 | American Condor | 252347 | 605 |

*Vessels of 1,500 gross tons or more—Con.*

| Binder No. | Name of vessel | Official No. | Stated valuation (in thousands) |
|---|---|---|---|
| 1670 | American Corsair | 291629 | 3,217 |
| 1665 | American Courier | 290235 | 3,217 |
| 831 | American Eagle | 278327 | 3,940 |
| 2446 | American Lancer | 514261 | 9,008 |
| 2550 | American Lark | 518444 | 9,008 |
| 570 | American Leader | 266256 | 6,335 |
| 569 | American Legacy | 266243 | 6,335 |
| 574 | American Legend | 267033 | 6,335 |
| 2466 | American Legion | 515155 | 9,008 |
| 2485 | American Liberty | 516464 | 9,008 |
| 2518 | American Lynx | 517450 | 9,008 |
| 2740 | American Mail | 521866 | 6,140 |
| 1688 | American Oriole | 252304 | 605 |
| 1924 | American Racer | 297001 | 4,030 |
| 1980 | American Ranger | 298270 | 4,030 |
| 2039 | American Reliance | 299371 | 4,030 |
| 2961 | American Trader | 244855 | 2,170 |
| 3011 | American Victory | 248815 | 555 |
| 2764 | America Sun | 523346 | 15,150 |
| 2734 | Amoco Baltimore | 3234 | 7,280 |
| 2513 | Amoco Brisbane | 3046 | 6,570 |
| 2854 | Amoco Connecticut | 242851 | 1,090 |
| 2496 | Amoco Cremona | 2926 | 6,155 |
| 2944 | Amoco Delaware | 245058 | 6,420 |
| 2857 | Amoco Virginia | 243518 | 1,175 |
| 2620 | Amoco Yorktown | 3233 | 7,280 |
| 1040 | A. N. Kemp | 149 | 840 |
| 2025 | Arco Colombia | 2215 | 4,255 |
| 1848 | Arco Heritage | 293290 | 8,070 |
| 3142 | Arco Juneau | 556666 | 18,060 |
| 2900 | Arco Prudhoe Bay | 536496 | 15,230 |
| 2948 | Arco Sag River | 539313 | 15,645 |
| 2789 | Arctic Tokyo | 3372 | 25,200 |
| 3251 | Arispa | 251507 | 1,400 |
| 3115 | Arthur Middleton | 264957 | 1,505 |
| 1716 | Ashley Lykes | 292191 | 3,875 |
| 1039 | Athell McBean | 141 | 835 |
| 232 | Atlantic Communicator | 268196 | 2,151 |
| 233 | Atlantic Endeavor | 277623 | 3,525 |
| 1004 | Atlantic Enterprise | 270911 | 3,480 |
| 1560 | Atlantic Prestige | 289972 | 4,870 |
| 2200 | Atlantic Trader | 248607 | 1,175 |
| 1435 | Austin | 247455 | 1,535 |
| 3075 | Austral Endurance | 547288 | 12,349 |
| 3084 | Austral Ensign | 544303 | 12,349 |
| 3118 | Austral Entente | 552700 | 12,349 |
| 2986 | Austral Envoy | 541868 | 12,349 |
| 2631 | Austral Patriot | 500530 | 4,030 |
| 3153 | Austral Pilgrim | 269927 | 1,670 |
| 2632 | Austral Pilot | 297353 | 4,030 |
| 3133 | Avila | 267181 | 600 |
| 2820 | Azalea City | 243436 | 1,400 |
| 3096 | Baldbutte | 278103 | 4,185 |
| 2966 | Baltimore Trader | 270179 | 10,765 |
| 980 | Barbara | 248079 | 1,485 |
| 3252 | Beauregard | 251508 | 1,400 |
| 607 | Bethflor | 256034 | 1,030 |
| 608 | Bethtex | 255539 | 1,030 |
| 2840 | Bienville | 243438 | 1,400 |
| 1272 | Birch Coulie | 264903 | 1,655 |
| 1816 | Bradford Island | 247640 | 5,420 |
| 1490 | Brazos | 247583 | 1,678 |
| 1414 | Brinton Lykes | 288699 | 3,875 |
| 3114 | Brooklyn | 553648 | 37,500 |
| 2394 | Buckeye | 2758 | 3,505 |
| 2531 | California Getty | 3109 | 9,495 |
| 19 | Californian | 243882 | 1,700 |
| 2981 | Californian | 249229 | 2,425 |
| 7 | Carbide Seadrift | 241851 | 1,325 |
| 8 | Carbide Texas City | 242532 | 1,325 |
| 3172 | Carter Braxton | 266017 | 1,670 |
| 596 | Catawba Ford | 245620 | 710 |
| 1931 | Chancellorsville | 244460 | 1,440 |
| 2141 | Charles E. Spahr | 2355 | 5,260 |
| 3135 | Charles Pigott | 4704 | 26,495 |
| 1753 | Charlotte Lykes | 292782 | 3,205 |
| 3144 | Cherry Valley | 557503 | 12,500 |
| 1582 | Chevron Antwerp | 279852 | 785 |
| 2985 | Chevron California | 541563 | 14,250 |
| 3136 | Chevron Felux | 4663 | 26,775 |
| 2750 | Chevron Frankfurt | 2815 | 6,200 |
| 3083 | Chevron Hawaii | 549197 | 14,875 |
| 1584 | Chevron Liege | | 805 |
| 3177 | Chevron Nagasaki | 4796 | 26,565 |
| 1041 | Chevron Transporter | 132 | 820 |
| 1886 | Chevron Venice | | 585 |
| 2977 | China Bear | 530141 | 17,215 |
| 1788 | Christopher Lykes | 293220 | 3,205 |
| 1813 | Cities Service Baltimore | 271866 | 3,580 |

*Vessels of 1,500 gross tons or more—Con.*

| Binder No. | Name of vessel | Official No. | Stated valuation (in thousands) |
|---|---|---|---|
| 1814 | Cities Service Miami | 272077 | 3,395 |
| 1815 | Cities Service Norfolk | 272839 | 3,460 |
| 2875 | Citrus Packer | 247321 | 605 |
| 2237 | Colorado | 245104 | 5,840 |
| 2478 | Colorado | 515976 | 5,310 |
| 2540 | Columbia | 247519 | 1,280 |
| 2227 | Connecticut | 277291 | 4,385 |
| 3109 | Conoco America | 4455 | 26,260 |
| 3184 | Conoco Canada | 4592 | 25,450 |
| 2762 | Conoco Dubai | 1650 | 1,120 |
| 2753 | Conoco Libya | 2114 | 4,165 |
| 3178 | Conqueror | 3760 | 954 |
| 3104 | Coronado | 533623 | 11,905 |
| 2449 | DaGama | 249174 | 490 |
| 2705 | David D. Irwin | 242354 | 1,555 |
| 212 | David E. Day | 248880 | 1,280 |
| 2819 | Defiance | 519102 | 7,958 |
| 3180 | Delaware Getty | 267997 | 1,981 |
| 1225 | Del Oro | 286185 | 2,785 |
| 324 | Del Rio | 284689 | 2,785 |
| 327 | Del Sol | 285171 | 2,785 |
| 2500 | Delta Argentina | 512863 | 3,370 |
| 2497 | Delta Brasil | 514758 | 3,370 |
| 3071 | Delta Mar | 549153 | 19,400 |
| 2532 | Delta Mexico | 517540 | 3,370 |
| 3085 | Delta Norte | 550900 | 19,400 |
| 2498 | Delta Paraguay | 515910 | 3,370 |
| 3105 | Delta Sud | 553105 | 19,400 |
| 2499 | Delta Uruguay | 516608 | 3,370 |
| 2317 | Detroit Edison | 269187 | 3,790 |
| 2939 | Doctor Lykes | 536509 | 19,600 |
| 2330 | Dolly Turman | 508378 | 3,360 |
| 2778 | Eagle Charger | 522864 | 9,000 |
| 700 | Eagle Courier | 277561 | 3,487 |
| 2698 | Eagle Leader | 520939 | 8,825 |
| 699 | Eagle Transporter | 277790 | 3,685 |
| 697 | Eagle Traveler | 278442 | 4,200 |
| 698 | Eagle Voyager | 278624 | 4,185 |
| 2715 | Eclipse | 267144 | 1,785 |
| 2806 | Edgar M. Queeny | 528567 | 9,850 |
| 2086 | Elizabeth Lykes | 500702 | 3,230 |
| 3254 | Elizabethport | 242557 | 4,370 |
| 2451 | Ericson | 249283 | 490 |
| 830 | Erna Elizabeth | 289193 | 4,000 |
| 3122 | Esso Albany | 4626 | 4,655 |
| 3123 | Esso Alsace | 4376 | 2,000 |
| 3048 | Esso Australia | 3877 | 1,085 |
| 2150 | Esso Austria | | 5,025 |
| 2530 | Esso Bangkok | | 3,485 |
| 2049 | Esso Barcelona | | 5,075 |
| 2563 | Esso Bombay | | 3,555 |
| 3069 | Esso Brisbane | 4503 | 4,480 |
| 2503 | Esso Castellon | | 6,735 |
| 2732 | Esso Goa | | 3,675 |
| 3086 | Esso Guam | 4555 | 4,680 |
| 3068 | Esso Halifax | 4440 | 6,255 |
| 1958 | Esso Honduras | | 1,590 |
| 3150 | Esso Hong Kong | 4698 | 6,505 |
| 3151 | Esso Indonesia | 4697 | 24,410 |
| 2733 | Esso Interamerica | | 3,600 |
| 3124 | Esso Kagashima | 4627 | 24,210 |
| 2564 | Esso Karachi | | 3,600 |
| 2533 | Esso Kobe | | 3,525 |
| 2123 | Esso Libya | | 6,140 |
| 2784 | Esso Malacca | | 3,740 |
| 3157 | Esso Melbourne | 4502 | 6,615 |
| 3111 | Esso Montreal | 4601 | 6,255 |
| 3158 | Esso Mukaishima | 4700 | 4,810 |
| 2785 | Esso Nagasaki | | 3,710 |
| 3087 | Esso Nagoya | 4533 | 4,680 |
| 1959 | Esso Nicaragua | | 1,400 |
| 3112 | Esso Okinawa | 4602 | 24,210 |
| 3125 | Esso Osaka | 4628 | 28,485 |
| 2633 | Esso Penang | | 3,645 |
| 1960 | Esso Philippines | | 4,735 |
| 2621 | Esso Port Dickson | | 3,600 |
| 3113 | Esso Shimizu | 4625 | 6,370 |
| 3067 | Esso Singapore | 4502 | 25,830 |
| 2117 | Esso Spain | | 5,470 |
| 2623 | Esso Yokohama | | 3,600 |
| 2050 | Esso Zurich | | 4,765 |
| 853 | Exford | 249454 | 460 |
| 800 | Export Adventurer | 284024 | 2,215 |
| 801 | Export Agent | 283936 | 2,215 |
| 802 | Export Aide | 284516 | 2,215 |
| 803 | Export Ambassador | 283150 | 2,215 |
| 1296 | Export Banner | 288124 | 2,825 |
| 1354 | Export Bay | 286945 | 2,825 |
| 1372 | Export Builder | 287381 | 2,825 |
| 1401 | Export Buyer | 283076 | 2,825 |
| 1726 | Export Challenger | 292227 | 2,965 |
| 1771 | Export Champion | 292669 | 3,000 |
| 1712 | Export Commerce | 291731 | 2,955 |
| 1601 | Export Courier | 289947 | 2,900 |
| 3195 | Export Defender | 267733 | 1,670 |
| 3196 | Export Democracy | 264704 | 1,670 |
| 3197 | Export Diplomat | 264446 | 1,670 |
| 2980 | Export Freedom | 541414 | 10,345 |
| 3016 | Export Leader | 545126 | 10,345 |
| 3065 | Export Patriot | 548442 | 10,345 |
| 2593 | Exxon Baltimore | 282272 | 6,410 |
| 2594 | Exxon Bangor | 264791 | 2,070 |
| 3056 | Exxon Baton Rouge | 524619 | 15,095 |

*Vessels of 1,500 gross tons or more—Con.*

| Binder No. | Name of vessel | Official No. | Stated valuation (in thousands) |
|---|---|---|---|
| 2595 | Exxon Boston | 283784 | 6,530 |
| 2596 | Exxon Chester | 264445 | 1,840 |
| 2598 | Exxon Florence | 266855 | 1,965 |
| 2599 | Exxon Gettysburg | 273302 | 4,695 |
| 2601 | Exxon Houston | 297151 | 9,625 |
| 2602 | Exxon Huntington | 266329 | 2,150 |
| 2603 | Exxon Jamestown | 275519 | 4,900 |
| 2610 | Exxon Lexington | 276270 | 4,985 |
| 2605 | Exxon Newark | 264231 | 1,830 |
| 2606 | Exxon New Orleans | 298216 | 9,815 |
| 3057 | Exxon Philadelphia | 526792 | 15,095 |
| 3058 | Exxon San Francisco | 523626 | 15,095 |
| 1898 | Exxon Seattle | 277935 | 3,885 |
| 2600 | Exxon Washington | 273896 | 4,760 |
| 2871 | Exra Sensibar | 532555 | 7,600 |
| 2841 | Fairland | 242073 | 1,460 |
| 2901 | Falcon Countess | 530859 | 10,350 |
| 2902 | Falcon Duchess | 533611 | 10,350 |
| 2903 | Falcon Lady | 531154 | 10,350 |
| 2954 | Falcon Princess | 538811 | 10,350 |
| 3008 | Fortaleza | 544707 | 27,710 |
| 584 | Fort Fetterman | 244035 | 1,175 |
| 180 | Fort Worth | 247276 | 1,930 |
| 2300 | Frederick Lykes | 506812 | 3,360 |
| 1035 | Gage Lund | 217 | 800 |
| 585 | Gaines Mill | 244464 | 1,110 |
| 2842 | Gateway City | 251508 | 1,400 |
| 2421 | Genevieve Lykes | 513149 | 3,485 |
| 1031 | George F. Getty | 933 | 2,540 |
| 3000 | George F. Getty II | 4527 | 22,880 |
| 3142 | George Walton | 268534 | 1,505 |
| 2895 | Golden Bear | 530138 | 17,215 |
| 2791 | Golden Gate | 526972 | 13,605 |
| 2820 | Great Republic | 521302 | 7,958 |
| 2408 | Green Forest | 508061 | 905 |
| 3208 | Green Harbor | 561453 | 19,400 |
| 2711 | Green Lake | 248700 | 870 |
| 2409 | Green Port | 510015 | 905 |
| 2406 | Green Springs | 248701 | 905 |
| 3174 | Green Valley | 557033 | 19,400 |
| 2407 | Green Wave | 508060 | 905 |
| 2994 | Gulf Banker | 295249 | 2,395 |
| 792 | Gulfcrest | 270334 | 3,685 |
| 793 | Gulfdeer | 245727 | 1,110 |
| 2995 | Gulf Farmer | 294625 | 2,395 |
| 795 | Gulfking | 275193 | 3,860 |
| 796 | Gulfknight | 277183 | 4,035 |
| 797 | Gulflion | 246990 | 1,110 |
| 2996 | Gulf Merchant | 297329 | 2,510 |
| 798 | Gulfoil | 283424 | 3,755 |
| 800 | Gulfpride | 279769 | 3,530 |
| 801 | Gulfprince | 276034 | 3,945 |
| 802 | Gulfqueen | 275583 | 3,895 |
| 805 | Gulfseal | 247557 | 1,175 |
| 2997 | Gulf Shipper | 290880 | 2,510 |
| 803 | Gulfsolar | 280223 | 3,570 |
| 806 | Gulfspray | 282848 | 3,705 |
| 1358 | Gulfsupreme | 287186 | 4,275 |
| 804 | Gulftiger | 247767 | 1,125 |
| 2998 | Gulftrader | 296404 | 2,510 |
| 1421 | Hawaii | 289119 | 3,225 |
| 2982 | Hawaiian | 249353 | 2,425 |
| 2983 | Hawaiian Citizen | 252149 | 2,555 |
| 2763 | Hawaiian Enterprise | 524219 | 19,375 |
| 2803 | Hawaiian Progress | 528409 | 19,375 |
| 634 | Hess Bunker | 243804 | 1,440 |
| 638 | Hess Petrol | 244735 | 1,540 |
| 1373 | Hess Refiner | 248244 | 1,465 |
| 639 | Hess Trader | 246104 | 1,420 |
| 1913 | Hess Voyager | 290863 | 7,760 |
| 961 | Hillyer Brown | 269233 | 700 |
| 2622 | Hong Kong Mail | 520392 | 6,140 |
| 176 | Houston | 242636 | 1,600 |
| 3255 | Houston | 245543 | 4,440 |
| 2116 | Howard G. Vesper | 2448 | 5,115 |
| 2306 | Howell Lykes | 507344 | 3,360 |
| 431 | Iberville | 264428 | 1,505 |
| 2534 | Idaho | 518434 | 5,310 |
| 968 | Idaho Standard | 245461 | 630 |
| 2526 | Indian Mail | 517717 | 6,140 |
| 1787 | Inger | 248011 | 1,810 |
| 2861 | Ios 3301 | 531048 | 5,600 |
| 2453 | James | 509958 | 870 |
| 387 | James Lykes | 280584 | 4,239 |
| 2940 | Japan Bear | 530140 | 17,215 |
| 1418 | Japan Mail | 287976 | 6,775 |
| 1304 | Jean Lykes | 287103 | 4,239 |
| 3245 | Jeff Davis | 288604 | 3,650 |
| 2156 | J. E. Gosline | 2519 | 5,345 |
| 1965 | J. Frank Drake | 2116 | 3,680 |
| 973 | J. H. Tuttle | 242955 | 595 |
| 967 | J. L. Hanna | 248531 | 630 |
| 437 | John B. Waterman | 264652 | 1,505 |
| 2267 | John Dykstra | 265808 | 2,065 |
| 389 | John Lykes | 282772 | 4,239 |
| 3143 | John Penn | 270296 | 1,670 |
| 435 | John Tyler | 264497 | 1,505 |
| 2801 | Joseph D. Potts | 526588 | 15,555 |
| 3156 | Joseph Hewes | 269060 | 1,670 |
| 390 | Joseph Lykes | 281326 | 4,239 |
| 2912 | J. Paul Getty | 3963 | 21,510 |
| 586 | Julesburg | 243823 | 1,245 |
| 2641 | Keva Ideal | 242939 | 875 |

*Vessels of 1,500 gross tons or more—Con.*

| Binder No. | Name of vessel | Official No. | Stated valuation (in thousands) |
|---|---|---|---|
| 598 | Keystoner | 266730 | 725 |
| 599 | Keytanker | 265644 | 715 |
| 2054 | K. H. Crandall | 2274 | 3,530 |
| 2565 | Korean Mail | 518517 | 6,140 |
| 2754 | Lamyra | 1998 | 4,045 |
| 2968 | Lash Espana | 530144 | 16,555 |
| 2864 | Lash Italia | 529255 | 16,555 |
| 2865 | Lash Turkiye | 530143 | 16,555 |
| 13 | Leland T. Doan | 284217 | 5,680 |
| 1352 | Leslie Lykes | 287416 | 4,239 |
| 2403 | Leitia Lykes | 512187 | 3,485 |
| 2549 | Lightning | 518063 | 6,475 |
| 3134 | Lompoc | 248553 | 630 |
| 3257 | Los Angeles | 241153 | 4,370 |
| 3182 | Los Angeles Getty | 4851 | 23,905 |
| 2062 | Louise Lykes | 299938 | 3,230 |
| 2023 | Louisiana Brimstone | 247757 | 3,725 |
| 2029 | Louisiana Getty | 246173 | 1,760 |
| 367 | Louisiana Sulphur | 242964 | 787 |
| 3077 | Lurline | 549900 | 27,710 |
| 3146 | L. W. Funkhouser | 4837 | 25,565 |
| 3141 | Lyman Hall | 269028 | 1,670 |
| 2233 | Mallory Lykes | 504077 | 3,230 |
| 1356 | Manhattan | 287253 | 11,000 |
| 3137 | Mar Caribe | 4143 | 1,665 |
| 1800 | Margaret Lykes | 293555 | 2,365 |
| 3187 | Marine Chemical Transporter | 244942 | 540 |
| 2952 | Marine Dow Chem | 297278 | 3,595 |
| 1510 | Marine Electric | 245675 | 1,400 |
| 2133 | Marine Floridian | 246836 | 3,830 |
| 1812 | Marine Texan | 247563 | 3,610 |
| 1513 | Majorie Lykes | 280873 | 3,875 |
| 1029 | Maryland Getty | 1318 | 2,465 |
| 2902 | Maryland Trader | 247178 | 1,185 |
| 1940 | Marymar | 294730 | 2,475 |
| 2360 | Mason Lykes | 505406 | 3,360 |
| 3126 | Massachusetts | 549248 | 4,985 |
| 1027 | Massachusetts Getty | 1203 | 5,850 |
| 3107 | Matsonia | 553090 | 27,710 |
| 1789 | Mayo Lykes | 293224 | 2,305 |
| 1512 | Meadowbrook | 280879 | 1,555 |
| 2543 | Merrimac | 245673 | 1,365 |
| 2630 | Michigan | 521550 | 5,310 |
| 587 | Mill Spring | 244468 | 1,215 |
| 1023 | Minnehoma | 1008 | 2,655 |
| 1530 | M. M. Dant | 289547 | 3,225 |
| 2716 | Mobil Aero | 278471 | 3,600 |
| 3152 | Mobil Arctic | 542026 | 19,000 |
| 3159 | Mobil Comet | 2076 | 7,675 |
| 3160 | Mobil Engineer | 4531 | 7,005 |
| 2717 | Mobil Fuel | 274588 | 3,360 |
| 2718 | Mobilgas | 271449 | 2,835 |
| 3162 | Mobil Japan | 2314 | 7,303 |
| 2719 | Mobil Lube | 275651 | 3,240 |
| 3163 | Mobil Magnolia | 4636 | 26,260 |
| 2442 | Mobil Meridian | 286479 | 6,380 |
| 3165 | Mobil Navigator | 4605 | 7,115 |
| 2720 | Mobiloil | 270064 | 3,655 |
| 3166 | Mobil Petroleum | 4451 | 22,925 |
| 2721 | Mobil Power | 274966 | 3,380 |
| 3167 | Mobil Pride | 3836 | 22,405 |
| 3168 | Mobil Progress | 3979 | 22,405 |
| 3169 | Mobil Valiant | 2068 | 7,465 |
| 3170 | Mobil Vigilant | 1992 | 4,285 |
| 2405 | Mohawk | 248913 | 860 |
| 2525 | Monmouth | 242426 | 5,170 |
| 2495 | Montana | 517617 | 5,310 |
| 2797 | Monticello Victory | 286819 | 6,400 |
| 2798 | Montpelier Victory | 286745 | 6,550 |
| 2664 | Mormacaltair | 298129 | 4,000 |
| 2667 | Mormacargo | 296216 | 4,000 |
| 2666 | Mormacbay | 283541 | 2,575 |
| 2666 | Mormaccape | 284185 | 2,627 |
| 2668 | Mormaccove | 286749 | 2,680 |
| 2670 | Mormacdraco | 299008 | 4,000 |
| 2673 | Mormacgien | 285283 | 2,627 |
| 2676 | Mormaclake | 284802 | 2,627 |
| 2678 | Mormaclynx | 296947 | 4,000 |
| 2683 | Mormacpride | 282295 | 2,550 |
| 2684 | Mormacrigel | 297384 | 4,000 |
| 2687 | Mormacscan | 285690 | 2,627 |
| 2688 | Mormactrade | 287900 | 2,740 |
| 2689 | Mormacvega | 296932 | 4,000 |
| 2799 | Mount Vernon Victory | 284178 | 6,135 |
| 2800 | Mount Washington | 293097 | 7,645 |
| 1243 | Nancy Lykes | 286650 | 4,239 |
| 3268 | Nathanael Greene | 287683 | 3,650 |
| 2034 | Neches | 244235 | 630 |
| 1445 | Nevada Standard | 248802 | 630 |
| 2038 | New Yorker | 283080 | 700 |
| 2030 | New York Getty | 267198 | 1,985 |
| 3061 | Notre Dame Victory | 547919 | 19,005 |
| 339 | Ogden Challenger | 280318 | 4,120 |
| 2745 | Ogden Champion | 523341 | 9,045 |
| 2614 | Ogden Wabash | 520728 | 8,825 |
| 2591 | Ogden Williamette | 518738 | 8,705 |
| 2545 | Ogden Yukon | 257115 | 1,450 |
| 1024 | Oklahoma Getty | 1148 | 2,655 |
| 1375 | Oregon | 287875 | 3,225 |
| 1947 | Oregon Mail | 296779 | 9,378 |
| 971 | Oregon Standard | 246773 | 630 |
| 3088 | Oswego Courage | 4380 | 6,156 |

*Vessels under 1,500 gross ton—Continued*

| Binder No. | Name of vessel | Official No. | Stated valuation (in thousands) |
|---|---|---|---|
| 1806 | Oswego Defender | 1588 | 3,460 |
| 1807 | Oswego Freedom | 1448 | 2,860 |
| 2385 | Oswego Glory | 2809 | 8,800 |
| 2402 | Oswego Guardian | 2869 | 9,010 |
| 3183 | Oswego Harmony | 4381 | 7,615 |
| 2014 | Oswego Independence | 2345 | 7,520 |
| 2015 | Oswego Liberty | 2304 | 7,520 |
| 1808 | Oswego Reliance | 1522 | 3,325 |
| 2772 | Oswego Venture | 2545 | 7,840 |
| 3097 | Otto N. Miller | 4349 | 29,280 |
| 2827 | Overseas Alaska | 529795 | 13,920 |
| 1827 | Overseas Aleutian | 266619 | 6,935 |
| 2465 | Overseas Alice | 514928 | 8,345 |
| 1905 | Overseas Anchorage | 281777 | 6,310 |
| 2862 | Overseas Arctic | 530877 | 13,920 |
| 2955 | Overseas Evelyn | 268078 | 1,980 |
| 1 | Overseas Joyce | 284049 | 6,235 |
| 3108 | Overseas Juneau | 553137 | 17,200 |
| 3055 | Overseas Natalie | 287156 | 8,100 |
| 2975 | Overseas Rose | 268288 | 1,970 |
| 2343 | Overseas Traveler | 289436 | 1,375 |
| 932 | Overseas Ulla | 280004 | 4,660 |
| 2506 | Overseas Valdez | 517186 | 8,500 |
| 2537 | Overseas Vivian | 518125 | 8,615 |
| 2907 | Pacific Bear | 530139 | 17,215 |
| 181 | Pasadena | 248894 | 1,690 |
| 1037 | Paul Pigott | 163 | 845 |
| 3073 | Pecos | 259357 | 1,450 |
| 1954 | Penmar | 295108 | 2,475 |
| 1028 | Pennsylvania Getty | 1255 | 3,460 |
| 2926 | Pennsylvania Sun | 280202 | 6,300 |
| 581 | Perryville | 244644 | 1,405 |
| 3036 | Philippine Bear | 530142 | 17,880 |
| 1419 | Philippine Mail | 288066 | 6,775 |
| 2289 | Phillips Kansas | 1813 | 6,190 |
| 2288 | Phillips Louisiana | 2026 | 6,615 |
| 3154 | Phillips New Jersey | 3812 | 705 |
| 3155 | Phillips New York | 3811 | 1,000 |
| 2276 | Phillips Oklahoma | 1931 | 6,840 |
| 2277 | Phillips Oregon | 2123 | 6,730 |
| 2262 | Phillips Texas | 1506 | 2,600 |
| 1653 | Pioneer Commander | 290005 | 3,217 |
| 1750 | Pioneer Contender | 292572 | 3,217 |
| 1715 | Pioneer Contractor | 291968 | 3,217 |
| 1774 | Pioneer Crusader | 292630 | 3,217 |
| 1432 | Pioneer Moon | 289263 | 3,217 |
| 2844 | Pittsburgh | 247275 | 6,450 |
| 2770 | Polar Alaska | 3280 | 25,200 |
| 1999 | Portmar | 294731 | 2,475 |
| 1505 | Potomac | 248800 | 1,200 |
| 2447 | President Fillmore | 513860 | 9,645 |
| 2380 | President Grant | 512256 | 9,645 |
| 2148 | President Harrison | 502569 | 8,105 |
| 3030 | President Jefferson | 544900 | 12,595 |
| 3121 | President Johnson | 552109 | 12,595 |
| 514 | President Lincoln | 283311 | 4,000 |
| 3041 | President Madison | 546725 | 12,595 |
| 2416 | President McKinley | 512563 | 9,645 |
| 2113 | President Monroe | 501712 | 8,105 |
| 3120 | President Pierce | 552108 | 12,595 |
| 2084 | President Polk | 500484 | 8,105 |
| 2398 | President Taft | 511653 | 9,645 |
| 1208 | President Tyler | 286232 | 4,000 |
| 2359 | President Van Buren | 509581 | 9,645 |
| 2031 | Providence Getty | 254689 | 85 |
| 2751 | Prudential Oceanjet | 504015 | 3,340 |
| 2752 | Prudential Seajet | 502726 | 3,340 |
| 2894 | Puerto Rican | 535009 | 17,575 |
| 2706 | Pure Oil | 248837 | 548 |
| 1964 | Ralph B. Johnson | 2161 | 4,855 |
| 1798 | Ralph O. Rhoades | 1879 | 3,305 |
| 2843 | Raphael Semmes | 242074 | 1,400 |
| 2821 | Red Jacket | 522650 | 7,958 |
| 2063 | R. G. Follis | 2312 | 4,995 |
| 2241 | Richard C. Saner | 1914 | 5,355 |
| 3147 | Robert E. Lee | 557033 | 19,400 |
| 2882 | Robert Toombs | 523346 | 2,410 |
| 1038 | Robert Watt Miller | 172 | 845 |
| 2162 | Ruth Lykes | 502928 | 3,230 |
| 3179 | Sam Houston | 557095 | 19,400 |
| 3181 | Samuel Chase | 266002 | 1,670 |
| 177 | San Antonio | 248716 | 1,815 |
| 2974 | Sandy Lake | 247253 | 1,710 |
| 3262 | San Francisco | 241230 | 4,370 |
| 3263 | San Juan | 242635 | 4,370 |
| 2534 | San Mateo | 3230 | 1,345 |
| 2846 | San Pedro | 248238 | 6,450 |
| 2918 | Sanmiguel II | 535020 | 15,230 |
| 1600 | Santa Ana | 290262 | 3,225 |
| 2370 | Santa Barbara | 509186 | 3,630 |
| 2296 | Santa Clara | 509249 | 3,630 |
| 3062 | Santa Clara | 274440 | 5,675 |
| 2257 | Santa Cruz | 504681 | 3,630 |
| 2314 | Santa Elena | 507696 | 3,630 |
| 2376 | Santa Isabel | 510570 | 3,630 |
| 2155 | Santa Lucia | 502774 | 3,630 |
| 1574 | Santa Magdalena | 290270 | 4,650 |
| 1756 | Santa Maria | 292858 | 4,650 |
| 3027 | Santa Marta | 263781 | 635 |
| 1678 | Santa Mariana | 294811 | 4,350 |
| 1830 | Santa Mercedes | 289943 | 4,650 |
| 2947 | Santa Paula | 277703 | 8,905 |

*Vessels under 1,500 gross ton—Continued*

| Binder No. | Name of vessel | Official No. | Stated valuation (in thousands) |
|---|---|---|---|
| 1348 | Santa Rita | 287232 | 3,225 |
| 1766 | Sarah C. Getty | 1812 | 6,030 |
| 3025 | Sea-Land Commerce | 545200 | 42,650 |
| 2868 | Sea-Land Economy | 532410 | 16,830 |
| 3037 | Sea-Land Exchange | 546383 | 42,650 |
| 3079 | Sea-Land Finance | 550722 | 42,650 |
| 3080 | Sea-Land Market | 550721 | 42,650 |
| 2974 | Sea-Land McLean | 540413 | 42,210 |
| 3101 | Sea-Land Resource | 550723 | 42,650 |
| 2867 | Sea-Land Venture | 531478 | 16,830 |
| 1970 | Seamar | 294729 | 2,475 |
| 1610 | Sheldon Lykes | 290508 | 2,305 |
| 1428 | Shirley Lykes | 289283 | 3,875 |
| 1714 | Sinclair Texas | 291990 | 7,270 |
| 1206 | Sister Katingo | 277036 | 4,105 |
| 2722 | Socony Vacuum | 268801 | 2,050 |
| 2879 | Sohio Intrepid | 533270 | 16,375 |
| 2898 | Sohio Resolute | 535357 | 16,375 |
| 982 | Solon Turman | 285889 | 4,239 |
| 2889 | Spirit of Liberty | 516521 | 8,465 |
| 2626 | Stagbound | 520743 | 6,475 |
| 1049 | Statue of Liberty | 420 | 1,260 |
| 2208 | Stella Lykes | 504982 | 3,360 |
| 3148 | Stonewall Jackson | 557034 | 19,400 |
| 2847 | Tampa | 291928 | 3,440 |
| 1415 | Tampico | 246344 | 1,600 |
| 1071 | Texaco Arizona | 404356 | 980 |
| 1593 | Texaco Brighton | 444559 | 1,990 |
| 1961 | Texaco Colombia | 3873-KJ | 6,705 |
| 3051 | Texaco Connecticut | 266501 | 9,600 |
| 3110 | Texaco Darien | 233872 | 6,630 |
| 3052 | Texaco Florida | 271820 | 9,925 |
| 1867 | Texaco Georgia | 293819 | 4,660 |
| 469 | Texaco Illinois | 246993 | 1,420 |
| 471 | Texaco Kansas | 244230 | 1,350 |
| 1596 | Texaco Maine | 4500-50 | 1,935 |
| 1908 | Texaco Maracaibo | 3835-LI | 7,180 |
| 1803 | Texaco Maryland | 292735 | 4,555 |
| 1824 | Texaco Massachusetts | 293036 | 4,400 |
| 475 | Texaco Minnesota | 243206 | 1,590 |
| 476 | Texaco Mississippi | 245082 | 1,590 |
| 1079 | Texaco Missouri | 414357 | 1,105 |
| 2028 | Texaco Montana | 298918 | 5,190 |
| 480 | Texaco New Jersey | 242831 | 1,270 |
| 1680 | Texaco New Mexico | 438258 | 1,310 |
| 3053 | Texaco New York | 265981 | 9,600 |
| 483 | Texaco North Dakota | 265006 | 885 |
| 3038 | Texaco Panama | 5436 | 24,550 |
| 1849 | Texaco Rhode Island | 295360 | 4,800 |
| 1508 | Texaco Trinidad | 4336-58 | 1,930 |
| 1966 | Texaco Venezuela | 3879-HA | 4,775 |
| 1087 | Texaco Vermont | 404456 | 1,060 |
| 1270 | Texaco Wisconsin | 277805 | 3,865 |
| 209 | Texan | 240352 | 660 |
| 2140 | Texas Getty | 2443 | 4,605 |
| 925 | Thetis | 279627 | 5,250 |
| 2696 | Thomas A | 260654 | 1,825 |
| 2800 | Thomas E. Cuffe | 530137 | 17,215 |
| 425 | Thomas Jefferson | 266977 | 1,565 |
| 3082 | Thomas Lynch | 269668 | 1,670 |
| 2412 | Thomas M | 266338 | 1,705 |
| 2823 | Thomas Q | 261167 | 1,845 |
| 405 | Thompson Lykes | 283413 | 4,230 |
| 1622 | Tidewater | 1087 | 2,540 |
| 3028 | Tillie Lykes | 536672 | 19,600 |
| 2418 | Transcolorado | 248896 | 5,260 |
| 2419 | Transcolumbia | 248702 | 5,260 |
| 231 | Transeastern | 279438 | 5,800 |
| 2463 | Transpanama | 257381 | 1,420 |
| 1492 | Trinity | 246600 | 1,845 |
| 1886 | Trinity Mariner | 1079 | 1,275 |
| 2744 | Trojan | 247177 | 1,415 |
| 590 | Tullahoma | 246062 | 1,410 |
| 3175 | Ultramar | 550200 | 18,300 |
| 3176 | Ultrasea | 553146 | 18,300 |
| 2935 | Universe Iran | 3267 | 20,630 |
| 2570 | Universe Ireland | 3044 | 28,410 |
| 2617 | Universe Japan | 3182 | 20,260 |
| 2936 | Universe Korea | 3266 | 20,260 |
| 2571 | Universe Kuwait | 3045 | 28,410 |
| 2618 | Universe Portugal | 3183 | 28,000 |
| 966 | Utah Standard | 251140 | 545 |
| 2270 | Valley Forge | 505786 | 7,650 |
| 2788 | Vantage Horizon | 247181 | 2,065 |
| 1025 | Veedol | 663 | 2,815 |
| 2354 | Velma Lykes | 509652 | 3,360 |
| 1080 | Virginia Getty | 1389 | 2,465 |
| 2964 | Virginia Trader | 244789 | 1,145 |
| 1786 | Walter Rice | 248203 | 1,810 |
| 1398 | Washington | 288603 | 3,225 |
| 2097 | Washington Getty | 2371 | 4,125 |
| 1349 | Washington Mail | 287238 | 6,775 |
| 2961 | William J. Fields | 248127 | 1,540 |
| 2089 | William Larimer Mellon | 1886 | 3,585 |
| 1795 | William M. Allen | 1880 | 4,980 |
| 2932 | Wilmington Getty | 246557 | 1,700 |
| 2568 | Wyoming | 519037 | 5,310 |
| 2098 | Yellowstone | 248883 | 1,100 |
| 2822 | Young America | 524416 | 7,958 |
| 411 | Zoella Lykes | 282126 | 4,239 |

*Vessels of 1,500 gross tons or more—Con.*

| Binder No. | Name of vessel | Official No. | Stated valuation (in thousands) |
|---|---|---|---|
| 752 | A. H. Dumont | 239224 | 870 |
| 2486 | Alison C | 513704 | 845 |
| 1686 | Atlantic | 262007 | 115 |
| 1198 | Barge 133 | | 16 |
| 2045 | Betty Moran | 293323 | 690 |
| 2480 | Blackhawk | 515015 | 705 |
| 2331 | Borinquen | 506497 | 354 |
| 1153 | Britton | 119 | 14 |
| 2136 | Cabo Rojo | 297392 | 315 |
| 2934 | Carole G. Ingram | 538987 | 3,100 |
| 2137 | Catano | 298716 | 320 |
| 2413 | Crown Bay | 511779 | 175 |
| 3106 | DSLL 540650–540899 | 540650–540899 [1] | 35 |
| 3132 | DSLL 553325–553348 | 553325–553348 [1] | 35 |
| 2208 | El Morro | 503502 | 330 |
| 2132 | E. Whitney Olson, Jr | 298925 | 495 |
| 2209 | Fajardo | 503563 | 330 |
| 2044 | Gale B | 292748 | 690 |
| 24 | George S | 282206 | 65 |
| 764 | George Whitlock II | 241390 | 80 |
| 1150 | Habib | 112 | 10 |
| 1151 | Horne | 115 | 11 |
| 3078 | Hygrade No. 22 | 545745 | 475 |
| 1554 | Lewis No. 8 | 244276 | 54 |
| 2473 | Luquillo | 299904 | 90 |
| | Each Barge | | 85 |
| 2942 | LY 1 | 531766 | 85 |
| | LY 2–36 | 532709–532736 | 85 |
| | LY 800 | 532933 | 85 |
| | LY 900 | 532940 | 85 |
| 2943 | LY 37–44 | 532737–532744 | 85 |
| 3006 | LY 45–106 | 532745–532806 | 85 |
| | LY 801–802 | 532934–532935 | 85 |
| | LY 901–902 | 532 941–532942 | 58 |
| 3017 | LY 107–111 | 532807–532811 | 85 |
| 3007 | LY 112–124 | 532812–532824 | 85 |
| | LY 803 | 532936 | 85 |
| 3010 | LY 125–134 | 532825–532834 | 85 |
| 3018 | LY 135–139 | 532835–532839 | 85 |
| | LY 903 | 532943 | 85 |
| 3019 | LY 140–144 | 532840–532844 | 85 |
| 3031 | LY 145–150 | 532845–532850 | 85 |
| | LY 160–161 | 532860–532861 | 85 |
| 3032 | LY 151–159 | 532851–532859 | 85 |
| | LY 162–165 | 532862–532865 | 85 |
| | LY 904 | 532944 | 85 |
| 3039 | LY 166 | 532866 | 85 |
| | LY 168–169 | 532868–532869 | 85 |
| 3040 | LY 167 | 532867 | 85 |
| | LY 170–171 | 532870–532871 | 85 |
| 3045 | LY 172–173 | 532872–532873 | 85 |
| | LY 175–177 | 532875–532877 | 85 |
| 3046 | LY 174 | 532874 | 85 |
| | LY 178–180 | 532878–532880 | 85 |
| | LY 804 | 532937 | 85 |
| 3054 | LY 181–182 | 532881–532882 | 85 |
| 3063 | LY 183–190 | 532883–532890 | 85 |
| | LY 195 | 532895 | 85 |
| | LY 905 | 532945 | 85 |
| 3064 | LY 191 | 532891 | 85 |
| 3066 | LY 192–194 | 532892–532894 | 85 |
| | LY 196–197 | 532896–532897 | 85 |
| 3070 | LY 198–202 | 532898–532902 | 85 |
| 3076 | LY 203–211 | 532903–532911 | 85 |
| 3081 | LY 212–213 | 532912–532913 | 85 |
| | LY 805 | 532938 | 85 |
| 3084 | LY 214–216 | 532914–532916 | 85 |
| 3089 | LY 217–218 | 532917–532918 | 85 |
| | LY 220 | 532920 | 85 |
| 3090 | LY 219 | 532919 | 85 |
| | LY 221–225 | 532921–532925 | 85 |

*Vessels of 1,500 gross tons or more—Con.*

| Binder No. | Name of vessel | Official No. | Stated valuation (in thousands) |
|---|---|---|---|
| 3091 | LY 226-227 | 532926-532927 | 85 |
| | LY 806 | 532939 | 85 |
| | LY 906 | 532946 | 85 |
| 3092 | LY 228-229 | 532928-532929 | 85 |
| 3098 | LY 230-231 | 532930-532931 | 85 |
| 3099 | LY 232 | 532932 | 85 |
| 3138 | Marjan 1 | 15602 | 995 |
| 3139 | Marjan 2 | | 1,495 |
| 2873 | Martha R. Ingram | 533104 | 3,100 |
| 1702 | Mohawk | 254469 | 365 |
| 3047 | New Haven | 504930 | 330 |
| 742 | Ocean Prince | 276461 | 265 |
| 2703 | Perth Amboy No. 1 | 171776 | 138 |
| | Each Barge | | 35 |
| 2896 | PFE-LB 1-96 | 530301-530396 | 35 |
| 2897 | PFE-LB 97-132 | 530397-530432 | 35 |
| 2908 | PFE-LB 133-143 | 530433-530443 | 35 |
| | PFE-LB 145-198 | 530445-530498 | 35 |
| 2941 | PFE-LB 199-264 | 530499-530564 | 35 |
| 2978 | PFE-LB 265-300 | 530565-530600 | 35 |
| | PFE-LB 301-312 | 534301-534312 | 35 |
| | PFE-LB 314-330 | 534314-534330 | 35 |
| 3034 | PFE-LB 331-396 | 534331-534396 | 35 |
| 3102 | PFE-LB 399 | 537399 | 35 |
| | PFE-LB 405 | 537405 | 35 |
| | PFE-LB 409-410 | 537409-537410 | 35 |
| | PFE-LB 413-455 | 537413-537455 | 35 |
| | PFE-LB 457-459 | 537457-537459 | 35 |
| | PFE-LB 461 | 537461 | 35 |
| | PFE-LB 463-486 | 537463-537486 | 35 |
| 3103 | PFE-LB 400-404 | 537400-537404 | 35 |
| | PFE-LB 406-408 | 537406-537408 | 35 |
| | PFE-LB 411-412 | 537411-537412 | 35 |
| 3122 | PFE-LB 487-498 | 537487-537498 | 35 |
| | PFE-LB 500-504 | 537500-537504 | 35 |
| | PFE-LB 521-546 | 537521-537546 | 35 |
| 3193 | PFE-LB 598-647 | 550598-550644 | 35 |
| 2990 | P.L. 1-0001-36 | 525001-525036 | 35 |
| | P.L. 1-0103-132 | 525103-525132 | 35 |
| 3000 | P.L. 1-0037-102 | 525037-525102 | 35 |
| 3001 | P.L. 1-0133-167 | 525133-525167 | 35 |
| | P.L. 1-0169-175 | 525169-525175 | 35 |
| | P.L. 1-0177-185 | 525177-525185 | 35 |
| | P.L. 1-0187-193 | 525187-525193 | 35 |
| | P.L. 1-0195-198 | 525195-525198 | 35 |
| 3002 | P.L. 1-0199-264 | 525199-525264 | 35 |
| 3003 | P.L. 1-0265-273 | 525265-525273 | 35 |
| | P.L. 1-0275-276 | 525275-525276 | 35 |
| | P.L. 1-0278-299 | 525278-525299 | 35 |
| | P.L. 1-0301-331 | 525301-525331 | 35 |
| 3004 | P.L. 1-0332-342 | 525332-525342 | 35 |
| | P.L. 1-0344-360 | 525344-525360 | 35 |
| 3005 | P.L. 1-0361-367 | 525361-525367 | 35 |
| | P.L. 1-0369-425 | 525369-525425 | 35 |
| 1719 | Ponce De Leon | 244206 | 50 |
| 744 | Port Jefferson | 274512 | 255 |
| 1878 | Puerto Nuevo | 294841 | 310 |
| 1176 | Qatif 7 | | 46 |
| 1148 | Sandy | 114 | 11 |
| 2476 | Seminole | 514243 | 795 |
| 1263 | Spartan | 273515 | 301 |
| 2130 | Starcrescent | 284000 | 435 |
| 2389 | St. Croix | 507216 | 165 |

*Vessels of 1,500 gross tons or more—Con.*

| Binder No. | Name of vessel | Official No. | Stated valuation (in thousands) |
|---|---|---|---|
| 1152 | Swigart | 118 | 12 |
| 2552 | Theresa F | 516158 | 845 |
| 763 | W. A. Weber | 251392 | 53 |
| 3140 | Zuluf 3 | | 250 |

[1] Each barge.

[FR Doc. 75-18731 Filed 7-21-75; 8:45 am]

## Office of the Secretary

## STATUS OF MARINE MAMMAL SPECIES AND POPULATION STOCKS

### Report of the Secretary of Commerce

Section 103(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) states that "Within six months after the effective date of this Act (December 21, 1972) and every twelve months thereafter, the Secretary shall report to the public through publication in the FEDERAL REGISTER and to the Congress on the current status of all marine mammal species and population stocks subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the issuance of permits pursuant to this title to assure the well-being of such marine mammals."

Section 3(12)(A) of the Act limits the responsibility of the Department of Commerce to those mammals which are members of the Order Cetacea (whales and porpoises) and members, other than walruses, of the Order Pinnipedia (seals and sea lions). Accordingly, there is published herewith the report of the Secretary of Commerce for the period May 1, 1974, to March 31, 1975, on the administration of the Act with regard to those mammals.

Issued at Washington, D.C., and dated July 16, 1975.

ROGERS C. B. MORTON,
*Secretary of Commerce.*

JULY 16, 1975.

ADMINISTRATION OF THE MARINE MAMMAL PROTECTION ACT OF 1972

May 1, 1974 through March 31, 1975

REPORT OF THE SECRETARY OF COMMERCE

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FOREWORD

This is the third annual report to Congress on the Administration of the Marine Mammal Protection Act of 1972. Two previous reports covered the periods from December 21, 1972, through June 21, 1973, and from June 22, 1973, through April 30, 1974.

The Department of Commerce responsibilities under the Act were delegated to the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS).

The concepts and policies embodied in the Act have been implemented amid controversy; however, the accomplishments have been significant. The take of marine mammals for research, and public display, has been placed under a national permit system which assures that minimum numbers are taken and those taken are humanely handled and cared for. Since implementation of the Act, a total of 141 applications for permits has been received. Of these, 85 permits have been issued, six denied, 11 withdrawn, 10 returned to the applicants, four referred to the States, one resolved through an

interagency agreement, and 24 remain under consideration.

Since October 20, 1974, the expiration date of the initial two-year exemption period for commercial fishing, general permits were established to control the incidental take of marine mammals in connection with commercial fishing operations.

Research has been conducted by NOAA on various marine mammals such as whales, seals, and sea lions, and on porpoises in particular toward achievement of a reduction in mortality.

Cooperation continues with State agencies to assure widest possible compliance with the provisions of the Act.

The United States continues its efforts internationally to bring about cooperation and agreements in conformance with the Act. The United States continues to support a 10-year moratorium with regard to whales. The member nations of the International Whaling Commission (IWC) are considering a modification of the U.S. proposal to provide for a special moratorium on the taking of any stock of whales which is not "at or near maximum sustainable yield" and later when such can be determined "optimum levels." The United States has also continued its effort to reduce the incidental take of marine mammals and is engaged in a number of projects with the Soviet Union on marine mammal research. Further, it has been agreed to seek renegotiation of a modified fur seal convention in 1975 to make the North Pacific Fur Seal Convention consistent with the Act.

Much remains to be done to fully carry out the intent of the Act. We are hopeful that this report will contribute to an understanding of those steps already undertaken and those which we must undertake in the future.

## Administration of the Marine Mammal Protection Act of 1972

May 1, 1974, through March 31, 1975

### INTRODUCTION

*Authority for the report and administration of the act*

This report to Congress is pursuant to requirements of Section 103(f) of the Marine Mammal Protection Act of 1972 (86 Stat. 1027; hereinafter, the "Act"). This report is presented in two parts: the first deals with actions taken to assure the well-being of marine mammals; the second defines the current status of the stocks of marine mammals for which the Secretary of Commerce has responsibility. There are also seven appendices.

The Act, with certain exceptions, places an immediate moratorium on the taking and importation of all marine mammals and marine mammal products. The responsibility of the Secretary of Commerce, under the Act, pertains to whales, porpoises, seals, and sea lions; and the Secretary of the Interior is responsible for all other marine mammals, specifically sea otters, walruses, polar bears, dugongs, and manatees. On November 30, 1972, the Secretary of Commerce delegated authority for the functions prescribed by the Act to the Administrator of the National Oceanic and Atmospheric Administration (NOAA). On February 9, 1973, the Administrator delegated this authority to the Director, National Marine Fisheries Service (NMFS).

*Summary of major activities*

*Regulations promulgated*

Final regulations governing the incidental taking of marine mammals in the course of commercial fishing operations were promulgated on September 5, 1974, following issuance of a final environmental impact statement and public hearings.

*Public display and scientific research permits*

One hundred forty-one applications were received for permits to take and/or import marine mammals for public display or scientific research. Permits have been issued to 85 applicants, six applications have been denied, 11 were withdrawn, 10 were returned to the applicants, one was resolved through an interagency agreement, four were referred to the appropriate States, and 24 remain under consideration.

*Permit issuance policies*

Policy determinations made regarding the issuance of permits: 1) permits would not be issued for taking marine mammals to maintain a permanent inventory; 2) permits may be issued to take marine mammals of the Order Pinnipedia except walruses for public display in traveling shows; and 3) guidelines were established for foreign applicants requesting permits to take marine mammals for public display.

Proposed policy published regarding the conditions under which the taking of pregnant marine mammals and marine mammals which are nursing at the time of taking or less than 8 months old may be found to be consistent with the purposes and policies of the Act, or may be authorized under permit.

*General permits issued to the fishing industry*

The Act allowed the taking of marine mammals incidental to commercial fishing during the first 24 months following the date of enactment of the Act. After October 20, 1974, no marine mammal can be taken in the course of commercial fishing operations unless the taking is done under a General Permit and Certificate of Inclusion as provided for under the regulations promulgated on September 5, 1974, as amended. Four General Permits were issued to applicants on behalf of commercial fishermen to take marine mammals incidental to their operations. A total of 491 Certificates of Inclusion have been issued to date.

*Waiver of the moratorium*

Fouke Company applied for a waiver of the moratorium to import raw sealskins from South Africa for the purpose of processing. This waiver was denied because of the inhumane harvest methods practiced in South Africa. Fouke Company has submitted another application for a waiver.

The State of Alaska applied to the Secretary of Commerce in January 1973 to have the provisions of the Act waived so as to return management to Stellar sea lions, harbor seals, ringed seals, bearded seals, ribbon seals, and belukha whales to the State. A draft environmental impact statement is in preparation.

*Law enforcement*

Contracts were renegotiated with Florida, California, Washington, Oregon, and Alaska which provide funds for enforcement of the moratorium on taking marine mammals.

*International programs*

Efforts were continued by NMFS to persuade members of the Inter-American Tropical Tuna Commission (IATTC) to adopt porpoise protective measures equal to provisions required for U.S. fishermen under the Marine Mammal Protection Act of 1972.

The Marine Mammal Project of the U.S.-U.S.S.R. Environmental Protection Agreement, coordinated by the NMFS, has served to promote collaborative programs with scientists from both countries.

Discussions between U.S., U.S.S.R., Canada and Japan to renegotiate the Interim Convention on Conservation of North Pacific Fur Seals in March 1975 were inconclusive and may resume in late 1975.

*Research and development*

Development of techniques for use as possible solutions to the problem of "net collapse" and gear modification, such as the porpoise apron, antitorque cable and speed boats to hold the net open, will, it is hoped, help reduce incidental porpoise mortality in the yellowfin tuna fishery.

The bowhead whale population and the effect of the Eskimo harvest on the population are being studied in the Arctic Ocean and Bering Sea, and population studies of exploited whales, such as the fin, sei, and sperm whales, are being conducted to develop the data base for management recommendations to the International Whaling Commission.

*Regulations promulgated or proposed*

Proposed regulations governing the incidental taking of marine mammals in the course of commercial fishing operations as required by Section 101(a)(2) of the Act (Appendix A) were promulgated on April 5, 1974 (39 F.R. 12356). Final regulations were published on September 5, 1974, (39 F.R. 32117) and became effective on September 30, 1974 (Appendix B). On September 20, 1974, the regulations were amended (39 F.R. 33801) in order to provide instructions for preparing applications for General Permits to take marine mammals incidental to commercial fishing operations (Appendix C). The incidental take regulations were amended a second time on September 25, 1974 (39 F.R. 34417) to

identify those fish and fishery products which were subject to importation restrictions (Appendix D).

A public hearing was held in Washington, D.C., on December 10 and 11, 1974, to obtain comments and views of interested parties with respect to possible amendments to the terms and conditions of that portion of the existing regulations established pursuant to the Act dealing with "Encircling gear: yellowfin tuna purse seining." As a result of this hearing, the incidental take regulations were amended a third time on January 3, 1975 (40 F.R. 764). In addition to adding training and porpoise saving requirements, the amendments were preceded by an announced goal of a 50 percent reduction in the porpoise kill rate from 1.1 per ton of yellowfin tuna caught in association with porpoise in 1974 to 1 per every 2 tons in 1975 (Appendix E).

*Marine mammal commission*

Title II of the Act, which established the Marine Mammal Commission and the Committee of Scientific Advisors, prescribes extensive consultation roles for the Commission and the Committee with the Secretaries of Commerce and the Interior. The Commissioners are:

Victor B. Scheffer, Bellevue, Washington, a marine mammal biologist retired from the United States Fish and Wildlife Service, who serves as chairman;

A. Starker Leopold, Professor of Zoology, University of California at Berkeley;

Richard A. Cooley, Academic Assistant to the Chancellor of the University of California at Santa Cruz, California. Dr. Cooley was appointed in October 1974, for a three-year term, replacing Dr. John Ryther.

The Commission has been consulted with regard to the importation of South African fur seal skins, commercial fishing operations involving the incidental taking of marine mammals, and the development of maintenance standards for the care of marine mammals.

The Marine Mammal Commission is an independent body and reported to Congress on January 31, 1975. *Annual Report of the Marine Mammal Commission, Calendar Year 1974.*

*Actions related to the national environmental policy act*

During the period of this report, environmental impact statements (EIS) have been prepared, in compliance with the National Environmental Policy Act of 1969, on three actions pursuant to the Marine Mammal Protection Act. A final EIS was submitted to the Council on Environmental Quality on August 29, 1974, regarding Regulations Governing the Incidental Taking of Marine Mammals During Commercial Fishing Operations.

A draft EIS was circulated for public review on February 7, 1975, on Renegotiation of the Interim Convention on North Pacific Fur Seals.

A joint National Marine Fisheries Service/U.S. Fish and Wildlife Service task group was formed and is preparing a draft EIS on consideration of a Waiver of the Moratorium and Return of Management of Certain Marine Mammals to the State of Alaska.

*Legal actions brought against the Department of Commerce*

During this reporting period, three legal actions relating to the administration of the Act by the Secretary of Commerce were filed. Two were filed in the U.S. District Court for the District of Columbia and related to regulations promulgated on September 5, 1974, which provided for the issuance of permits for the taking of marine mammals incidental to commercial fishing. These actions were:

*Committee for Humane Legislation, Inc., v. Frederick B. Dent, et al.*, Civil Action No. 74–1465 (D.C.D.C. 1974). This action sought to enjoin the issuance of general premits for commercial fishermen on the grounds, among others, that the promulgation of the September 5, 1974, regulations was in violation of section 101, 102, and 103 of the Act. Intervenors in the action are the Environmental Defense Fund (Plaintiffs) and the American Tunaboat Association and the Tuna Research Foundation (Defendants). No decision had been rendered at the time of this report.

*Fund for Animals, et al., v. Frederick B. Dent, et al.*, Civil Action No. 75–0227 (D.C.D.C. 1975). This action by 11 animal protection organization members of Project Monitor and one individual sought to restrain implementation of the September 5, 1974, regulations. This action raises the same issues as that of the Committee for Humane Legislation; both cases have been assigned to the same judge and consolidation is expected.

*Ray Loesch v. Department of Commerce, Frederick B. Dent, Department of the Interior and Rogers C. B. Morton*, Civil Action No. C–75–10 (E.D. Wash. 1975). This action seeks to enjoin enforcement of the Act and challenges its constitutionality.

*Friends of Animals, Inc., et al. v. Joseph R. Blum, et al.*, Civil Action No. 74–592 (D.C.D.C. 1974). This action, discussed in an earlier report, was dismissed on September 20, 1974.

These actions are indicative of problems being encountered in the administration of the Act. Early proponents of marine mammal protection legislation desired more restrictive protective measures than are found in the Act. Public opinion is focused on overexploited populations such as some of the great whales where stringent protection has been warranted. The concept of optimum sustainable population introduced by the Act and practiced by professional resource managers is not well-defined and has led to controversy between protectionist oriented public groups and professional fisheries and wildlife managers.

There are significant conceptual differences regarding other terms of the Act. For example, "health and stability of the marine ecosystem" cannot be defined in terms of unchanging conditions. Natural population fluctuations occur in ecosystems unaffected by human intervention. The management of harvested species such as the North Pacific fur seal and salmon is often confounded by little understood fluctuations which are not regarded as indicating an unstable ecosystem.

Until such time that clearer understanding and fuller agreement can be reached on controversial concepts, problems of administering the Act can be expected to continue.

PART I. ACTIONS TAKEN TO ASSURE THE WELL-BEING OF MARINE MAMMALS

*Public display and scientific research permits*

Section 101(a)(1) of the Act and § 216.31 of the regulations governing the taking and importing of marine mammals authorize the NMFS Director (by delegation) to issue permits to take and import marine mammals and marine mammal products for the purposes of scientific research and public display.

The criteria to be used by the Director in determining whether to issue a scientific research permit include such considerations as whether the proposed taking or importing is consistent with the policies and purposes of the Act and whether the granting of the permit is required to further a bona fide, necessary and/or desirable scientific purpose. The benefits anticipated to be derived from the scientific research contemplated and the effects of the proposed taking or importing on the population stocks and the marine ecosystem are factors in such decisions.

In determining whether to issue a public display permit, the Director considers, among other criteria, whether the proposed taking or importing will be consistent with the policies and purposes of the Act and whether 1) a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on the one hand, and the effect of the proposed taking or importing on the population stocks of the marine mammals in question and the marine ecosystem on the other and 2) the applicant's qualifications for the proper care and maintenance of the marine mammal, and the adequacy of his facilities.

Although the Act declares a moratorium on the taking or importing of marine mammals and marine mammal products, the Act clearly intended that research on marine mammals be permitted to continue, and that public display of marine mammals be allowed, if the health and well-being of the species involved are maintained. Permits may, however, be granted only after a review of the application by the Marine Mammal Commission and the Committee of Scientific Advisors.

Applicants for scientific research permits have requested marine mammals for the following purposes:

1. The removal of living marine mammals from the ecosystem:

a. Holding animals in captivity for laboratory-oriented research; and

b. Killing wild animals for the collection of biological specimen materials and measurement data.

2. The removal of dead marine mammals from the ecosystem:

a. Collection of biological specimen materials and measurement data from dead marine mammals, not killed by permit holders (i.e., materials obtained from animals killed incidental to commercial fisheries, taken in native harvests, found beached or floating at sea); and

b. Importation of biological specimen materials taken from previously killed animals.

3. Not removing marine mammals from the ecosystem, with minimal probability of accidental injury or death:

a. Capture, tag and/or mark, and release;

b. Mark and/or tag by means of a remote technique, not involving capture and release;

c. Collection of measurement data and limited biological specimen material from living, restrained animals (i.e., blood samples, toe nails, teeth); and

d. Taking by actions technically considered as harassment, such as may occur in the course of aerial surveys, population counts, filming and sound recording activities, not involving direct contact with any marine mammals.

The research activities of greatest scope, in terms of the number of animals affected, involved animals which were not removed from the ecosystem.

During the period from May 1, 1974, through March 31, 1975, 49 permit applications have been received, in addition to 92 permit applications previously received. Of these 141 permit applications, 45 had been forwarded to the Marine Mammal Commission as of April 30, 1974, and 66 were forwarded to the Commission during the period of this report. The Commission has reviewed and submitted recommendations on 106 of the 111 applications referred to the Commission.

As of April 30, 1974, 26 permit applications had been resolved by means of permit issuance or denial, withdrawal of application, referral of applicants to the appropriate States involved in beached and stranded marine mammals, and through interagency agreements. During the period of this report, an additional 91 applications have been resolved in the following manner: 10 applications have been withdrawn; two applications have been referred to the appropriate States; five applications have been returned to the applicants due to inappropriate submittal; five applications have been inactivated due to insufficient responses from the applicants to requests for additional information necessary to certify an application complete; four applications have been denied; and 65 applications have been approved. Of the applications denied, two denials were based on findings that the facilities and maintenance procedures were not adequate to provide for the continued well-being of the requested animals. Two other applications were denied on the basis of the lack of demonstration that the facilities and care and maintenance procedures were adequate. Table I of Appendix F provides a listing of the common and scientific names of the marine mammal species involved in permit applications. Table II provides a summary of the applications received and the number of animals involved. Tables III and IV provide an analysis of the number of each species of marine mammals requested in permit applications. Table V and VI provide a similar analysis of the marine mammals authorized to be taken and/or imported under scientific research and public display permits. Table VII indicates the number of marine mammals which have been reported to have been taken and/or imported as of March 31, 1975.

A number of scientific research permits, particularly those dealing with large numbers of marine mammals, authorize research activities which are to be conducted over a period of several years. Therefore, the numbers of animals taken under such permits during the period of this report are indicative of only a portion of the overall research activities which have been authorized.

The data presented in Table VII has been derived primarily from an analysis of reports provided by scientific research and public display permit holders. All permit holders are required, under permit conditions, to provide a number of reports, which may be of the following types:

(1) Reports on the taking of marine mammals;

(2) Reports on the importing of marine mammals;

(3) Reports on specific aspects of the husbandry of captive marine mammals, such as water quality;

(4) Reports on marine mammal mortalities;

(5) Monthly, quarterly, semi-annual and/or annual reports on the health and condition of marine mammals held in captivity;

(6) Reports on activities conducted under scientific research permits;

(7) Preliminary reports on the progress of scientific research projects; and

(8) Final reports concerning the results of scientific research projects.

During the period of this report, 85 reports have been submitted: 55 on the taking of marine mammals; four on imports; two on water quality; 12 on the health and condition of marine mammals held in captivity; four on mortality; four on research activities; two on preliminary research progress; and two on final research.

The Act and the Regulations provide for the charging of a reasonable fee to cover the administrative costs of issuing a permit. Public display permit holders are assessed a fee of $200 and scientific research permit holders are assessed a fee of $25. Such fees are waived for Federal and State agencies. A total of $5,750 has been collected during the period of the report from permit holders and deposited in miscellaneous receipts of the U.S. Treasury.

*Public hearings*

The Act provides for hearings on applications at the discretion of the Secretary of Commerce. In determining whether to hold a public hearing, the Director may consider such factors as (1) whether any interested person has requested a public hearing on such application during the time period set for public comment on the application, (2) the views of the Marine Mammal Commission on the desirability of holding a public hearing, (3) the nature of the application and the number of animals and species involved, (4) the extent to which a public hearing would facilitate the processing of the application, and (5) whether the application has aspects which requires a major policy decision prior to making a determination on the permit application.

It is NMFS policy that hearings be held in the geographic area in which the applicant does business or the location of the most public interest. A transcript of the hearing is made for the official record. Records of all hearings on permit applications are available for inspection at NMFS headquarters in Washington, D.C. Notices of receipt of applications and notice of the hearing are published in the FEDERAL REGISTER, and public comments are solicited.

During the period of this report, public hearings were held on one public display application and two scientific research applications.

In addition to public hearings, meetings were held periodically with many interested national conservation groups, including a consortium of environmentalists and others, to explain the problems as well as proposed solutions involved in the implementation of the Act.

*Permit issuance policies*

Notices of all policy determinations (Appendix G), and final actions taken thereon, were published in the FEDERAL REGISTER. A policy on issuance of permits for taking marine mammals to maintain a permanent inventory was published (39 F.R. 2907). Following public hearings held on this subject, the Director, NMFS, determined that such a policy is not warranted at this time. No convincing evidence was presented at the hearing or in the written comments submitted that the current policy of issuing permits for a specified number of marine mammals on a case-by-case basis, with the opportunity for public input which is inherent in such a procedure, should be discontinued. Furthermore, the applicant and industry professionals could give no assurance that an applicant's facilities and staff could be properly maintained over long periods of time in order to ensure the well-being of marine mammals held under a permanent inventory concept.

A second policy question dealt with the issuance of permits to take marine mammals of the Order Pinnipedia except walruses for public display in travelling shows (39 F.R. 25964). Following a public hearing, it was determined that issuance of such permits would be consistent with the purposes and policies of the Act.

On April 10, 1974, notice was published in the FEDERAL REGISTER (39 F.R. 13014) that applications had been submitted to the NMFS by two foreign facilities requesting to take certain marine mammals for export from the United States for the purpose of public display. The

NMFS, after consultation with the Marine Mammal Commission, and following consideration of the record of a public hearing on the requests, denied the permit applications. NMFS determined that its responsibilities with respect to the care and maintenance of animals in facilities outside the jurisdiction of the United States could be met only if there is independent evidence upon which to base a conclusion as to the reliability of statements concerning existing or planned facilities set forth in an application. Furthermore, the NMFS determined that it would have to be shown that the Government having jurisdiction over the facility has the appropriate laws and regulations to ensure compliance with permit conditions, and is willing to do so, and will provide essential periodic reports to the NMFS.

Accordingly, foreign applicants for public display permits were informed that an application for a permit to take marine mammals for export from the United States would be considered only if these conditions could be met. An announcement of this policy was published in the FEDERAL REGISTER on March 12, 1975 (40 F.R. 11619).

A proposed policy on applications and restrictions was published in the FEDERAL REGISTER on January 31, 1975 (40 F.R. 4660), stating that: "The NMFS will not determine to be consistent with the purposes and policies of the Marine Mammal Protection Act of 1972 (the Act), nor issue a permit for the taking of marine mammals which are: (1) pregnant at the time of taking; or (2) nursing at the time of taking, or less than eight months old, whichever occurs later; except in the following situations: (a) such taking is for the purpose of public display, will further the education of the public and will not be detrimental to the health and well-being of animals taken into captivity; or (b) such taking is determined, by the Director, in consultation with the Marine Mammal Commission, to be a part of a resource management program which is consistent with the purposes and policies set forth in Section 2 of the Act; or (c) such taking is for approved scientific purposes. For purposes of this policy, and for the purpose of applying restrictions on importation set forth in Section 102(b) of the Act, "nursing" means nursing which is obligatory for the health and development of the nursing animal." Following receipt of public comments, a final policy is to be promulgated.

*Status of general permits issued to the fishing industry*

The Act provides in Section 101(a)(2) that during the 24-month period initially following the date of enactment of the Act, the taking of marine mammals incidental in the course of commercial fishing operations is permitted. After the 24-month period (October 20, 1974), no marine mammals can be taken in the course of commercial fishing operations unless the taking is done under a General Permit and Certificate of Inclusion. Four of the five General Permits established by regulations promulgated on September 5, 1974, were issued: (a) Encircling Gear, Yellowfin Tuna Purse Seining; (b) Encircling Gear, Seining Other than Yellowfin Tuna; (c) Stationary Gear; and (d) Other Gear. The general permit for Towed and Dragged Gear was not applied for and consequently has not been issued.

A total of 491 Certificates of Inclusion under the four general permits has been issued; 149 for Encircling Gear, yellowfin tuna purse seining; 59 for Encircling Gear, seining other than yellowfin tuna; 21 for Stationary Gear; and 262 for Other Gear.

The regulations provide for the charging of a reasonable fee to cover administrative costs of the issuing of Certificates of Inclusion. A fee of $200 is assessed for a yellowfin tuna purse seining certificate of inclusion, and a fee of $10 to cover administrative costs is charged for all other types of gear. A total of $33,220 has been collected and deposited in miscellaneous receipts of the U.S. Treasury.

Regulations governing purse seine fishing for yellowfin tuna have been of particular interest to the public and the fishing industry. Regulatory measures to reduce porpoise mortality in the purse-seine fishery were developed to correct identified causes of mortality such an entanglement in the net, entrapment in webbing, gear malfunctions, and other causes. Regulations were promulgated in accordance with the decision of an administrative law judge, following a hearing on May 15–16, 1974, that the record fully supported the promulgation of the regulations, as amended. The regulations were promulgated in an effort to achieve the goal of the Act to reduce the incidental mortality of porpoise without seriously disrupting the fishing industry. Results from research observers and gear research were used as a basis for the regulations. Observers and ship's log information will be used to evaluate the effectiveness of the regulations during 1975. A public hearing is planned for September 1975 at which time regulations to govern 1976 fishing operations, based on 1975 results, will be discussed.

A final environmental impact statement was issued regarding the general permit to allow the incidental take of marine mammals in connection with yellowfin tuna fishing on August 29, 1974. The involvement of marine mammals in other types of fishing was considered not to be significant.

Details of research efforts can be found in the Porpoise-Tuna Research and Development Program section of this report.

*Funding*

The table which follows details the status of authorization and funding for fiscal year 1975–1976.

*Marine Mammal Conservation—Status of Authorization and Funding—Fiscal Year 1975–76*

| Authorizing legislation | Fiscal year 1975 base | | Fiscal year 1976 base | | Requested fiscal year increase | | Fiscal year 1976 total | | Authorization | Expiration date |
|---|---|---|---|---|---|---|---|---|---|---|
| | Positions | Funding (in thousands) | Positions | Funding (in thousands) | Positions | Funding (in thousands) | Positions | Funding (in thousands) | | |
| MARINE MAMMAL PROTECTION ACT OF 1972 (PUBLIC LAW 92-522, OCT. 21, 1972) | | | | | | | | | | |
| Sec. 110 research grants (16 U.S.C. 1380). | | | | | | | | | (?) | June 30, 1977. |
| Sec. 111 gear research (16 U.S.C. 1381). | | | | | | | | | [1] $1,000,000 | June 30, 1974. |
| Sec. 114 administration (16 U.S.C. 1384) and enforcement. | 28 | 986 | 28 | 988 | +9 | 350 | 37 | 1,338 | $2,000,000 | June 30, 1977. |
| FISH AND WILDLIFE ACT OF 1956 | | | | | | | | | | |
| NOAA/DOC support | 3 | 24 | 6 | 474 | | | 6 | 474 | Open | Open. |
| Tuna-porpoise studies, whale research, and status of stocks. | 15 | 569 | 16 | 569 | +2 | 400 | 18 | 969 | Do. | Do. |
| FUR SEAL ACT OF 1966 | | | | | | | | | | |
| Fur seal research (include St. Georgs Island studies). | 17 | 411 | 14 | 411 | 1 | 200 | 15 | 611 | Do. | Do. |
| Total marine mammal conservation. | 63 | 1,990 | 64 | 2,442 | 12 | 950 | 76 | 3,392 | | |

[1] $2,500,000 (½ Interior; ½ ($1,661,000) NOAA) per year.
[2] 1 year.

*Requests for certificate of registration as tannery or as agent with respect to marine mammals taken by Alaskan Natives*

Section 216.23 of the Regulations provides that marine mammals be taken by an Indian, Aleut, or Eskimo for the purpose of creating and selling authentic native articles of handicraft and clothing may be transferred to a registered tannery, either directly by the Indian, Aleut or Eskimo or through a registered agent. Similarly, marine mammals taken by Alaskan Natives for subsistence may be sent to a registered tannery for processing and subsequent return to an Alaskan Native.

Any tannery or person who wishes to act as an agent within the jurisdiction of the United States may apply for registration as a tannery or an agent allowed to possess and process marine mammal products for Indians, Aleuts, or Eskimos. Six tanneries and five agents have applied for and have been granted Certificates of Registration as Tannery or Agent. Two of the Registered Tanneries have subsequently surrendered their certificates.

*Applications for waiver of the moratorium*

Following termination of the economic hardship exemption granted in 1973, the Fouke Co. applied for a waiver of the moratorium to allow the importation of South African sealskins for processing for a period of 10 years, beginning in 1973. In connection with the request, a draft environmental impact statement (DEIS) was issued on April 18, 1974. Visits by NMFS representatives were made to South Africa to review the South African program and harvest procedures, and South African biologists visited the United States to confer with the Marine Mammal Commission and NMFS. The Secretary denied the waiver request on September 11, 1974, on the basis of inhumane practices in the South African harvest.

A request has been received from the Fouke Company for a waiver of the moratorium to allow importation of sealskins from the 1975 South African harvest. Receipt of the request was announced in the FEDERAL REGISTER on January 16, 1975 (40 F.R. 2852) and is being considered. The applicant has been requested to supply additional information to assure that the purposes and policies of the Act can be met under the proposed waiver.

The State of Alaska has applied to the Secretary to have certain provisions of the Act under Section 101 waived and return management of northern sea lions, harbor seals, ringed seals, bearded seals, ribbon seals, and belukha whales to the State. A similar request has been made of the Secretary of the Interior with respect to walrus, sea otter, and polar bear. The NMFS and the U.S. Fish and Wildlife Service are jointly considering the request and are cooperating in the preparation of a draft environmental impact statement covering all species requested with the exception of walrus, which FWS is handling by separate waiver action. Consideration of the waiver will involve an agency hearing before an administrative law judge and a determination as to whether State laws and regulations are consistent with the purposes and policies of the Act under Section 109 before management can be returned to the State.

Representatives of several other States have discussed requesting a determination to return jurisdiction to the States under Section 109, which preempted existing State laws. However, only Alaska has requested a waiver of the provisions of the Act.

*Law Enforcement*

The activities of the NMFS Law Enforcement Division were expanded significantly during the past year in response to growing public awareness of the Act's protective provisions and a corresponding increase in the number of complaints and violations reported to this Division. The five regional law enforcement offices recorded a total of 22,344 man-hours in responding to requirements of the Marine Mammal Protection Act during this period.

Enforcement activity concerned with monitoring ports of entry to detect importation violations comprised the major area in which NMFS Special Agents were involved in the Northwest, Southeast, Alaska, and Northeast Regions, while tuna porpoise responsibilities received the greatest emphasis in the Southwest Region.

Special Agents conducted 153 investigations into alleged violations of the Act, resulting in the documentation of 98 violations. Sixty-seven of these cases were settled through the assessment of civil penalties, 22 cases involving insufficient documentation of items imported were resolved through substantiation of the item's pre-Act status or subsequent compliance with necessary certification requirements, and nine cases are pending. A total of 106 seizures involving 457 illegal items were made during this period by NMFS Special Agents.

In addition to their direct involvement in enforcement activities, Law Enforcement Division personnel conducted a number of training sessions with State officers and members of the public and fishing industry to acquaint them with provisions and requirements of the Act and pertinent regulations.

New channels of communication were opened between NMFS with the Department of the Interior and the U.S. Customs Service, and procedures which provide for interagency review and comment on draft regulations with which these agencies may be concerned have been established.

The NMFS continued to work closely with State agencies to attain nationwide compliance with Act provisions and to ensure that State efforts in marine mammal enforcement activities, as provided for in several cooperative enforcement agreements, were effective and commensurate with contract costs during FY 1975.

*State enforcement*

In May 1974, in response to an invitation issued by NMFS, 24 persons representing 19 States, the Commonwealth of Puerto Rico, and the Virgin Islands, attended a meeting in Washington, D.C., to discuss marine mammal enforcement problems and responsibilities and establish criteria for future evaluation of enforcement contracts. The criteria so established were subsequently used in developing a method of assessing the demonstrated and potential needs of each State in regard to marine mammal enforcement. A numerical ranking of all coastal States and Territories was derived from this evaluation and contract and funding determinations are justified on this basis.

Accordingly, enforcement contracts were renegotiated with Alaska, California, Florida, Washington, and Oregon for 1975. Five other enforcement agreements with States which did not meet established criteria were permitted to expire. An examination of the monthly marine mammal activity reports which each contracting State is required to submit indicates that, although the types of enforcement activity vary considerably, the average cost per hour of effort to NMFS in each State is fairly uniform.

Considering the complexities which are involved in identifying and summarizing such activities, the similarity of these costs is accepted as indicating the validity of the criteria which has been used to determine FY 1975 contract and funding allocations.

A summary of State activity reported during this period shows that State officers expended approximatey 48,000 hours in enforcement activities related to marine mammals. This figure includes time used in the inspection of 44 marine mammal holding facilities, response to 350 complaints involving marine mammals, 880,000 miles of patrol effort, and the completion of 248 investigations resulting in the documentation of 24 alleged violations referred to NMFS law enforcement offices for appropriate civil or criminal prosecution.

The cooperative enforcement contracts are designed to fulfill enforcement requirements of the Act until State management programs are certified and implemented. Present evaluations show that these agreements are being effective in extending marine mammal enforcement capabilities, and support the intention of NMFS to continue such contracts at existing levels for an interim period.

*International program*

The International Marine Mammal Program, as carried out by the National Marine Fisheries Service, is an integral part of the overall Marine Mammal Program and is aimed toward gaining worldwide acceptance of the concepts in the Marine Mammal Protection Act of 1972 for the benefit of marine mammals distributed throughout the world. Although there has been some opposition to the concept of "optimum sustainable population," because the term is unfamiliar, the major new element in the definition of

that term—the emphasis on the role of marine mammals in maintaining the health and stability of the ocean ecosystem—is receiving increasing recognition in international forums.

*International Whaling Commission—(IWC)*

The Scientific Committee, at the 26th Meeting of the IWC, June 24–28, 1974, stated that their advice for "management of whale stocks should be based not only on the concept of sustainable yield . . . but should also include other considerations such as . . . interactions within the marine ecosystem and the health of the ecosystem as this concept is quantified." The term "optimum levels," used in the Australian amendment to the U.S. proposal for a 10-year moratorium on all commercial whaling as passed at the 26th Meeting, is understood to include the new considerations above. However, the management basis will be maximum sustainable yield (MSY) until such time as optimum levels can be determined.

At the 26th Meeting of the IWC, the United States supported the Australian amendment which establishes a system whereby a moratorium is declared on the taking of any stock of whales which is not "at or near" maximum sustainable yield and later at optimum levels, when such can be determined. This means that protection for fin whales, for example, will continue for much longer than 10 years. The United States continues to support the 10-year moratorium but feels that effective implementation of the Australian amendment at the 27th Meeting of the IWC in June 1975 would be a significant forward step. In December 1974, the NMFS hosted a meeting of the IWC Scientific Committee which made a number of decisions necessary to this implementation.

The IWC established a working group to consider changes in the International Whaling Convention. This group has given the United States the opportunity to advance convention modifications needed to change the emphasis of the IWC Convention from commercial exploitation to conservation of cetaceans in accord with the requirement to bring all international conventions into consistency with the Act.

Another achievement is the placement of a U.S. scientist on board the Antarctic whaling fleet of the Nippon Suisan Company at the invitation of the Japanese. This is in addition to the two U.S. observers who are appointed by IWC to serve at Japanese land whaling stations as part of the International Observer Scheme.

In November 1974, the Secretary of Commerce used the provisions of the Pelly Amendment to the Fishermen's Protective Act of 1967 (22 U.S.C. 1978) for the first time, on behalf of whales, when he certified to the President that the Antarctic harvest of minke whales by Japan and the Soviet Union in 1973/1974, in excess of the IWC adopted quota, did diminish the effectiveness of the IWC's conservation measures. He recommended, however, that the embargo provisions not be implemented at this time because of the progress made at the 1974 IWC meeting and the hope that Japan's and Russia's more conciliatory attitudes will make such economic sanction unnecessary in the future. On January 16, 1975, the President stated his decision to impose no prohibition on importation of fish products at this time, based on the recommendation of the Secretary.

In April 1974, a workshop of the subcommittee on small cetaceans of the IWC Scientific Committee held in Montreal, Canada, resulted in a compilation of data on taxonomy and geographical distribution of species and stocks, status of stocks and fisheries, both direct and incidental. The NMFS, Norway and Canada are sharing the costs of publishing the workshop results, (*Journal of the Fisheries Research Board of Canada July 1975*).

*Food and Agriculture Organization—(FAO)*

The Advisory Committee for Marine Resource Research (ACMRR) Working Party on Marine Mammals has made meaningful contributions to the activities of the IWC Scientific Committee through a report of Group I (Large Whales) of the Working Party and in the area of small cetaceans. The Marine Mammal Program now has support from the United Nations Environment Program (UNEP), the United States, and Norway, and the ACMRR is proceeding in its task of objectively examining data on the status of all marine mammals.

The group of small cetacean and sirenian experts established by FAO, called Group II of the ACMRR Working Party on Marine Mammals, has been putting much of the information produced by the IWC Scientific Committee to use, particularly in developing a comprehensive research proposal. In addition to Groups I and II, Group III (Pinnipeds and Sea Otters) has a membership of the top pinniped scientists from around the world. Perhaps most important is Group IV, composed of leading scientists who will consider "the place of marine mammals in the ecosystem and the overall effects on it of man-induced changes in their numbers, . . . in order to provide a basis for optimum policies for management and conservation of marine mammals and their environment." We expect the final results of the ACMRR Working Party on Marine Mammals to be presented at the scientific Marine Mammal Symposium planned for May 1976. The results will be most useful in our efforts to achieve international understanding of the meaning of "optimum sustainable population" and worldwide recognition of the importance of marine mammal conservation.

*Inter-American Tropical Tuna Commission—(IATTC)*

In a continuing effort to achieve international action to reduce the incidental take of marine mammals, the United States distributed copies of the final incidental take regulations (issued September 5, 1974) for U.S. tuna fishermen at the October 1974 Annual Meeting of the IATTC. The main points in the regulations were outlined, and the import provisions discussed in detail. In order to import yellowfin tuna, among other fish species, into the United States, foreign nations must certify that such species of fish have been taken with fishing technology which does not result in serious injury or death to marine mammals in excess of U.S. standards or that vessels fishing under their flag are fishing in conformance with U.S. marine mammal regulations. The United States again asked the Director of Investigations for IATTC to comment on the possibility of making gear recommendations to member countries regarding the use of fishing methods and gear which available research indicates is effective in reducing incidental marine mammal mortality and serious injury rates. The Director of Investigations stated that he and his staff would be willing to do this if so directed by the Commission; but that under the present budget no field work could be included. There was no comment from other member countries and no formal action was taken. The United States intends to raise the subject again when appropriate.

During a special IATTC Meeting in March 1975, the United States received 1,000 tons of the 1975 IATTC yellowfin catch quota for 1975 year research in the Commission Yellowfin Regulatory Area. Research using this 1,000 tons will be directed toward reducing porpoise entanglement in purse seines and for tagging, behavior studies, and additional gear testing.

*U.S.-U.S.S.R. Marine Mammal Research*

Considerable progress has been made in developing programs responsive to the 1972 U.S.-U.S.S.R. Agreement on Cooperation in the Field of Environmental Protection. The National Marine Fisheries Service is the sponsoring agency of the Marine Mammal Project which comes under the subject area of the Agreement concerning wildlife conservation. During February-April 1975, two U.S. scientists participated in a whale research cruise in the eastern Pacific aboard a Soviet ship. The data obtained may provide new evidence to enable the IWC Scientific Committee to make recommendations from a broader information base. In mid-April 1975, two scientists from the U.S.S.R. are expected to visit the Southwest Fisheries Center of the NMFS at La Jolla, California, to work on porpoise taxonomy and life history. Work continued during 1974 on a program initiated during the summer of 1973, when two Soviet biologists from TINRO, the Soviet Pacific Fisheries Agency which is the counterpart of the NMFS, participated in a Bering Sea-Chukchi Sea Expedition under the auspices of the University of Alaska. In 1974, two Alaskan scientists visited several institutions in the Soviet Union. The usefulness of such direct research cooperation was demonstrated by the successful resolution of differences between Soviet and U.S. scientists regarding the systematics of a common seal species, the harbor seal, *Phoca vitulina*. Joint publi-

cations are being prepared. Two U.S. scientists have been invited to take part in morphological and systematic studies of seals on the Kommandorski Islands in June or July 1975.

*North Pacific fur seal convention*

Under the Interim Convention on the Conservation of North Pacific Fur Seals, the United States continued to share the skins from the harvest of fur seals on the United States-held Pribilof Islands with Canada and Japan and continued its land and pelagic research efforts in line with the requirements of the Convention. St. George Island in the Pribilofs continued to be excluded from land sealing while intensive research was conducted on its herds.

The Interim Convention, as amended, calls for renegotiation or extension of the present arrangements by the party governments in 1975. Section 108(b) of the Marine Mammal Protection Act of 1972 requires the Secretary of Commerce, in consultation with the Secretary of State, "to determine what modifications, if any, should be made to the provisions of the Convention, or the Act, or both, to make the Convention and the Act consistent with each other." The conclusions of a study by the NMFS Office of Resource Management were essentially that, although there was no basic incompatibility between the Act and the Interim Convention, negotiations were recommended to modify the Convention to emphasize the welfare of marine mammals and the health and stability of the ecosystem, rather than exploitation.

Following discussions within the NMFS of the NOAA, and considering the views of interested parties, it was agreed after consultation with the Department of State that the United States would seek to renegotiate a modified fur seal convention in 1975. A meeting of representatives of the NMFS and various private organizations concerned with fur seal management was held in Washington, D.C., on December 19, 1974, to hear views on matters relating to the renegotiation of the Interim Convention. A Draft Environmental Impact Statement was released on February 7, 1975, and a public hearing was held February 26, 1975, to discuss comments which might be helpful in the renegotiations, and in preparation of a final statement.

Renegotiation discussions with the other Parties to the Interim Convention (Canada, U.S.S.R., Japan) were carried out in Washington, D.C., during March 17–21, 1975, following the 18th Annual Meeting of the North Pacific Fur Seal Commission. No general agreements were reached regarding alternatives to the present Convention. The representatives decided to consider meeting again at a time to be determined, perhaps early December 1975, to carry on discussions directed to a Revised Convention and to further review various management concepts suggested by some of the participating governments. The Interim Convention remains in force until October 14, 1976, under its present terms.

*International Commission for Northwest Atlantic Fisheries—(ICNAF)*

At the June 1974 annual meeting of the ICNAF, the United States repeated its view that the countries engaged in the harvest of harp and hooded seals should consider the achievement of optimum sustainable yield, considering the relationship of seals to a balanced ecosystem. At the 1974 annual meeting, the Commission approved 1975 quotas of 150,100 harp seals and 15,100 hooded seals for allocation between Norwegian and Canadian vessels in areas of the Northwest Atlantic off the coast of Canada. The Commission also agreed that there would be no fishing by vessels over 50 gross tons in 1975 on newly discovered herds of whelping hooded seals in the Davis Strait. Although a member of ICNAF, the United States does not participate in any Atlantic sealing and is not a member of the special ICNAF Panel which deals with harp and hooded seals.

*Convention on the conservation of Antarctic seals*

In August 1974, a DEIS on the Convention on the Conservation of Antarctic Seals was submitted to the Council on Environmental Quality. Comments were received and a final statement is nearly finished. The conclusion of the EIS is that the Convention is consistent with the Act, would be beneficial to the seals, and would set a desirable precedent in the Antarctic and elsewhere. The Convention will be sent to the Senate for advice as to ratification in the near future. During 1974, the United Kingdom and France became the third and fourth countries to ratify the Convention. The NMFS, along with the National Science Foundation and others, is monitoring the development of commercial krill fisheries in the Antarctic because krill is a major food source for Antarctic marine mammals.

*Imports of fishery products*

Regulations concerning the incidental taking of marine mammals in the course of commercial fishing operations were published in the *Federal Register* (39 F.R. 32117) on September 5, 1974, to become effective September 30, 1974. Subsequently, the NMFS Director determined that only commercial fishing operations for yellowfin tuna, salmon, halibut, and South Africa pilchard had been found to be the cause of death or serious injury of marine mammals. Accordingly, regulations concerning the importation of these fish requiring documentation and certification by a responsible official of the country of origin or the master of the vessel which caught the fish, and concerning the manner and/or date of the taking of the fish, were published in the *Federal Register* (39 F.R. 34417) on September 25, 1974. Affected foreign governments were notified of these importation regulations that same month. Statements from Canada, Denmark, South Africa, France, Ireland and Iceland have been accepted by the NMFS, which allow importations of fish without necessity for individual shipment certifications.

*Foreign fishing in the U.S. contiguous fisheries zone*

Because a small number of foreign countries are permitted to carry out specific fishing operations in defined areas of the United States contiguous fisheries zone under bilateral fisheries agreements with the U.S., and because these operations might involve the incidental taking of marine mammals, the NMFS and the Department of State determined that fishing regulations applicable to U.S. fishermen operating in the contiguous fisheries zone should apply equally to foreign fishermen who are permitted by agreement to operate in that zone. Accordingly, foreign governments which, under bilateral fisheries agreements with the United States are permitted to carry out certain fishing operations in the U.S. contiguous fisheries zone, are to be notified that their commercial fisheries vessels operating in that zone are subject to the provisions of the Marine Mammal Protection Act of 1972, and should, if they anticipate the taking of any marine mammals, apply for a general permit and/or certificate of inclusion. If a general permit for the gear category of concern on foreign vessels has been issued in the United States, the foreign vessel will be permitted to file for a certificate of inclusion under that permit.

*Law of the sea*

Since the future regimes for conservation of marine mammals will be influenced by the outcome of the Third United Nations Law of the Sea Conference, NOAA/NMFS has also been assisting in the development of language expressing the intent of the Act which could be incorporated in articles on the economic zone regarding coastal state resource jurisdiction which are currently being discussed at the conference.

*Research program—Porpoise tuna research and development*

The marine mammal program at the NMFS Southwest Fisheries Center (SWFC) is concerned with oceanic porpoise populations and their relation to the tuna fishery. The major objective of the program is to carry out NMFS responsibilities in response to the Marine Mammal Protection Act of 1972, especially in respect to Sections 101(a)(2), 103(b), (d) and 111.

Program design has been guided by the general philosophy, priorities, and organizational structure outlined in the "Report of the NOAA Tuna-Porpoise Review Committee" of September 1972, and subsequent advice of the Committee of Scientific Advisors of the Marine Mammal Commission. Accordingly, the first task is to reduce the porpoise mortality and serious injury rate that is incidental to tuna purse seining as rapidly as possible. The secondary goals are: 1) to generate baseline biological data on porpoise populations in the eastern tropical Pacific, and 2) to establish the status of

these populations. The two major components of the NMFS program are gear dynamics and development, and biology and stock assessment. The gear dynamics and development program, although managed from the SWFC, is based on the input and expertise of specialists from the Northwest Fisheries Center (NWFC) at Seattle. The biology and stock assessment work is carried out at the SWFC. Contracts have been let for behavior and acoustical studies, and to analyze data. Currently, nine permanent, and up to 26 temporary employees, have been involved in the approximately $550,000 program.

*Gear dynamics and development*

Analysis of historical data indicates that a high incidence of porpoise mortality occurred during a small percentage of hauls, most generally at times when the cork lines of a purse seine have come together and the net has "collapsed." The gear dynamics and development program is investigating other gear malfunctions such as net roll-up, equipment failures that result in time delays, and unfavorable environmental conditions.

Short-time remedies were designed to require minimum modification of existing equipment and limited training. Suggested solutions were the use of antitorque cable as a purse line to reduce net roll-ups; use of speed boats as tugs to hold nets open at the time of incipient collapse; and current indicators and related devices to aid in the most advantageous placement of nets relative to wind and current.

The techniques discussed were developed on two experimental cruises in Pacific waters. Preliminary results of recent testing and evaluation on the fishing grounds were highly encouraging. Several vessels have used the antitorque cable and found that while it does tend to reduce net roll-up problems, the material used for the cable does not have sufficient durability to use as standard equipment. Manufacturers have been approached to solve the durability problem. Additional experience with the current indicators indicate that they should be lengthened. Tuna fishermen are now required to use speed boats to hold their nets open.

Extensive porpoise kills can occur when large numbers of tuna and porpoise are captured and crowded together in the net. To alleviate this condition, a modified tuna purse seine has been designed and built. This net is approximately the same length as the seines now in use, but lighter webbing tapered to a greater depth is used to provide an increased area which can safely contain large catches of fish and porpoises. A porpoise safety panel with smaller-than-normal mesh, (1½-inch stretch mesh) is provided in the backdown area of the net. In the "backdown" procedure, maneuvering of the vessel causes this section at the back of the pursed net to dip beneath the surface of the water, allowing porpoises to escape. Tests of the new net on the fishing grounds resulted in a very low porpoise kill recorded in 24 successful sets in which 500 tons of tuna were caught. In addition, the net was used for exploratory fishing in the central Pacific. Results, however, have indicated that the net needed to be lengthened. The net has been lengthened and a vessel owner has agreed to try it on several boats during the current fishing season.

A new purse seine modification to reduce incidental propoise mortality was tested in October and November 1974. Called the "porpoise apron," it is a trapezoidal-shaped strip of small mesh webbing added to the net in the vicinity of the existing porpoise safety panel, which is now required on every vessel. The principal functions of the porpoise apron are to: 1) prevent canopies of webbing that sometimes entrap porpoise, and 2) provide a shallow region which will allow more effective release of porpoises, but without significant loss of fish. Results from the experimental cruise of October and November 1974 were encouraging and several vessels have tried the "porpoise apron" this fishing season. The vessels that have returned to port have given favorable reports on the performance of the apron. Further dynamics work, experimental cruises, and cooperative testing by the tuna fleet are planned for the remainder of the 1975 fishing season.

Industry representatives and fishermen have participated in discussions and consultations about the gear program, and have collaborated in conducting fishing tests and evaluations of corrective techniques. Reduction in kill rates of porpoises has been aided by innovations developed by the fishermen. NMFS gear research, in cooperation with the industry, has progressed to the point where methods and techniques considered to hold high potential such as those previously described, can contribute to further reductions in porpoise mortality. Regulations now require that each skipper attend a formal training session aimed at demonstrating proper methods of reducing incidental kills, instructions on provisions of the Marine Mammal Protection Act of 1972 and regulations promulgated by NMFS, and explaining the porpoise-tuna research and development program.

*Biology and stock assessment*

The biology and stock assessment program that NMFS is pursuing can be divided into four parts: research observers, basic biology, stock assessment, and assessment surveys.

The research observer program so far has provided most of the vital information on porpoise-tuna interactions. Under the provisions of the Marine Mammal Act of 1972, NMFS observers, who go to sea aboard U.S. tuna purse seiners, count porpoises killed during the fishing operations and record data relative to these mortalities, make detailed observations of the rescue operations during each tuna set, collect specimens and samples to be be used for life history studies and stock assessment, and make other observations on cetaceans and birds. It is vital that the data collected by observers be representative of the U.S. fleet as a whole in order to use the information for stock assessment purposes.

A statistical evaluation indicated that 25 to 38 trips would be necessary during 1974 to obtain valid information. In 1974, the fleet was stratified into five size-age classes and the numbers of trips in each class apportioned on the basis of their past relative importance in the fishery. Thirty-six observer trips were made during the unregulated 1974 fishing season. Observations were made on seven additional trips, including experimental gear trips after closure of the unregulated fishing season. Further statistical evaluations revealed that three size-age classifications and 27–32 observer trips would be needed for the 1975 unregulated fishing season. During the 1975 regulated fishing season, 12 additional observer trips are planned.

Boats to carry the observers in 1975 were selected by means of a random drawing. Industry has cooperated in placing observers on these specific boats which will apparently provide data on approximately 1,000 sets on porpoises, representing about 15 to 20 percent of all such sets made by U.S. purse seiners operating in 1975 in the Inter-American Tropical Tuna Commission Yellowfin Regulatory Area of the eastern Pacific. The planned expansion of the observer program to cover fishing trips to the west of the Regulatory Area will provide information that has been lacking in previous years.

The observer trips yield relatively precise information on the number of porpoise killed in making these sets. The trend of all indices of fleet performance (kill per set, kill per ton of yellowfin tuna, percentage kill of porpoises captured in the net, and the proportion of sets that resulted in high kill) continued downward through 1974, indicating improvement. (See status of stocks on spotted, spinner and common dolphin in Part II of this report.)

Basic biological work is essentially a continuation of existing studies of taxonomy, geographic distribution, growth, reproductive rates, and the major causes of natural mortality among delphinid species of the eastern tropical Pacific. The essential data are obtained from specimens and samples resulting from commercial tuna fishing and constitute the greatest mass of information that has yet been gathered on oceanic porpoises. Results of the work contribute to population dynamics models. Work on the species of primary importance, the spotted dolphin (*Stenella attenuata*) is near completion and emphasis has shifted to the spinner dolphin (*Stenella longirostris*). The term dolphin is used only when the accepted common name includes "dolphin," e.g., "spinner dolphin" or "spotted dolphin." When making general reference to these animals, we will use "porpoise" exclusively. Several scientific manuscripts have been finished that treat such subjects as gestation period and fetal growth, age determination, length-weight relationships, geographical variations, a comparative study of stomach contents of porpoises and tuna, and the ecological relationships among birds, porpoises, and tuna.

Further data were provided by the aerial and ship surveys conducted in early 1974.

Porpoise stock assessment studies are designed to reveal: current status of spotted dolphin stocks, projections of the status of these stocks under present procedures used in the tuna fishery, and projections of the stocks under alternative management strategies and proposed changes in gear technology. Additional studies will extend these considerations to the spinner dolphin and the common dolphin.

Heretofore, most of the data on the density and distribution of eastern tropical Pacific porpoises have been obtained in conjunction with commercial fishing. Because the data thus obtained could tend to be limited to areas of high porpoise density, it is essential that surveys also be made from platforms that traverse predetermined ocean tracks across the Commission Yellowfin Regulatory Area. A feasibility study completed under contract to the University of California (San Diego) indicated that, while a high-altitude, long-range aerial photo-reconnaissance may have been possible, the costs would have been far beyond program resources. Instead, a combined ship-aerial assessment survey was conducted in January–February 1974. A twin-engined, amphibious aircraft carrying four NMFS observers flew at low altitudes over a section of the tuna fishing area seaward to about 500 miles while a research ship with three NMFS observers aboard used tuna scouting techniques to cover sections more distant from land.

The results of these surveys are now being analyzed to produce density estimates of porpoise stocks in conjunction with observations made routinely by the porpoise observers aboard the fishing vessels. Preliminary estimates of the size of stocks of spotted and spinner dolphins involved in the fishery have been made using a number of assumptions. Unverified assumptions under examination, which could alter significantly the population size and rate estimates, include: 1) spotted dolphin school size was the same in early 1974 as the average throughout 1973, and 2) density of spotted dolphin schools was the same in the unsurveyed areas of the fishery as in the surveyed areas. Other significant assumptions not readily verifiable for these years include: 1) composition (species, sex, age, etc.) of the observed kill is representative of the total kill and of the populations; 2) the species composition is the same for inside and to the west of the yellowfin tuna Regulatory Area; 3) the observed kill is the only significant fishery-related kill; and 4) incidental kill rates of (a) regulated and non-regulated fishing trips and (b) U.S. and foreign fleets are the same. However, it is necessary to examine several critical assumptions before the analysis is complete.

In summary, the major products of the porpoise-tuna research program through 1975 will include the following:

1. Fishing methods and gear that can reduce the incidental porpoise mortality in the U.S. tuna purse seine fishery and which are exportable for foreign fleets;

2. Evaluation of the effectiveness of regulations aimed at reducing incidental porpoise kill;

3. Revision of estimates by species of the distribution and densities of the porpoise populations vulnerable to the tuna fishery in the eastern tropical Pacific;

4. Revision of estimates of incidental mortality rate causes in the tuna fishery;

5. Provisional assessments of the impact of estimated mortality levels on the porpoise stocks for the major species;

6. Completion of basic biological studies on spotted dolphins that are needed for the assessment work;

7. Preliminary results of basic biological studies on spinner dolphins that are needed for the assessment work;

8. Final estimates by species of the number of porpoise killed in 1974; and

9. Preliminary estimates by species of the number of porpoise killed in 1975.

*Northern fur seal, pinniped and cetacean research*

The Marine Mammal Division of the NMFS, Northwest Fisheries Center, with direct funding of about $560,000 and a scientific staff of 16, conducts three principal research programs. The Northern Fur Seal Program consists of basic population dynamics and monitoring studies of the fur seal herd on St. Paul Island and population dynamics, behavioral and ecological studies on St. George Island of the Pribilof Islands, Alaska. St. George has been established as a no-harvest, research control area for comparative studies with the fur seal population of St. Paul Island. The Pinniped and Cetacean Programs are primarily aimed at estimating the status of the stocks and life history of such species as the California sea lion, bowhead and killer whales, and commercially harvested species of large whales. Although the primary geographic area of interest is the North Pacific Ocean, including the Bering and Chukchi Seas and the Arctic Ocean, the Marine Mammal Division maintains an overview of research on marine mammals throughout the world.

*Northern fur seal program*

Research and monitoring activities of the Northern Fur Seal Program are designed to collect data needed to manage the harvest of fur seals on the Pribilof Islands and monitor the response of the herd to artificial manipulation (harvest) of stock size.

Northern fur seal research includes special studies to determine the reasons for the past decline in survival rates of young fur seals. Studies on behavior of fur seals correlate behavioral characteristics with favors, such as competition, mortality, or optimum sex ratio, which affect population size.

Pelagic studies provide age specific pregnancy rates essential for calculating the productivity of the fur seal resource, determining changes in pregnancy rates at various population levels and sex ratios, and determining changes in average age of fur seal pregnancy at various population levels. These studies also yield information on the distribution, movement, and mingling of fur seal populations at sea, and on fur seal feeding habits as a basis for understanding the relationship of fur seals and commercial fisheries.

An ecosystem study of the Bering Sea was begun with initial emphasis placed on a subsystem concentrated on the fur seal-pollock relationships. Pelagic fur seal studies provide data on feeding habits and distribution for the ecosystem analysis.

Population dynamics studies are correlated with behavioral research and are aimed at determining how survival relates to changes in abundance of the fur seal population in order to determine an optimum population level.

A program of physiology and medicine involves the determination of the causes of death of pups, development of new methods of marking pups and older seals, and research on the physiology and anatomy of fur seals.

The age composition of the 32,976 bachelor male seals harvested in 1974 on St. Paul for age 2, 3, 4 and 5 year old animals was 3, 45, 47, and 5 percent respectively. The number of adult males counted on St. Paul Island in June increased over the past three years from 5,240 in 1972 to 5,437 in 1973 and to 5,442 in 1975. A total of 20,000 pups were given permanent marks on St. Paul in 1974.

The Naval Biomedical Research Laboratory, Oakland, California, was contracted to study the immunogenetic system of fur seals and pathogenesis of infectious diseases with particular emphasis on viruses. *Leptospira* has been isolated as well as *Neisseria*, *Escherichia coli*, and *Clostridia*.

Over 300 fur seals were collected during 1974 as part of the pelagic program for determination of reproductive condition, feeding habits, and distribution. The seal ranged in age from 2 to 23 years with approximately 81 percent being 10 years or younger.

*Pinnipeds of U.S. Pacific Coast*

Biological and population studies are being carried out on the pinnipeds which haul out on San Miguel Island, one of the Channel Islands of southern California. Special attention is being given to determining the cause of premature births in California sea lions at San Miguel. The number of fur seal pups counted in Adams Cove, San Miguel Island, increased to 220, an increase of 68 over 1973. On Castle Rock, 301 pups were counted which was an increase of 193 over the 1973 count.

*Marine mammals of the Arctic Ocean and Bering Sea*

Arctic Ocean and Bering Sea studies emphasize assessment of the bowhead whale populations and the effect of the Eskimo harvest on the populations. Information on the distribution and abundance of marine mammals in the Gulf of Alaska between Kodiak Island and Yakutat and offshore to the 1,000-fathom curve is being obtained as an expansion of this program under offshore continental studies sponsored by the Bureau of Land Management.

*Cetaceans*

Population studies of exploited whales such as fin, sei, and sperm whales, especially in the North Pacific Ocean, are conducted to develop the data base for management recommendations to the International Whaling Commission. Estimates of stock sizes, and sustainable yields of large whale species are developed through censuses, whale observation and marking cruises, and analysis of catch and effort statistics. The annual gray whale census off Pt. Loma, California, and cooperative killer whale aerial survey in Puget Sound, Washington, are conducted under this program.

PART II. CURRENT STATUS OF THE STOCKS OF MARINE MAMMALS

*Introduction*

Of the approximately 104 species of marine mammals throughout the world, status reports have been prepared for 66 species which are of primary concern to the United States and are the responsibility of the Secretary of Commerce under the terms of the Marine Mammal Protection Act. The Act requires a report not only on the status of each marine mammal species, but also on the population stocks. The population stocks of only a few marine mammals have been delineated and the effort needed to obtain information on most population stocks is beyond the scope of research being carried out at the present time.

Information about each species is summarized under six major headings. They are distribution and migration, abundance and trends, general biology, ecological problems, allocation problems, and current research. Selected references are listed at the end of each species discussion. Summary information on existing protective regulations for marine mammals is also included.

References are not cited in the report except for the paragraph on abundance and trends. Because of the importance of data on abundance and trends, information in this section is cited and citations are given in the list of references. Data on the abundance of marine mammals are difficult and costly to obtain. With the exception of a few species which have been commercially exploited, such as large whales and fur seals in the North Pacific Ocean, abundance data are usually inadequate for management purposes.

A list of scientists who have assisted either by providing information or reviewing the status reports is included in the report.

*Species list*

Pinnipedia:
- *Zalophus californianus californianus* (California sea lion).
- *Eumetopias jubatus* (northern sea lion).
- *Arctocephalus australis* (South American (Cape) fur seal).
- *Arctocephalus pusillus* (South African fur seal).
- *Arctocephalus townsendi* (Guadalupe fur seal).
- *Callorhinus ursinus* (northern fur seal).
- *Phoca vitulina* (harbor seal).
- *Pusa (-Phoca) hispida* (ringed seal).
- *Halichoerus grypus* (gray seal).
- *Histriophoca fasciata* (ribbon seal).
- *Pagophilus groenlandicus* (harp seal).
- *Erignathus barbatus* (bearded seal).
- *Monachus tropicalis* (Caribbean monk seal).
- *Monachus schauinslandi* (Hawaiian monk seal).
- *Lobodon carcinophagus* (crabeater seal).
- *Cystophora cristata* (hooded seal).
- *Hydrurga leptonyx* (leopard seal).
- *Leptonychotes weddelli* (Weddell seal).
- *Cystophora cristata* (hooded seal).
- *Mirounga leonina* (southern elephant seal).
- *Mirounga angustirostris* (northern elephant seal).

Mysticeti:
- *Balaena glacialis* (black right whale).
- *Balaena mysticetus* (bowhead whale).
- *Eschrichtius robustus* (gray whale).
- *Balaenoptera acutorostrata* (minke whale).
- *Balaenoptera edeni* (Bryde's whale).
- *Balaenoptera borealis* (sei whale).
- *Balaenoptera musculus* (blue whale).
- *Balaenoptera physalus* (fin whale).
- *Megaptera novaengliae* (humpback whale).

Odontoceti:
- *Steno bredanensis* (rough-toothed dolphin).
- *Tursiops truncatus* (bottlenosed dolphin).
- *Grampus griseus* (Risso's dolphin).
- *Lagenorhynchus albirostris* (white-beaked dolphin).
- *Lagenorhynchus acutus* (Atlantic white-sided dolphin).
- *Lagenorhynchus obliquidens* (Pacific white-sided dolphin).
- *Lagenodelphis hosei* (Fraser's or Sarawak dolphin).
- *Stenella attenuata, frontalis, graffmani,* and *dubia* (spotted dolphin).
- *Stenella plagiodon* (Atlantic spotted dolphin).
- *Stenella longirostris* (spinner dolphin).
- *Stenella coeruleoalba* (striped dolphin).
- *Delphinus delphis* (common dolphin, whitebelly porpoise).
- *Lissodelphis borealis* (northern right whale dolphin).
- *Peponocephala electra* (broad-beaked dolphin).
- *Feresa attenuata* (pygmy killer whale).
- *Pseudorca crassidens* (false killer whale).
- *Globicephala melaena* (pilot whale, pothead, black fish).
- *Globicephala macrorhyncha* (short-finned pilot whale).
- *Orcinus orca* (killer whale).
- *Phocoena sinus* and *Phocoena phocoena* (harbor porpoise).
- *Phocoenoides dalli* (Dall porpoise).
- *Delphinapterus leucas* (beluga whale, belukha).
- *Monodon monoceros* (narwhal).
- *Physeter catodon* (sperm whale).
- *Kogia breviceps* (pygmy sperm whale).
- *Kogia simus* (dwarf sperm whale).
- *Mesoplodon bidens* (North sea beaked whale).
- *Mesoplodon europaeus* (Antillean beaked whale).
- *Mesoplodon mirus* (True's beaked whale).
- *Mesoplodon stejnegeri* (Bering Sea beaked whale).
- *Mesoplodon carlhubbsi* (Arch-beaked whale).
- *Mesoplodon ginkgodens* (Ginkgo-toothed whale).
- *Mesoplodon densirostris* (dense-beaked whale).
- *Ziphius cavirostris* (goose-beaked whale).
- *Berardius bairdi* (giant bottlenose whale).
- *Hyperoodon ampullatus* (North Atlantic bottlenose whale).

California Sea Lion (*Zalophus californianus californianus*)

*Distribution and Migration:* This subspecies of the California sea lion ranges along the west coast of Mexico from about lat. 21° N to southern British Columbia, Canada. The California sea lion breeds on some Gulf of California islands northward to San Miguel Island, California, in lat. 34° N. Many adult and subadult males move northward along the California, Oregon, Washington, and British Columbia coasts after the breeding season. Feral animals which have escaped from captivity are being reported in the southeastern U.S. (including the Gulf of Mexico) but there is yet no evidence for breeding (Caldwell, D. K., pers. com., 1974).

Another subspecies occurs on the Galapagos Islands and still another, formerly found in Japanese waters, is now extinct.

*Abundance and Trends:* The California Department of Fish and Game censuses indicate that the California sea lion population reached a low level in the early 1930's in California waters, then made a steady recovery and apparently leveled off about 1961 with little variation in the counts since then (Ripley, Cox, and Baxter, 1962; Carlisle and Aplin, 1971). Rice, Kenyon, and Lluch (1965) counted 16,150 California sea lions on Guadalupe, San Benito, and Cedros Islands, Mexico, in January and February 1965. Orr, Schoenwald, and Kenyon (1970) counted this species in the Gulf of California between 1960 and 1968, and made counts on six islands of about 5,400 animals in April of 1966. Brownell et al., (1974) state they made counts in 1968 of 15,467 on four islands off Baja California. Odell (1971) obtained minimum counts of 34,382 California sea lions on all Channel Islands in June 1964. Peterson and LeBoeuf (1969) estimated that 40,000 animals were ashore on San Nicolas and San Miguel Islands during the 1967 and 1968 breeding seasons. Carlisle and Aplin (1966) obtained a total count in California of 22,000 animals in 1965, using aerial photography. The preceding figures indicate a total population of about 60,000, with near 20,000 animals in Mexico and 40,000 in the United States.

Mate (pers. comm.) states that the California sea lion population in Oregon numbered about 2,500 in 1968, 1969, and 1970. As many as 1,000 animals migrated through Oregon to the north during these years.

On 25 February 1972, 430 California sea lions were counted in Barkley Sound off Vancouver Island, 35 on Race Rocks off Victoria, B.C., and 10 in Dodds Narrows (lat. 49°07' N) near Nanaimo, B.C. (Bigg, 1973).

Before passage of the Marine Mammal Protection Act by the U.S. Congress, California sea lions were taken by state permit each year for sale to zoos, oceanaria and circuses. Daugherty (1972) states that 400 of these animals were taken in 1969 and 580 in 1970.

*General Biology: Species Statistics.*— The adult male grows to 2.1 m and 273

kg; the adult female to 1.8 m and 91 kg. Newborn pups are about 0.8 m long and 5.4 to 6.4 kg. in weight.

*Reproductive Data.*—On San Nicolas Islands, the pupping season begins about 15 May and lasts about 5 weeks, with the peak during the first week in June. The females usually breed 15 to 30 days after parturition and the mother and pup may remain together the first year. The males establish and defend breeding territories on land; the females move about freely.

*Age-Growth Data.*—California sea lions have lived 18 to 20 years in captivity.

*Feeding Habits.*—The California sea lion's food consists of squid, octopus, and a variety of fishes such as herring, sardines, rockfish, hake, and ratfish.

*Parasites and Diseases.*—During the past 2 or 3 years an apparent increase in premature births and in the mortality rate of subadults and young adults has occurred. Three potential causes have been isolated: (1) chemical residues (polychlorinated biphenyls, DDT and metabolites); (2) a bacterium (*Leptospira*); and (3) a virus. The greatest single cause of death in wild and captive animals is lungworm. Animals in captivity have also died from pleuropneumonia, pneumonia, and enteric infections, diseases which may also occur in wild populations.

*Ecological Problems:* Killer whales and large sharks are known to prey upon sea lions. California sea lions associated with certain hauling grounds and rookeries have practically abandoned these areas because of harassment by man. Although most major sea lion populations are now located on sites not easily reached by the public, a few areas, such as the Monterey Bay breakwater in Monterey, California, are used extensively as hauling grounds by California sea lions and are visited frequently by tour boats. The latter sometimes pass within 10 meters of the hauling ground.

*Allocation Problems:* A history of conflict exists between people for and against complete protection of this species. Some conservation groups would like complete protection for the California sea lion while some fishermen want the number of California sea lions to be controlled. California sea lions are probably the most widely sought-after species of eared seals in the world for public display.

*Current Research:* The National Marine Fisheries Service conducts research on this species on San Miguel Island off California. The following organizations are conducting research on the California sea lion: University of California, Santa Cruz, California; University of California, Berkeley, California; California Academy of Science, San Francisco, California; Humboldt State College, Arcata, California; and Fisheries Research Board of Canada, Nanaimo.

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Northern (Steller) Sea Lion (*Eumetopias jubatus*)

*Distribution and Migration:* The northern sea lion is found in continental shelf water from the Sea of Japan and northern Honshu, Japan, northward around the North Pacific Ocean rim to the Okhotsk and Bering Seas and southward to the California Channel Islands. Some seasonal movements occur in parts of its range. Examples of such movements are differences in the winter and summer distribution of these animals in the Bering Sea, and the post-breeding movements in central California.

*Abundance and Trends:* Kenyon and Rice (1961) estimated the world population at between 240,000 and 300,000 in 1961. No published estimates of the total population have been made since that time. Alaska has 202 known rookeries and hauling grounds. The Alaskan population has increased considerably since the early 1900's and now exceeds 200,000 and may be near maximum levels in many areas (Alaska Department of Fish and Game, 1973). Since 1964, several thousand pups have been harvested annually in Alaska until 1973 when the Marine Mammal Protection Act became effective; 6,546 were taken in 1972.

There has been a continuing control program on the British Columbia coast for many years. As early as 1917, 8,000 sea lions were destroyed by professional hunters.

The population of sea lions in British Columbia waters was estimated at 11,000 to 12,000 from an aerial census in 1956–57. The authorities undertook a heavy reduction program in 1959 and 1960, and the population was reduced to about 4,000 animals in 1969 (Banfield, 1974).

Kenyon and Scheffer (1962) made six aerial and one surface survey along the Washington coast between 1949 and 1959 and stated that the population did not exceed 500. Pearson and Verts (1970) estimated the Oregon population at 1,078. The California Department of Fish and Game makes periodic aerial censuses of sea lions in California. Carlisle and Aplin (1971) have given the following figures for sea lions in California north of Pt. Conception: (1958) 7,053; (1961) 6,675; (1965) 4,998; (1969) 7,156; and (1970) 5,189. They consider these to be northern sea lions, although small numbers of California sea lions were known to occur north of Pt. Conception at the time the census was made.

The northern sea lion ranges to the Channel Islands group south of Pt. Conception. In the Channel Islands, the population peaked at about 2,000 in the late 1930's and has declined since (Bartholomew, 1967). In 1972, the San Miguel Island population was estimated by DeLong (pers. comm.) at 30 to 35 plus a few pups.

*General Biology: Species statistics.*—The adult males grow to 3.0 m in length and over 900 kg in weight. The adult females reach 2.0 m and almost 300 kg. Newborn pups weigh 16–23 kg, are 89–102 cm long, and have a dark chocolate-colored pelage.

*Reproductive data.*—Northern sea lions favor isolated locations with some shelter, free access to the sea, and freedom from human harassment. Colonies may become established on rock outcrops and boulder, cobblestone, and coarse sand beaches.

Males may mature sexually by age 5 years, but hold breeding territories first at age 7 or 8. Females can first produce young at age 5 or 6, and breed 10–14 days after parturition. The adult male maintains a territory 40 to 60 days and fasts throughout the period. The harems consist of 10–30 cows. The female is aggressive toward other females for several days after her pup is born.

*Age-Growth Data.*—The pup sheds its darl. chocolate birthcoat for the tan pelage in the autumn of birth. Some pups remain with their mothers the first year. They have been known to live 17 years in the wild.

The northern sea lion has only a few predators besides man—the killer whale and one or two species of large sharks.

*Feeding habits.*—The northern sea lion feeds on a variety of fish and cephalopods. A study of 382 stomachs indicated the following diet: squid, octopus, sand lance, rockfish, clams, crabs, flounder, halibut, greenling, and lumpfish.

*Ecological Problems:* Northern sea lions in some areas may compete with other pinnipeds for rookery and hauling ground space. Excessive disturbance by humans of sea lions on their rookeries and hauling grounds has caused the animals to abandon these areas.

*Allocation Problems:* Northern sea lions have damaged gear and destroyed fish in the halibut longline, salmon purse seine, gillnet, and troll fisheries. In recent months, the Alaska Department of Fish and Game has received increasing numbers of gear damage complaints from fishermen with respect to the northern sea lion (J. Vania, pers. comm., 1974). The species has also destroyed herring in herring pots and has been accused of biting and sinking inflated plastic buoys used to mark crab pots. This species has considerable esthetic and recreational value.

*Current Research:* This species has its center of abundance in Alaska where the Alaska Department of Fish and Game's management and research investigations have been directed primarily at determining abundance and distribution, and the effects of harvesting opertions on rookery populations. The University of California, Santa Cruz, is also conducting research on the species off California.

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South American Fur Seal (*Arctocephalus australis*)

*Distribution and Migration:* Two major populations of the South American fur seal, identifiable only by size, are found, one on the Falkland Islands (Islas Malvinas) and the other on coastal Uruguayan Islands. Minor populations of this species occur in Argentina, Chile, and Peru. The adults are on the Uraguayan breeding grounds in November and December, and offshore up to 200 miles east on the edge of the continental platform during the austral winter. An extreme northern record for the South American fur seal was of one identified at Rio de Janeiro, Brazil.

*Abundance and Trends:* In 1972, the Uruguayan population was estimated at 252,000. This population grew from an estimated 129,000 in 1960 to an estimated 174,000 in 1965. Other populations are also increasing. Information on abundance and trends was furnished by Isaiás Ximénez, Uruguayan Government biologist.

*General Biology: Species Statistics.*—Adult males on the Falkland Islands grow to 159 kg, whereas those in Uruguay reach only 136 kg; the females weigh 33–48 kg. The males are blackish-gray, the females and immature animals vary but usually have a silvery-gray neck and back and a yellow tint to the belly.

*Reproductive Data.*—Males are polygynous and establish territories in early November. Most of the pregnant females arrive on the rookeries in mid-November, and form small harems of about six animals. Within 6–7 days, each female bears a single pup and breeds 2–3 days later. Most males breed at age 7 years and the females at age 3 years. Uterine implantation of the blastocyst probably occurs in March. Gestation, including the period of delayed implantation, lasts nearly one year.

*Age-Growth Data.*—Most of the animals leave the rookeries during the austral winter. On the rookeries, the fur seals are in close contact with South American sea lions, *Otaria flavescens.* Main causes of death in order of importance are from sporadic storms, which wash large numbers of pups out to sea; the seven-gilled shark; and probably the killer whale, which is common around the larger rookeries.

*Feeding Habits.*—Investigation of stomach contents has revealed little except stones, but the seals are believed to eat fish and crustaceans, and probably cephalopods.

*Parasites and Diseases.*—The South American fur seal has nasal mites and 10 species of endoparasites, but no heart or lung worms.

*Ecological Problems:* Offshore oil wells are planned in the near future which may result in an ecological hazard.

*Allocation Problems:* The species has esthetic, educational, and economic values. The Government of Uruguay annually harvests about 12,000 male fur seals on the islands.

*Current Research:* Long-term research on this species is carried out by the Governments of Uruguay and Argentina. In addition, short-term projects are carried out by the Natural History Museum of Montevideo and the Smithsonian Institution.

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South African (Cape) Fur Seal (*Arctocephalus pusillus*)

*Distribution and Migration:* The South African fur seal breeds on the mainland and coastal islands of southern Africa from Cape Cross (South West Africa) to Algoa Bay (South Africa). This species shows no definite seasonal migration, but disperses widely while feeding. A marked adult was seen in deep-sea trawling

grounds 450 miles from its birthplace. Young seals in their first year (November to October) frequent protected bays and areas near their places of birth.

*Abundance and Trends:* Rand (1972b) estimates about 19,500 mature territorial males and about 273,000 mature females on mainland and island rookeries of the Republic of South Africa. Best (1973) estimates that from 250,000 to 300,000 South African fur seal pups are born each year in the Republic of South Africa and South West Africa. First year pups (about 9 months) and a small (unknown) number of second year animals of either sex are harvested in the winter (June–September), although all cow seals are protected (op. cit). In 1950, the winter harvest totaled 27,289 pups and has increased to 76,694 in 1971 (Laws, 1973). The summer kill of surplus adult males (October–December) has declined from 3,000 in the early 1950's to 812 in 1969 (Rand, 1972b).

*General Biology: Species statistics.*—The adult males weigh 204.2–317.6 kg and grow to 2.3 m long; females weigh 90.7–113.4 kg and are 1.5–1.8 m long. At birth the pup is about 0.76 m long and averages 6.4 kg.

*Reproductive data.*—In late October, when most of the older pups are weaned, the first adult males come ashore to establish territories and harems; pregnant females arrive about a week later. In November and early December, the female bears a single pup (twins are rare), mates 5–6 days later, then leaves its pup for the first time and feeds for 1–2 days at sea. Subsequent nursing-feeding cycles extend to 4–5 days on land and 7–10 days at sea. Implantation of the blastocyst in the uterus is delayed until April or May. Thus, gestation is 7–8 months, but may be longer for some females that mate for the first time in their second year.

*Age-growth data.*—Adults of both sexes molt on land (14 days duration) a few weeks after the breeding season, usually during March. The pups also shed their natal hair and milk teeth at this time and acquire the olive-gray coat of the yearling. The copper-colored underfur also becomes obvious.

Weaning is well advanced by September and October, although undisturbed mother-pup relationships may prolong weaning.

*Feeding habits.*—Food consists of fish, cephalopods, and various small crustaceans.

*Ecological Problems:* Sharks and killer whales are natural predators.

*Allocation Problems:* Local fishermen engage in scattered and illegal killing of seals, contending that the animals interfere with their expanding purse-seine fishery. Seals ocasionally feed on fish protruding through the meshes of otter trawl nets or taken by line fisheries.

*Current Research:* A marking program on some rookeries is carried out by the South and South West African governments to measure herd size, annual recruitment, natural and harvest mortality, and movements.

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Guadalupe Fur Seal (*Arctocephalus townsendi*)

*Distribution and Migration:* The distribution of *A. townsendi* in the 18th and 19th centuries is unknown. The Guadalupe fur seal was believed extinct during two periods (1895–1926; 1928–49). One adult male was observed on San Nicolas Island in 1949, and breeding animals were rediscovered at Guadalupe Island in 1954. Subsequently, individual animals have been reported at Cedros Island, Baja California, and others have been sighted on San Miguel Island each year since 1968.

*Abundance and Trends:* The last Guadalupe fur seal was commercially harvested from the islands of southern California and Baja California in 1894. The populations of Guadalupe fur seals on the Guadalupe and San Benito Islands apparently once numbered in the thousands. Rice et al. (1965) counted 285 of these mammals on Guadalupe Island and suggested that the population was growing rapidly and may contain as many as 600 animals, including those in the water. In June 1968, 314 individuals were observed on Isla de Guadalupe, including pups (Brownell et al, 1974).

*General Biology:* Biological information on this species is scarce. Specimens have not been collected since their recent rediscovery.

*Species Statistics.*—The males are almost 1.8 m long and weigh about 136 kg. Males appear somewhat smaller and females considerably larger than *Callorhinus ursinus*. *A. townsendi* can be separated from *C. ursinus* by its narrow, pointed muzzle and the extension of pelage beyond the wrist onto the dorsum of the foreflipper. It is separated from *Zalophus californianus* by its distinctive underfur.

*Reproductive Data.*—The pups are born in May, June and July. Although breeding has not been observed, a post partum estrus probably occurs, which would extend the breeding period into August. The adult males establish territories in isolated caves or recesses that have access to the sea or among large boulders close to the splash zone. Single or small groups of breeding territories are distributed along 20 km of the eastern shoreline of Guadalupe Island. The harems contain 1–10 females.

*Age-Growth Data.*—The adult males apparently spend considerable time at sea; all sightings of these animals on other islands have occurred during the non-breeding season. The females may not migrate long distances from Guadalupe Island.

*Ecological Problems:* Increasing numbers of human visitors to Guadalupe Island are subjecting the animals to more disturbance. Plans exist to develop the island for the tourist trade. Such development would increase disturbance and could reduce the amount of available breeding habitat for fur seals. Because they breed only on Guadalupe Island, the seals need complete protection from undue disturbance and habitat modification.

*Allocation Problems:* None known.

*Current Research:* The University of California makes periodic censuses of this species.

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Northern Fur Seal (*Callorhinus ursinus*)

*Distribution and Migration:* Most of the animals are on their breeding

grounds from May through November to bear young and to breed. They otherwise are found at sea along the continental shelf from the Bering Sea south along both sides of the North Pacific Ocean to latitude 32° N. Some intermingling of eastern and western Pacific populations occurs at sea and on land, primarily among males younger than age 6 years.

*Abundance and Trends:* Beginning in 1956, a program of reducing the population of Pribilof Islands fur seals was begun with the expectation that the rate of survival would improve (Roppel et al., 1963) and result in an increased yield of pelts. By 1968, it had become evident that the herd had been reduced to a level somewhat below that of maximum sustainable yield, and that an increase in the number of pups born was desirable. Thus, female fur seals have not purposely been harvested on the Pribilof Islands since 1968 with the expectation that the population would increase. However, less than average survival of several year classes, the cause of which is not understood, has prevented the expected increase. In 1973 the number of pups born was estimated to be 381,000 (unpublished data, Marine Mammal Division), and in the past the maximum yield of furs was produced when about 400,000 pups were born. In the 1960–72 period when no females were commercially harvested on the Pribilof Islands, an average of about 37,500 males were taken. In 1974, 32,976 males and 51 females were harvested on St. Paul Island; fur seals were not harvested on St. George Island in 1974.

Apparently the Commander Islands fur seals have not become reestablished on a considerable portion of their original rookery area. Consequently, this population should increase to a higher level. It is likely that the Robben Island population is near the maximum. Johnson (1972) estimated the abundance of northern fur seals by breeding islands, as follows:

| Location of fur seal rookeries: | *Estimated number of northern fur seals (in thousands)* |
|---|---|
| Pribilof Islands | 1,200 |
| San Miguel Island | <1 |
| Commander Islands | 265 |
| Robben Island | 165 |
| Kuril Islands | 15 |
| Total | 1,645 |

*General Biology: Species statistics.*—The adult male weighs 227–318 kg, and the female 36–59 kg. Newborn pups average 4.5 (female) to 5.4 kg (male). The male is polygynous and establishes his territory in late May and early June.

*Reproductive data.*—Most of the pregnant females arrive on the rookeries in late June and early July, when they form harems of 1–100 animals to one adult male. Within 3 days of her arrival, the female bears a single pup (twins are rare), breeds 2 to 5 days later, then begins nursing-feeding cycles of 2 days on land and about 8 days at sea within a 200-mile radius. Implantation of the blastocyst is delayed until November. Most of the males first breed at age 10, and few live longer than 15 years.

*General behavior.*—Immature fur seals arrive on the breeding grounds in descending order of age, the males beginning in mid-June and the females in late July. Some 1-year-olds haul out in September and October, but most fur seals return first at age 2. Most of the animals have left the rookeries by December. The adult males winter in northern waters, pregnant females usually migrate as far south as southern California, and young animals of both sexes are found throughout that range.

*Diseases and parasites.*—The main causes of death among pups on the rookeries are, in order of importance: emaciation-malnutrition syndrome, hookworm disease, bacterial infections, injuries, and perinatal hemorrhagic syndrome. Pathogenic bacteria thus far isolated include: *Clostridium perfringens, Proteus mirabilis, Salmonella enteriditis,* and *Leptospira* sp. A psittacosis group virus has been reported, but the clinical syndrome caused by the agent has not been described. Three other virus isolates from diseased fur seal pups are presently being characterized.

The fur seal has filariid worms, stomach ascarids, intestinal flukes, cestodes, hookworms, and acanthocephalans, and nasal mites, but no heart or lungworms. Hookworms and sucking lice parasitize the newborn.

*Ecological Problems:* Northern fur seals concentrate within their body tissues contaminants such as pesticides and heavy metals. For example, mercury compounds have been found in fur seal liver, large quantities of which have been eaten by residents of the Pribilof Islands. No evidence exists that consumption of fur seal liver has been a health hazard, but following the discovery of mercury in this organ, little liver has been eaten by the people. The effect of contaminants on the health of fur seals is unknown.

*Allocation Problems:* In the North Pacific Ocean and Bering Sea, fur seals and commercial fisheries may be in competition for the same species of fish. Harvesting of fur seals on the Pribilof Islands has been criticized in recent years by animal protetcion organizations that would prefer esthetic and educational rather than economic use of the resource.

*Current Research:* Long-term research is financed and carried out by the Governments of Japan, Canada, the U.S.S.R., and the United States. Short-term projects are frequently carried out on the Pribilof Islands by university professors or graduate students.

In 1973 St. George Island was designated by the North Pacific Fur Seal Commission as an area of intensive research where no commercial harvest owuld take place for some period of years. An expanded research program on St. George Island and in the Bering Sea was started in 1973.

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Harbor Seal (*Phoca vitulina*)

*Distribution and Migration:* The harbor seal is found in the North Atlantic Ocean from the ice pack south to France and Georgia and in North Pacific Ocean waters from the Arctic Ocean south to Baja California and southern Japan and Korea. Populations that breed on the ice in the Bering and Okhotsk Seas are distinct from those that breed on land. *P. v. largha,* the ice-inhabiting form, lives in the seasonal pack ice in winter and spring, bearing and nurturing its pup there, and moves toward the coasts when the ice retreats. The coastal forms (*P. v. richardii* and *P. v. kurilensis* in the North Pacific; *P. v. vitulina* and *P. v. concolor* in the North Atlantic) are more sedentary. The harbor seal is the predominant nearshore seal in ice-free waters north of 35° N. latitude.

*Abundance and Trends:* Overall, the world population of harbor seals appears to be high and stable. About 750,000 are present in the North Pacific area (Alaska Department of Fish and Game, 1973; Bigg, 1969; Chapskii, 1966) and about 150,000 in the European North Atlantic region (Chapskii, 1966).

*General Biology: Species Statistics.*—Harbor seals of all subspecies are of medium size; large adults of both sexes are from 160 to 180 cm long and weigh about 130 to 150 kg. Pups weigh from 9 to 12 kg, and are about 80 to 90 cm long at birth. Pups of ice-inhabiting harbor seals are born with white coats, whereas those of the coastal form possess dark coats. Coloration in the adults varies considerably; the background varies from creamy white to dark brown with irregular dark brown blotches.

*Reproductive Data.*—Adults of the ice-inhabiting form pair in March for the duration of the breeding season, and a single pup is born to each pair on the ice, usually in March or April. Adults of the coastal form congregate on islets and

also bear a single pup, usually in May to July. The pups of each form nurse 4 to 6 weeks, in which time the weight is more than doubled. Males of both forms become sexually mature at 4 to 5 years of age; females at 3 or 4 years. Breeding is annual, and the period of pregnancy (including delayed implantation) is about 10.5 months.

*Age-Growth Data.*—Adults of both forms are gregarious outside the breeding season. The annual molt occurs between August and early November; it proceeds from the posterior to the anterior parts. Predators include the polar bears, walrus, killer whale, and sharks. Golden eagles have been known to prey upon newborn pups resting on sandbars.

*Feeding Habits.*—The diet of the harbor seal, which varies according to season and location of specific populations, includes primarily pelagic, demersal and anadromous fishes, cepholopods, and crustaceans. In captivity a single animal eats bout 4 kg of fish per day.

This species has been known to dive as deep as 91.5 m for short periods and can remain under water for as long as 23 minutes.

*Parasites and Diseases.*—Almost all adult seals have anisakid roundworms and corynosomid acanthocephalans, and occasionally, high infestations of anoplüran lice. The latter seem associated with filarial heart worms and may be vectors. Toxoplasma has been reported in captive animals, but its presence in wild seals is not verified.

*Ecological Problems:* In some parts of its range, the harbor seal contributes to high worm infections in fish, notably codfish. This animal is extremely sensitive to disturbance, and may leave an area temporarily or even permanently after continual harassment by people, equipment, or aircraft. Contamination of the environment with pesticides, heavy metals, and other contaminants may be a problem for the land-breeding harbor seal because it frequently inhabits the relatively closed waters of bays and estuaries where these contaminants are likely to concentrate.

*Allocation Problems:* These seals damage commercial fishing gear and compete with man for such fish as herring, smelt, whitefish, and salmon.

According to the Alaska Department of Fish and Game, hunting and the harvest of the harbor seal have declined markedly during the past year because of a reduced market for salable products from these species, mainly skins. In southeastern Alaska, the decreased harvest has resulted in additional conflicts between the harbor seal and the fishermen.

*Current Research:* Ongoing research in California, Washington, British Columbia, Alaska, the U.S.S.R., and Japan is aimed toward the identification of North Pacific populations and describing their distribution and movements, reproductive biology, feeding habits, growth, physiology, and ecology.

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Ringed Seal (*Pusa* (=*Phoca*) *hispida*)

*Distribution and Migration:* The ringed seal is circumarctic in distribution in the ice pack. In the North Pacific Ocean it is found in the Bering, Chukchi, and Okhotsk Seas and in the permanent ice pack of the Polar Basin. In winter, most ringed seals occupy areas of landfast ice, but nonbreeding adults and juveniles may be found wherever ice occurs. Apparently, animals wintering in the Bering and Chukchi Seas move northward in spring as the ice recedes and southward in autumn as it advances again, whereas those in the Canadian Arctic may reside year-round in the same locality. In western Alaska, the ringed seal is the dominant near-shore seal during months when sea ice is present and is replaced by the harbor seal during ice-free months. A small proportion of the population, mainly juveniles, remains in ice-free areas of the Bering Sea during summer.

*Abundance and Trends:* Counts of ringed seals on land-fast ice along the northern coast of Alaska made in 1970 (Burns and Harbo, 1972) indicated that the density of resident animals varies from 5.36 per square mile in the Chukchi Sea between Point Lay and Wainwright, to 1.06 per square mile in the Beaufort Sea between Oliktok and Flaxman Island. Overall, the population in the Bering and Chukchi Seas appears high and is probably stable. Estimates of population size made by the Soviets are difficult to evaluate because they recognize three subspecies with overlapping ranges. The Soviets estimate that the total population of *P. hispida* is 5 to 6 million (Chapskii, 1966); *P. h. hispida* (North Atlantic and Arctic Oceans) at 2,500,000; *P. h. krascheninikovi* (western Bering Sea) at 12,000 and *P. h. ochotensis* (Okhotsk Sea) at 800,000 to 1,000,000 animals (Fedoseev, 1969, from Bychkov, 1971). The Alaska Department of Fish and Game (1973) estimates the Bering-Chukchi Seas population at about 250,000 ringed seals. The total U.S.–U.S.S.R. harvest is estimated at 12,000 to 16,000 seals annually in the Bering and Chukchi Seas. Almost all of these seals are taken by shore-based hunters because the animals are not numerous in areas where Soviet sealing vessels operate.

*General Biology: Species statistics.*—The ringed seal is the smallest of the northern seals. The adults of both sexes grow to about 125 cm in length and 66 kg in weight. A few individuals, usually females, become much larger. The animals undergo marked seasonal changes in weight, being heaviest in mid- to late winter. Newborn pups are 55–65 cm long, weigh about 4.0 kg, and bear white coats. Coloration of the adults is variable. Dorsally they may be brown to blueish-black in background with irregular creamy rings with dark centers. The ventral surface may be silvery white to creamy yellow with scattered black spots.

*Reproductive Data.*—Males become sexually mature at 6 to 8 years of age, females at 5 to 7 years. The ringed seal breeds annually has a 10.5 month period of pregnancy (including delayed implantation) and is probably monogamous. The males are sexually active between mid-March and mid-May, but they do not collect harems. The females are monestrous, and the oestrous period is postpartum while the females are still lactating. The pups are born from March to about mid-May in a birth lair within an ice pressure ridge or under drifted snow. The females nurse their pups for a full 4 to 6 weeks. A longer nursing period in sheltered northern bays, where snow and ice remain longer, produces larger pups.

*Age-Growth Data.*—The weight of the pup triples during the nursing period. The annual molt occurs between mid-May and mid-July, but a few molting individuals have been noted as late as 1 September. Maximum longevity exceeds 35 years, but one individual (a male)

was determined to be 43 years old from annuli on the dentine layers of its teeth.

Predators of adults include sharks, killer whales, and polar bears. Polar bears and arctic foxes prey upon newborn "whitecoats" in their natural dens, and even the larger and more powerful gulls attack exposed young pups.

*Feeding Habits.*—Ringed seals tend to be solitary but congregate in areas favorable for feeding, along extensive tide cracks in land-fast ice, and during seasonal migrations. The diet of these seals varies considerably, depending on their location and water depth. Their diving potential appears to be a depth of 91.5 m and for as long as 20 minutes. In western Alaska, this seal feeds mainly on mysids, amphipods, euphasids, shrimps, saffron cod, polar cod, and sculpin. These seals fast from April to late June or July during their reproductive and molting seasons.

*Parasites and Diseases.*—The mammals commonly have internal parasites, including round worms, acanthocephalans, and anopluran lice.

*Ecological Problems:* None known.

*Allocation Problems:* According to the Alaska Department of Fish and Game, hunting and the harvest of the ringed seal have declined markedly during the past year because of a reduced market for salable products from these species, mainly skins.

*Current Research:* The State of Alaska monitors the Eskimo harvest and conducts some biological research in conjunction with other programs. Canada conducts research on the ringed seal.

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Gray Seal (*Halichoerus grypus*)

*Distribution and Migration:* The gray seal inhabits the North Atlantic Ocean, with major populations in eastern Canada, Iceland, and northwestern Europe. Dispersion, particularly by pups, from the Canadian breeding colonies in late spring and summer presumably accounts for most of the gray seals seen scattered along the coast of Maine. The tendency for adults to disperse is far less, although they at times make pronounced local movements. One animal tagged in eastern Canada was recently taken off western Norway.

*Abundance and Trends:* The world population is estimated at 50,000 to 60,000 animals, with about two-thirds of these animals in the British Isles (Bonner, 1972). Because the population estimates for 1956–71 fit a straight line projection reasonably well, it can be presumed that the population will continue to expand in this manner (Bonner and Hickling, 1974). Platt, Prime, and Witthames (1974) state that the annual increase in the number of births indicates a similar trend in the total population in the Farne Islands. An estimated 5,000 gray seals inhabit Canadian waters. A small colony of 10–15 animals were recently discovered on Muskeget Island, Massachusetts.

*General Biology: Species statistics.*—Adult males may reach a total length of 300 cm and weigh 290 kg; females are smaller, up to 230 cm and have a weight of 249 kg. The average weight and length of the newborn pups are 13.6 kg. and 0.9 m respectively. The adult coat is gray with obscure black blotches on the flanks and back, with lighter underparts. The pups are born in a long white coat which they molt when 3–4 weeks old to assume a dark gray, spotted juvenile coat.

*Reproductive data.*—Sexual maturity is reported to be reached between 6 and 7 years of age for members of Canadian populations. In the Farne Island, bulls do not breed until their 8th year, and most do so between 12 and 18 years of age. Cows do not enter the breeding population until their 10th year. The apparent gestation period is 11.5 months and single births are the rule. Pups of the Canadian and Baltic populations are born mostly in February, whereas most of those in Britain are born in September and October. The pups are weaned in about 3 weeks, at which time mating occurs.

*Age-Growth Data.*—Following birth, the pup gains about 1.4 kg per day and weighs about 41–45 kg when weaned at about 3 weeks. It begins to molt after the third week. When the molt is completed, they make their way to the sea and disperse. When caught as yearlings they have changed little in weight (40 kg) but measure 115 to 127 cm in length. The cows molt annually between late January and April, and males between late February and May. Estimated by dental rings, captive gray seals have reached an age of 41 to 42 years, and wild seals have reached an age of up to 35 years.

Aside from man, the killer whale is its chief predator.

*Feeding Habits.*—The adult seals feed chiefly on skates, mackerel, flounders, cod, hake, and herring; and occasionally salmon, haddock, sea bass, dogfish, squid, and crustaceans.

*Parasites and Diseases:* In the Baltic Sea, the seals harbor an anisakine nematode, *Terranova* (*Porracaecum*) *decipines.*

*Ecological Problems:* People occasionally harass the animals and use them for target practice.

*Allocation Problems:* A significant indirect cause of damage by gray seals to fisheries in the waters around the British Isles and off Canada is the harboring by the seals of an anisakine nematode, *Terranova* (*Porracaecum*) *decipines*, the larvae of which infest cod and other gadids, reducing their commercial value.

*Current Research:* Research on biology, ecology, and populations continues by Canadian and British Governments and private groups. Some work is also being carried out by the University of Massachusetts on Muskeget Island and by the State of Maine.

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Ribbon Seal (*Histriophoca fasciata*)

*Distribution and Migration:* Geographically, the ribbon seal is separable into the Okhotsk and Bering-Chukchi Seas populations, and interchanges between these two groups are not known to occur. In the latter group, the center of

abundance is in the central Bering Sea. The ribbon seal bears and nurtures its pup on the sea ice. During winter and spring, the entire population is concentrated along the southern edge of the seasonal ice pack. Only a few ribbon seals remain with the ice edge as it retreats northward through Bering Strait. In summer and autumn, ribbon seals are believed to be pelagic, mainly in the ice-free Bering Sea.

*Abundance and Trends:* The population of ribbon seals is relatively low and has been markedly reduced by commercial sealers of the Soviet Union during the last 10 years (Alaska Department of Fish and Game, 1973). U.S. Citizens harvest very few ribbon seals. The Alaska Dept. of Fish and Game (1973) estimates that the population probably does not exceed 100,000 animals, and Soviet estimates indicate a population of 80,000 to 90,000. Commercial hunting by the USSR has reduced the population of these seals, but measures have been taken to limit the annual harvest. In Alaska, the harvest is usually less than 250 per year.

*General Biology: Species Statistics.*—Adults of both sexes average 155 cm in length and 80 kg in weight. A very large female was 179.7 cm long with a girth of 114.3 cm, a blubber thickness of 6.1 cm, and a weight of 148.2 kg. The pups are born with white coats.

*Reproductive Data.*—Pups are born from late March to mid-April and average about 10 kg and 80 cm. Males become sexually mature between 3 and 5 years of age; females between 2 and 4 years of age. The species breeds annually, and pregnancy (including delayed implantation) probably lasts 10.5 months. A very large 23-year-old female (see measurements given above) obtained in March was carrying a near-term fetus.

*Age-Growth Data.*—The pup nurses for about 4 weeks, during which time its weight triples. Maximum longevity is estimated at 26 years.

*Feeding Habits.*—The diet of these seals during late winter and early spring (in the ice edge zone) includes mainly pelagic and demersal fishes, cephalopods, and small crustaceans.

*Parasites and Diseases.*—Ribbon seals host anisakid round worms in the stomach and corynosomid acanthocephalans in the intestine.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

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Harp Seal (*Pagophilus groenlandicus*)

*Distribution and Migration:* The harp seal occurs in pack ice in the North Atlantic Ocean from Europe to eastern Canada. In the spring, it migrates south for breeding to the White Sea, to the Greenland Sea north of 73° N, and to southern Labrador, northeastern Newfoundland, and the Gulf of St. Lawrence.

*Abundance and Trends:* Three breeding stocks of harp seals are known, the eastern (White Sea), central (Norwegian Sea around Jan Mayen Island), and western (Newfoundland). The latter is divided into two substocks, one east of Belle Isle on winter pack ice drifting southward—the "Front," and the other in the southern Gulf of St. Lawrence on winter ice formed *in situ*—the "Gulf." Sergeant (1973) estimates the total eastern Canadian population at 1.3 million. The number of pups born decreased from about 400,000 in 1960 to 300,000 in 1970. The population size in 1970 was less than that giving maximum production, and estimates indicated the 1970 catch was well in excess of the sustainable yield (International Commission for the Northwest Atlantic Fisheries. 1971. Redbook, Part I, Standing Committee on Research and Statistics Proceedings, annual meeting). According to Bychkov (1971), harp seal stocks of the northeastern Atlantic and Arctic Oceans (White Sea, Jan Mayen Island, and Newfoundland populations) numbered 3.0–3.5 million in the mid-20th century. Bychkov (1971) also stated that the White Sea population total 3.0–3.5 million animals in 1926–28 and only 400,000 in the 1960's.

In 1971 the International Commission for the Northwest Atlantic Fisheries banned seal hunting in the Gulf of St. Lawrence from large vessels and from aircraft and set a quota of 150,000 harp seals for the hunt off Newfoundland and Labrador by Canadian and Norwegian nationals.

*General Biology: Species Statistics.*—The adults grow to about 1.8 m and 180 kg; newborn pups are about 0.6 m long and weigh 9.0 kg.

*Reproductive Data.*—The females mature at age 4–6 years and bear a single pup annually after a gestation period of about 7.5 months. The pups are born from late January to early April, and are nursed for 10 to 12 days, by which time they have attained a weight of 38–40 kg.

*Age-growth Data.*—Molting by the pups is completed at 4 weeks. The maximum life span is about 30 years.

*Feeding Habits.*—Pups feed primarily on small pelagic crustaceans, and small fish. The food of adults includes capelin, herring, cod, polar cod, flatfish, redfish, skate, barracudina, and various crustaceans.

*Ecological Problems:* One species of helminth affecting the harp seal is also found in the muscles of ground fish, particularly cod, necessitating expensive removal by hand.

*Allocation Problems:* The harp seal may eventually conflict with man over capelin stocks as this fishery expands. Several animal protection societies object to the harvest of harp seals.

*Current Research:* Canadian, Danish, Norwegian, and Soviet Government scientists are studying the population of harp seals. At the University of Guelph, scientists are studying the biology of this mammal.

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Bearded Seal (*Erignathus barbatus*)

*Distribution and Migration:* The bearded seal is found in the North Pacific region in the Bering, Okhotsk, and northern Japan Seas and is circumpolar in the Arctic Ocean. In winter and spring it is found from the southern edge of the seasonal ice pack, north to permanent ice, wherever areas of broken, moving ice exist. During summer and autumn, it occurs along the edge of the permanent polar ice of the Arctic Ocean. Marked seasonal migrations are associated with the advance and retreat of the seasonal ice. The bearded seal is usually solitary, though very loose aggregations are sometimes observed during the breeding season. It does not normally come ashore.

*Abundance and Trends:* All populations seem to be at high levels and relatively stable. A Soviet estimate places the population at 450,000 animals in the East-Siberian, Chukchi, Bering, Okhotsk, and Japan Seas (Bychkov, 1971). The Alaska Department of Fish and Game estimates a population of 300,000 animals in the Bering, Chukchi, East-Siberian, and Beaufort Seas (Alaska Department of Fish and Game, 1973). The combined U.S. and Soviet harvest in the Bering and Chukchi Seas is 8,000 to 10,000 seals per year, well within the biological productivity of this species. Hunting loss, however, is high op. cit.).

*General Biology: Species Statistics.*—The bearded seal is the largest phocid of the western arctic and subarctic. Large adults attain a winter weight in excess of 340 kg. From June through September the adults weigh from 215 to 240 kg and

average 236 cm in length. Some adult females are slightly larger than adult males. The pelage is a smoky-gray with a darker brown cap and dorsum. Newborn pups weigh about 31 kg and are 132 cm long, and have a gray-brown natal coat.

*Reproductive Data.*—The males become sexually mature at 6 or 7 years. Some females ovulate at age 3 years, but reproductive maturity is not attained until age 5 or 6 years. Female bearded seals are unique among northern seals in that they possess four mammary teats instead of the usual two, and produce one pup every other year instead of annually. A single pup is born, usually during late April or early May. The female does not ovulate until early June when the males are out of breeding condition, therefore, they must wait a year to be mated again. The period of pregnancy is 10.5 months, including 2.5 months of delayed implantation.

*Age-Growth Data.*—The weight of the pups triples by the end of the 12- to 18-day nursing period. They then molt their natal coat for one similar to the adult's, although it is sometimes spotted. The adults probably molt shortly after mating. Yearlings are about 160 cm long. Bearded seals attain full growth at about 10 years of age and average 235 cm long in the eastern Canadian arctic and 225 cm at Svalbard. At Svalbard, age groups are fully recruited at age 9 years and live to about 31 years.

Polar bears are a natural enemy of the bearded seal.

*Feeding Habits.*—The bearded seal consumes several species of invertebrates, principally crabs, shrimps, clams, and amphipods, and some dermersal fishes.

*Parasites and Diseases.*—Most bearded seals, other than nursing pups, are heavily parasitized by anisakid round worms in the stomach, acanthocephalans and diphyllobothriid cestodes, in the intestine, and lice on the skin.

*Ecological Problems:* The bearded seal is the final host for anisakid worms that infect fishes, but this problem is unimportant in Alaska at present. About 1% of these animals harbor *Trichinella spiralis*, the cause of trichinosis in man.

*Allocation Problems:* None known. Bearded seals consume commercially important pandalid and crangonid shrimps and lithode crabs; however, they do not compete directly for commercial fishes, nor do they damage fishing gear.

*Current Research:* None known.

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## Caribbean Monk Seal (*Monachus tropicalis*)

The Caribbean monk seal is classified as endangered in the Red Book of the International Union for the Conservation of Nature. From 17 to 29 March 1973, the Bureau of Sport Fisheries and Wildlife, Department of the Interior, conducted an aerial survey of this species' former habitat in the Gulf of Mexico and Caribbean Sea. The conclusion was that the Caribbean monk seal is now extinct.

It formerly inhabited shores and islands of the Greater Antilles, Bahamas, Yucatan Peninsula, and Florida Keys. It was reported in Jamaican waters as late as 1952. A single pup was born, probably in alternate years. The adults grew to 2.4 m in length. The color was a uniform brownish gray above; the underparts were pale yellow or yellowish white. Monk seals were vulnerable to hunters because they were sluggish, unwary, and not easily alarmed.

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## Hawaiian Monk Seal (*Monachus schauinslandi*)

*Distribution and Migration:* The Hawaiian monk seal breeds only on French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Reef, and Midway and Kure Atolls of the Leeward Hawaiian Islands. The first four of these islands are within the Hawaiian Islands National Wildlife Refuge (HINWR). Rarely do individuals wander southeastward to the main Hawaiian Islands. The species is not known to have a migratory pattern.

*Abundance and Trends:* The total population was estimated at 1,350 in 1958 (Rice, 1960). It is classified as rare by the Office of Rare and Endangered Species, United States Fish and Wildlife Service, and International Union for Conservation of Nature and Natural Resources. Counts in the 1960's and 1970's suggest that the population is declining (Kenyon, 1973).

*General Biology: Species Statistics.*—An adult female measures 2.3 m and her estimated weight was 273 kg. On the average, females out-weigh adult males. A typical male is about 2.1 m long and weights about 173 kg. The newborn pups weigh 16–17 kg, and are about 100 cm long.

*Reproductive Data.*—Observations of 47 tagged individuals on Kure Atoll indicates an annual reproductive rate of 15 living pups per 100 adults. About 19% of the adult females bred in successive years, and only 56% of the adult females had pups in either of two seasons.

The age at which Hawaiian monk seals of either sex first breed is not known, but they may do so at age 3 years. Pups are born from late December to July, with the peak in April and May. They nurse about 6 weeks.

*Age-Growth Data.*—The pup grows from 100 to about 130 cm during its first year. The weights of 6 yearlings averaged 45 kg. Two seals tagged as yearlings doubled their weight in their second year and one increased in length by 36% and the other by 15%. They probably do not attain full growth until at least 4 years of age. A technique developed for determining the ages of these seals by examination of the upper canine teeth indicated an age for one female of about 11 years and about 20 years for a male.

Sharks are serious predators.

*Feeding Habits.*—Spewings found on haul-out areas included the remains of reef and bottom fishes, eels, and cephalopods.

*Ecological Problems:* Harassment of the monk seal by humans and dogs on Midway and Kure Atolls may be causing a problem by preventing these animals from using sheltered dry pupping areas.

*Allocation Problems:* None known.

*Current Research:* The HINW Refuge Manager, United States Fish and Wildlife Service, has a pup tagging and recovery program in progress. The Refuge Manager also makes counts of animals on the beaches of the HINWR, usually in the spring and again in late summer. No studies or observations of the small populations on Midway and Kure, under U.S. Navy and U.S. Coast Guard control, are being made.

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Crabeater Seal (*Lobodon carcinophagus*)

*Distribution and Migration:* The species is circumpolar and abundant in pack ice of the southern oceans. It is found as a straggler in Uruguay, New Zealand, Australia, Tasmania, and South America. It moves toward the coasts in summer and away from land in the winter.

*Abundance and Trends:* The crabeater seal is the most abundant species of seal in the Antarctic, with population estimates ranging from 2 to 5 million (Scheffer, 1958) to 30 million (Erickson, et al., 1971). Laws (1973) believes that the later estimate is unreliable, but that earlier estimates were too conservative.

Laws (1972) reports that a total of 1,251 crabeater seals were killed or captured in the Antarctic Treaty area during the period 1964–1969, which does not pose a direct threat to these seals.

*General Biology: Species Statistics.*—Adult males grow to a maximum length of about 2.6 m and 270 kg in weight. At birth the pups are about 1.4 m long and the natal color is gray-brown. Color ranges from black to silvery white, depending on the individual, its age, time of year in relation to the molt, and dampness of pelage.

*Reproductive Data.*—Little information is available on the breeding habits; mating has not been observed but sperm are present in the testes of males in October and November. Single pups are born during the Antarctic spring (mid-September to early November). Available data indicates that the adults attain sexual maturity between the 3rd and 6th years.

*Age-Growth Data.*—By January or February the pups have grown so large that they are difficult to distinguish from adults. The adults molt in January and February while partly fasting. The life span as determined from tooth sections is 29 years or more.

Killer whales and leopard seals are known to prey upon crabeater seals, and may be responsible for the numerous scars on a high proportion of these animals.

*Feeding Habits.*—The principal food of the crabeater seal is krill.

*Parasites and Diseases.*—The species has lice on the skin, roundworms in the stomach, and, rarely, tapeworms in the intestine.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

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Ross Seal (*Ommatophoca rossi*)

*Distribution and Migration:* The species is circumpolar in heavy pack ice of the Antarctic Ocean.

*Abundance and Trends:* The Ross seal is usually solitary. Scheffer (1958) lists the population at 20,000–50,000 but more recently Hofman et al. (1973) has estimated a population in excess of 100,000.

Laws (1972) states that only 23 Ross seals have been killed or captured in the Antarctic Treaty area from 1964 to 1969, and that clearly there is at present no serious direct threat to these animals.

The Ross seals account for 1.0–2.0% of the total Antarctic pinniped population (Hofman et al, 1973).

*General Biology: Species Statistics.*—The adults reach a length of about 2.4 m. The animal is plump, with a short, wide head, a small mouth, and small teeth. The vocalizations of this mammal are striking and account for the common name "singing seal."

*Reproductive Data.*—Little is known of its reproduction, and newborn pups have never been seen. The male matures at 3–4 years, and the female at 2–7 years. Breeding probably takes place in November, and available evidence indicates that the pups are born about 11 months after implantation.

*Age-Growth Data.*—Molting probably occurs in January and February. These animals may live up to 12 years.

*Feeding Habits.*—Food consists primarily of fish, cephalopods, and krill.

*Parasites and Diseases.*—Roundworms are found in the stomach, tapeworms in the intestine, and lice on the skin.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* The University of Minnesota is studying the population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

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Leopard Seal (*Hydrurga leptonyx*)

*Distribution and Migration:* Leopard seals are circumpolar in Antarctic pack ice and in southern temperate regions and subarctic islands in the winter. They are occasionally seen off the southern tips of New Zealand, Australia, South America, and South Africa.

*Abundance and Trends:* The leopard seal is a solitary animal. Scheffer (1958) estimated the population at 100–300 thousand. More recently, in 1972, Laws (1973) estimated the population at 250,000 to 500,000.

Laws (1972) reports that 140 leopard seals were killed or captured in the Ant-

arctic Treaty area, which does not indicate any threat to the population.

*General Biology: Species Statistics.*—The adult males grow to 3.0 m in length and 450 kg in weight; adult females reach 3.3 m in length and 500 kg in weight. Leopard seals have a long slim body, large head, and wide gape. Newborn pups are 1.6 m long and weigh 29.5 kg. The color of adults is dark gray dorsally and light gray ventrally, and a variable amount of spotting is present.

*Reproductive Data.*—Males are sexually mature at 3–7 years and females at 2–6 years. Analysis of random specimens indicates that parturition occurs between October and December but, unlike crabeater and Weddell seals, breeding may not occur until January or March. The gestation period is 240 days. Lactation lasts about 2 months.

*Age-growth Data.*—The life span for both sexes is judged to be more than 25 years, based on studies of tooth sections.

*Feeding Habits.*—The leopard seal, largest of the Antarctic seals, is the only seal that regularly feeds on warm blooded animals. Their food consists of fish, euphausids, squids, penguins, whale carcasses, and pups of other seals.

*Parasites and Diseases.*—Leopard seals suffer from diseased teeth, tumors, bony nodules in nasal passages, and stomach carcinomas.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

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Weddell Seal (*Leptonychotes weddelli*)

*Distribution and Migration:* This species is circumpolar in fast ice around Antarctica, occasionally reaching as far north as Uruguay (lat. 35° S). It is littoral in distribution and nonmigratory. Because of its occurrence near scientific stations it is the best known of the Antarctic seals.

*Abundance and Trends:* The population was estimated to be 200,000 to 500,000 by Scheffer (1958) and 250,000 to 500,000 by Laws (1973). Recent investigations (Erickson and Hofman, 1974) suggest a total population of 756,000.

Laws (1972) reports that a total of 893 Weddell seals were killed or captured in the Antarctic Treaty area during the period 1964–1969, which poses no threat to the population.

*General Biology: Species Statistics.*—Adult males grow to 3.2 m in length and may reach 450 kg in weight. Females are slightly larger than males. Newborn pups are 1.5 m long, weigh 29 kg, and have permanent dentition. Coloration of adults is dark brown to black, conspicuously mottled with white spots.

*Reproductive Data.*—Males reach sexual maturity at 6 to 8 years and females at 3 years of age. The average age of breeding females is 9 years. Pregnancy lasts 9 to 10 months. The pups are born from September to early November on fast ice, usually close to the Antarctic continent. The mating period has not been defined but males with sperm and females that had ovulated have been collected between late November and mid-December. Lactation lasts 6–7 weeks and pups are weaned at 6 weeks. The females protect their pups and are aggressive toward intruders.

*Age-Growth Data.*—The pups molt their natal fur and replace it with the adult pelage by the 44th day. Initial weight gains are dramatic; the pups gain an average of 12 kg or more per week for the first 6 weeks and weigh as much as 135 kg by the time the molt is completed. The life span, as determined by the teeth, is not over 20 years.

Tooth wear associated with maintaining breathing holes may be a mortality factor.

*Feeding Habits.*—Weddell seals feed on mysids, decapod crustaceans, amphipods, cephalopods, euphausids, and various species of fish.

*Parasites and Diseases.*—Wounds inflicted on this mammal heal slowly, and festering sores are common. Kidney stones and uterine fibroids have been found. Weddell seals are heavily infested with tapeworms, trematodes, and roundworms.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

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Hooded Seal (*Cystophora cristata*)

*Distribution and Migration:* The hooded seal occurs mainly in the east Greenland pack ice from Bear Island and Spitzbergen to Jan Mayen, Iceland, and Denmark Strait. It also occurs off southern Greenland, southeastern Labrador, and the Gulf of St. Lawrence. Stragglers appear on the American coast as far south as Cape Kennedy, Florida, along the Canadian Arctic coast as far west as Herschel Island, and on the European coast as far south as the Bay of Biscay, France. Hooded seals prefer deep water and thick, drifting ice floes.

In March of 1974, an aerial survey by the Fisheries and Marine Service of Canada rediscovered a whelping popula-

tion that had been reported by two different sources, one in 1840 and the second in 1873. The seals were located between 63°30′ and 64°20′ N, 56°00′ and 56°30′ W. There were adults, pups and blood patches, indicating that births had taken place recently. Total numbers were estimated to be 50,000 animals. This population is believed to be the source of recruitment that maintains the herd of hooded seals at icefields east of Newfoundland where the species is heavily hunted.

*Abundance and Trends:* Hooded seals of all ages are harvested commercially when the animals are congregated for molting. According to Scheffer (1958), the herds in the middle of the 20th century were estimated at 300,000 to 500,000. Sergeant (1965) states that the catch rate of hooded seals has been high. The average annual kill from the Jan Mayen Island herd declined from about 53,000 (1949–53) to about 40,000 (1959–63) (Popov, 1967).

*General Biology: Species statistics.*—Adult males grow to 2.7–3.0 m and 408 kg; females are slightly smaller. The adult coat is gray, covered with black patches of irregular size. The pups shed their light gray embryonal hair before birth and when born have an exceptionally beautiful silver gray coat dorsally with a creamy white ventral surface.

*Reproductive Data.*—The pups are born from late March to early April, are 1.1 m long, and weight 23 kg. Seals of both sexes mature at age 4–6 years. The adults mate when the lactation period ends (about 2 weeks).

*Age-Growth Data.*—The pups are nursed about two weeks. The adults return to sea after mating, leaving the pups on the ice where they remain an additional 2 weeks before following the adults. Hooded seals of all ages are preyed upon by polar bears.

*Feeding Habits.*—Hooded seals feed on octopus, squid, rosefish, herring, capelin, cod, shrimp, mussels, and starfish.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* Research on the hooded seal is carried out by the Fisheries Research Board of Canada, Denmark (Grønlands Fiskeriundersøgelser), Norway (Fiskeridirektoratets Havforsknings Institutt), and the Soviet Union (VNIRO).

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Southern Elephant Seal (*Mirounga leonina*)

*Distribution and Migration:* The southern elephant seal is circumpolar on subantarctic islands, south to the ice edge at lat. 78° S. It breeds on the continental coast of Argentina, and on subantarctic islands.

*Abundance and Trends:* The population of the southern elephant seal has been estimated at 600,000±100,000 (Laws, 1960). This species was once sought for its oil. It was nearly extinct by 1900, but since that time regulations have allowed the herds to increase. At South Georgia the average annual kill between 1952 and 1964 was 6,000 animals. There has been no commercial sealing there since 1964, although licenses to harvest these animals have been offered (Laws, 1973).

Laws (1972) reported a total of 25 southern elephant seals killed or captured in the Antarctic Treaty area during the period 1964–69, and states that clearly there is at present no serious direct threat to these seals, although one cannot rule out the possibility of restricted over-exploitation of some local populations.

*General Biology: Species Statistics.*—The southern elephant seal is the largest pinniped. Males grow to 5.5–6.1 m in length and 3,628 kg in weight; females reach 3.1–3.7 m and 907 kg. The newborn pups are 1.2 m long and weigh from 37.6 to 49 kg.

*Reproductive data.*—Males are sexually mature at 4 years, and hold harems at 5–7 years in commercially utilized populations. The females mature at age 2 years and bear single pups at age 3. In unutilized populations, the females mature at age 3–6 years, but the males do not reach harem status until 12 years old. The breeding season varies with locale and occurs from August through November. Most harems contain 20 to 40 females, but up to 100 have been counted. The pups are born in October, about 1 week after the females haul out, and nurse about 23 days. The females mate about 18 days after their pups are born.

*Age-Growth Data.*—The pups weigh 113 to 181 kg at weaning. The molt usually starts in early November, when the pups, then 2–3 weeks old, shed their natal fur and older immature seals begin to haul-out to molt. Mature females begin their molt in late December or January and mature males in late January or February. The molt requires about 18 days to complete. After the molt, they return to the sea and probably spend the winter feeding near pack ice.

The females live about 12 years and the males up to 20 years.

The leopard seal and killer whale are natural enemies of the southern elephant seal.

*Feeding Habits.*—Shortly after weaning the pups feed on amphipods for a time, after which they feed primarily on cephalopods and fish.

*Ecological Problems:* None known.

*Allocation Problems:* According to Laws (1973) the southern elephant seal may become threatened because they compete with Soviet fishermen for commercial species of fish in the vicinity of Kerguelen Islands.

*Current Research:* The University of Minnesota makes incidental observations of this mammal while studying the Antarctic seal species.

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Northern Elephant Seal (*Mirounga angustirostris*)

*Distribution and Migration:* This species originally occupied rookeries and hauling grounds on the mainland and islands from Cabo San Lazaro, Baja California, northward to Pt. Reyes, just north of San Francisco. Nonbreeding animals range at least as far north as southeastern Alaska.

This species is now known to breed on Isla San Benito, Islas Los Coronados, Isla Cedros, San Miguel Island, Santa Barbara Island, San Nicolas Island, and Año Nuevo Island. Also, a northern elephant seal was born on southeast Farallon Island January 20, 1972, indicating that this species is continuing to expand its breeding range northward since its near-extermination during the last century (LeBoeuf et al., 1974).

*Abundance and Trends:* By 1890 the population had been reduced to 100 or fewer animals found only on Guadalupe Island, but this number increased to an estimated 15,000 animals by 1960 (Bar-

tholomew and Hubbs, 1960). A total of 10,581 were counted in April 1968 on the six Mexican islands off Baja California (Brownell et al., 1974). Peterson and LeBoeuf (1969) estimated a population of about 30,000 in 1969. This species has reoccupied most or all of its historic rookeries and hauling grounds.

The California Department of Fish and Game has counted elephant seals during sea lion censuses in early June since 1965 (Carlisle and Aplin, 1971). Carlisle (1973) has counted *Mirounga* on San Miguel Island each year from 1965 through 1973 except 1968. Recent California counts do not indicate any trend in abundance.

Odell (1974) believes that the San Nicolas Island population is increasing. The largest California population of *Mirounga* is found on San Miguel Island, where 3,137 were counted February 26, 1972 by Johnson and DeLong (pers. comm.). Carlisle (1973) counted 3,600 in 1973.

*General Biology: Species Statistics.*—Maximum body lengths are about 5 m for adult males and 3.3 m for adult females. Newborn pups are about 1.2 m long and have black natal pelage.

*Reproductive Data.*—The adult males usually arrive first on the rookeries in November, followed by the pregnant females in December. Dominant adult males occupy choice locations within the breeding colonies and do most of the mating. The female usually bears a single pup about 7 days after her arrival and weans it about a month later. The female is bred during her last few days ashore. Most pups are born January 1 to February 10.

*Age-growth Data.*—On San Nicolas Island most pups have molted their black natal pelage for the gray pelage of older animals by 1 March. The age at which the pups go to sea is not firmly established but they spend at least 2 to 3 months ashore. Older animals return to shore to molt beginning with the females about 1 April, followed by immatures of both sexes, and the males are the last to return.

*Feeding Habits.*—Little information on the feeding habits of *Mirounga* is available. The stomach of one elephant seal contained seven ratfish, one 66.0 cm California dogfish shark, one swell or puffer shark, three skates, and four squids. The species apparently can feed at considerable depths, as indicated by prey species and the fact that three young *Mirounga* were taken on hooks set in about 100 fathoms. The stomach of a subadult male found dead in California contained the remains of cusk eels, toadfishes, scorpionfishes, flounder, cat sharks, and segments of undetermined Teleosts and Elasmobranchs.

*Ecological Problems:* Oil from the Santa Barbara spill of 28 January 1969 coated about 100 elephant seal pups ashore on one area of San Miguel Island. The pups had been weaned and apparently suffered no ill effects.

*Allocation Problems:* None known.

*Current Research:* Scientists from the University of California at Santa Cruz, Calif., are studying this species.

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## Black Right Whale (*Balaena glacialis*)

*Distribution and Migration:* This right whale inhabits all temperate waters of the world. It migrates between summering grounds in cool temperate waters and wintering grounds in warm temperate waters; the wintering grounds are mostly along continental coasts or around islands.

Three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere.

In the eastern North Pacific Ocean, the right whale ranges from Bristol Bay and the Gulf of Alaska south to 50° N Latitude during the summer, and from Oregon south to central Baja California during the winter.

In the western North Atlantic Ocean, it ranges from Labrador south to the Bay of Fundy during the summer, and Massachusetts south to Florida and Bermuda during the winter.

*Abundance and Trends:* The right whale was originally very abundant, but heavy exploitation, mostly during the 19th century, reduced all populations nearly to extinction by the turn of the century. At least some local stocks have increased in recent years. Present numbers are: North Pacific Ocean—about 250 (Wada, 1972); North Atlantic Ocean—no estimate; Southern Hemisphere—about 4,300 (Masaki, 1972).

*General Biology:* The black right whale is a heavy-bodied animal up to 18.0 m long and is characterized by lack of a dorsal fin and by a large head with a narrow arched rostrum. It feeds mainly on copepods. The reproductive biology is poorly known. Body length at sexual maturity is about 15.2 m in males and 15.8 m in females. Mating and calving occur in the winter, so the gestation period is probably about 1 year. The female probably bears a calf only once every 2 (or more) years.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* Research on the black right whale is being carried out by the South African Division of Sea Fisheries and off Argentina by a joint project of the National Geographic Society and the New York Zoological Society.

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## Bowhead Whale (*Balaena mysticetus*)

*Distribution and Migration:* The bowhead whale inhabits arctic and subarctic waters in four principal areas: (1) From Spitzbergen west to east Greenland; (2) in Davis Strait, Baffin Bay, James Bay, and adjacent waters; (3) in the Bering, Chukchi, Beaufort, and East Siberian Seas; and (4) in the Okhotsk Sea. They migrate with ice movements.

A few bowhead whales, numbering in the low hundreds, are known to summer in the Beaufort Sea near Banks Island.

*Abundance and Trends:* All bowhead whale populations were decimated by the end of the 19th century because of the great value of this species for oil and baleen (Tomilin, 1957). No commercial whaling for bowheads has taken place since about 1915. Bowhead whales have been completely protected from commercial whaling by the International Convention for the Regulation of Whaling since 1947, and, subsequently, by the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. These acts allow for a subsistence harvest of these whales by the Indians, Aleuts, and Eskimos. In the last two decades the take of bowhead whales by Eskimos in Alaska has varied between 1 (1959) and 37 (1972) (Maher and Willimovsky, 1963; Durham, unpublished records). Much of this variation in take is because of variation in hunting conditions, although in recent years an increase in hunting intensity may have taken place. Bowhead whales are taken only occasionally by USSR nationals (Zemsky, 1973, pers. comm.). The bowhead whale population of Canada and the Bering, Chukchi, and East Siberian Seas appears to be increasing (Mansfield, 1971; Burns, pers. comm.).

*General Biology: Species Statistics.*—The bowhead whale grows to 18 m in length. The color is generally black or dark or dark gray, marked by some white, generally on the chin but sometimes also on the belly.

*Reproductive Data.*—Sexual maturity is reached at 11.6 m and 12.2 m in males and females, respectively. Mating probably occurs in early April or earlier. Gestation lasts 12–13 months, with a single calf (3–4.5 m long) born in April–May. The reproductive cycle is apparently 2 years long.

*Age-Growth Data.*—The calf is weaned at 6 months. Yearlings are from 6.7 to 7.9 m long. These whales travel singly, in pairs or threes during the spring. In autumn they are generally scattered, but may occur in groups of up to 50.

*Feeding Habits.*—The species feeds mainly on euphausids and other krill, but occasionally on bottom-dwelling invertebrates.

*Parasites and Diseases.*—Bowhead whales appear to be remarkably free of external and internal parasites.

*Ecological Problems:* The north-slope oil project might alter the inshore southward migration should fall steamer and barge traffic increase to force the whales farther offshore.

*Allocation Problems:* Some conflict of interest may exist between people who would like complete protection for bowhead whales and Eskimos who hunt these whales.

*Current Research:* The National Marine Fisheries Service contracted with the University of Southern California to gather biological data on bowhead whales in 1973. In the spring of 1973 a group of scientists from U.S. and Canadian universities attempted to record underwater sounds of the bowhead whale. The Fisheries Research Board of Canada makes annual surveys from planes of bowhead whales in Canadian waters. In the spring of 1974 the National Marine Fisheries Service re-instituted a research program on bowhead whales.

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Gray Whale (*Eschrichtius robustus*)

*Distribution and Migration:* The gray whale is now restricted to the North Pacific Ocean, although it once occurred in the North Atlantic Ocean.

Two geographically isolated populations are recognized: (1) the eastern Pacific ("California") stock, which spends the summer in the Chukchi, western Beaufort, and northern Bering Seas (and rarely along the coast as far south as central California), and migrates to the west coast of Baja California and the southern Gulf of California for the winter; and (2) the western Pacific Ocean ("Korean") stock, which spends the summer in the northern Sea of Okhotsk and migrates to the southern coast of Korea for the winter.

*Abundance and Trends:* Eastern North Pacific Ocean—contrary to earlier published estimates, the original population was almost certainly less than 15,000 (Henderson, 1972). During the late 18th and earlier 19th centuries the population was greatly reduced. Since complete protection was given the stock in 1947, the population has increased to about 11,000 and has remained stable since 1967 (Rice and Wolman, 1971). In 1972, 181 gray whales were killed in a subsistence fishery on the Chukotski Peninsula in Siberia (Zemsky, 1973, pers. comm.) where 173 were killed in 1973. In some years, one to three gray whales are taken by Eskimos in Alaska.

Western North Pacific Ocean—in 1910, the population probably numbered between 1,000 and 1,500. The status of this population is uncertain at the present time.

*General Biology:* The gray whale is identified by its mottled gray color and low hump in place of a dorsal fin. It feeds on benthic amphipods and other benthic invertebrates on the summering grounds, and fasts during migrations and on wintering grounds. Sexual maturity is attained at an age of 5 to 11 years, at a mean body length of 11.0 m for males and 11.6 m for females. The mating season is in late November and early December while the animals are on their southward migration. The calf is born following a 13-month gestation period after the pregnant females have arrived in certain shallow lagoons on the west coast of Baja California. The female bears a calf only once every 2 or more years. The calves average about 5.0 m long at birth and are weaned 7 months later when they are about 8.0 m long.

*Ecological Problems:* The gray whale is now valuable as a tourist attraction, and it supports a rapidly increasing cruise-boat industry, including ½-day cruises off San Diego and Los Angeles, and week-long cruises from these ports to Scammon's Lagoon.

These activities have generated a problem of increasing harrassment of the whales. In 1972, the Mexican Government declared Scammon's Lagoon a whale refuge, so the activities of the cruise boats are now partly regulated.

*Current Research:* Studies on gray whales are being conducted by the National Marine Fisheries Service and the Soviet Union's Far Eastern Institute of Marine Fisheries and Oceanography.

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Minke Whale (*Balaenoptera acutorostrata*)

*Distribution and Migration:* The minke whale inhabits all oceans of the world, except in equatorial regions, and ranges into the polar pack ice zones in the Northern and Southern Hemispheres. It makes extensive seasonal migrations between high-latitude summering grounds and low-latitude wintering grounds.

At least three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. The affinities of the minke whale stocks in the northern Indian Ocean are unknown.

In the eastern North Pacific Ocean, the minke whale ranges from the Chukchi Sea south to northern Baja California during the summer, and from central

California south to the Islas Revillagigedo off central Mexico during the winter.

In the western North Atlantic Ocean, it ranges from Baffin Bay south to Chesapeake Bay during the summer, and from the eastern Gulf of Mexico and northeastern Florida to the Bahamas during the winter.

*Abundance and Trends:* The minke whale has long been an important species in the "small whale" fisheries of the world. In 1973, catches were: Norway—2,005; Iceland—122; Greenland—268; Japan—541; Brazil—650; Korea—no data; South Africa—173. During the 1972–73 season, 5,743 minke whales were taken in the Antarctic. In the 1972–73 season, Japan sent two factory ships to the Antarctic specifically for minke whales. No estimates are available of the abundance of this species in the North Pacific or North Atlantic. In the Southern Hemisphere the present population, which is virtually unexploited, numbers at least 200,000 (International Whaling Commission, 1973).

*General Biology:* The minke whale is the smallest member of the genus *Balaenoptera*, not exceeding 10 m in length in the Northern Hemisphere. The northern animals are distinguished by a white band on the flipper; individuals from the Southern Hemisphere average about a meter longer, and usually lack the white flipper band. The minke whale feeds mainly on euphausids, but also takes some small fishes. In the Northern Hemisphere, it attains sexually maturity at an age of 7 to 8 years and an average body length of 7.0 m in males and 7.9 m in females. The female bears a calf only once every 2 years (rather than annually, as once believed). During the summer, pregnant females migrate to much higher latitudes than do the lactating and immature females.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* Research on minke whales is being conducted by the Japanese Far Seas Fisheries Research Laboratory, the South African Division of Sea Fisheries, and the Norwegian State Institute for Whale Research.

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Bryde's Whale (*Balaenoptera edeni*)

*Distribution and Migration:* The Bryde's whale is found in tropical and warm temperate coastal waters around the world. In the western Atlantic Ocean, it ranges from the Gulf of Mexico south to Cabo Frio, Brazil, and in the eastern Atlantic Ocean from Morocco south to the Cape of Good Hope. In the Indian Ocean, it ranges from the Cape of Good Hope north to the Persian Gulf, east to the Gulf of Martaban, Burma, and thence south to Shark Bay, Western Australia. In the western Pacific Ocean, it is distributed from northern Hokkaido, Japan, south to Victoria, Australia, and North Island, New Zealand in the eastern Pacific Ocean, it ranges from central Baja California, Mexico, south to Iquique, Chile.

At least some of the temperate zone populations (Japan, South Africa) make limited seasonal migrations. The tropical populations may be sedentary.

*Abundance and Trends:* The Bryde's whale is of minor importance in the modern whaling industry. Until recently, only a few of these animals were taken by shore stations in Japan, South Africa, and rarely elsewhere. Since 1970, however, increasing numbers have been harvested by Soviet and Japanese pelagic expeditions in the western North Pacific Ocean, as these expeditions have shifted operations more to the south. The population in the western North Pacific Ocean (the only one that has been exploited significantly) numbers between 5,000 and 18,000, and is probably above the level needed for a maximum sustainable yield (Ohsumi, Shimadzu, and Doi, 1971). Estimates of populations elsewhere in the world have not been made.

*General Biology:* The Bryde's whale is very similar in appearance to the sei whale, and the two species were formerly confused. The Bryde's whale is slightly smaller—usually less than 13.5 m long; its throat grooves extend posteriorly beyond the umbilicus, and it has a pair of lateral ridges on top of its snout, one on each side of the median ridge. The fringe on its baleen plates is much coarser than that of the sei whale. It feeds mainly on small schooling fishes, and also takes some euphausiids and other crustaceans. Males attain sexual maturity at an average length of 12.2 m and females at 12.5 m. The mating and calving season is usually during the winter, but in some areas—South Africa, for example, they breed year-round. The gestation period is about 1 year. The female does not bear a calf 2 years in succession.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* Research on the Bryde's whale is being conducted by the South African Division of Sea Fisheries and the Japanese Far Seas Fisheries Research Laboratory.

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Sei Whale (*Balaenoptera borealis*)

*Distribution and Migration:* The sei whale is nearly worldwide in distribution. In the eastern North Pacific, it summers from California to the Gulf of Alaska and Aleutian Islands; in the North Atlantic, from New England and the British Isles to the Arctic Ocean. In winters at low latitudes. In the Southern Hemisphere this species summers in all oceans from 30° S latitude southward, and in winter it is generally found north of 40° S. latitude.

*Abundance and Trends:* Information in this section is from the annual reports of the International Whaling Commission and from recent reports of the Bureau of International Whaling Statistics. Stock sizes available for commercial harvest are estimated to be about 80,000 in the southern oceans and 33,000 to 37,000 in the North Pacific Ocean. Definitive stock estimates of this species in the North Atlantic are not available, though a tentative estimate for the population off Nova Scotia is 1,570. In addition, all stocks contain unknown numbers of sei whales younger than those utilized commercially because a minimum length restriction prevents the taking of these animals and development of population data on this segment of the herd. The sei whale is the second most valuable baleen whale, and populations appear to be near the level of maximum sustainable yield. Catches of sei whales in recent seasons have been:

| Season | North Pacific | North Atlantic | Southern oceans (south of 40° S.) [1] | Southern land stations |
|---|---|---|---|---|
| 1969 | 5,158 | 222 | 5,857 | [2] 824 |
| 1970 | 4,504 | 551 | 6,153 | 128 |
| 1971 | 2,903 | 475 | 5,452 | 446 |
| 1972 | 2,327 | 315 | 3,864 | 9 |
| 1973 | 1,856 | 139 | 4,392 | 30 |

[1] Southern oceans catches are for the seasons 1969–70, 1970–71, 1971–72, 1972–73, respectively.
[2] No information from Brazil and Chile in 1969.
[3] Does not include 490 taken in South Atlantic Ocean by a pirate combined catcher/factory vessel.

*General Biology:* The species resembles the fin whale but is slightly smaller, with less white underneath, and a large dorsal fin. In the far north of the northern hemisphere it feeds mostly on copepods. The diet is much more varied in lower latitudes—including euphausiids, copepods, sauries, anchovies, herring, sardines, and jack mackerel. Sei whales usually travel in small pods of 2–5. They attain sexual maturity at 6–12 years of age, at a body length of about 13.1 m (males) and 13.7 m (females). Females bear calves every 2 or 3 years. The mating and calving season occurs in winter

in the respective hemispheres. Gestation lasts 1 year, and the calf is weaned when about 7 months old.

Seven percent of the sei whales taken off California have been infected with a unique disease that causes progressive shedding of the baleen plates and their replacement by an abnormal papilloma-like growth.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* The National Marine Fisheries Service is conducting population and biological studies of this species. Other organizations carrying out research on this species are the Japanese Whale Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), Norwegian State Institute for Whale Research (Antarctic), South African Division of Sea Fisheries (South Africa), and Soviet All-Union Research Institute of Marine Fisheries and Oceanography.

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Blue Whale (*Balaenoptera musculus*)

*Distribution and Migration:* The blue whale is found throughout all oceans from the equator to the polar pack ice zones in the Northern and Southern Hemispheres. It makes seasonal migrations between rather restricted high-latitude summering grounds and low-latitude wintering grounds.

At least three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. Each population is probably comprised of several more or less discrete stocks. The "pygmy blue whale" of the southern Indian Ocean is morphologically distinct from the stocks which spend the summer in Antarctic waters. The affinities of the blue whale populations in the Arabian Sea and Bay of Bengal are unknown.

In the eastern North Pacific Ocean, blue whales range from the Aleutian Islands and Gulf of Alaska south to central California during the summer, and from central Baja California south to southern Sinaloa, Mexico, during the winter.

In the western North Atlantic Ocean, they range from Davis Strait south to the Gulf of St. Lawrence during the summer (the winter range of this stock remains unknown).

*Abundance and Trends:* During the first half of the 20th century, the blue whale was one of the most important cetaceans to the whaling industry, but it is now so rare that it will require probably half a century of complete protection to restore the stocks to a significant level. In the North Pacific Ocean the population, which once numbered about 5,000, now contains about 1,500 individuals (Ohsumi and Wada, 1972). This species apparently has been slowly increasing since 1966, the year it was first given complete protection.

The population in the western North Atlantic (off eastern Canada), which originally numbered about 1,100, is now much less (Allen, 1970). Estimates of the eastern North Atlantic population have not been made.

The Southern Hemisphere population originally numbered about 200,000 (Chapman, Allen, and Holt, 1964), but was severely depleted before complete protection was given the stock in 1965. Gulland (1972) states that there most likely was about 4,000 catchable-size blue whales in 1963 and that this number has increased to some 6,000 presently (at about 4 to 5% per year) plus a similar number of pygmy blue whales.

*General Biology:* The blue whale is the largest mammal that ever lived on earth, reaching a known length of 29 m and a weight of 136 tons. It is distinguished from the fin whale by its mottled blue-gray color dorsally and ventrally, its smaller dorsal fin, its broad flat snout, and its black baleen plates. Blue whales feed exclusively on euphausiids during the summer and fast during the winter. They become sexually mature at an average age of about 10 years, when males of the Antarctic stocks average 22.5 m and females 24.0 m; whereas the "pygmy blue whales" of the southern Indian Ocean average about 2 m less in length. Every 2 or 3 years during the winter months the female gives birth to a calf after a 12-month gestation period. At birth the calf is about 7 m long; when weaned 8 months later it is about 15 m long.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* Observers aboard whaling and research vessels record sightings of blue whales and routinely report them to the international Whaling Commission.

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Fin Whale (*Balaenoptera physalus*)

*Distribution and Migration:* The fin whale is nearly worldwide in distribution. In the eastern North Pacific it summers from California into the Chukchi Sea, and in the North Atlantic from Cap Cod and Spain into the Arctic Ocean. The fin whale migrates to more southern latitudes in winter. In the Southern Hemisphere it is generally found at latitude 47°–60° south in summer and from 20°–40° south in winter.

*Abundance and Trends:* Information in this section is from the annual reports of the International Whaling Commission and from the report of the Bureau of International Whaling Statistics, Sandefjord. Stock sizes available for commercial harvest are estimated at about 80,000 in the Southern Hemisphere, 10,000 to 13,000 in the North Pacific, and about 7,000 in the Northwest Atlantic and possibly in the Northeast Atlantic. In addition, all stocks contain unknown numbers of whales younger than those utilized commercially because a minimum length restriction on the catch prevents the taking of these animals and development of population data on this segment of the herd. Recent catches from the stocks have been:

| Season | North Pacific | North Atlantic | Southern oceans [1] | Southern land stations [2] |
|---|---|---|---|---|
| 1969 | 1,276 | 800 | 3,002 | 224 |
| 1970 | 1,012 | 911 | 2,890 | 133 |
| 1971 | 802 | 663 | 2,683 | 40 |
| 1972 | 758 | 598 | 1,761 | 51 |
| 1973 | 460 | 342 | 1,288 | 52 |

[1] Southern ocean catches are for the seasons 1969–70, 1970–71, 1971–72, 1972–73, respectively.
[2] No information from Brazil and Chile.

The fin whale is commercially the most valuable baleen whale. Stocks in the North Pacific and southern oceans are below maximum sustainable yield levels.

*General biology:* This species is second in size only to the blue whale; in the Northern Hemisphere it grows to at least 23.2 m and is distinguished by a gray back, white belly, and well-developed dorsal fin. Fin whales feed mostly on euphausiids, but often eat fish—especially anchovies in the North Pacific and capelin in the North Atlantic.

They usually travel in small pods of 2 to 5 animals. Fin whales are sexually mature at 6–12 years, and at a body length of about 17.7 m (males) and 18.3 m (females). Females bear calves every 2 to 3 years. The mating and calving season occurs in winter in respective

hemispheres. Gestation lasts 1 year and the calf is weaned at about age 7 months.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* The National Marine Fisheries Service is conducting population and biological studies of this species. Other organizations carrying out research on this species are the Japanese Whales Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), British National Institute of Oceanography (South Africa and Antarctic), South African Division of Sea Fisheries (South Africa), and Soviet All-Union Research Institute of Marine Fisheries and Oceanography (North Pacific and Antarctic).

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Humpback Whale (*Megaptera novaeangliae*)

*Distribution and Migration:* The humpback whale is found in almost all oceans from tropical waters to the edge of, but not into, the polar pack ice zones in the Northern and Southern Hemispheres. It makes extensive seasonal migrations between higher latitude summering grounds and low-latitude wintering grounds—the latter along continental coasts or around islands.

Three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. Each population is comprised of several almost entirely discrete stocks.

In the eastern North Pacific Ocean, the humpback whale ranges from the Chukchi Sea south to southern California during the summer, and from southern California south to the Islas Revillagigedo and Jalisco, Mexico, and also around the Hawaiian Islands, during the winter.

In the western North Atlantic Ocean it ranges from Disco Bay in western Greenland south to Massachusetts during the summer, and from Hispaniola and Puerto Rico south to Trinidad during the winter.

*Abundance and Trends:* The humpback whale was important, especially to shore stations, during the first half of the 20th century. Now, however, this mammal is so scarce that it will require a half century of complete protection for it to increase to a significant level. A few are killed in subsistence fisheries in Greenland, the Lesser Antilles, and the Tonga Islands. It has a minor value as a tourist attraction in Hawaii and southeastern Alaska. The original population size of the North Pacific Ocean is unknown, but is now severely depleted to about 1,200 individuals (Wada, 1972). The population has apparently not increased since complete protection was given the species in 1966.

The original population size of the North Atlantic Ocean is unknown and the western North Atlantic Ocean stock is now reduced to less than 1,000 animals (Allen, 1970). A small increase may have occurred in recent years. Estimates of the eastern North Atlantic Ocean population have not been made.

The original population of the Southern Hemisphere, which probably numbered about 100,000, now contains about 3,000 individuals (Chapman, in press; Masaki, 1972). The stock has apparently not increased since complete protection was given the species in 1964.

*General Biology:* The humpback whale is much more heavily bodied than members of the genus *Balaenoptera*, and is characterized by its extremely long flippers. It feeds mainly on euphausiids, but also eats anchovies and sardines when available. The species attains sexual maturity at an age of 6 to 12 years, when males average 11.6 m long and females 11.9 m. The mating and calving season is from October to March in the Northern Hemisphere, and April to September in the Southern Hemisphere. The gestation period is 12 to 13 months and the calf nurses for about 11 months. The female rarely bears a calf 2 years in succession.

The humpback whale is heavily infested with three species of ectocommensal barnacles and with whale lice.

*Ecological Problems:* None known.

*Allocation Problems:* None at present.

*Current Research:* Observers aboard research vessels and foreign whaling ships record sightings of humpback whales and routinely report them to the International Whaling Commission.

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Rough-Toothed Dolphin (*Steno bredanensis*)

*Distribution and Migration:* The rough-toothed dolphin inhabits tropical and warm temperate seas. It ranges in the western Atlantic Ocean from Virginia south.. In the North Pacific Ocean it ranges north to southern Japan (35°N) where it is rare, and to the Hawaiian Islands where it is fairly common. It is known from the eastern Pacific from strandings near San Francisco and in the Galapagos Islands and from several records in the tropical tuna fishery where it occasionally is captured together with bottlenosed, spotted, and spinner dolphins.

*Abundance and Trends:* The rough-toothed dolphin is uncommon but not rare throughout most of its range. It is caught infrequently in the Japanese dolphin fishery (Ohsumi, 1972).

*General Biology: Age-Growth Data.*—This dolphin grows to about 2.4 m.

*Feeding Habits.*—Very little is known about feeding habits of this species. The stomachs of specimens captured in the tuna fishery contained remains of fish and squid.

*Ecological Problems:* None known.

*Allocation Problems:* Rough-toothed dolphins are occasionally trapped accidentally in commercial fishing gear. In this way, a small number are lost in the eastern Pacific international tuna seine fishery.

*Current Research:* The Oceanic Institute in Hawaii is studying this species in the wild and has a *Steno-Tursiops* hybrid in captivity. Specimens retrieved from the incidental kill in the eastern Pacific international tuna fishery are examined at the Southwest Fisheries Center, La Jolla, California.

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Bottlenosed Dolphin (*Tursiops truncatus*)

*Distribution and Migration:* The bottlenosed dolphin is widely distributed in temperate and tropical waters, but strays into much colder latitudes. In the western Atlantic Ocean, it ranges from southern Greenland and Canada to Patagonia, but is best known from New England southward through the West Indies and Caribbean. In the eastern Atlantic, it is found from the northeast Scandinavian coast to South Africa. In the eastern Pacific Ocean, its northern limit is probably Oregon, and it ranges south to Chile. In the western Pacific, it is found north to Japan and south to Australia and New Zealand. Its Pacific range includes the Hawaiian Islands, where it is said to be common. Nominal species have been named from the tropical IndoPacific (*T. aduncus*), and the northern Gulf of California and waters along the west coast of Baja California and southern California (*T. gilli*). The geographical ranges and characters delimiting these named forms are still poorly defined. The Small Cetaceans Subcommittee of the International Whaling Commission, commented on the taxonomy of (*Tursiops*), as follows: "The necessary taxonomic work has not yet been done, it seems likely that there is only one species of *Tursiops*, with sharply-defined geographical races varying in body size and tooth size and distributed differentially relative to sea temperature and depth. There is great need to gather materials that will allow definitive examination of the nominal species *T. aduncus*, *T. gilli*, and *T. nunanu*, and materials from as many other populations as possible. These names are currently used by some workers." Limited and subjective data suggest that populations are localized within about a 100-mile radius and that this species does not make long migrations. This dolphin is likely to be seen in bays and lagoons, sometimes venturing far up large rivers. These dolphins are usually found close to shore and near islands, but some populations live well beyond the continental shelf. Bottlenosed dolphins are often seen in large loose schools of several hundred animals, which appear to consist of aggregations of small groups of no more than a dozen individuals. Humpback and right whales traveling along the Atlantic coast of Florida are almost always accompanied by bottlenosed dolphins.

*Abundance and Trends:* In North Carolina, from 500 to 1,500 animals were killed annually during the early 20th Century (Townsend, 1914). A few bottlenosed dolphins are now taken for food in small open-boat pilot whale fisheries in the Lesser Antilles (St. Vincent, St. Lucia, Dominica) and some are harvested by Venezuelan fishermen. In the past, several hundred bottlenosed dolphins have been taken each year off Florida, Mississippi, and Texas for display in marine aquariums and for research. However, since the passage of the Marine Mammal Protection Act in December 1972 requests to capture only 131 Atlantic bottlenosed dolphin have been granted. Based on subjective data it is believed that local populations of the southeastern United States are not now being significantly affected by these activities (D. K. Caldwell, pers. comm.).

*General Biology: Reproductive Data.*—Gestation lasts about 1 year, and calves may nurse for 1.5 to 2 years, although they begin to take solid food at age 6 months. Breeding apparently occurs throughout the year, but the fact that most of the young are born during a certain time of year suggests that breeding, as well as calving, takes place in the spring and summer.

*Age-Growth Data.*—Bottlenosed dolphins are 1.0 m long at birth and grow to 3.6 m in length and 650 kg in weight. Captive animals have become sexually mature at 6 years, but recent evidence suggests that this species normally breeds at about 12 years. The estimated life span for this species is about 25 years, but it may be longer indicating that natural mortality is low.

*Feeding Habits.*—Bottlenosed dolphins feed on several species of fish, squid, and a few crustaceans.

*Ecological Problems:* None known.

*Allocation Problems:* Some fishermen state that bottlenosed dolpins harass fishing efforts by biting fish and shrimp nets and some attempt to drive them away. Bottlenosed dolphins are occasionally trapped accidentally in commercial fishing gear. In this way, a small number are lost in the eastern Pacific international tuna seine fishery. The effect on the population of taking these animals for display and research off the southeast United States requires further study.

*Current Research:* Several agencies and institutions conduct or support research on the bottlenosed dolphin. Included are the Office of Naval Research, National Institutes of Health, and the National Science Foundation. The University of Florida concentrates its research on general life history, intraspecies communciation, and ecological studies. The Florida State Museum is studying systematics. Research in physiology, echolocation, anatomy, life history and the behavior of captive and wild individuals has been done at the Naval Undersea Centers in San Diego and Hawaii. Studies on vision are being carried out by scientists from the University of Miami. The Dolfinarium at Hardewijk, Netherlands, has recently conducted studies of the physiology and handling of these animals. Specimens retrieved from the incidental kill in the eastern Pacific international tuna fishery are examined at the Southwest Fisheries Center, where studies are underway on their systematics, distribution, life history, and feeding habits.

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Risso's Dolphin (*Grampus griseus*)

*Distribution and Migration:* The Risso's dolphin ranges through all temperate and tropical seas. In western North America its northern limit is British Columbia, and it is sighted during the winter in central California. In the eastern United States it ranges from Massachusetts south. Strandings in Britain are most common during the summer. The species probably migrates to higher latitudes in the warmer months.

*Abundance and Trends:* Risso's dolphin was described in 1894 as "abundant" near Monterey Bay, California (Daugherty, A. E., 1972). The species is uncommon but not rare throughout most of its range. Over 200 of these animals were sighted in one group during 1972 off the Washington coast. (Fiscus, Unpublished field notes, 1972).

*General Biology:* Risso's dolphin grows to 3.6 to 4.0 m. Its skin commonly has long, narrow, white marks believed to be scars caused by others of the same species. Solitary animals or schools of 12 or less are generally observed. This species is frolicsome, and sometimes leaps clear of the water. Known foods are almost exclusively cephalopods.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* None.

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White-Beaked Dolphin (*Lagenorhynchus albirostris*)

*Distribution and Migration:* The white-beaked dolphin inhabits the coastal waters of the North Atlantic Ocean from the Barents Sea and Davis Strait to France and Massachusetts. It is most common in the North Sea from the east coast of the United Kingdom to the Faroe Islands, and may winter in the southerly parts of the North Atlantic Ocean. It appears in Davis Strait in the spring and summer after the beluga and narwhal migrate north and leaves in autumn sometimes as late as November.

It apparently ranges farther north into Arctic waters than its relative, the white-sided dolphin.

*Abundance and Trends:* This species is one of the more abundant of North Atlantic toothed whales. Schools of as many as 1,500 have been reported from the coast of Norway where it is attracted by herring (Fraser, 1949).

Tomilin (1957) reports schools of several hundred and states that this species is taken commercially in Norway, but gives no statistics on the catch. He also mentions that it was once taken commercially in Davis Strait.

*General Biology:* This gregarious species grows to 3.0 m; the calves are as long as 1.2 m when born. The mating period is long, but limited to the warmer half of the year. Most of the calves are born during midsummer. Food is mainly fish such as herring, cod, whiting, and capelin, but also crustaceans and molluscs such a hermit crabs, whelks, and squids.

*Ecological Problems:* Strandings of schools of up to 30 animals have been reported.

*Allocation Problems:* None known.

*Current Research:* None.

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Atlantic White-Sided Dolphin (*Lagenorhynchus acutus*)

*Distribution and Migration:* The Atlantic white-sided dolphin ranges the coastal waters of the North Atlantic Ocean from the Barents Sea and Davis Strait south to France and Cape Cod.

*Abundance and Trends:* The status of this species is unknown. According to Tomilin (1957), "this dolphin is taken only in summer in the waters of Norway: the animals are trapped in the fjords, which they enter in vast schools pursuing herring. The take may reach 1,500 individuals at a time."

*General Biology:* This species grows to 3.0 m. The young are born mostly in midsummer and are about 1.0 m in length. It feeds mostly on pelagic and benthopelagic fish such as mackerel, salmonids, and herring, and some crustaceans and molluscs such as *Pagurus* and *Buccinum*. Schools in excess of 1,000 animals have been reported while they were feeding; groups of 10 to 50 are normally seen.

*Ecological Problems:* Stranded schools of up to 30 have been reported.

*Allocation Problems:* None known.

*Current Research:* None.

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Pacific White-Sided Dolphin (*Lagenorhynchus obliquidens*)

*Distribution and Migration:* The Pacific white-sided dolphin ranges the northern North Pacific from the coast of Japan and Baja California northward. It is found year-round off California and Washington and in Alaska and Kurile Island waters during the summer, but has not been reported from the Bering Sea. It frequents the waters of the continental shelf and slope but on occasion has been sighted in large schools in offshore waters.

*Abundance and Trends:* Norris and Prescott (1961) report the species as common off southern California in inshore waters in winter and spring and offshore in summer and fall. According to sighting reports in the National Marine Fisheries Service files, Seattle, and by Pike and MacAskie (1969), this species may be the most abundant dolphin north of southern California. No estimate of the size of the population along the west coast of North America has been made.

Nishiwaki (1972) estimates the population in Japanese waters to be between 30 and 50 thousand. Klumov (1959) reports that the Pacific white-sided dolphin is one of the two most numerous dolphins found in the late summer and fall in the Kurile Islands area, and forms schools of up to several thousand animals.

A few of these animals are taken for display in ocean aquaria.

*General Biology:* This species grows to 2.3 m, and weighs up to 181 kg. A male 1.2 m in length with milk in its stomach was taken off Washington. It probably breeds in late spring to autumn, with a gestation period of 10–12 months. Schools of thousands are seen, often together with common and right-whale dophins. It is active day and night, frolics, follows ships, dashes across ships' bows, and occasionally jumps clear of the surface. It adapts well to captivity. This dophin feeds primarily on cephalopods and small fish such as herring, sardine, anchovy, and saury.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* None.

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Fraser's (Sarawak) Dolphin (*Lagenodelphis hosei*)

*Distribution and Migration:* Only a single specimen of the Fraser's dolphin, from Borneo, was known to science until 25 of the mammals were taken in a tuna purse seine in the eastern tropical Pacific. Since then, it has been recorded from several widely separated localities in the Pacific and Indian Oceans: Durban, South Africa; near Sydney, Australia; Tokyo, Japan; and the Central Pacific south of Hawaii.

*Abundance and Trends:* The animal is rare in collections and presumably not common in its habitat (Perrin et al., 1973).

*General Biology: Age-Growth Data.*—Length at birth is approximately 1 m, and the adults are about 2.5 m long.

*Feeding Habits.*—This dolphin feeds on deep-living fishes and squids.

*Ecological Problems:* None known.

*Allocation Problems:* Loss of Fraser's dolphins in the eastern Pacific international tuna fishery is minor in terms of absolute numbers, but may be significant considering the apparent extreme rarity of the animal. Twenty-nine of thirty-four identified specimens worldwide have been taken incidentally by tuna seiners.

*Current Research:* None

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Spotted Dolphin (*Stenella attenuata, S. frontalis, S. graffmani, S. dubia*)

*Distribution and Migration:* Knowledge of the spotted dolphins is scanty, and their taxonomy is confused, but two species probably exist. The taxonomy used here is provisional. One form is confined to warm waters of the Atlantic and probably is *Stenella plagiodon* which is discussed in a separate status report. The other apparent species occurs in all tropical waters of the world, including the Atlantic Ocean, and has been identified as belonging to the four above-listed nominal species. Taxonomists do not agree on the taxonomy. The two apparent species are different in basic color pattern but both have spots.

The spotted dolphin occurs in the Gulf Stream adjacent to the U.S. east coast. Nothing is known of its migrations. It has not been recorded from the U.S. Pa-

cific coast, but it is the primary cetacean species involved offshore in the international yellowfin tuna fishery in the eastern tropical Pacific, from Cabo San Lucas to Peru and west to approximately longitude 145 W. In the eastern tropical Pacific, this species commonly associates with the spinner dolphin in mixed aggregations of up to several thousand animals.

Skull measurements and other features indicate that there are at least two races of spotted dolphin in the eastern Pacific and another in Hawaiian waters. They differ in several features. A coastal form is relatively large and robust, has heavy jaws and teeth, and is restricted to onshore waters from Guaymas, Sonora, Mexico, to northern Peru. An offshore race is relatively small and slender, has lightly built jaws and teeth, is spotted to varying degrees, and occurs in offshore waters west to about 145 W longitude. The ranges of the two forms may overlap, or the boundary between them may move seasonally or from year to year. They have not been observed or captured together, but in the central latitudes of the range the coastal form has been collected as far offshore as 50 km and the offshore form as far inshore as 20 km from the coast. The offshore form predominates in the eastern tropical Pacific yellowfin tuna fishery. Another race inhabits the waters around Hawaii and may extend into the South Pacific and to the west. This form is also small and slender, but relatively lightly spotted.

The maximum recorded straight-line movement of a single animal is 1,300 miles (2,080 km) in 236 days.

*Abundance and Trends:* Extrapolations from a feasibility study of using aerial surveys for estimating the sizes of stocks of dolphins in the eastern tropical Pacific resulted in a first-order approximation of the magnitude of the offshore population of spotted dolphins available to the fishery to be between 2.3 and 4.9 million animals in early 1974. The preliminary estimate of incidental kill in the international tuna fishery during 1974 was between 79,900 and 97,300 animals, resulting in a first approximation of the annual rate of incidental mortality for the spotted dolphins available to the fishery to be between 1.6 and 4.2 percent. Estimates of incidental kill in previous years are 184,300 animals in 1971, 270,300 animals in 1972, and 107,800 animals in 1973. First-order estimates of the annual capacity for increase (total births minus natural deaths) are 1.4 to 4.0 percent. All the above first estimates are based on a number of presently unverified assumptions. In addition it is not possible at this time to make a probability statement that the above ranges include the true values of stock size, mortality, and mortality rates. Unverified assumptions under examination, which would significantly alter the populations size and rate estimates above, include: (1) spotted dolphin school size was the same in early 1974 as the average throughout 1973, and 2) density of spotted dolphin schools was the same in the unsurveyed areas of the fishery as in the surveyed areas. Other significant assumptions not readily verifiable for these years include: 1) composition (species, sex, age, etc.) of the observed kill is representative of the total kill and the populations, 2) the species composition is the same for inside and to the west of the yellowfin tuna regulatory area, (3) the observed kill is the only significant fishery-related kill, and 4) incidental kill rates of (a) regulated and non-regulated fishing trips and (b) U.S. and foreign fleets are the same. No estimates of abundances and trends are available for the other stocks.

*General Biology: Reproductive Data.*—Breeding in the western Pacific takes place throughout the year, with diffuse seasonal peaks in February, March, July, and November. Gestation is 11.2 months on the average. The mean length of reproductive cycle is about 50 months. Some females live for more than 40 years and have an average of 8.3 calves (Kasuya et al., 1974).

*Age-growth Data.*—In the western Pacific, length at birth is 89 cm. Sexual maturity is attained at 8.2 years in females and 10.3 years in males. Physical maturity is attained soon after the attainment of sexual maturity, at a length of 195 cm in females and 203 cm in males. In the western Pacific, annual natural mortality is 0.074 in the mature females and about half that in immature animals. Natural mortality rates are higher in males than in females (Kasuya et al., 1974).

*Feeding Habits.*—Spotted dolphins feed on small meso-pelagic and epipelagic fishes and squids.

*Ecological Problems.* None known.

*Allocation Problems.* Because of their association with yellowfin tuna, many of these mammals are taken incidentally during tuna harvesting operations by fishermen from the United States, Canada, France, Japan, Mexico, Panama, and other countries in coastal and international waters in the eastern tropical Pacific.

The foreign share of the tuna catch has been increasing in recent years resulting in an increasing proportion of the total incidental kill being caused by foreign fishermen. In 1970 foreign fishermen are estimated to have caused 3 percent of the incidental porpoise kill within the yellowfin tuna regulatory area. By 1973 the proportion of the kill by foreign fishermen is estimated to have increased to 20 percent. The increase is expected to continue. (The above estimates are based on the assumption that incidental kill per set on tuna associated with porpoise is the same for foreign vessels as that observed for U.S. vessels.)

*Current Research.* The National Marine Fisheries Service and the tuna industry are assessing the effects of porpoise mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. No other nation involved in the Pacific tuna fishery is conducting research aimed at improving rescue methods and gear to eliminate porpoise losses associated with the tuna harvest.

Other research includes systematic and ecological studies by P. J. H. van Bree at the Zoological Museum in Amsterdam, W. Dawbin at Sydney University, and E. D. Mitchell at the Arctic Biological Station of the Fisheries Research Board of Canada in Ste. Anne de Bellevue, Quebec.

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Atlantic Spotted Dolphin (*Stenella plagiodon*)

*Distribution and Migration:* The Atlantic spotted dolphin (exact taxonomic position not yet known) is probably con-

fined to tropical and subtropical waters of the Atlantic Ocean. It occurs on the U.S. Gulf coast and off the east coast in Gulf Stream waters, and may be restricted to continental waters, being replaced in the West Indies by some other species in this genus (probably *Stenella frontalis*). Seasonal inshore-offshore migrations occur in Florida waters, and perhaps elsewhere in the Gulf of Mexico, with animals moving close to shore in late spring.

*Abundance and Trends:* Population estimates have not been made for this species. The only known fishery for the species has taken 12 or fewer animals per year for display, however, these animals do not easily withstand handling and captivity. Thus, an increased fishery for display animals is not likely.

*General Biology:* The newborn are about 0.8 m long, and the adults reach 2.0 to 2.2 m in length. Little is known of the life history of this species. Except for the annual spring migrations to near shore, this species is considered a mammal of the outer continental shelf or adjacent high seas. Spotted dolphins appear to feed primarily on squid in the wild, but they readily adopt to a fish diet in captivity. Newborn and young animals are not spotted, but progress through a series of color changes until the adults become spotted all over except for the ventral surface near the belly. This species is subject to infestations externally by barnacles and whale lice, internally by trematodes in the stomach, liver, and pancreas, and nematodes in the lungs and stomach. In captivity and in cold weather, these animals easily contract pneumonia.

*Ecological Problems:* Little is known about the ecology of this dolphin, but because it normally lives well offshore, it seems likely that it is little affected by man.

*Allocation Problems:* None known.

*Current Research:* Some information on this species has been gathered incidental to studies by the Office of Naval Research on the bottlenosed dolphin. Most of the recent research has been on various aspects of sound production by this species. However, David K. and Melba C. Caldwell have long been gathering general biological information at the Marine Mammal Center of the Communication Sciences Laboratory of the University of Florida located at Marineland, Florida (near St. Augustine).

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Spinner Dolphin (*Stenella longirostris*)

*Distribution and Migration:* The spinner dolphin inhabits tropical inshore and offshore waters around the world. In the United States, it has been recorded on the Gulf of Mexico but not on the U.S. Pacific coast. In the eastern tropical Pacific, this species commonly associates with the spotted dolphin in mixed aggregations of up to several thousand animals. It is involved in the international tuna fishery in the eastern tropical Pacific, from Cabo San Lucas to Peru and west to about longitude 145° W. Little is known of its migrations.

There are at least three races of spinner dolphin in the eastern Pacific and one in Hawaiian waters, differing modally in several characters. One form that occurs very near the coast of Central America, referred to below as the "Costa Rican" form, is relatively long, slender, and gray.

A second race, called "eastern spinner," occurs along the coast of Mexico and seaward about 800 km and is relatively short, slender, and gray. A third, called "whitebelly spinner," occurs in far offshore waters west to about 145° W longitude and is relatively short, robust, and white below. A fourth form, relatively long, robust and white below, occurs in Hawaiian waters and possibly to the south and west. The ranges of the eastern and whitebelly forms overlap. In the area of overlap, the two forms are occasionally captured together. A few apparent intergrades have also been collected. The eastern and whitebelly forms are involved in the international tuna fishery.

The maximum recorded straight-line movement of a single animal is 280 miles (448 km) in 396 days.

*Abundance and Trends:* Extrapolations from a feasibility study of using aerial surveys for estimating the sizes of stocks of dolphins in the eastern tropical Pacific resulted in a first-order approximation of the magnitude of the offshore population of spotted dolphins available to the fishery to be between 2.3 and 4.9 million animals in early 1974. The preliminary estimate of incidental kill in the international tuna fishery during 1974 was between 79,900 and 97,300 animals, resulting in a first approximation of the annual rate of incidental mortality for the spotted dolphins available to the fishery to be between 1.6 and 4.2 percent. Estimates of incidental kill in previous years are 184,300 animals in 1971, 270,300 animals in 1972, and 107,800 animals in 1973. First-order estimates of the annual capacity for increase (total births minus natural deaths) are 1.4 to 4.0 percent. All the above first estimates are based on a number of presently unverified assumptions. In addition it is not possible at this time to make a probability statement that the above ranges include the true values of stock size, mortality, and mortality rates.

*General Biology: Age-Growth Data.*—Length at birth is approximately 0.8, and the adults grow to 1.5 to 2.2 m.

*Feeding Habits.*—The spinner dolphin feeds on small pelagic fishes and squids.

*Ecological Problems:* None known.

*Allocation Problems:* Because of its association with yellowfin tuna, this species is taken incidentally by fishermen from the United States, Canada, France, Japan, Mexico, Panama, and other countries in coastal and international waters of the eastern tropical Pacific.

The foreign share of the tuna catch has been increasing in recent years resulting in an increasing proportion of the total incidental kill being caused by foreign fishermen. In 1970 foreign fishermen are estimated to have caused 3 percent of the incidental porpoise kill within the yellowfin tuna regulatory area. By 1973, the proportion of the kill by foreign fishermen is estimated to have increased to 20 percent. The increase is expected to continue. The above estimates are based on the assumption that incidental kill per set on tuna associated with porpoise is the same for foreign vessels as that observed for U.S. vessels.

*Current Research.* The National Marine Fisheries Service and the tuna fishing industry are assessing the effects of porpoise mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. No other nation involved in the Pacific tuna fishery is conducting research aimed at improving rescue methods and gear to eliminate porpoise losses associated with the tuna harvest.

Other research includes systematics and ecological studies by P. J. H. van Bree at the Zoological Museum in Amsterdam, W. Dawbin at Sydney University and E. D. Mitchell at the Arctic Biological Station of the Fisheries Board of Canada in Ste. Anne de Bellevue, Quebec; and ethological studies by K. S. Norris at the University of California at Santa Cruz.

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Striped Dolphin (*Stenella coeruleoalba*)

*Distribution and Migration:* The striped dolphin inhabits temperate and tropical waters around the world, and has been recorded from both U.S. coasts. Nothing is known about the movements of striped dolphins in waters contiguous to the United States.

*Abundance and Trends:* Population estimates and information on trends are not available for the U.S. or eastern tropical Pacific populations. The Japanese currently take about 5,000 striped dolphins per year (Kasuya, 1972).

*General Biology:* (Biological data are based on studies carried out on the population off Japan.)

*Reproductive Data.*—The gestation period is 12 months long. Lactation lasts about 18 months, and the mean length of the reproductive cycle is about 3 years. Schools of striped dolphins segregate somewhat by age and sex.

*Age-Growth Data.*—The mean length of the newborn is 1 m. The mean age at sexual maturity in males and females is 9 years at 2.2 and 2.1 m, respectively.

*Feeding Habits.*—The stomachs of 27 specimens taken off Japan contained remains of mesopelagic fishes, squids, and crustaceans; myctophid fishes dominated.

*Ecological Problems:* None known.

*Allocation Problems:* The striped dolphin is involved in the eastern Pacific international tuna fishery to a minor extent.

*Current Research:* A Federal program of research recently begun by Japan is expected to yield an estimate of population size in the northwestern Pacific Ocean. Studies of striped dolphins incidentally killed in the international tropical tuna fishery are underway at the Southwest Fisheries Center.

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Common Dolphin, Whitebelly Porpoise (*Delphinus delphis*)

*Distribution and Migration:* This species is worldwide in distribution in temperate to tropical waters of from 12°–28° C. There may be more than one species; pronounced variation in size, shape, and coloration has been demonstrated for three distinct populations in the eastern Pacific (W. E. Evans pers. com.). In the northwestern Atlantic Ocean, where this animal is also known as the saddleback dolphin, this mammal ranges from Newfoundland to the Caribbean Sea. In the northeastern Pacific Ocean, the primary distribution of this species is from the California-Oregon border to Costa Rica, but one stranded animal was found in British Columbia. Large populations occur off southern California, (Santa Barbara to San Diego), the west coast of Baja California, Mexico (Cedros Island to Cape San Lucas), and Costa Rica. A relatively large population also occurs in, and may be a resident of, the Gulf of California. In southern California waters *Delphinus* is present throughout the year but is most abundant from August to January. An observed decrease in herd size during the spring and summer may be due primarily to the animals breaking up into small subgroups of 50 to 200 animals, and a general movement offshore and northward.

*Abundance and Trends.* No estimates have been made on stock sizes.

*General Biology: Reproductive Data.*—Males and females may segregate between mating seasons, especially when the latter are nursing calves or are about to bear their young. The gestation period lasts 10–11 months with a post-parturition estrus. The young dolphin is weaned at about age 5–6 months (110–120 cm overall length), but may stay with the female up to 1 year. In the northeastern Pacific Ocean, this species appears to have two mating seasons (January–April and August–November), and two calving seasons (March–May and August–October).

*Age-Growth Data.*—The young are 75–85 cm at birth. The males grow to 2.6 m and are an average of 14 cm longer than females. The average individual of the northeastern Pacific Ocean is larger than that of the Black and Mediterranean Seas. The largest known specimen from the Black Sea was 212 cm; however, in the northeastern Pacific Ocean a male 259 cm long was taken.

*Parasites and Disease.*—Parasitism has been implicated in natural mortality. The brains of 12 stranded specimens contained flukes and their eggs, which in most cases had caused abscesses and lesions.

*Feeding Habits.*—This species is seldom found inside the 100-fathom line, but it frequents seamounts, escarpments, and other prominent offshore features. The animal makes most of its dives in excess of 10 fathoms after sunset. The deepest dive recorded is 140 fathoms, but the average dive is to 30 fathoms. During feeding the animal stays under water for 2 to 3 minutes, but dives of 5 minutes have been recorded. It feeds mainly on anchovy, sprat, pelagic pipefish, and cephalopods in the Black Sea; whiting, horse mackerel, sardine, and hake in the Atlantic Ocean; and anchovy, cephalopods, myctophids, and hake in the northeastern Pacific Ocean.

*Ecological Problems:* None known.

*Allocation Problems:* Because the northern anchovy and squid constitute the bulk of this mammal's diet in the northeastern Pacific Ocean, a substantial increase in the fishery for these resources might have a noticeable effect on the porpoise populations. Delphinus is the third most important species of porpoise taken incidentally in the eastern tropical Pacific international tuna purse seine fishery.

The preliminary estimated incidental kill in the international tuna fishery during 1974 was 5,000 animals. Estimates of incidental kills in previous years are 4,200 animals in 1971, 8,900 animals in 1972, and 21,100 animals in 1973. (Significant assumptions made in order to estimate the incidental kills are discussed in Part I, Porpoise/Tuna Research and Development.)

*Current Research:* The National Marine Fisheries Service and the tuna fishing industry are assessing the effects of porpoise mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. Studies of behavior, distribution, and abundance have been conducted by the Naval Undersea Center, San Diego, California, since 1968. This research terminated at the end of FY '73 at NUC but will continue at the Southwest Fisheries Center.

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Northern Right Whale Dolphin (*Lissodelphis borealis*)

*Distribution and Migration:* Little is known about the distribution of the northern right whale dolphin other than that it inhabits temperate waters of the North Pacific Ocean.

In the western North Pacific Ocean, the northern right whale dolphin is found from Cape Inubo, Japan, north as far as Etorofu and Paramushir Islands, from where it apparently migrates southward in autumn or winter to near the southern Kurils and is common, at least seasonally, in the northern Sea of Japan.

In the eastern North Pacific, this species has been reported from 30° to 50° north latitudes, though mostly from California. It occurs in the southern California continental borderland only from October or November to about April.

Though it is also oceanic, the right whale dolphin has been observed most frequently along the continental slope and near such features as sea mounts and banks. It has been seen close to the California Channel Islands and the mainland coast near San Diego and Palos Verdes. Two sightings and one specimen from the central Pacific suggest that the species may be continually distributed across the temperate North Pacific.

*Abundance and Trends:* Groups of 200 are most common, but herds of an estimated size of from 300 to 1,000 off Japan and up to 2,000 off southern California have been seen. Although the species was once thought to be uncommon, aerial surveys have revealed that it is abundant off the Pacific Coast of North America (Leatherwood, pers. comm.). This species is reportedly common in the northern Sea of Japan (Okada and Hanaoka, 1940), where it is harvested.

*General Biology:* Newborn animals are about 0.6 m in length and grow to 3.1 m. The species is gregarious and is frequently reported in close association with the white-sided dolphin, with which it shares an extensive common range.

Right whale dolphins may reach speeds in excess of 25 knots in bursts. One entire herd averaged over 15 knots for 30 minutes while attempting escape from a helicopter. When approached, the animals may move away quietly or in a series of low angle leaps, each covering as much as 7 m. Individuals that are widely scattered when approached bunch together tightly while fleeing from the cause of their disturbance.

Food is primarily squid, but also miscellaneous fishes, including myctophids and engraulids. Parasites include trematodes and cestodes.

*Ecological Problems:* If migrations are food dependent, decimation of food supplies in the southern end of its range could adversely affect the species.

*Allocation Problems:* None known.

*Current Research:* The only research known is an unfunded examination of all museum materials, collection of beached specimens, and survey of literature being conducted by J. S. Leatherwood, NUC, San Diego, R. F. Green, Ventura College, Calif., and W. A. Walker, Palos Verdes, California.

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Broad-Beaked Dolphin (*Peponocephala electra*)

*Distribution and Migration: Peponocephala* inhabits the tropical Atlantic, Indian, and Pacific Oceans.

*Abundance and Trends:* The status of this species is unknown, except that it is apparently rare (Nishiwaki and Norris, 1966).

*General Biology:* Unknown.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* None.

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Pygmy Killer Whale (*Feresa attenuata*)

*Distribution and Migration:* The pygmy killer whale probably inhabits most tropical waters.

*Abundance and Trends:* The status of this species is unknown except that it is apparently rare (Caldwell and Caldwell, 1971). The species has been captured for exhibit in the oceanaria of Hawaii and Japan.

*General Biology:* The adults reach about 2.4 m. In appearance they resemble a small false killer whale. They are aggressive in captivity.

*Ecological problems:* None known.

*Allocation Problems:* This species has been reported as captured to a very minor extent in the yellowfin tuna fishery in the eastern tropical Pacific.

*Current Research:* None.

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False Killer Whale (*Pseudorca crassidens*)

*Distribution and Migration:* The false killer whale ranges through all temperate and tropical seas. It is an oceanic form, found on the Atlantic side of the United States from North Carolina south, and on the Pacific side from the Aleutian Islands south.

*Abundance and Trends:* This species is uncommon throughout most of its range. It is seldom caught in the Japanese small whale fishery but is common on the Pacific side of Honshu (Ohsumi, 1972).

*General Biology:* The males grow to 6.1 m and the females to 4.9 m; adult animals weigh up to 1,360 kg. Mating appears to be over a protracted period, with young born at about 1.8 m. False killer whales are found in schools of both sexes and all ages. They have been seen eating dolphinfish (mahi-mahi) off Hawaii.

*Ecological Problems:* Schools of up to 835 of these animals have stranded.

*Allocation Problems:* The Japanese state that a toothed whale (shachi), which may or may not be the false killer whale, does much damage to their longline tuna industry by feeding on hooked fish.

*Current Research:* None.

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Common Pilot Whale, Pothead, Blackfish (*Globicephala melaena*)

*Distribution and Migration:* This pilot whale inhabits the North Atlantic Ocean south to Virginia and the Mediterranean. It is a schooling mammal and appears regularly off the Canadian and United States coasts. It generally favors pelagic regions, but often moves close to shore in search of food.

*Abundance and Trends:* The status of this species is unknown. A total of 3,000 to 4,000 were killed annually in local Newfoundland fisheries (Sergeant, 1962), but only a few have been taken in recent years. About 177,000 were taken in the Faeroe Islands from 1584 to 1883 (Tomilin, 1957), and are still being harvested there and in Norway.

*General Biology:* The adults grow to about 6.5 m; females are usually mature at age 6 to 7 years and males at about age 12. Calves are about 1.8 m long at birth, in July to August, although full-term fetuses have been found year-round. Cows probably bear calves every 3 years, the gestation period is about 16 months, and lactation lasts about 2 years. Pilot whales are gregarious, and occur in schools of hundreds and thousands. They have a distinct social organization; however, the sex ratio is not always equal in stranded groups. They are believed polygamous by some, with bachelor males sometimes forming separate schools. They travel in tight schools when not feeding, and disperse into scattered groups when on feeding grounds. Captive pilot whales feed at night and sleep days. They have a top swimming speed of over 25 mph, and a longevity of about 50 years. They feed almost exclusively on squids, but also eat small fish such as clupeids and gadids. Sergeant (1962) estimates food intake per year at about 11.5 times the weight of the animal.

*Ecological Problems:* Whole schools sometimes strand.

*Allocation Problems:* None known.

*Current Research:* None.

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Short-Finned Pilot Whale (*Globicephala macrorhyncha*)

*Distribution and Migration:* In the North Atlantic Ocean, this pilot whale ranges from New Jersey and Madiera south to at least northern Brazil and Dakar, Senegal. In the North Pacific Ocean it is found from Japan and the Aleutian Islands to probably Peru. It is an oceanic species with a very wide range. Schools of pilot whales appear regularly off U.S. coasts. It generally favors offshore waters, but often moves closer to land in search of food. Greatest numbers are seen in the eastern North Pacific in winter, fewer in summer.

*Abundance and Trends:* The status of this species is unknown except that it is fairly abundant around the California Channel Islands (Norris and Prescott, 1961). The population of pilot whales around the Channel Islands has been fished for live specimens to supply U.S. oceanaria since about 1955. Many pilot whales are taken in the Japanese small-whale fishery. This species is also taken in the lesser Antilles.

*General Biology:* The adults grow 4.6 to 6.7 m. Little work has been done on this species, but indications are that the general biology is similar to *G. melaena*.

*Ecological Problems:* Schools of this species often strand.

*Allocation Problems:* None known.

*Current Research:* The taxonomy of Pacific *Globicephala* is being studied by R. L. Brownell and D. K. Caldwell in the United States, and T. Kasuya and M. Nishiwaki in Japan. The U.S. Navy is studying the behavior and distribution of the pilot whale.

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Killer Whale (*Orcinus orca*)

*Distribution and Migration:* The killer whale is worldwide and ranges north and south to polar ice. It is more common in cooler waters, and in more productive coastal areas. The Strait of Georgia in British Columbia, Prince William Sound in Alaska, and Puget Sound in Washington State are areas of concentration. Migratory habits are probably dependent on food supply, and killer whales are most numerous in Puget Sound in November and late summer. In Japan, most of these mammals are taken from April to November, with the greatest number from August to November. In the Norway fishery, killer whales seem dependent on distribution and migration of herring, capelin, and cod.

*Abundance and Trends:* Authoritative estimates of the world population are not available. A limited cooperative effort of the Fisheries Research Board of Canada and the Washington State Department of Game primarily in the inside waters of Washington and British Columbia gave counts of 459 killer whales in 1971, 255 in 1972, and 249 in 1973. About 65 individuals have been removed from inside waters of British Columbia and northern Washington State during the past 8 years for display by marine aquariums in 25 capture operations. Eleven of these whales were killed during U.S. capture operations, mostly during the early years. Two killer whales were killed in Canadian capture operations. The Japanese fishery took 567 killer whales from the Okhotska Sea to south of Japan from 1948 to 1957. Norwegians harvested 1,417 in the northeastern North Atlantic between 1938 and 1967.

*General Biology: Species Statistics.*—Females grow to 7.0 m and males to 8.2 m. Males weigh up to about 8,000 kg, with about 4,000 kg the apparent limit for females. An adult male dorsal fin may be 1.8 m high, considerably higher than that of the female. The body has conspicuous white markings on a black background.

*Reproductive data.*—Breeding appears to occur year-round although it may peak in May to July; gestation lasts 13 to 16 months. In the northern hemisphere births occur mostly in autumn.

*Age-Growth Data.*—Newborn calves are about 2.4 m long and weigh about 180 kg.

*Feeding Habits.*—Killer whales usually are found in groups of 10 to 100 or even more. The males are probably polygynous. Killer whales hunt successfully in packs, but there are no records of attacks on people.

The stomach contents of 364 killer whales taken off Japan from 1948 to 1957 included (in order of occurrence): fish (mostly cod, flatfish, and sardines), squid, octopus, dolphins, whales, and seals. Salmon constituted 1.6% of all stomach contents. Soviets in the Kurils recorded "fish and squid" but no marine mammal remains in 10 animals. Of 10 killer whales examined by the National Marine Fisheries Service, Seattle, 6 adult males had only marine mammal remains except for 1 squid; 1 adult female and 1 immature male had only fish remains.

*Parasites and Diseases.*—The most common diseases are those caused by wearing of tooth crowns and denudation of the pulp cavity, which results in abscesses. Other diseases include bony outgrowths and bone tumors. Parasites include nematodes, cestodes, and trematodes. One Puget Sound killer whale stomach contained 5,000 nematodes.

*Ecological Problems:* This species has no natural enemies except man. Stranding probably is the greatest nonhuman hazard.

*Allocation Problems:* Public interest in killer whales was stimulated by the first live capture in 1964 in British Columbia. Growing public interest is increasing in killer whales as a recreational resource, especially in Puget Sound. The animals are commercially valuable in the United States for display in oceanariums. U.S., Japanese, and Canadian fishermen contend that the whales cause gear damage and interfere with salmon and tuna long-line fisheries. Many consider killer whales an important predator of salmon and herring; others defend them as the natural enemy of other fish eaters, including harbor seals and sea lions. Some sports salmon fishermen claim their presence spoils fishing.

*Current Research:* The National Marine Fisheries Service and the Fisheries Research Board of Canada are studying killer whale distribution in western U.S. and Canadian waters.

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Harbor Porpoise (*Phocoena sinus* and *Phocoena phocoena*)

*Distribution and Migration:* There are four recognized species of harbor porpoise, but only the two found in the waters of the Northern Hemisphere are discussed here. One species, *Phocoena sinus* is apparently restricted in range to the Gulf of California. *P. phocoena* is circumpolar in distribution in ice-free seas, ranging south in the Atlantic Ocean to the Delaware River and the Mediterranean Sea. In the Pacific Ocean it is found south to Japan and southern California, although it is not abundant south of San Francisco.

The harbor porpoise is an inshore species, frequenting coastal waters, the mouths of large rivers, harbors, and bays, and sometimes ascending freshwater streams.

*Abundance and Trends:* The harbor porpoise is especially abundant in the waters of Washington (Scheffer and Slipp, 1948) and western Canada (Pike and MacAskie, 1969). Tomilin (1957) reports single catches of 2,000 to 2,500 harbor porpoises at the time they migrate between the Sea of Azov and the Black Sea.

Møhl-Hansen (1954) reporting on biological investigations of the harbor porpoise in Danish waters examined 188 harbor porpoises in 1941–42, 230 in 1942–43, and 212 in 1943–44, so at least those numbers were commercially harvested in Denmark during those years. He also states that these harbor porpoises were from the Baltic Sea populations.

Catches of *P. phocoena* in west Greenland recently have averaged over 2,500 annually. In the Black Sea, where a moratorium has existed since 1967, an estimate of the present population is 25,000 to 30,000. Incidental catches of *P. sinus* have ranged from tens to the low hundreds annually.

*General Biology:* This species grows to 1.8 m, and weighs up to 72 kg. The females are sexually mature at about age 3 to 4 years. Newborn calves are half the length of the mother. They breed annually during late spring and summer. The gestation period is 10 to 11 months, and the calves nurse up to 8 months. Harbor porpoises travel in pairs and schools of up to 200 or more, especially on the feeding grounds. This species is less playful than most dolphins or porpoises; they seldom jump out of the water, and usually ignore passing boats. Schools containing all "bachelors" are common; the females stay in groups of mixed sex. Usually they swim just below the surface, rising about 4 times per minute to breathe when not feeding. They feed mainly on bottom fishes such as cod, herring fry, flounder, and occasionally on invertebrates such as squids, clams, and crustaceans.

*Ecological Problems:* These animals occasionally strand for unknown reasons, and because of their feeding habits, a few tend to get trapped in fishermen's nets.

*Allocation Problems:* None known.

*Current Research:* None.

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Dall Porpoise (*Phocoenoides dalli*)

*Distribution and Migration:* The Dall porpoise inhabits the North Pacific Ocean from Japan and southern California to the Bering and Okhotsk Seas. It appears to migrate twice yearly off the coasts of Japan and California, and may move inshore in winter and offshore in summer. The Dall porpoise is a regular winter visitor to southern California, and has been observed in the Channel Islands area from October to summer. It has been seen off San Francisco Bay from March to October, off Monterey Bay throughout the year, and may be present year-round where food is adequate.

*Abundance and Trends:* The Dall porpoise is one of the most abundant small cetaceans found in Alaskan inside waters (U.S. Forest Service) and in British Columbia waters (Pike and MacAskie, 1969). It is commonly seen off northern California (W. J. Houck, pers. comm.). The Marine Mammal Division has many records of Dall porpoise ranging from the Bering Sea and the eastern Aleutian Islands south to latitude 34 in California waters (MMD files, Marine Mammal Observations, 1958–72).

*General Biology:* The Dall porpoise grows to about 2.2 m and a weight of about 218 kg. It and the killer whale have the most conspicuous color patterns among cetaceans. Calves are born in the spring and summer, and young are observed in August. These animals are usually found in groups of 2 to 20, but occasionally 200 or more are seen on favorable feeding grounds. It plays in the bow waves of ships, and is among the swiftest of all marine mammals. This mammal consumes squid and such fish as saury, hake, herring, jack mackerel, and bathypelagic and deep-water benthic fish.

*Ecological Problems:* None known.

*Allocation Problems:* Kasuya (1974) reports an annual accidental catch of more than 20,000 Dall porpoise in the Japanese high seas salmon gillnet fishery in the northern North Pacific and Bering Sea west of 175 W longitude. Mizue and Yoshida (1965) state the Dall porpoise is abundant east of 175 W longitude but that the Japanese fishing fleet does not operate east of the boundary. Kasuya (1974) also stated that between 4,500 and 7,500 are caught annually in coastal eastern Japan waters, but there has been a decrease in catch per unit effort.

*Current Research:* W. J. Houck is studying *P. dalli* and *P. truei* at Humboldt State College in California, and M. Nishiwaki is studying these species in Japan. G. V. Morejohn is studying feeding habits, migration, behavior, and morphology of the species at the Moss Landing Marine Station, California.

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Beluga Whale, Belukha (*Delphinapterus leucas*)

*Distribution and Migration:* The beluga inhabits the Arctic Ocean and adjacent seas, including the Okhotsk and Bering Seas, Cook Inlet, Hudson Bay, and Gulf of St. Lawrence. Belugas ascend several hundred miles up the large rivers of Siberia and Alaska. Populations of white whales from different areas show marked size differences throughout the Arctic. Three races are recognized: *dorofeevi* from the Okhotsk Sea; *marisalbi* in the Barents and White Seas; and *leucas* in the rest of the range. In the Pacific, belugas are common along the Alaska coast as far south as Bristol Bay and apparently separate population is found in Cook Inlet.

*Abundance and Trends:* In Alaska belugas have been used as a source of muktuk, meat, and oil for both people and dogs by residents of villages on the Bering Sea and Arctic Ocean coasts and along rivers that belugas periodically ascend. Belugas also provide a significant amount of fresh and preserved food for native peoples in the Mackenzie River delta region and Baffin Island, where beluga hunting is culturally and economically important (Brodie, pers. comm.). In recent years the demand for beluga products has been reduced in the Arctic.

In Bristol Bay only a few belugas are now taken, and the estimated annual harvest of the Bering Sea-Arctic Ocean coasts is 150 to 300 (Alaska Department of Fish and Game, 1973). The Cook Inlet, Alaska, population is estimated at 300 to 500. In Bristol Bay the population is estimated at 1,000 to 1,500 and is considered stable. The size of the beluga population in Alaska north of Bristol Bay is unknown, but is much greater than that residing in Bristol Bay (op. cit.). Sergeant (1962) states that from 1948 to 1960 the catch of belugas in the Canadian Arctic averaged 1,200 annually. The present catch in Canada averages 500 animals per year (Brodie, pers. comm.). In the late 1950's the annual catch of belugas averaged 3,000 to 4,000 in the U.S.S.R., 500 to 800 in Greenland, and 100 to 200 from Spitsbergen (Kleinenberg et al., 1964). Present catches in the Asian Arctic range from 530 to 825 annually. The overall population is estimated at between 32,000 and 58,000, of five or seven different populations (Yablokov, 1974).

*General Biology:* Males grow to 4.6 m and the females to 4.0 m in the Beaufort Sea, and to 5.2 m and 4.6 m, respectively, in the Soviet Arctic. The beluga is polygamous, breeds in the spring, has a gestation period of 13–14 months, and new-born are amout 1.5 m in length. Lactation last about 2 years, resulting in a 3-year reproductive cycle. They are gregarious and travel in groups of 2 or 3 to hundreds. Belugas feed from midwater to the bottom, with a diet including fish such as salmon, capelin, cisco, pike, char, cod, squid, crustaceans, and nereid worms.

They frequently occur in shallow areas with a bottom of mud, sand, and stones. The beluga produces high-pitched whistles and squeals, ticking and clucking sounds, and have been given the name "sea-canary." Animals break the ice with their backs to reach air for breathing.

Parasites include nematodes in the respiratory organs, ears, circulatory system, intestine, and urogenital system; trematodes are found in the intestine, as well as cestodes and acanthocephalans. Helminths are apparently one cause of mortality.

*Ecological Problems:* Known natural enemies include the killer whale and polar bear.

*Allocation Problems:* These mammals take salmon at the mouths of large Alaskan rivers, and are important predators of salmon smolt in Bristol Bay, Alaska. Recorded killer whale sounds have been used experimentally to prevent beluga predation in the Kvichak River.

*Current Research:* Research on the beluga is being conducted by the Fisheries Research Board of Canada.

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## Narwhal (*Monodon monoceros*)

*Distribution and Migration:* The narwhal is the most northern cetacean and occurs in north polar seas, including the entire Arctic Ocean, but is mainly found in the North Atlantic Ocean region. It is most common in northwestern Greenland and the eastern Canadian Arctic, particularly Jones and Lancaster Sounds, the north and east coasts of Baffin Island, Repulse Bay, and occasionally in northern Foxe Basin and Hudson Strait. Narwhals also occur near Franz Josef Land and Novaya Zemlya. They are rare in the Laptev, East Siberian, Chukchi, and Beaufort Seas.

*Abundance and Trends:* The Canadian population is estimated at about 10,000, with smaller numbers in northwestern Greenland (Mansfield, pers. comm.). Numbers elsewhere are unknown. Extremely rare occurences in Great Britian (4) and Holland (1) are documented. Narwhals are hunted in Greenland and the eastern Canadian Arctic for dog food, muktuk, sinew, and ivory.

*General Biology:* Narwhals grow to 4.6 m in length and adult males to 1,550 kg. The young are born in May and June at about 1.5 m in length. Males have a tusk (canine tooth) which is usually the left one and occasionally both. Sometimes females also have a tusk. The tusk grows as a spiraled rod to 2.0 m in length, and distinguishes narwhals from all other whales. Gestation appears to last about 14 months, since well-developed fetuses are present in July and August. Usually only one calf is produced. Lactation lasts 20 months, and narwhals are sexually mature at 4.5 years. Narwhals are gregarious, forming schools of up to one or two thousand, and made up of small groups of up to about 20 (Mansfield, pers. comm.). Speculations on the tusk function are numerous and the tusk may only be a secondary sexual characteristic. Food of the narwhal consists mainly of cephalopods, polar cod, and Greenland turbot.

Ectoparasitic whale lice occur in cuts, skinfolds, and around the base of the tusk. Endoparasitic nematodes occur occasionally in the stomach, and frequently in basicranial sinuses.

*Ecological Problems:* Narwhals are occasionally trapped in large numbers by rapid freeze-up. In such situations, Greenlanders may kill entire groups of these mammals. Although it is not adopted to drift ice areas, the killer whale probably occurs there and may be a natural enemy of the narwhal.

*Allocation Problems:* None known.

*Current Research:* The narwhal is being studied by the Fisheries Research Board of Canada.

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## Sperm Whale (*Physeter catodon*)

*Distribution and Migration:* The sperm whale is nearly worldwide in distribution except for the pack ice of the polar regions. Females and immature animals are generally found between 40° S and 50° N latitudes. Sperm whales appear to migrate north during the northern summer and south during the northern winter. In the North Pacific, male sperm whales are found as far north as the Bering and Okhotsk Seas; in the North Atlantic they move into Davis Strait and near Spitsbergen.

*Abundance and Trends:* Information on this section is from the annual reports of the International Whaling Commission and from recent reports of the Bureau of International Whaling Statistics. Stocks available for commercial harvest are estimated at about 70,000 males and 184,000 females for the North Pacific and 128,000 males and 295,000 females for the southern oceans. Estimates of the number of immature animals are not available. The Northwest Atlantic has an estimated total stock of all ages of about 22,000. The sperm whale is currently the most important species of the world whaling industry. Stocks in most areas are above maximum sustainable yield levels.

Catches of sperm whales in recent seasons have been:

| Season | North Pacific | Atlantic | Southern oceans, pelagic [1] | Southern land stations |
|---|---|---|---|---|
| 1969: | | | | |
| Males | 11,329 | [2] 640 | 5,390 | 4,011 |
| Females | 3,605 | | | |
| 1970: | | | | |
| Males | 11,236 | 649 | 5,891 | 4,135 |
| Females | 3,579 | | | |
| 1971: | | | | |
| Males | 8,295 | 558 | 7,335 | 4,498 |
| Females | 2,595 | | | |
| 1972: | | | | |
| Males | 4,082 | 117 | 8,172 | 2,659 |
| Females | 2,291 | | | |
| 1973: | | | | |
| Males | 4,605 | 47 | 3,693 | 1,566 |
| Females | 3,962 | | 1,234 | 1,066 |

[1] Southern oceans catches are for the seasons 1969-70, 1970-71, 1971-72, 1972-73, respectively.
[2] All catch data include males and females.

*General Biology: Species Statistics.*—The sperm whale's large squarish head is distinctive because it bears a tank-like "case" containing spermaceti. The lower jaw is long and narrow, and has about 25 pairs of teeth. Females reach 11.6 m in body length, males 16.8 m.

*Reproductive Data.*—The females mature sexually about age 8 to 11 years when body length is about 8.5 to 9.1 m, physically at 25 to 30 years and body length of 11.0 m. Males are not sexually mature until about 10 years and 11.9 m, and are not "socially" mature until about age 25 years. Females and juveniles of both sexes form schools of 10 to 50 animals, averaging about 25. Younger, sexually mature males (ca. 11.0 to 13.4 m, age 15 to 25 years) form "bachelor" schools usually containing not more than 10 animals. Older males (13.7 m, 22 to 27 years) are usually solitary except when with schools of females for breeding for about 5 months in the spring and early summer. The female bears a calf (about 4.0 m) once every 3 to 5 years. Gestation lasts 14 to 15 months, and the calf nurses 1 to 2 years and is weaned at about 6.7 m long.

*Age-Growth Data.*—Newborn calves are about 3.5 to 5 m, and weigh about 1,000 kg. Growth of males continues until they are 45 to 60 years old, and about 15.5 m long.

*Feeding Habits.*—This species dives to at least 1,000 m, can remain submerged for about an hour, and feeds mainly on large squid. It also consumes significant quantities of octopuses and demersal and mesopelagic fishes.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* The National Marine Fisheries Service is studying the life history of the sperm whale. Other organizations carrying out research on this species are the Japanese Whales Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), British National Institute of Oceanography (South Africa and western South America), South African Division of Sea Fisheries (South Africa), Australian Commonwealth Scientific and Industrial Research Organization (Australia), the University of Chile (Chile), the Marine Institute of Peru (Peru), and the Marine Department of New Zealand (New Zealand).

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Pygmy Sperm Whale (*Kogia breviceps*)

*Distribution and Migration:* The pygmy sperm whale occurs in all the warmer seas of the world. In the Pacific Ocean it ranges north to Washington and Japan; in the Atlantic Ocean it ranges north to Nova Scotia and the Netherlands.

*Abundance and Trends:* The status of this species is unknown other than the fact that it is apparently rather rare. There are many more records of stranding than there are for *Kogia simus*, the dwarf sperm whale (C. O. Handley, Jr., pers. comm.). This species is occasionally taken in the Japanese small-whale fishery (Yamada, 1954).

*General Biology:* Adult pygmy sperm whales are 2.7 to 3.4 m long. Their dorsal fin is low and posterior to the center of the back. This species was long confused with the dwarf sperm whale, and the following composite statement is based on both species. They are usually solitary or in small pods. They feed mostly on squid but also take pelagic crustaceans such as shrimps and giant mysids. Females simultaneously pregnant and lactating have been found, suggesting that they may bear a calf 2 years in succession.

Parasites include tapeworm cysts in the blubber, roundworms in the stomach, and giant kidney worms.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* D. K. Caldwell and M. C. Caldwell have been gathering data on the life history in Florida (D. K. Caldwell, pers. comm., 1974). D. K. Caldwell, M. C. Caldwell, and C. O. Handley, Jr. have been working on the distribution (seasonal as well as geographical) in southeastern U.S. (Caldwell, pers. comm., 1974).

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Dwarf Sperm Whale (*Kogia simus*)

*Distribution and Migration:* The dwarf sperm whale apparently has a discontinuous distribution around the world. It has been found in the seas adjacent to South Africa, India, Ceylon, Japan, Hawaii, South Australia, and the west and east coasts of the United States. On the west coast it has been recorded only from Cabo San Lazaro, Baja California, and San Luis Obispo County, California. On the east coast it ranges from Cape Henry, Virginia, south and west to Texas.

*Abundance and Trends:* The status of this species is unknown other than the fact that it is apparently rather rare over much of its range. However, it strands rather frequently on the southeast coast of the United States and is taken in the Japanese small-whale fishery (Yamada, 1954).

*General Biology:* Adult dwarf sperm whales are 2.1 to 2.7 m long. Their dorsal fin is high and near the center of the back. This species was long confused with the pygmy sperm whale, and the following is a composite statement based on both species. They are usually solitary or in small pods. They feed mostly on squid but also take pelagic crustaceans such as shrimps and giant mysids. Females simultaneously pregnant and lactating have been found, suggesting that they may bear a calf 2 years in succession.

Parasites include tapeworm cysts in the blubber, roundworms in the stomach, and giant kidney worm.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* D. K. Caldwell and M. C. Caldwell have been gathering data on the life history in Florida (D. K. Caldwell, pers. comm., 1974). D. K. Caldwell, M. C. Caldwell, and C. O. Handley, Jr. have been working on the distribution (seasonal as well as geographical) in southeastern U.S. (Caldwell, pers. comm., 1974).

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North Sea Beaked Whale (*Mesoplodon bidens*)

*Distribution and Migration:* The North Sea beaked whale ranges mostly from the western Baltic Sea and central Norway south to the Bay of Biscay. It has been recorded in the western North Atlantic Ocean from Newfoundland and Massachusetts. Its migrations are unknown.

*Abundance and Trends:* The status of this species is unknown, except that it is apparently rare (Moore, 1966).

*General Biology:* This species is the only one of its genus for which even rudimentary life history data are available. The beaked whales attain a maximum length of 5.5 m for males and 4.9 m for females. Mating and birth usually take place in late winter and spring. The gestation period is about 1 year. At birth the calf is between 1.8 and 2.1 m long, nurses for about 1 year, and at weaning is probably about 3.0 m long.

*Ecological Problems:* None known.
*Allocation Problems:* None known.
*Current Research:* None.

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Antillean Beaked Whale (*Mesoplodon europaeus*)

*Distribution and Migration:* The Antillean beaked whale ranges from Trinidad, Jamaica, and the Gulf of Mexico, north to Long Island, New York. One record for the English Channel has been obtained. Its migrations are unknown.

*Abundance and Trends:* The status of this species is unknown, except that it is apparently rare (Moore, 1966).

*General Biology:* These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

*Ecological Problems:* None known.
*Allocation Problems:* None known.
*Current Research:* None.

*References*

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True's Beaked Whale (*Mesoplodon mirus*)

*Distribution and Migration:* The True's beaked whale has been found in the western North Atlantic Ocean from Nova Scotia south to Northern Florida, and in the eastern North Atlantic Ocean from the Outer Hebrides south along the west coast of Ireland. There is another population off the coast of South Africa. Its migrations are unknown.

*Abundance and Trends:* The status of this species is unknown, except that it is apparently rare (Moore, 1966; 1968).

*General Biology:* These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

*Ecological Problems:* None known.
*Allocation Problems:* None known.
*Current Research:* None.

*References*

Moore, J. C. 1966. Diagnoses and distributions of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

——— 1968. Relationships among the living genera of beaked whales with classifications, diagnoses and keys. Fieldiana: Zoology, 53(4): 209–298.

Bering Sea Beaked Whale (*Mesoplodon stejnegeri*)

*Distribution and Migration:* The Bering Sea beaked whale is endemic to the North Pacific Ocean. It ranges from the Commander and Pribilof Islands, Bristol Bay, and the northern Gulf of Alaska south to the Sea of Japan on the western side and Oregon on the eastern side. Its migrations are unknown.

*Abundance and Trends:* The status of this species is unknown, except that it is apparently rare (Moore, 1966; 1968).

*General Biology:* These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

*Ecological Problems:* None known.
*Allocation Problems:* None known.
*Current Research:* None.

*References*

Moore, J. C. 1963. Recognizing certain species of beaked whales of the Pacific Ocean. Amer. Midl. Natur. 70(2): 396–428.

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Arch-Beaked Whale (*Mesoplodon carlhubbsi*)

*Distribution and Migration:* The arch-beaked whale has been recorded only in the North Pacific Ocean, from the Sanriku coast of Hokkaido on the western side and from British Columbia south to southern California on the eastern side. Its migrations are unknown.

*Abundance and Trends:* The status of this species is unknown, except that it is apparently rare (Moore, 1966; 1968).

*General Biology:* These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

*Ecological Problems:* None known.
*Allocation Problems:* None known.
*Current Research:* None.

*References*

Moore, J. C. 1963. Recognizing certain species of beaked whales of the Pacific Ocean. Amer. Midl. Natur. 70(2): 396–428.

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Pike, G. C., and I. B. MacAskie. 1969. Marine mammals of British Columbia. Fish Res. Bd. Can. Bull. 171:1–54.

Ginkgo-Toothed Whale (*Mesoplodon ginkgodens*)

*Distribution and Migration:* The ginkgo-toothed whale has been recorded from Ceylon, in the western North Pacific Ocean from Taiwan to the Sanriku coast of Hokkaido, and in the eastern North Pacific Ocean at Del Mar in southern California. Its migrations are unknown.

*Abundance and Trends:* The status of this species is unknown, except that it may not be so rare in the western part of the North Pacific as once thought (Nishiwaki et al., 1972).

*General Biology:* These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

*Ecological Problems:* None known.
*Allocation Problems:* None known.
*Current Research:* None. Present knowledge is based on opportunistic examination of specimens.

*References*

Moore, J. C., and R. M. Gilmore. 1965. A beaked whale new to the western hemisphere. Nature, 205(4977): 1239–1240.

Nishiwaki M., and T. Kamiya. 1958. A beaked whale stranded at Otso Beach, Japan. Sci. Rep. Whales Res. Inst., 13: 53–83.

Nishiwaki, M., T. Kasuya, K. Kureha, and N. Ogara. 1972. Further comments on *Mesoplodon ginkgodens*. Sci. Rep. Whales Res. Inst. 24: 43–56.

Dense-Beaked Whale (*Mesoplodon densirostris*)

*Distribution and Migration:* The dense-beaked whale is widely, but perhaps discontinuously, distributed in tropical and warm temperate waters around the world. In the North Pacific Ocean it has been recorded from Taiwan, Japan, and Midway Island. In the North Atlantic Ocean it has been recorded from Nova Scotia south to the Bahamas on the western side, and from Madeira on the eastern side.

*Abundance and Trends:* The status of this species is unknown, except that it is apparently rare (Besharse, 1971; Moore, 1966).

*General Biology:* These whales are known mostly from stranded individuals, which suggest that they are usually soli-

tary. Otherwise, nothing is known of their biology.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* None.

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Moore, J. C. 1966. Diagnoses and distributions of beaked whales of the genus *Mesoplodon* known from North American waters. P. 32–61 *In* K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

Goose-Beaked Whale (*Ziphius cavirostris*)

*Distribution and Migration:* The goose-beaked whale is found in all oceans except Arctic and Antarctic waters. In the North Pacific Ocean it ranges north to Hokkaido, the Commander and Aleutian Islands, and the Queen Charlotte Islands. In the North Atlantic Ocean it ranges north to Cape Cod, Massachusetts, on the western side and the Shetland and Orkney Islands on the eastern side. Its migrations are not understood.

*Abundance and Trends:* The status of this species is unknown. The goose-beaked whale is the most frequently observed ziphiid, at least in the eastern North Pacific Ocean, and throughout its range has been found stranded far more often than any other species of the family (Mitchell, 1968). Between 13 and 16 goose-beaked whales have been taken annually in the Japanese small-whale fishery during the past 5 years (Nishiwaki and Oguro, 1972).

*General Biology:* The goose-beaked whale is distinguishable from other ziphiids by its relatively short beak, the dorsal profile of which forms an almost straight line with the steeply sloping forehead, and by its brown coloration; older males have snow-white heads. The maximum body length in both sexes is about 7.0 m. These whales usually travel in tight schools of up to about 10 individuals, but old males are often solitary. Their main foods are squids and deep-water fishes. Sexual maturity is attained at a length of about 5.5 m in both sexes.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* Research on this species has been conducted incidentally to other studies in Japan by the Whales Research Institute and the Ocean Research Institute.

*References*

Mitchell, E. 1968. Northeast Pacific stranding distribution and seasonality of Cuvier's beaked whale *Ziphius cavirostris*. Can. J. Zool., 46:265–279.

Nishiwaki, M. and N. Oguro. 1972. Catch of Cuvier's beaked whales off Japan in recent years. Sci. Rep. Whales Res. Inst. No. 24, p. 35–41.

Giant Bottlenose Whale (*Berardius bairdi*)

*Distribution and Migration:* The giant bottlenose whale is endemic to the North Pacific Ocean, where it ranges from St. Matthew Island in the Bering Sea south to central Honshu on the western side and southern California on the eastern side. Its migrations are poorly known.

*Abundance and Trends:* The status of this species is unknown except that it is uncommon but not rare. According to information taken from the Bureau of International Whaling Statistics, between 100 and 400 giant bottlenose whales have been taken annually in the Japanese small-whale fishery during the past 20 years.

*General Biology:* This species is the largest of the beaked whales. Males attain a maximum length of 11.9 m and females 12.8 m. Their long narrow beak, bulging forehead, and size distinguish them from other species of beaked whales in the North Pacific Ocean. They usually travel in tight schools of up to 30 individuals. Their main foods are deep-water fishes and squids. Males attain sexual maturity at a length of about 10.0 m, and females at about 10.3 m. Sexual maturity is not attained earlier than age 3 years, and probably much later. Mating takes place mostly in February, and calves are born in December.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* Research on this species has been conducted incidentally to other studies in Japan by the Whales Research Institute and the Ocean Research Institute; in California by the National Marine Fisheries Service; and in British Columbia by the Fisheries Research Board of Canada.

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Betesheva, E. I. 1960. Pitanie kashalota (*Physeter catodon* L.) i berardiusa (*Berardius bairdi* Stejneger) v raione Kuril'skoi gryady. Trudy Vses. Gidrobiol. Obshch. 10: 227–234.

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Omura, H., K. Fujino, and S. Kimura. 1955. Beaked whales *Berardius bairdi* of Japan, with notes on *Ziphius cavirostris*. Sci. Rep. Whales Res. Inst., 10: 89–132.

North Atlantic Bottlenose Whale (*Hyperoodon ampullatus*)

*Distribution and Migration:* This species of bottlenose whale is endemic to the colder waters of the North Atlantic Ocean. On the western side it ranges from Davis Strait south to Rhode Island; on the eastern side it ranges from Novaya Zemlya south to the Azores and English Channel. It migrates south in the autumn and north in the spring.

*Abundance and Trends:* The status of this species is unknown, except that it is fairly common in at least parts of its range. North Atlantic catches ranged from 2,000 to 3,000 annually between 1890 and 1900. From 1920 to 1930, 20 to 100 per year were caught. After 1960, a few hundred were caught annually, peaking to 700 in 1965, and have been near zero recently. A few individuals are sometimes taken by whalers operating from Nova Scotia and the Faeroe Islands.

The original stock, estimated at about 100,000, declined to half this number by 1915.

*General Biology:* The bottlenose whale is easily recognized by a conspicuous beak that is sharply demarked from the high bulging forehead which, in old males, becomes almost vertical and flattened in front and slightly overhangs the base of the beak. Bottlenose whales are black when young, turn brown when adult, and almost yellow with a white head when very old. Males attain a maximum length of 10.7 m, and females 9.7 m. They usually travel in small herds of 4 to 10, but the adult males are often by themselves. Their food appears to be mainly squids. Females attain sexual maturity when about 6.5 m long. The calves are born from early spring to early summer.

*Ecological Problems:* None known.

*Allocation Problems:* None known.

*Current Research:* This species is being studied by the Statens Institute for Hvalforskning, Oslo, Norway.

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*Contributors Outside the Department of Commerce to the Status of Stocks Report*

Brodie, Paul F., Fisheries Research Board of Canada, Marine Ecology Laboratory, Bedford Institute, Dartmouth, Nova Scotia, Canada.

Brooks, James W., Alaska Department of Fish and Game, Subport Building, Juneau, AK 99801.

Brownell, Robert L., Jr., Division of Mammals, National Museum Natural History, Smithsonian Institution, Washington, D.C.

Burns, John J., Alaska Department of Fish and Game, 1300 College Road, Fairbanks, AK 99701.

Caldwell, David K., Communication Sciences Laboratory, Route 1, Box 122, St. Augustine, FL 32804.

Caldwell, Melba C., Communication Sciences Laboratory, Route 1, Box 122, St. Augustine, FL 32804.

Carlisle, John G., California State Fisheries Laboratory, Marine Resources Region, 350 Golden Shore, Long Beach, CA 90802.

Chapman, Douglas G., College of Fisheries, University of Washington, Seattle, WA 98195.

Drury, William H., Massachusetts Audubon Society, Lincoln, MA 01773.

Durham, Floyd, Department of Biology, University of Southern California, Los Angeles, CA 90007.

Evans, William E., Naval Undersea Research and Development Center, San Diego, CA 92132.

Fay, Francis H., Arctic Health Research Center, U.S. Public Health Service, Fairbanks, AK 99701.

Gates, Doyle, California Department of Fish and Game, Marine Resources Region, 350 Golden Shore, Long Beach, CA 90802.

Handley, Charles O., Jr., Department of Vertebrate Zoology, Smithsonian Institution, Washington, DC 20560.

Houck, Warren J., Division of Biological Sciences, Humboldt State University, Arcata, CA 95521.

Kenyon, Karl W., 11964 Lakeside Place N.E., Seattle, WA 98125.

Leatherwood, James S., Marine Life Sciences Laboratory, Naval Undersea Research and Development Center, San Diego, CA 92132.

Mansfield, Arthur W., Arctic Biological Station, Fisheries Research Board of Canada, P.O. Box 400, Ste. Anne de Bellevue, P.Q., Canada.

Mead, James G., Smithsonian Institution National Museum of Natural History, Washington, D.C. 20560.

Norris, Kenneth S., University of California at Santa Cruz, Santa Cruz, CA 95060.

Ray, G. Carleton, Department of Pathobiology, Johns Hopkins University, 615 North Wolfe Street, Baltimore, MD 21205.

Scheffer, Victor B., 14806 S.E. 54th St., Bellevue, WA 98006.

Siniff, Don B., Department of Ecology and Behavior, JFB Museum of Natural History, University of Minnesota, Minneapolis, MN.

Vania, John S., Marine Mammal Studies, Alaska Department of Fish and Game, 1018 International Airport Road, Anchorage, AK 99502.

Ximenez, Isaias, SOYP Depto Cientifico y Tecnico del Servicio, Oceanografico y de Pesca, Juan Lindolfo Cuestas 1409, Montevideo, Uruguay.

*Laws and Treaties Governing the Protection of Marine Mammals*

Each marine mammal of U.S. concern is protected by one or more U.S. laws or acts, and the conservation of some species is at least partially assured by international treaty or law. A summary of the various laws, conventions, and commissions designed and enacted to protect marine mammals follows:

1. *Marine Mammal Protection Act of 1972:* A U.S. federal law that prohibits U.S. citizens from taking, harassing, or importing any marine mammal or its byproducts into the United States, except when authorized to do so by special permit. Indians, Eskimos, and Aleuts of the North Pacific and Arctic Oceans can take marine mammals for subsistence, and for creating and selling handicraft items and clothing as long as the stocks can support the harvest.

2. *Endangered Species Act of 1973:* The purposes of this U.S. federal law, which became effective December 28, 1973, are to provide a program for the conservation of species that are either endangered (presently) or threatened (within the foreseeable future) with extinction and their dependent ecosystems, and implement certain international conservation conventions (including the Convention on International Trade in Endangered Species of Wild Fauna and Flora). The primary objective is to bring these species to the point at which they are no longer in danger of extinction. The Act prohibits taking (e.g. killing, capturing, harassing), importing, exporting, and interstate commerce, involving endangered species and authorizes protective regulations for threatened species. Controls affect parts and products as well as live animals. The Act also provides limited exceptions to these prohibitions for, among other things, certain subsistence taking in Alaska and permits to allow scientific purposes, enhancement of propagation, and survival of the species.

3. *International Whaling Convention:* The International Whaling Commission was established under a convention signed in Washington, D.C. in December 1946. The membership includes all countries that catch significant numbers of whales except Spain, Portugal, Chile, Peru, and Brazil. The IWC is responsible for whale conservation worldwide. Since 1964, the IWC has acted to bring world whaling under control by prohibiting worldwide the taking of some species, sharply reducing the authorized catches of species in certain areas, establishing catch quotas by species, and implementing an international observer plan for policing quotas and regulations at land stations and on factory ships. The IWC appears to be extending its authority to cover all cetaceans and to implement regulations for threatened species. The IWC now regulates the harvest of fin, sei, Bryde's, minke, and sperm whales. A subcommittee of the IWC may be established to improve data collection on small cetaceans and review problems. The gray, bowhead, right, blue, and humpback whales are completely protected, except for some hunting by aboriginals.

4. *International Convention on Trade in Endangered Species of Wild Fauna and Flora:* When this convention becomes effective, it will provide additional protection for the following species: Appendix I—gray, blue, humpback, bowhead, and right whales, northern elephant seal, Ganges River dolphin, Caribbean and Mediterranean monk seals, dugong, and West Indian and South American manatees; Appendix II—southern elephant seal, southern fur seal, Galapagos fur seal, Juan Fernandez fur seal, Guadalupe fur seal, dugong (Australian), and West African manatee.

5. *Interim Convention on North Pacific Fur Seals:* This convention prohibits most citizens of Japan, Canada, the U.S.S.R., and the United States from taking northern fur seals. The exceptions are aboriginal Indians, Aleuts, and Eskimos, who may take them only at sea and by primitive methods. The convention also provides for intensive research on this species by the four countries. The economic utilization of northern fur seals on their breeding grounds is conducted by the respective governments and is regulated on a scientific basis.

6. *International Convention for the Northwest Atlantic Fisheries:* Under terms of a convention signed in 1949, ICNAF is responsible for the investigation, protection, and conservation of the fisheries of the Northwest Atlantic in order to make possible the maintenance of a maximum sustained catch from these fisheries. The harp seal harvest is regulated by ICNAF, which imposes quotas for the taking of these mammals.

7. *International Convention for the Conservation of Antarctic Seals, 1972:* The purpose of this convention is to safeguard all species of Antarctic seals and to ensure that, if commercial sealing begins on floating ice of the Southern Ocean, the killing of certain species will be prohibited and the taking of other species will be subject to strict limitations. Measures adopted under the Antarctic Treaty of 1959 provide only for the protection of seals and other animals around the shoreline of the Antarctic Continent, but not on floating ice. The convention of 1972 may be applicable to any or all of the following seals: southern elephant, leopard, Weddell, crabeater, Ross, and southern fur seals.

8. *Canadian-Norwegian Agreement on Sealing:* On December 22, 1971, these two governments ratified an agreement on sealing and the conservation of seal stocks in the Northwest Atlantic. The agreement applies to the harp seal, but provision is made for extension to hooded and bearded seals and to the walrus.

9. *Miscellaneous regulations and agreements of some U.S. interest:* a. Harp seal—The U.S.S.R. and Norway signed an agreement in 1958 entitled "Preservation of Seals in the Greenland Sea." The agreement provides for the regulation of harp seal catches by these two nations. The U.S.S.R., however, has not hunted harp seals since 1965.

b. Gray seal—The U.S.S.R. has prohibited (since 1970) the hunting of gray seals for sport and by amateurs, but permits the taking of these animals for subsistence. Canada uses an 1886 law for authority in regulating the take of gray seals. England has prohibited the hunting of gray seals on the Farne Islands since 1932 and on Orkney Island since 1923. Norway has forbidden hunting at Sör Trondelag (since 1923). Finland and Sweden offer bonuses for gray seals taken.

c. Hooded seal—Canada and Norway prohibit the taking of hooded seals near Newfoundland before 10 March, near Jan Mayen Island before 13 March, in Denmark Strait from 15 June to 15 July, and in northern waters from 20 March to 5 May. The U.S.S.R. and Norway in 1958 agreed to prohibit the harvest of hooded seals near Jan Mayen Island before 13 March, and banned hunting in Denmark Strait.

d. Bearded seal—The U.S.S.R. has, since 1970, banned the commercial hunting of bearded seals from vessels, and regulates the take of this species by aborigines and the harvest from shore by others.

e. Ribbon seal—Since the 1960's, the U.S.S.R. has forbidden the hunting of

ribbon seals at sea from 1 March to 1 September, and in 1970 stopped hunting by amateurs.

f. Ringed seal—The U.S.S.R. banned sport hunting of *Pusa hispida hispida* beginning in 1970. Sport hunting of another subspecies (apparently accepted by the U.S.S.R. as *P. h. krascheninikovi*) was also banned by the U.S.S.R. In that year, local harvests were regulated, and hunting of the subspecies between 1 March and 1 September was prohibited. The U.S.S.R. has also, since 1970, prevented commercial hunting of *P. h. ochotensis* from vessels, and regulated the take of this subspecies by aborigines and the harvest from shore by others.

g. Harbor seal—

Ice-dwelling populations—The U.S.S.R. has prohibited sport hunting of these populations of the harbor seal since 1970, protects its rookeries from harassment and pollution, and regulates the harvest.

Land - dwelling population — The U.S.S.R. has prohibited the sport hunting of these populations since 1970, and regulates the take of harbor seals from the White and Barents Seas.

h. Northern sea lion—The U.S.S.R. regulates the harvest of northern sea lions and protects its rookeries from harassment.

i. Walrus—In 1958, the U.S.S.R. and Norway agreed to ban the hunting of walrus except to satisfy local needs and those of expeditions.

j. Guadalupe fur seal—Mexico has safeguarded the breeding grounds of the Guadalupe fur seal on the Guadalupe Islands by making this island a wildlife refuge.

k. South American fur seal—The Uruguayan and Argentinian Governments protect the South American fur seal on land and out to 200 miles at sea. In addition, the Uruguayan Government regulates the harvest by protecting all female seals except the 1-year-olds, controlling take of pups by seasonal restrictions, and imposing quotas in some instances.

l. South African fur seal—The harvest of South African fur seals is largely a state enterprise in South Africa, however, the system includes one of control and leasing of rookeries to private contractors. The South West African Administration has not entered the harvesting business, but licenses private firms, restricts gear to be used, establishes closed seasons, and places limits on sex and condition of catch.

m. Narwhal—Canada allows its Eskimos to take five narwhals annually for personal use and issues permits to capture this mammal for exhibition.

n. Killer whale—Canada allows this species to be taken under a permit system.

PART III—APPENDICES

*Appendix A.*—Proposed Regulations Governing Incidental Taking of Marine Mammals in the Course of Commercial Fishing Operations: FEDERAL REGISTER reference, 39 FR 12356.

*Appendix B.*—Final Regulations Governing Incidental Taking of Marine Mammals in the Course of Commercial Fishing Operations: FEDERAL REGISTER reference, 39 FR 32117.

*Appendix C.*—Amendment to Final Incidental Take Regulations, Instructions for Preparing Application for General Permits to Take Marine Mammals Incidental to Commercial Fishing Operations: FEDERAL REGISTER reference, 39 FR 33801.

*Appendix D.*—Amendment to Final Incidental Take Regulations: FEDERAL REGISTER reference, 39 FR 34417.

*Appendix E.*—Amendment to Final Incidental Take Regulations: FEDERAL REGISTER reference, 40 FR 764.

*Appendix F:* Table I—Common and Scientific Names of Marine Mammals Involved in Scientific Research/Public Display Permit Applications; Table II—Synopsis of Permit Applications; Table III—Number of Cetaceans Requested in Scientific Research/Public Display Permit Applications; Table IV—Number of Pinnipeds Requested in Scientific Research/Public Display Permit Applications; Table V—Number of Cetaceans Authorized to be Taken or Imported Under Scientific Research/Public Display Permits; Table VI—Number of Pinnipeds Authorized to be Taken or Imported under Scientific Research/Public Display Permits; and Table VII—Number of Marine Mammals Reported to Have Been Taken and/or Imported, as of March 31, 1975, Under Scientific Research/Public Display Permits.

*Appendix G.*—Permit Issuance Policies—Policy on Issuance of Permits for Taking to Maintain a Permanent Inventory of Marine Mammals: FEDERAL REGISTER reference, 39 FR 2907.

Permits for Taking Marine Mammals for Public Display in Traveling Shows: FEDERAL REGISTER reference, 39 FR 25964.

Proposed Policy on Applications for the Taking and Importing of Marine Mammals which are Pregnant or Nursing or Less than Eight Months Old: FEDERAL REGISTER reference, 40 FR 4660.

Denial of Permit Application to Export Marine Mammal to Foreign Facilities: FEDERAL REGISTER reference, 40 FR 11619.

APPENDIX F

TABLE I - COMMON AND SCIENTIFIC NAMES OF MARINE MAMMALS INVOLVED IN SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMIT APPLICATIONS

CETACEANS

| COMMON NAME | SCIENTIFIC NAME |
|---|---|
| Black Right Whale | Balaena glacialis |
| Bowhead Whale | Balaena mysticetus |
| Gray Whale | Eschrichtius robustus |
| Minke Whale | Balaenoptera acutorostrata |
| Bryde's Whale | Balaenoptera edeni |
| Sei Whale | Balaenoptera borealis |
| Fin Whale | Balaenoptera physalus |
| Blue Whale | Balaenoptera musculus |
| Humpback Whale | Megaptera novaengliae |
| Rough-toothed Dolphin | Steno bredanensis |
| Atlantic Bottlenosed Dolphin | Tursiops truncatus |
| Pacific Bottlenosed Dolphin | Tursiops gilli |
| Risso's Dolphin | Grampus griseus |
| White-beaked Dolphin | Lagenorhynchus albirostris |
| Atlantic White-sided Dolphin | Lagenorhynchus acutus |
| Pacific White-sided Dolphin | Lagenorhynchus obliquidens |
| Dusky Dolphin | Lagenorhynchus obscurus |
| Fraser's (Sarawak) Dolphin | Lagenodelphis hosei |
| Stenelline Dolphins | Stenella sp. |
| Spinner Dolphin | Stenella longirostris |
| Spotted Dolphin | Stenella attenuata |
| Striped Dolphin | Stenella caeruleoalba |
| Common Dolphin | Delphinus delphis |
| Northern Right Whale Dolphin | Lissodelphis borealis |
| Melon-headed Whale (Broad-beaked Dolphin) | Peponocephala electra |
| Pygmy Killer Whale | Feresa attenuata |
| False Killer Whale | Pseudorca crassidens |
| Common Pilot (Pothead) Whale | Globicephala melaena |
| Short-finned Pilot Whale | Globicephala macrorhyncha |
| Killer Whale | Orcinus orca |
| Harbor Porpoise | Phocoena phocoena |
| Gulf of California (Harbor) Porpoise | Phocoena sinus |
| Dall Porpoise | Phocoenoides dalli |
| Belukha (Beluga, White Whale) | Delphinapterus leucas |
| Sperm Whale | Physeter catodon |
| Pygmy Sperm Whale | Kogia breviceps |
| Arch-beaked Whale | Mesoplodon carlhubbsi |
| Goose-beaked Whale | Ziphius cavirostris |
| Bottle-nose Whales | Hyperoodon sp. |

PINNIPEDS

| COMMON NAME | SCIENTIFIC NAME |
|---|---|
| South American Sea Lion | Otaria flavescens |
| California Sea Lion | Zalophus californianus |
| Northern (Stellar) Sea Lion | Eumetopias jubatus |
| Antarctic Fur Seal | Arctocephalus gazella |
| South African Fur Seal | Arctocephalus pusillus |
| Northern Fur Seal | Callorhinus ursinus |
| Pacific Harbor Seal | Phoca vitulina richardii |
| Ice-breeding Harbor Seal | Phoca vitulina largha |
| Atlantic Harbor Seal | Phoca vitulina vitulina |
| Western N. Atlantic Harbor Seal | Phoca vitulina concolor |
| Ringed Seal | Pusa (=Phoca) hispida |
| Gray Seal | Halichoerus grypus |
| Ribbon Seal | Histriophoca fasciata |
| Bearded Seal | Erignathus barbatus |
| Hawaiian Monk Seal | Monachus schauinslandi |
| Crabeater Seal | Lobodon carcinophagus |
| Ross Seal | Ommatophoca rossi |
| Leopard Seal | Hydrurga leptonyx |
| Weddell Seal | Leptonychotes weddelli |
| Southern Elephant Seal | Mirounga leonina |
| Northern Elephant Seal | Mirounga angustirostris |

TABLE II - SYNOPSIS OF PERMIT APPLICATIONS

| | As of April 30, 1974 | | May 1, 1974 thru March 31, 1975 | | As of March 31, 1975 |
|---|---|---|---|---|---|
| | SCIENTIFIC RESEARCH | PUBLIC DISPLAY | SCIENTIFIC RESEARCH | PUBLIC DISPLAY | CUMULATIVE TOTAL |
| NO. OF APPLICATIONS SUBMITTED | 41 | 51 | 15 | 34 | 141[a] |
| NO. OF ANIMALS REQUESTED (TOTAL) | 10,426 | 506 | 13,536 | 138 | 24,606 |
| OF THESE: | | | | | |
| TO BE TAKEN & RELEASED | 9,188 | 0 | 10,257 | 0 | 19,445 |
| FOR CAPTIVE MAINTENANCE | 127 | 456 | 152 | 138 | 873 |
| TO BE FOUND DEAD | 126 | 50 | 637 | 0 | 813 |
| TO BE KILLED IN TAKING | 965 | 0 | 2,486 | 0 | 3,451 |
| TO BE KILLED IN CAPTIVITY | 20 | 0 | 4 | 0 | 24 |
| ACTION TAKEN | | | | | |
| NO. OF APPLICATIONS FORWARDED TO MARINE MAMMAL COMMISSION | 19 | 26 | 27 | 39 | 111 |
| NO. OF APPLICATIONS REVIEWED BY MARINE MAMMAL COMMISSION | 15 | 16 | 30 | 45 | 106 |
| NO. OF APPLICATIONS WITHDRAWN | 0 | 1 | 3 | 7 | 11 |
| NO. OF APPLICATIONS REFERRED TO STATES | 1 | 1 | 2 | 0 | 4 |
| NO. OF APPLICATIONS RESOLVED THROUGH INTERAGENCY AGREEMENT | 1 | 0 | 0 | 0 | 1 |
| NO. OF APPLICATIONS RETURNED DUE TO INAPPROPRIATE SUBMITTAL | 0 | 0 | 0 | 5 | 5 |
| NO. OF APPLICATIONS INACTIVATED | 0 | 0 | 1 | 4 | 5 |
| NO. OF APPLICATIONS DENIED | 2 | 0 | 0 | 4 | 6 |
| NO. OF APPLICATIONS APPROVED | 10 | 10 | 30 | 35 | 85 |
| NO. OF ANIMALS APPROVED (TOTAL) | 623 | 83 | 22,404 | 179 | 23,289 |
| OF THESE: | | | | | |
| TO BE TAKEN & RELEASED | 483 | 0 | 18,147 | 0 | 18,630 |
| FOR CAPTIVE MAINTENANCE | 94 | 83 | 143 | 179 | 499 |
| TO BE FOUND DEAD | 46 | 0 | 737 | 0 | 783 |
| TO BE KILLED IN TAKING | 0 | 0 | 3,365 | 0 | 3,365 |
| TO BE KILLED IN CAPTIVITY | 0 | 0 | 12 | 0 | 12 |

a INCLUDED IN THE APPLICATION TOTALS ABOVE ARE 16 APPLICATIONS IN WHICH NO NUMBERS OF ANIMALS ARE SPECIFIED. THE TOTAL NUMBER OF ANIMALS REQUESTED, THEREFORE, DOES NOT INCLUDE THE ANIMALS WHICH WOULD BE TAKEN UNDER THESE APPLICATIONS.

TABLE III - NUMBER OF CETACEANS REQUESTED IN SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMIT APPLICATIONS

| COMMON NAME[a] | REQUESTED (As of April 30, 1974) TAKEN BY KILLING | TAKEN AND KEPT ALIVE | KILLED IN CAPTIVITY | TAKEN AND RELEASED | FOUND DEAD | REQUESTED (May 1, 1974 thru March 31, 1975) TAKEN BY KILLING | TAKEN AND KEPT ALIVE | KILLED IN CAPTIVITY | TAKEN AND RELEASED | FOUND DEAD | CUMULATIVE TOTAL REQUESTED[b] |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Black Right Whale | --- | --- | --- | 525 | --- | --- | --- | --- | --- | --- | 525 |
| Bowhead Whale | --- | --- | --- | --- | 40 | --- | --- | --- | 50 | --- | 90 |
| Gray Whale | --- | --- | --- | 30 | 11 | --- | --- | --- | 4 | --- | 45 |
| Minke Whale | --- | --- | --- | 549 | 3 | --- | --- | --- | 100 | --- | 652 |
| Bryde's Whale | --- | --- | --- | 500 | --- | --- | --- | --- | 50 | --- | 550 |
| Sei Whale | --- | --- | --- | 525 | --- | --- | --- | --- | 75 | --- | 600 |
| Fin Whale | --- | --- | --- | 525 | --- | --- | --- | --- | 50 | --- | 575 |
| Blue Whale | --- | --- | --- | 525 | --- | --- | --- | --- | --- | --- | 525 |
| Humpback Whale | --- | --- | --- | 555 | --- | --- | --- | --- | --- | --- | 555 |
| Rough-toothed Dolphin | --- | 7 | --- | --- | --- | --- | --- | --- | 100 | --- | 107 |
| Atlantic Bottlenosed Dolphin | --- | 150 | --- | 274 | --- | --- | 73 | 4 | 200 | --- | 701 |
| Pacific Bottlenosed Dolphin | --- | 22 | --- | --- | 3 | --- | --- | --- | --- | --- | 25 |
| Risso's Dolphin | --- | 2 | --- | 24 | --- | --- | --- | --- | --- | --- | 26 |
| White-beaked Dolphin | --- | --- | --- | 24 | --- | --- | --- | --- | --- | --- | 24 |
| Atlantic White-sided Dolphin | --- | 6 | --- | 24 | --- | --- | --- | --- | --- | --- | 30 |
| Pacific White-sided Dolphin | --- | 16 | --- | 177 | 3 | --- | 3. | --- | 12 | --- | 211 |
| Dusky Dolphin | --- | --- | --- | 11 | --- | --- | --- | --- | 50 | --- | 61 |
| Fraser's Dolphin | --- | --- | --- | --- | --- | --- | --- | --- | 100 | --- | 100 |
| Stenelline Dolphins | --- | --- | --- | 24 | --- | --- | --- | --- | --- | --- | 24 |
| Spinner Dolphin | --- | 17 | --- | --- | --- | --- | --- | --- | 1,500 | --- | 1,517 |
| Spotted Dolphin | --- | --- | --- | --- | 3 | --- | --- | --- | 1,500 | --- | 1,503 |
| Striped Dolphin | --- | --- | --- | --- | --- | --- | --- | --- | 100 | --- | 100 |
| Common Dolphin | --- | 3 | --- | 134 | 3 | --- | --- | --- | 500 | --- | 640 |
| Northern Right Whale Dolphin | --- | 2 | --- | --- | 3 | --- | --- | --- | --- | --- | 5 |
| Melon-headed Whale | --- | --- | --- | --- | --- | --- | --- | --- | 100 | --- | 100 |
| Pygmy Killer Whale | --- | 4 | --- | --- | --- | --- | --- | --- | 100 | --- | 104 |
| False Killer Whale | --- | 5 | --- | 24 | --- | --- | 2 | --- | --- | --- | 31 |
| Common Pilot Whale | --- | --- | --- | 24 | --- | --- | 2 | --- | --- | 60 | 86 |
| Short-finned Pilot Whale | --- | 16 | --- | 44 | 3 | --- | 4 | --- | --- | --- | 67 |
| Killer Whale | --- | 6 | --- | 74 | 23 | --- | 2 | --- | 10 | 20 | 115 |
| Harbor Porpoise | --- | --- | --- | --- | 3 | --- | --- | --- | --- | --- | 3 |
| Gulf of California Porpoise | --- | --- | --- | --- | --- | --- | --- | --- | --- | 2 | 2 |
| Dall Porpoise | --- | --- | --- | --- | 3 | --- | --- | --- | --- | --- | 3 |
| Belukha | 15 | --- | --- | --- | 50 | 40 | 4 | --- | --- | --- | 109 |
| Sperm Whale | --- | --- | --- | 525 | --- | --- | --- | --- | 200 | --- | 725 |
| Pygmy Sperm Whale | --- | --- | --- | --- | 3 | --- | --- | --- | --- | --- | 3 |
| Arch-beaked Whale | --- | --- | --- | --- | 3 | --- | --- | --- | --- | --- | 3 |
| Goose-beaked Whale | --- | 2 | --- | --- | --- | --- | --- | --- | --- | --- | 2 |
| Bottle-nose Whales | --- | --- | --- | --- | --- | --- | --- | --- | 25 | --- | 25 |
| TOTAL[b] | 15 | 240 | 0 | 1,177 | 157 | 40 | 84 | 4 | 4,801 | 62 | 6,580 |

a Please refer to Table I of this Appendix, entitled "Common and Scientific Names of Marine Mammals Involved in Scientific Research/Public Display Permit Applications", for the appropriate scientific names.

b In some cases, permit applications or permits specify a number of animals to be taken, without specifying the numbers to be taken from a particular species or population stock. Therefore, the figures given for a particular species represent the total number of animals which might be taken if all possible alternatives were selected for that species. However, the total number given for a category of taking activity represents the maximum number of animals which might be taken, discounting any multiple takings arising from the identification of more than one species. As a result, taking category totals may be less than the sum of the individual entries for that category.

TABLE IV - NUMBER OF PINNIPEDS REQUESTED IN SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMIT APPLICATIONS

| COMMON NAME[a] | REQUESTED (As of April 30, 1974) TAKEN BY KILLING | TAKEN AND KEPT ALIVE | KILLED IN CAPTIVITY | TAKEN AND RELEASED | FOUND DEAD | REQUESTED (May 1, 1974 thru March 31, 1975) TAKEN BY KILLING | TAKEN AND KEPT ALIVE | KILLED IN CAPTIVITY | TAKEN AND RELEASED | FOUND DEAD | CUMULATIVE TOTAL REQUESTED[b] |
|---|---|---|---|---|---|---|---|---|---|---|---|
| South American Sea Lion | --- | 5 | --- | --- | --- | --- | 4 | --- | --- | --- | 9 |
| California Sea Lion | --- | 338 | 20 | 30 | 243 | 600 | 48 | --- | 1,000 | --- | 2,279 |
| Northern Sea Lion | 160 | --- | --- | 3,000 | 3 | 20 | --- | --- | --- | --- | 3,183 |
| Antarctic Fur Seal | 8 | --- | --- | 100 | --- | --- | --- | --- | --- | --- | 108 |
| Northern Fur Seal | --- | --- | --- | --- | 3 | --- | --- | --- | --- | --- | 3 |
| Pacific Harbor Seal | 490 | 187 | 20 | 660 | 3 | 26 | 12 | --- | --- | --- | 1,398 |
| Ice-breeding Harbor Seal | 70 | 6 | --- | 300 | --- | --- | --- | --- | --- | --- | 376 |
| Atlantic Harbor Seal | --- | 1 | --- | --- | --- | --- | --- | --- | --- | --- | 1 |
| Western N. Atlantic Harbor Seal | --- | 25 | --- | 25 | --- | --- | 8 | --- | 120 | 20 | 198 |
| Ringed Seal | 70 | --- | --- | --- | 25 | 1,050 | 4 | --- | --- | --- | 1,149 |
| Gray Seal | --- | 28 | --- | --- | --- | --- | --- | --- | --- | --- | 28 |
| Ribbon Seal | 40 | --- | --- | --- | --- | --- | --- | --- | --- | --- | 40 |
| Bearded Seal | 40 | --- | --- | --- | 10 | 750 | --- | --- | --- | --- | 800 |
| Hawaiian Monk Seal | --- | 2 | --- | --- | --- | --- | --- | --- | --- | --- | 2 |
| Crabeater Seal | 24 | --- | --- | 300 | 6 | --- | --- | --- | --- | --- | 330 |
| Ross Seal | 8 | --- | --- | 100 | 1 | --- | --- | --- | --- | --- | 109 |
| Leopard Seal | 24 | 2 | --- | 100 | 2 | --- | --- | --- | --- | --- | 128 |
| Weddell Seal | 48 | --- | --- | 3,596 | 2 | --- | --- | --- | --- | --- | 3,646 |
| Southern Elephant Seal | 8 | --- | --- | 100 | --- | --- | --- | --- | --- | --- | 108 |
| Northern Elephant Seal | --- | 135 | --- | 3,036 | 276 | --- | --- | --- | 1,000 | --- | 4,447 |
| TOTAL[b] | 950 | 473 | 20 | 11,347 | 574 | 2,446 | 76 | 0 | 2,120 | 20 | 18,026 |

a Please refer to Table I of this Appendix, entitled "Common and Scientific Names of Marine Mammals Involved in Scientific Research/Public Display Permit Applications", for the appropriate scientific names.

b In some cases, permit applications or permits specify a number of animals to be taken, without specifying the numbers to be taken from a particular species or population stock. Therefore, the figures given for a particular species represent the total number of animals which might be taken if all possible alternatives were selected for that species. However, the total number given for a category of taking activity represents the maximum number of animals which might be taken, discounting any multiple takings arising from the identification of more than one species. As a result, taking category totals may be less than the sum of the individual entries for that category.

TABLE V - NUMBER OF CETACEANS AUTHORIZED TO BE TAKEN OR IMPORTED UNDER SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMITS

| COMMON NAME[a] | AUTHORIZED (As of April 30, 1974) TAKEN BY KILLING | TAKEN AND KEPT ALIVE | KILLED IN CAPTIVITY | TAKEN AND RELEASED | FOUND DEAD | AUTHORIZED (May 1, 1974 thru March 31, 1975) TAKEN BY KILLING | TAKEN AND KEPT ALIVE | KILLED IN CAPTIVITY | TAKEN AND RELEASED | FOUND DEAD | CUMULATIVE TOTAL AUTHORIZED[b] |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Black Right Whale | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Bowhead Whale | --- | --- | --- | --- | --- | --- | --- | --- | --- | 40 | 40 |
| Gray Whale | --- | --- | --- | 5 | --- | --- | --- | --- | 4 | 10 | 19 |
| Minke Whale | --- | --- | --- | --- | --- | --- | --- | --- | 124 | --- | 124 |
| Bryde's Whale | --- | --- | --- | --- | --- | --- | --- | --- | 50 | --- | 50 |
| Sei Whale | --- | --- | --- | --- | --- | --- | --- | --- | 75 | --- | 75 |
| Fin Whale | --- | --- | --- | --- | --- | --- | --- | --- | 50 | --- | 50 |
| Blue Whale | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Humpback Whale | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Rough-toothed Dolphin | --- | 7 | --- | --- | --- | --- | --- | --- | 100 | --- | 107 |
| Atlantic Bottlenosed Dolphin | --- | 46 | --- | --- | --- | --- | 60 | --- | 474 | --- | 580 |
| Pacific Bottlenosed Dolphin | --- | 8 | --- | --- | --- | --- | 6 | --- | --- | --- | 14 |
| Risso's Dolphin | --- | --- | --- | --- | --- | --- | --- | --- | 24 | --- | 24 |
| White-beaked Dolphin | --- | --- | --- | --- | --- | --- | --- | --- | 24 | --- | 24 |
| Atlantic White-sided Dolphin | --- | --- | --- | --- | --- | --- | 6 | --- | 24 | --- | 30 |
| Pacific White-sided Dolphin | --- | --- | --- | 97 | --- | --- | 8 | --- | 92 | --- | 197 |
| Dusky Dolphin | --- | --- | --- | 11 | --- | --- | --- | --- | 50 | --- | 61 |
| Fraser's Dolphin | --- | --- | --- | --- | --- | --- | --- | --- | 100 | --- | 100 |
| Stenelline Dolphins | --- | --- | --- | --- | --- | --- | --- | --- | 24 | --- | 24 |
| Spinner Dolphin | --- | 11 | --- | --- | --- | --- | --- | --- | 1,500 | --- | 1,511 |
| Spotted Dolphin | --- | --- | --- | --- | --- | --- | --- | --- | 1,500 | --- | 1,500 |
| Striped Dolphin | --- | --- | --- | --- | --- | --- | --- | --- | 100 | --- | 100 |
| Common Dolphin | --- | 3 | --- | 110 | --- | --- | --- | --- | 524 | --- | 637 |
| Northern Right Whale Dolphin | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Melon-headed Whale | --- | --- | --- | --- | --- | --- | --- | --- | 100 | --- | 100 |
| Pygmy Killer Whale | --- | --- | --- | --- | --- | --- | --- | --- | 100 | --- | 100 |
| False Killer Whale | --- | 3 | --- | --- | --- | --- | 2 | --- | 24 | --- | 29 |
| Common Pilot Whale | --- | --- | --- | --- | --- | --- | --- | --- | 24 | 60 | 84 |
| Short-finned Pilot Whale | --- | 5 | --- | 20 | --- | --- | 8 | --- | 24 | --- | 57 |
| Killer Whale | --- | --- | --- | --- | --- | --- | 4 | --- | 49 | 20 | 73 |
| Harbor Porpoise | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Gulf of California Porpoise | --- | --- | --- | --- | --- | --- | --- | --- | --- | 2 | 2 |
| Dall Porpoise | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Belukha | --- | --- | --- | --- | --- | 15 | --- | --- | --- | 50 | 65 |
| Sperm Whale | --- | --- | --- | --- | --- | --- | --- | --- | 200 | --- | 200 |
| Pygmy Sperm Whale | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Arch-beaked Whale | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Goose-beaked Whale | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Bottle-nose Whales | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| TOTAL[b] | 0 | 83 | 0 | 243 | 0 | 15 | 74 | 0 | 5,120 | 182 | 5,717 |

a Please refer to Table I of this Appendix, entitled "Common and Scientific Names of Marine Mammals Involved in Scientific Research/Public Display Permit Applications", for the appropriate scientific names.

b In some cases, permit applications or permits specify a number of animals to be taken, without specifying the numbers to be taken from a particular species or population stock. Therefore, the figures given for a particular species represent the total number of animals which might be taken if all possible alternatives were selected for that species. However, the total number given for a category of taking activity represents the maximum number of animals which might be taken, discounting any multiple takings arising from the identification of more than one species. As a result, taking category totals may be less than the sum of the individual entries for that category.

TABLE VI - NUMBER OF PINNIPEDS AUTHORIZED TO BE TAKEN OR IMPORTED UNDER SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMITS

| COMMON NAME[a] | AUTHORIZED (As of April 30, 1974) TAKEN BY KILLING | TAKEN AND KEPT ALIVE | KILLED IN CAPTIVITY | TAKEN AND RELEASED | FOUND DEAD | AUTHORIZED (May 1, 1974 thru March 31, 1975) TAKEN BY KILLING | TAKEN AND KEPT ALIVE | KILLED IN CAPTIVITY | TAKEN AND RELEASED | FOUND DEAD | CUMULATIVE TOTAL AUTHORIZED[b] |
|---|---|---|---|---|---|---|---|---|---|---|---|
| South American Sea Lion | --- | 5 | --- | --- | --- | --- | --- | --- | --- | --- | 5 |
| California Sea Lion | --- | 57 | --- | --- | --- | 600 | 219 | 12 | 1,030 | 240 | 2,158 |
| Northern Sea Lion | --- | --- | --- | --- | --- | 180 | --- | --- | 3,000 | --- | 3,180 |
| Antarctic Fur Seal | --- | --- | --- | --- | --- | 8 | --- | --- | 100 | --- | 108 |
| Northern Fur Seal | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Pacific Harbor Seal | --- | 7 | --- | 20 | --- | 510 | 127 | 12 | 560 | --- | 1,236 |
| Ice-breeding Harbor Seal | --- | --- | --- | --- | --- | 70 | 6 | --- | 300 | --- | 376 |
| Atlantic Harbor Seal | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Western N. Atlantic Harbor Seal | --- | 1 | --- | --- | --- | --- | 17 | --- | 25 | --- | 43 |
| Ringed Seal | --- | --- | --- | --- | 25 | 1,120 | 4 | --- | --- | --- | 1,149 |
| Gray Seal | --- | 22 | --- | --- | --- | --- | --- | --- | --- | --- | 22 |
| Ribbon Seal | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | 40 |
| Bearded Seal | --- | --- | --- | --- | 10 | 790 | --- | --- | --- | --- | 800 |
| Hawaiian Monk Seal | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Crabeater Seal | --- | --- | --- | --- | 6 | 24 | --- | --- | 300 | --- | 330 |
| Ross Seal | --- | --- | --- | --- | 1 | 8 | --- | --- | 100 | --- | 109 |
| Leopard Seal | --- | 2 | --- | --- | 2 | 24 | --- | --- | 100 | --- | 128 |
| Weddell Seal | --- | --- | --- | 220 | 2 | 48 | --- | --- | 3,376 | --- | 3,646 |
| Southern Elephant Seal | --- | --- | --- | --- | --- | 8 | --- | --- | 100 | --- | 108 |
| Northern Elephant Seal | --- | --- | --- | --- | --- | --- | 125 | --- | 4,036 | 275 | 4,436 |
| TOTAL[b] | 0 | 94 | 0 | 240 | 46 | 3,350 | 248 | 12 | 13,027 | 555 | 17,572 |

a Please refer to Table I of this Appendix, entitled "Common and Scientific Names of Marine Mammals Involved in Scientific Research/Public Display Permit Applications", for the appropriate scientific names.

b In some cases, permit applications or permits specify a number of animals to be taken, without specifying the numbers to be taken from a particular species or population stock. Therefore, the figures given for a particular species represent the total number of animals which might be taken if all possible alternatives were selected for that species. However, the total number given for a category of taking activity represents the maximum number of animals which might be taken, discounting any multiple takings arising from identification of more than one species. As a result, taking category totals may be less than the sum of the individual entries for that category.

TABLE VII - NUMBER OF MARINE MAMMALS REPORTED TO HAVE BEEN TAKEN AND/OR IMPORTED, AS OF MARCH 31, 1975, UNDER SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMITS

| COMMON NAME[a] | TAKEN OR IMPORTED - TO BE KEPT ALIVE[b] TAKEN BY KILLING | TOTAL TAKEN OR IMPORTED | RELEASED | DIED DURING CAPTURE | DIED IN CAPTIVITY | TAKEN AND RELEASED TAKEN | DIED | SUCCESSFULLY RELEASED | STRANDED FOUND ALIVE | FOUND DEAD | IMPORT OF SPECIMEN MATERIALS[c] | OVERALL TOTAL TAKEN OR IMPORTED |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Gray Whale | --- | --- | --- | --- | --- | 3 | 1 | 2 | --- | --- | --- | 3 |
| Rough-toothed Dolphin | --- | 3 | 2 | --- | --- | --- | --- | --- | --- | --- | --- | 3 |
| Atlantic Bottlenosed Dolphin | --- | 25 | 4 | 1 | 4 | --- | --- | --- | --- | 2 | --- | 27 |
| Pacific Bottlenosed Dolphin | --- | 2 | 1 | --- | --- | --- | --- | --- | --- | --- | --- | 2 |
| Pacific White-sided Dolphin | --- | --- | --- | --- | --- | 1 | --- | 1 | --- | --- | --- | 1 |
| Dusky Dolphin | --- | --- | --- | --- | --- | 1 | --- | 1 | --- | --- | --- | 1 |
| Spinner Dolphin | --- | 7 | 1 | --- | 1 | --- | --- | --- | --- | --- | --- | 7 |
| Common Dolphin | --- | --- | --- | --- | --- | 2 | 2 | 0 | 3 | --- | --- | 5 |
| Northern Right Whale Dolphin | --- | --- | --- | --- | --- | --- | --- | --- | 1 | --- | --- | 1 |
| Short-finned Pilot Whale | --- | 3 | --- | --- | 2 | --- | --- | --- | --- | --- | --- | 3 |
| Arch-beaked Whale | --- | --- | --- | --- | --- | --- | --- | --- | 1 | --- | --- | 1 |
| South American Sea Lion | --- | 5 | --- | --- | --- | --- | --- | --- | --- | --- | --- | 5 |
| California Sea Lion | --- | 84 | 23 | 3 | 3 | --- | --- | --- | 15 | 6 | --- | 105 |
| South African Fur Seal | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | 9 | 9 |
| Northern Fur Seal | --- | --- | --- | --- | --- | --- | --- | --- | 1 | --- | --- | 1 |
| Ice-breeding Harbor Seal | 2 | 3 | --- | --- | --- | --- | --- | --- | --- | --- | --- | 5 |
| Western N. Atlantic Harbor Seal | --- | 14 | --- | --- | 2 | --- | --- | --- | --- | --- | --- | 14 |
| Gray Seal | --- | 10 | --- | --- | 1 | --- | --- | --- | --- | --- | --- | 10 |
| Bearded Seal | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | 3 | 3 |
| Leopard Seal | --- | --- | --- | --- | --- | 1 | --- | 1 | --- | --- | --- | --- |
| Weddell Seal | --- | --- | --- | --- | --- | 192 | --- | 192 | --- | --- | --- | 192 |
| TOTAL | 2 | 156[b] | 31[b] | 4[b] | 13[b] | 200 | 3 | 197 | 21 | 8 | 12 | 391 |

a Please refer to Table I of this Appendix, entitled "Common and Scientific Names of Marine Mammals Involved in Scientific Research/Public Display Permit Applications", for the appropriate scientific names.

b The numbers of animals taken or imported to be kept alive, which were released, died during capture or died in captivity, are included in the total number of each species taken or imported. The number of animals currently held in captivity may, therefore, be less than the total number indicated as having been taken or imported.

c Biological specimen materials imported under permit are generally made available as a result of a foreign harvest. In such cases, the permit holders are not involved in either the taking of the marine mammals or the collection of materials.

[FR Doc.75-18841 Filed 7-21-75;8:45 am]

## DEPARTMENT OF THE TREASURY

### Comptroller of the Currency

[Delegation Order No. 17]

### FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

### Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2) dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of the Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such officer:

(1) Robert Bloom, First Deputy Comptroller of the Currency.
(2) Thomas G. DeShazo, Deputy Comptroller of the Currency.
(3) Robert A. Mullin, Deputy Comptroller of the Currency.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order No. 16 is hereby repealed.

Dated: July 19, 1975.

[SEAL] JAMES E. SMITH,

JAMES E. SMITH,
*Comptroller of the Currency.*

[FR Doc.75-18995 Filed 7-21-75;8:45 am]

### Internal Revenue Service

### CHIEF COUNSEL'S ADVISORY COMMITTEE ON RULES OF PROFESSIONAL CONDUCT

### Open Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, a meeting of the Chief Counsel's Advisory Committee on Rules of Professional Conduct will be held on August 22 and 23, 1975, beginning at 9 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224. The agenda will include topics discussed at the May 15, 1975 meeting concerning the rules of professional conduct governing tax practice with particular emphasis on problems generated by representation of taxpayers by former Internal Revenue Service employees. The Committee will meet with a view towards drafting specific possibles for consideration by the Chief Counsel.

The meeting will be open to the public. It is to be held in a room accommodating, in addition to members of the Committee, 25 people. Time permitting, after discussion of agenda subjects by Committee Members, interested persons may make statements germane to these subjects. Persons wishing to make oral statements should advise the Committee Manager in writing prior to the meeting to aid in scheduling the time available and should submit the written text, or, at a minimum, an outline of comments they propose to make orally. Such comments will be restricted to ten minutes in length. Any interested persons may file a written statement for consideration by the Committee by sending it to the Committee Manager, Chief Counsel's Advisory Committee, Room 3034, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224.

MEADE WHITAKER,
*Chief Counsel.*

[FR Doc.75-18867 Filed 7-21-75;8:45 am]

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### MANUFACTURE OF CONTROLLED SUBSTANCES

### Registration

By Notice dated May 5, 1975, and published in the Federal Register on May 13, 1975; (40 FR 20829) the following bulk manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

S. B. Penick & Company, A Unit of CPC International Inc., 158 Mount Olivet Avenue, Newark, N.J. 07114 (March 14, 1975):

| *Drug* | *Schedule* |
|---|---|
| Imported raw opium | II |
| Opium extracts | II |
| Opium fluid extracts | II |
| Opium powders | II |
| Opium granulated | II |
| Opium tinctures | II |
| Codeine | II |
| Fentanyl | II |
| Hydrocodone | II |
| Morphine | II |
| Thebaine | II |
| Dihydrocodeine | II |
| Methadone | II |
| Pethidine | II |
| Phenazocine | II |
| Mixed alkaloids of opium | II |
| Alphacetylmethadol | I |
| Pholcodine | I |

S. B. Penick & Company, A Unit of CPC International Inc., 530 New York Avenue, Lyndhurst, New Jersey 07071 (March 14, 1975):

| *Drug* | *Schedule* |
|---|---|
| Methadone | II |
| Alphacetylmethadol | I |

No comments or objections having been received, and, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in accordance with 21 CFR 1301.43, the above firms are granted registration as bulk manufacturers of the basic class of controlled substances listed for each firm.

Dated: July 15, 1975.

HENRY S. DOGIN,
*Acting Administrator.*

[FR Doc.75-18936 Filed 7-21-75;8:45 am]

### MANUFACTURE OF CONTROLLED SUBSTANCES

### Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

"The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;"

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on June 12, 1975, Mallinckrodt, Inc., Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of difenoxin, a basic class controlled substance listed in Schedule I.

Since there are no domestic firms registered to manufacture difenoxin in bulk, at this time, there are no parties entitled to request a hearing regarding Mallinckrodt's application pursuant to 21 CFR 1301.43. Therefore, pursuant to this notice Mallinckrodt is hereby granted registration as a bulk manufacturer of difenoxin.

Although no parties are entitled to a hearing in this matter, the Drug Enforcement Administration will accept comments regarding this registration for reference in future actions regarding registrations for this substance from interested parties. Comments should be submitted prior to July 31, 1975, to the Hear-

ing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, N.W., Washington, D.C. 20537.

Dated: July 15, 1975.

HENRY S. DOGIN,
*Acting Administrator,*
*Drug Enforcement Administration.*

[FR Doc.75-18937 Filed 7-21-75;8:45 am]

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## MANUFACTURE OF CONTROLLED SUBSTANCES

### Registration

By Notice dated May 20, 1975, and published in the FEDERAL REGISTER on May 28, 1975; (40 FR 23093) Regis Chemical Company, 8210 N. Austin Avenue, Morton Grove, Illinois 60053, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of mescaline, a basic class controlled substance listed in Schedule I.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in accordance with 21 CFR 1301.43, the above firm is granted registration as a bulk manufacturer of mescaline.

Dated: July 15, 1975.

HENRY S. DOGIN,
*Acting Administrator.*

[FR Doc.75-18938 Filed 7-21-75;8:45 am]

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# DEPARTMENT OF THE INTERIOR

[ES 4012]

## Bureau of Land Management

## ARKANSAS

### Proposed Withdrawal of Land, and Extension of Boundaries, Ozark National Forest

JULY 10, 1975.

The Secretary of the Department of Agriculture, on behalf of the U.S. Forest Service, has filed an application for the withdrawal of a 40.00 acre parcel of land described as the SW¼NE¼ sec. 8, T. 11 N., R. 32 W., Fifth Principal Meridian, Arkansas, and for the extension of the boundaries of the Ozark National Forest to include the following non-public lands:

FIFTH PRINCIPAL MERIDIAN, ARKANSAS

T. 11 N., R. 32 W.,
Sec. 1, W½NE¼, NW¼, S½;
Sec. 4, S½SW¼, S½SW¼SE¼;
Sec. 7, E½, SE¼NW¼, SW¼;
Secs. 8 to 11, except the SW¼NE¼ sec. 8;
Sec. 12, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 14, NW¼NE¼, S½NE¼, NW¼, N½S½;
Sec. 15, N½NE¼, NW¼;
Sec. 16, N½, SW¼, W½SE¼;
Sec. 17, N½, N½S½;
Sec. 18, N½NE¼, NE¼NW¼, N½NW¼NW¼;
Sec. 31;
Sec. 32, W½.

T. 12 N., R. 32 W.,
Sec. 24, SW¼NE¼, W½, portion of SE¼ not presently within N.F.;
Sec. 25;
Sec. 36, W½NE¼, W½.

T. 11 N., R. 33 W.,
Sec. 11, E½E½;
Sec. 12, SW¼NE¼, W½NW¼, SE¼NW¼, S½;
Secs. 13, 14, 23, 24, 25, 26 and 36, inclusive to the Arkansas-Oklahoma State Line.

The addition of the area to the National Forest is proposed to extend present authorities to permit acquisition or exchange of the lands for implementation of multiple-use programs and promotion of economy in recordkeeping and accounting.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed action may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

The Department's regulations, 43 CFR 2351.4(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The officer will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be further withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

LANE J. BOUMAN,
*Acting Director,*
*Eastern States.*

[FR Doc.75-18912 Filed 7-21-75;8:45 am]

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## Fish and Wildlife Service

## ENDANGERED SPECIES PERMIT

### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

*Applicant:* Utah Division of Wildlife Resources, 1596 West North Temple, Salt Lake City, Utah 84116. John E. Phelps, Director.

OMB NO. 42-R1290

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
See Attachment

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Utah Division of Wildlife Resources
1596 West North Temple
Salt Lake City, Utah 84116
Phone: 801-328-5081

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF BUSINESS, AGENCY, OR INSTITUTION
The Utah Division of Wildlife Resources is a state agency delegated the responsibility by law (Title 23, Utah Code Annotated) of protecting, preserving, enhancing and managing wildlife for public benefit.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
John E. Phelps, Director 328-5081
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Throughout the State of Utah

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list licenses or permit numbers)
Migratory Bird Banding Permit #6456

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Certificate of Registration to collect, possess and transport wildlife Issued by Utah Division of Wildlife Resources

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: August 1, 1975
11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See Attachment

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) John E. Phelps | DATE June 2, 1975

John E. Phelps

As required by the Endangered Species Act of 1973, the State of Utah, Division of Wildlife Resources is making application to engage in the following activities involving peregrine falcons:

1. *Initiate Banding Program:* Should active eyries be found during the course of activities, it would be advantageous to band fledglings to further knowledge of mortality factors, extent of movement, and longevity under present environmental stresses. We have requested amendment to Master Banding Permit #6456 to cover this activity.

2. *Color Marking System:* In cooperation with the Bird Banding Laboratory we would use designated colors and numbers on leg bands similar to those developed by Dr. Scott Ward. Fledglings only would be color-banded.

3. *Collection of Infertile Eggs and Shell Fragments:* To complement similar studies conducted in other states and Canadian Provinces, addled eggs and shell fragments would be collected from nests visited for purpose cited above.

4. *Rehabilitation and Salvage:* No authority now exists for this agency to hold or minister to ill or injured peregrine falcons. Similarly, dead peregrines cannot be examined to determine cause of mortality.

5. *"Double Clutching" to Increase Productivity:* This method has been used advantageously to increase the number of eggs produced by nesting peregrines. These eggs can then be artificially incubated to increase numbers of captive propagation stock, as a source of nestlings for replacement in wild nests that failed, or as a source of eggs for the same purpose. Our activity in this phase would be closely coordinated with the needs of facilities operating under permit of the Fish and Wildlife Service.

6. *Placement of Captively Produced Young or Eggs in Wild Nests:* In cooperation with artificial propagation facilities, we request permission to place eggs and/or young in wild peregrine eyries where this technique will increase natural production.

The prime party operating under this permit will be Mr. Phillip Wagner, Raptor Biologist, Utah Division of Wildlife Resources. Mr. Albert W. Heggen, Chief of Research and Nongame, is a member of the Rocky Mountain and Southwest Peregrine Falcon Population Recovery Team.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 21, 1975 will be considered.

Dated: July 16, 1975.

C. R. BAVIN,
*Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.75-18981 Filed 7-21-75;8:45 am]

## ENDANGERED SPECIES PERMIT

### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Public Law 93-205).

*Applicant:* Louisiana Wild Life and Fisheries Commission, 400 Royal Street; New Orleans, Louisiana 70130. J. Berton Angelle, Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
A. Capture, transport, and release at Grand Terre, La. approximately 100 Florida hatched brown pelicans (Pelecanus occidentalis) per year.
B. Continuation of ongoing brown pelican propagation program.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Louisiana Wildlife and Fisheries Commission
400 Royal Street
New Orleans, Louisiana 70130
Phone No. 504-527-5126

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Public agency - wildlife and fish conservation.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 504-527-5126
J. Berton Angelle, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
A. Capture - East coast of Florida as delegated by Florida Game and Fresh Water Fish Commission.
B. Interstate shipment from Florida to Grand Terre, La.
C. Flyout release and propagation at Grand Terre, La.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number)
Migratory Bird Permit
4-SC-320 Reneval

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
Approval of Florida Game and Fresh Water Fish Commission

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ 50.00 — N/A

10. DESIRED EFFECTIVE DATE
June, 1975

11. DURATION NEEDED
Five years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attachments as dictated in sections 17.23 and 13.12, Title 50 code of Federal Regulations

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE ORDER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50; AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) | DATE

3-200
10/74

12. Attachments.

In compliance with the Endangered Species Act of 1973 (Public Law 93-205), the Louisiana Wildlife and Fisheries Commission requests permission to conduct research and management activities in conjunction with with re-establishment of a resident population of Louisiana's official state bird the brown pelican (*Pelecanus occidentalis*).

We respectfully request authorization to continue this long range program which was initially begun in 1968 (see attached publications; specifically the paper entitled, "Re-establishment of the Louisiana Brown Pelican" which was published in May of 1974). Program priorities, research objectives, and management procedures are clearly brought out in these five publications.

Employees of the Louisiana Wildlife and Fisheries Commission working in conjunction with employees of the Florida Game and Fresh Water Fish Commission will capture approximately 100 flightless 1975 hatched pelicans during the first 15 days of July at rookery sites delegated by the Florida Commission (additional young may be transplanted in subsequent years until it is judged that the Louisiana population is well established). These young pelicans will then be trucked to Grand Terre, Louisiana using exactly the same time-proven procedures that have been developed since the inception of this program (see attachments). All introduced pelicans will be banded with U.S. Fish and Wildlife Service leg bands and maintained at the state managed Grand Terre Research Station until they attain flight stage (5 to 10 days) and then allowed to fly free. Supplemental feedings will be offered until such time as birds become completely independent.

Objectives of the brown pelican propagation program and results from some of the more important aspects of this study are defined in the enclosed literature.

The young birds will be transported by Louisiana Wild Life and Fisheries Commission personnel and trucks. This equipment will consist of a 2-ton stakebody truck with appropriate wire mesh crates. This equipment has been used in past years without any loss of young birds in transit.

Re-establishment of the Louisiana Brown Pelican, Ted Joanen, Louisiana Wild Life and Fisheries Commission, Grand Chenier, Louisiana, and Larry McNease, Louisiana Wild Life and Fisheries Commission, Grand Chenier, Louisiana.

The demise of the Louisiana brown pelican (*Pelecanus occidentalis*) has been well publicized. In 1968, seven years after the brown pelican ceased to nest in Louisiana, the Louisiana Wild Life and Fisheries Commission and the Florida Game and Fresh Water Fish Commission jointly undertook a program to re-establish the species by stocking previously occupied range with young birds from Florida colonies.

Several governmental agencies and private organizations showed enthusiastic interest and participated in the original organizational phases of this program. These agencies included Southeastern State Game Departments, the Bureau of Sport Fisheries and Wildlife, the National Audubon Society, and private organizations.

We are extremely pleased to report that encouraging results have been achieved with this re-introduction program. Reproduction has progressively increased over the past four years.

In July, 1968, fifty flightless brown pelicans, 9 to 12 weeks of age, were captured at Hall Island, Florida and transported to Rockefeller Refuge, Louisiana. These birds were held under captive conditions at Rockefeller until September and then released at two locations. Twenty-five birds were released at Grand Terre, Louisiana and 21 at Rockefeller Refuge. The Rockefeller release eventually died out during late winter while the Grand Terre release did amazingly well.

The encouraging results achieved with the Grand Terre release prompted us to make all future releases in the Barataria Bay complex (Grand Terre Island).

After the first experience in 1968, it was evident that the pelicans could care for themselves as soon as they could fly. Thereafter, all 415 pelicans were released on a brackish lake on Grand Terre and permitted to go free immediately upon being released from the truck. Direct releases were made each year from 1969 through 1973.

All young pelicans were banded with a U.S. Fish and Wildlife Service leg band and also a white wing streamer was attached for identification purposes.

The pelicans generally remained on the release pond adjacent to the Grand Terre Marine Research Laboratory until they could fly. A few could fly within a week after release (10–12 weeks of age) but most could not fly well until about three weeks after being released. Trawl remnant fish, predominately Atlantic croaker (*Micropogon undulatus*), was purchased locally and fed until it was determined that the young birds could feed for themselves. After they could fly, they fished in Barataria Bay, close to the release site and also took trash fish dumped by commercial fishing boats returning to port.

Periodic inventories indicated that survival was quite good. Approximately 200 pelicans could usually be counted at the Queen Bess Island nesting area during 1973.

Reproduction was first reported in 1971, when eight young survived to be eventually banded. The parent birds were three years of age at this first nesting effort. The number of young produced each year progressively increased thereafter; 14 in 1972, 26 in 1973, and 82 thus far for the late 1973-early 1974 nesting effort.

Eight nesting attempts have been made during this investigation; one attempt in 1971, four in 1972, two in 1973, and thus far one attempt in 1973–74. While four different land areas were used, they were all located within 1½ miles of the original release site.

A small shell reef was the first nesting site chosen (1971). This reef was washed away after the first successful nesting effort.

The initial three attempts during 1972 resulted in failure. High tides inundated all of the nests. Finally a successful nesting effort was managed on a small shell island with a natural wave barrier around the perimeter.

The first attempt in 1973 was destroyed by high tides. Then the birds moved a short distance to a fairly high beach on a large size island. This was the first attempt on a suitable site and also one that contained bush growth.

It is interesting to note that double nesting was initiated in the same calendar year in 1973. A nesting effort was begun in mid-November of 1973 (82 young produced thus far) and continued until the present time in the same area as was used for the April–May effort of 1973 (26 young produced).

Nest dimensions for 91 nests measured during 1973 indicated an average nest was 30.0" long x 25.3" wide x 8.8" high. The average egg cavity dimensions were 11.9" x 10.8" x 3.5" deep. Twenty-seven percent of the nests had no depression for the eggs. Thirty percent of the nests were constructed in "trees" (*Avicennia* and *Lycium*), with the average height off the ground being 13".

Nests were generally constructed of black mangrove (*Avicennia nitida*), roseau cane (*Phragmites communis*), sea pursiane (*Sesuvium sp.*), sea-matrimony (*Lycium carolinianium*), and oyster grass (*Spartina alterniflora*). Man-made materials, such as window screen, rope, pieces of plastic, and fishing line was seen quite commonly.

The onset of laying varied considerably from year to year and the termination of nesting seemed to be determined by how long it took to bring off a successful nesting attempt.

Dates on which nests were first discovered for different nesting attempts over the four years were:

1971—23 March—Successful.

1972—1 January—Unsuccessful, inundated by high tides; 20 January—Unsuccessful, inundated by high tides; 10 February—Unsuccessful, inundated by high tides; 20 February—Successful.

1973—19 February—Unsuccessful, inundated by high tides in late March; 5 April—Successful.

1973–74—15 November—Successful; important to note that two distinct, widely separated (time interval) nesting efforts occurred in same calendar year.

Clutch size was determined to be about 2.7 for productive nests during both the 1972 and spring 1973 nesting efforts.

Hatching success for 1972 and early 1973 averaged 48.7 percent and 35.1 percent respectively. The survival rate (mortality) for 1972 was 25.9 percent and for 1973 an amazing 67 percent. Mortality was extremely high the first week after hatching. Down tufts did not emerge until six to seven days after hatching, leaving the young hatchlings particularly vulnerable to the elements (sun, wind, cold, etc.).

The rearing procedure was typical of an altricial species, the young being fed and cared for in the nest. At one to two days of age, the young were fed regurgitated anchovies (*Anchoa mitchilli*). As the young birds grew, larger species of fish were consumed. These species included anchovy, menhaden (*Brevoortia patronus*), striped mullet (*Mugil cephalus*), and Atlantic threadfin (*Polydactylus octonemus*).

Development of the young birds progressed slowly. Flight was attained from nine to twelve weeks of age and by the twelfth week the nesting area was abandoned.

Eggs collected from the 1971 and 1972 nesting efforts indicated some egg shell thinning was present. Measurements taken from seven eggs collected in 1971 indicated a 7.4 percent thinning and from 39 eggs collected in 1972 indicated a 12.3 percent thinning (Blus, Joanen, Belish, Prouty, 1973).

Although the restocked pelicans have been nesting successfully, it is still too early to declare the reintroduction to be completely successful. On the other hand, their survival and increasing breeding success indicate that the new population is probably not experiencing the same environmental factors, whatever they might have been, that extirpated the original Louisiana brown pelican population.

The successful reproduction, eggshell thickness measurements comparable to Florida's recent nesting efforts, and low DDT body residues in the restocked birds during the period between 1971 and 1974 suggests that exceptionally high levels of chlorinated hydrocarbon pesticides are not present in the pelican's Louisiana environment at this time.

The future of the Louisiana Brown Pelican looks much brighter at present than it did just six or eight years ago. If the reproductive trend continues to progressively increase coupled with future releases of Florida hatched pelicans, our official state bird may once again be a common sight along sections of our coast.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before August 21, 1975 will be considered.

Dated: July 16, 1975.

C. R. BAVIN,
*Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.*

[FR Doc.75-18982 Filed 7-21-75;8:45 am]

## Geological Survey

### CROWN SPRINGS, MONT.

#### Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area, effective February 1, 1974:

(26) (MONTANA)

CORWIN SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

*Principal Meridian*

T. 8 S., R. 7 E.,
Secs. 12, 13, 24, 25, and 36.
T. 8 S., R. 8 E.,
Secs. 18, 19, 20, 24, and 29 to 33, inclusive.
T. 9 S., R. 7 E.,
Secs. 1, 12, and that part of sec. 13 outside the boundary of Yellowstone National Park.
T. 9 S., R. 8 E.,
Secs. 4, 5, 6, 9, 10, 11, 13, 14, 24, and those parts of secs. 7, 8, 15 to 18, inclusive, 22, and 23 outside the boundary of Yellowstone National Park.
T. 9 S., R. 9 E.,
Secs. 18, 19, and 20.

The area described aggregates 20,349 acres (8,235 ha), more or less.

Dated: July 11, 1975.

GEORGE H. HORN,
*Conservation Manager, Central Region.*

[FR Doc.75-18915 Filed 7-21-75;8:45 am]

### FLY RANCH, NEV.

#### Known Geothermal Resources Area

The following are corrections in the land description and acreage for the addition to the Fly Ranch Known Geothermal Resources Area FR Doc. 75-6727 which appeared on page 11921 of the Friday, March 14, 1975 issue. The description of section 6, T. 34 N., R. 24 E. which reads Lots 1 through 7, S½NE¼, SE¼ NW¼, NE¼SW¼, SE¼ should read Lots 1 through 7, S½NE¼, SE¼NW¼, E½ SW¼, SE¼. The reported acreage of 15,537.38 should read 15,474.38.

Dated: July 1, 1975.

WILLARD C. GERE,
*Conservation Manager, Western Region.*

[FR Doc.75-18913 Filed 7-21-75;8:45 am]

### INDIAN HEAVEN, WASH.

#### Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Indian Heaven known geothermal resources area, effective March 1, 1974:

(47) WASHINGTON

INDIAN HEAVEN KNOWN GEOTHERMAL RESOURCES AREA, WILLAMETTE MERIDIAN, WASHINGTON

T. 6 N., R. 8 E.,
Secs. 23, 24, and 26.
T. 6 N., R. 9 E.,
Sec. 18.

The area described aggregates 2,547 acres, more or less.

Dated: June 12, 1975.

WILLARD C. GERE,
*Conservation Manager, Western Region.*

[FR Doc.75-18914 Filed 7-21-75;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### RAISIN ADVISORY BOARD

### Public Meeting

Under the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., August 14, 1975, in the Forum of the Sheraton Inn, Freeway 99 and Clinton Avenue, Fresno, California.

The purpose of the meeting is to: Review marketing policy for the 1975-76 crop year for natural Thompson Seedless raisins, Dipped Seedless raisins, and Zante currants; review the 1974-75 reserve pool status, including the incentive program; consider making another offer of 1974-75 reserve raisins to handlers for sale in export; and review an industry request for a sale of reserve raisins for child nutrition programs. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness Street, Fresno, California, 93720; telephone 209-268-5666.

Dated: July 17, 1975.

JOHN C. BLUM,
*Acting Administrator.*

[FR Doc.75-19002 Filed 7-21-75;8:45 am]

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### Office of the Secretary

### CONDOR ADVISORY COMMITTEE

### Intent To Reestablish Advisory Committee

Notice is hereby given that the Department of Agriculture proposes to reestablish the Condor Advisory Committee for a 2-year period.

This is a local advisory committee established by the Forest Service in 1965 to advise the Regional Forester, California Region, in policy matters regarding the welfare of the endangered California condor and its habitat as it might be affected by management of all National Forest lands within the condor range.

The California condor is classed as one of the most endangered species on the North American Continent. This fact alone has focused National and worldwide attention on our efforts to preserve the condor as part of the native avifauna.

The Assistant Secretary for Conservation, Research and Education determined that reestablishment of this committee is necessary and in the public interest in connection with duties imposed on the Department by law.

Comments of interested persons concerning reestablishment of this committee may be submitted to Wildlife Management Staff, California Region, Forest Service, USDA, 630 Sansome Street, San Francisco, CA 94111, on or before August 7, 1975.

All written submissions made pursuant to this notice will be available for public inspection in the Wildlife Management office during regular business hours (7 CFR 1.27(b)).

JOSEPH R. WRIGHT, Jr.,
*Assistant Secretary for Administration.*

[FR Doc.75-18935 Filed 7-21-75;8:45 am]

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Interstate Land Sales Registration

[Docket No. N-75-392]

### PARADISE HILLS

### Hearing

In the matter of Paradise Hills, OILSR No. 0-0032-36-1 Docket No. 75-50-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that:

1. Horizon Corporation, Sidney Nelson, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued June 11, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Paradise Hills, located in Bernalillo County, New Mexico, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received July 7, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on August 14, 1975, at 2 p.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before August 7, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 14, 1975.

By the Secretary.

JAMES W. MAST,
*Administrative Law Judge.*

[FR Doc.75-18986 Filed 7-21-75;8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 75 137]

### EQUIPMENT, CONSTRUCTION, AND MATERIALS

### Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from October 24, 1974 to May 4, 1975 (List No. 11-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

The Ash Jon Corporation, 257 Water Street, Brooklyn, New York 11201, Approval No. 160.026/33/0 expired and was terminated effective May 4, 1975.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/544/0, 160.047/545/0 and 160.047/546/0 were therefore terminated effective May 2, 1975.

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufactures certain kapok buoyant vests for the Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201 and Approval Nos. 160.047/556/0, 160.047/557/0 and 160.047/558/0 were therefore terminated effective May 2, 1975.

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufactures certain kapok buoyant vests for the Red Head Brand Corporation, P.O. Box 10956, Dallas, Texas 75207 and Approval Nos. 160.047/607/0, 160.047/608/0 and 160.047/609/0 were therefore terminated effective May 2, 1975.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufactures certain unicellular plastic foam buoyant vests and Approval Nos. 160.052/222/0, 160.052/223/0 and 160.052/224/0 were therefore terminated effective May 2, 1975.

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufacturers certain unicellular plastic foam buoyant vests for the Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201 and Approval Nos. 160.052/257/0, 160.052/258/0 and 160.052/259/0 were therefore terminated effective May 2, 1975.

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufactures certain unicellular plastic buoyant vests for the Red Head Brand Corporation, P.O. Box 10956, Dallas, Texas 75207 and Approval Nos. 160.052/375/0, 160.052/376/0 and 160.052/377/0 were therefore terminated effective May 2, 1975.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Industrial Strainer Company, 695 Amelia Street, Plymouth, Michigan 48170, Approval No. 162.041/18/2 expired and was terminated effective December 22, 1974.

The Bendix Corporation, Fuel Devices Division, 696 Hart Avenue, Detroit, Michigan 48214, Approval No. 162.041/115/0 expired and was terminated effective April 10, 1975.

DECK COVERINGS FOR MERCHANT VESSELS

The E. H. O'Neill Company, Inc., 5515 Belair Road, Baltimore, Maryland 21206, Approval No. 164.006/51/0 expired and was terminated effective October 24, 1974.

Dated: July 11, 1975.

W. M. BENKERT,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.*

[FR Doc.75-18905 Filed 7-21-75;8:45 am]

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[CGD 75 138]

## EQUIPMENT, CONSTRUCTION, AND MATERIALS

### Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from April 23, 1975 to May 13, 1975 (List No. 12-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code; section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/102/2, Models LS-111D and LS-111E survival capsule launching winch; approval limited to mechanical components only, and for a maximum working load of 11,000 pounds on a single fall; identified by assembly drawing 56834 revision G dated June 7, 1973, and drawing list revision B dated September 9, 1974, approved for use on nonself-propelled drilling rigs, artificial islands, and fixed structures for the Whittaker Survival Capsule, manufactured by Lake Shore, Inc., Iron Mountain, Michigan 49801, effective April 30, 1975. (It supersedes Approval No. 160.015/102/2 dated April 30, 1974 to permit alternate components.)

LIFEBOATS

Approval No. 160.035/460/0, 26.0' x 9.0' x 3.83' fibrous glass reinforced plastic (FRP), motor-propelled Class 1 lifeboat, 48-person capacity, identified by general arrangement dwg. No. 26-2D Rev. A dated February 19, 1970, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=4,545 pounds; Condition "B"=13,610 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective May 9, 1975. (It supersedes Approval No. 160.035/460/0 dated March 26, 1970.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

Approval No. 160.047/644/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 147, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective May 2, 1975.

Approval No. 160.047/645/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 147, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective May 2, 1975.

Approval No. 160.047/646/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 147, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective May 2, 1975.

Approval No. 160.047/647/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 150, additional factory locations: Highway 80 West, Mineola, Texas 75773, 802½ West Erwin Street, Tyler, Texas, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective May 2, 1975.

Approval No. 160.047/648/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 150, additional factory locations: Highway 80 West, Mineola, Texas 75773, 802½ West Erwin Street, Tyler, Texas, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective May 2, 1975.

Approval No. 160.047/649/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 150, additional factory locations: Highway 80 West, Mineola, Texas 75773, 802½ West Erwin Street, Tyler, Texas, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective May 2, 1975.

Approval No. 160.047/650/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 119, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201, effective May 2, 1975.

Approval No. 160.047/651/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 119, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201, effective May 2, 1975.

Approval No. 160.047/652/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 119, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201, effective May 2, 1975.

INFLATABLE LIFE RAFT

Approval No. 160.051/69/0, 20-person inflatable life raft; identified by general arrangement drawing CJH/MN/20001A (Alt. 5) dated April 24, 1975, raft satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as per Federal Register of March 13, 1975, manufactured by Patten/Pan Avlon Division of American Safety Flight Systems, Inc., P.O. Box 480213, Miami, Florida 33148, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective May 13, 1975.

Approval No. 160.051/72/0, 4-person inflatable life raft, identified by general arrangement drawing E 741-150 dated October 31, 1974 and drawing list dated April 16,

1975, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective April 28, 1975.

Approval No. 160.051/73/0, 6-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October ber 31, 1974 and drawing list dated April 16, 1975, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective April 28, 1975.

Approval No. 160.051/74/0, 8-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October 31, 1974 and drawing list dated April 16, 1975, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective April 28, 1975.

Approval No. 160.051/75/0, 10-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October 31, 1974 and drawing list dated April 16, 1975, manufactuerd by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective April 28, 1975.

Approval No. 160.051/76/0, 12-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October 31, 1974 and drawing list dated April 16, 1975, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective April 28, 1975.

Approval No. 160.051/77/0, 15-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October 31, 1974 and drawing list dated April 16, 1975, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective April 28, 1975.

Approval No. 160.051/78/0, 20-person inflatable life raft, identified by general arrangement drawing E 741–150 dated October 31, 1974 and drawing list dated April 16, 1975, manufactured by Revere Survival Products Company, Inc., 1030 Grand Boulevard, Deer Park, New York 11729, effective April 28, 1975.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052/420/0, adult, Model AP–2, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 119, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201, effective May 2, 1975.

Approval No. 160.052/421/0, child medium, Model CPM–2, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 119, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201, effective May 2, 1975.

Approval No. 160.052/422/0, child small, Model CPS–2, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 119, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201, effective May 2, 1975.

Approval No. 160.052/423/0, adult, Model AP–2, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 147, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective May 2, 1975.

Approval No. 160.052/424/0, child medium, Model CPM–2, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 147, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective May 2, 1975.

Approval No. 160.052/425/0, child small, Model CPS–2, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 147, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective May 2, 1975.

Approval No. 160.052/426/0, adult, Model AP–2, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 150, additional factory locations: Highway 80 West, Mineola, Texas 75773, 802½ West Erwin Street, Tyler, Texas, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective May 2, 1975.

Approval No. 160.052/427/0, child medium, Model CPM–2, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 150, additional factory locations: Highway 80 West, Mineola, Texas 75773, 802½ West Erwin Street, Tyler, Texas, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective May 2, 1975.

Approval No. 160.052/428/0, child small, Model CPS–2, standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 150, additional factory location: Highway 80 West, Mineola, Texas 75773, 802½ West Erwin Street, Tyler, Texas, Type II PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way Dallas, Texas 75237, effective May 2, 1975.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/96/0, adult, Model 62, vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, dwg. No. 160.055–1A (Sheet 1) and COMDT (MMT–3) letter dated July 1, 1970. Type I PFD, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metaire, Louisiana 70003, effective May 12, 1975. (It is an extension of Approval No. 160.055/96/0 dated July 1, 1970.)

Approval No. 160.055/97/0, child, Model 66, vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, dwg. No. 160.055–1A (Sheet 2) and COMDT (MMT–3) letter dated July 1, 1970, Type I PFD, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metaire, Louisiana 70003, effective May 12, 1975. (It is an extension of Approval No. 160.055/97/0 dated July 1, 1970.)

Approval No. 160.055/103/0, adult, cloth covered life preserver, Model 8125, manufactured in accordance with U.S. Coast Guard Specification Subpart 160.055 and Atlantic-Pacific drawing numbers 8125–6/9/74 (2 sheets) dated September 5, 1974, and 8125–4/11/75 dated April 11, 1975, Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective May 2, 1975. (It supersedes Approval No. 160.055/103/0 dated September 18, 1974 to show additional drawing No.)

Approval No. 160.055/104/0, child, cloth covered life preserver, Model 8126, manufactured in accordance with U.S. Coast Guard Specification Subpart 160.055 and Atlantic-Pacific drawing numbers 8125–6/9/74 (2 sheets) dated September 5, 1974, and 8125–4/11/75 dated April 11, 1975, Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective May 2, 1975. (It supersedes Approval No. 160.055/104/0 dated September 18, 1974 to show additional drawing No.)

Approval No. 160.055/105/0, adult X-large-non-standard cloth covered unicellular plastic foam life preserver constructed in accordance with U.S. Coast Guard Specification Subpart 160.055, drawing No. RRV–150 dated February 2, 1975, bill of materials dated January 23, 1975 and Coast Guard letter, file No. 5946/160.055/105 dated April 14, 1975, Type V PFD, approved only for use by persons engaged in commercial white water service within the U.S.A., manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective May 12, 1975.

Approval No. 160.055/106/0, adult medium-non-standard cloth covered unicellular plastice foam life preserver constructed in accordance with U.S. Coast Guard Specification Subpart 160.055, drawing No. RRV–150 dated February 2, 1975, bill of materials dated January 23, 1975 and Coast Guard letter, file No. 5946/160.055–105 dated April 14, 1975, Type V PFD, approved for use only by persons engaged in commercial white water service within the U.S.A., manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective May 12, 1975.

MARINE BUOYANT DEVICE

Approval No. 160.064/861/0, adult, Model No. WSXL, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 221, Type III PFD, manufactured by Campco Ventures, Inc., 1891 Woolner Avenue, Fairfield, California 94533, effective April 30, 1975.

Approval No. 160.064/862/0, adult, Model No. WSAL, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 221, Type III PFD, manufactured by Campco Ventures, Inc., 1891 Woolner Avenue, Fairfield, California 94533, effective April 30, 1975.

Approval No. 160.064/863/0, adult, Model No. WSAS, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 221, Type III PFD, manufactured by Campco Ventures, Inc., 1891 Woolner Avenue, Fairfield, California 94533, effective April 30, 1975.

Approval No. 160.064/864/0, child medium, Model No. WSCM, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 221, Type III PFD, manufactured by Campco Ventures, Inc., 1891 Woolner Avenue, Fairfield, California 94533, effective April 30, 1975.

Approval No. 160.064/865/0, child small, Model No. WSCS, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specifi-

cation Subpart 160.064 and UL/MD report file No. MQ 221, Type III PFD, manufactured by Campco Ventures, Inc., 1891 Woolner Avenue, Fairfield, California 94533, effective April 30, 1975.

CLASS A EPIRB

Approval No. 161.011/4/0, Model STX-35, Class A, float free, Emergency Position Indicating Radio Beacon, FCC type accepted on April 15, 1975 under 47 CFR Part 83, manufactured by Offshore Systems Company, Six Bruce Street, Nashua, New Hampshire 03060, effective May 1, 1975.

RELIEF VALVES (HOT WATER HEATING BOILERS)

Approval No. 162.013/36/0, Type No. 130-¾", relief valve for hot water heating boilers, maximum set pressure 30 p.s.i., relieving capacity 480,000 BTU per hour, dwg. No. MA-130, dated January 12, 1960, approved for ¾" inlet size, manufactured by McDonnell & Miller, Inc., 3500 N. Spaulding Avenue, Chicago, Illinois 60618, effective April 30, 1975. (It is an extension of Approval No. 162.013/36/0 dated June 8, 1970.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/56/3, 2600 Series safety relief valve, liquefied compressed gas service, full nozzle type, metal-to-metal seat, type Nos. 26DA10-140 to 26RA10-140; 26FB10-140 to 26RB10-140; and 26DA11-140 to 26RA11-140, inlet flange rating 150; 26FB11-140 to 26RB11-140; 26DA12-140 to 26RA12-140; and 26FB12-140 to 26RB12-140, inlet flange rating 300; temperature range 0 to 450 degrees F; 26DA60-140 to 26RA60-140; and 26FB60-140 to 26RB60-140; inlet flange rating 150; 26DA61-140 to 26RA61-140; 26FB61-140 to 26RB61-140; 26DA62-140 to 26RA62-140; and 26FB62-140 to 26RB62-140, inlet flange rating 300; temperature rating minus 1 to 75 degrees F; 26DA70-140 to 26RA70-140; and 26FB70-140 to 26RB70-140; inlet flange rating 150; 26DA71-140 to 26RA71-140; 26FB71-140 to 26RB71-140; 26DA72-140 to 26RA72-140; and 26FB72-140 to 26RB72-140, inlet flange rating 300; temperature range minus 76 to 150 degrees F; 26DA80-140 to 26RA-140; and 26FB80-140 to 26RB80-140, inlet flange rating 150; 26DA81-140 to 26RA81-140; 26FB81-140 to 26RB81-140; 26DA82-140 to 26RA82-140; and 26FB82-140 to 26RB82-140, inlet flange rating 300; temperature range minus 151 to 325, approved for inlet diameters of 1 inch through 6 inches for a maximum setting of 720 p.s.i.g. for 300 lb(ANSI B16.5) flanges and 275 p.s.i.g. for 150 lb(ANSI B16.5) flanges, expanded 2600 series safety relief valves to include 12 additions for subzero temperatures and revised 12 original drawings denoted as "Rev. A", all previous drawings are superseded by the revised drawings, manufactured by Teledyne Farris Engineering, 400 Commercial Avenue, Palisades Park, New Jersey 07650, effective April 23, 1975. (It supersedes Approval No. 162.018/56/2 dated June 10, 1970.)

Dated: July 11, 1975.

W. M. BENKERT,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.*

[FR Doc.75-18906 Filed 7-21-75;8:45 am]

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[CGD 75-141]

## PROPOSED SENECA COUNTY, NEW YORK, LORAN-C TRANSMITTING STATION

### Preparation of Draft Environmental Impact Statement

The Ninth Coast Guard District is presently preparing an Environmental Impact Statement for the proposed Seneca County, New York, LORAN-C Transmitting Station. LORAN-C is a precise radio navigation system of great utility to ocean-going ships, aircraft, fishing fleets, police networks, and search and rescue operations. The system consists of a series of land based towers which transmit signals enabling aircraft and vessels to determine their location. The Department of Transportation has recommended that LORAN-C be the primary long-range system for navigation in coastal areas. Presently, the Coast Guard operates eight LORAN-C chains, using thirty-one transmitting stations covering large portions of the ocean areas in the northern hemisphere.

The Coast Guard proposes to locate a master transmitting station in Seneca County, New York. The station will consist of four towers, each of which is 695 feet high, and an operations building. The towers, support wires, and building will require an area of approximately 205 acres. Major impacts to be addressed in the Environmental Impact Statement include compatibility with existing aviation flight paths, the visual intrusions of the four towers, the disruption to existing wildlife and vegetation, and any interference to nearby radio or telephone channels or facilities.

Four sights have been evaluated in some depth. The preliminary recommendation is to locate the station on the grounds of the Seneca Army Depot in Seneca County, New York. This site fulfills the physical requirements for constructing and operating a station, and represents a considerable cost saving to the federal government. The Environmental Impact Statement will evaluate the environmental compatibility of a LORAN-C Station at this site, as well as the three other sites under consideration. During site selection proposals, the Coast Guard met with the Seneca County Board of Supervisors, and the Seneca County Planning Board. Emphasis was placed on proposed activity at the Seneca Army Depot, and members of both Boards were asked for their comments. Based on these meetings, it is anticipated that a Draft Environmental Impact Statement will be distributed early in August, 1975, and that the Final Environmental Impact Statement will be filed with the Council on Environmental Quality in November, 1975. Maps delineating the proposed site location are available at main libraries in Albany, Auburn, Ithaca, Geneva, and Romulus, New York. Anyone who wishes to comment on the site proposals, or has information useful in the formulation of the Environmental Impact Statement, should contact: Commander(mep), 9th Coast Guard District, 1240 East 9th St., Cleveland, OH 44199.

Dated: July 16, 1975.

R. I. PRICE,
*Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.*

[FR Doc.75-18907 Filed 7-21-75;8:45 am]

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## Federal Railroad Administration

[FRA Waiver Petition Docket No. RSFC-75-1]

## BOSTON AND MAINE CORP.

### Waiver of Freight Car Safety Standards

The Boston and Maine Corporation (BM) has petitioned the Federal Railroad Administration (FRA) for an exemption from Section 215.223 of the FRA Freight Car Safety Standards in order to continue operating 244 freight cars. All of these cars are equipped with trucks that have Hyatt cylindrical type bearings a component whose use was prohibited, effective January 1, 1975, under FRA regulations (49 CFR 215.223).

These cars are all open top hopper cars built in 1957. The cars bear BM reporting marks and are numbered in the series between 10000 and 10298. The cars are primarily operated on the BM lines but are interchanged with the Penn Central Transportation Company, the Canadian National Railway and the Grand Trunk Railway.

Petitioner seeks a temporary exemption for these cars and plans to replace the prohibited component when the cars are scheduled for repair work. Petitioner states that the cars are believed safe for their present operation.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to August 4, 1975. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-75-1) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before September 1, 1975, will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far 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, S.W., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on July 16, 1975.

DONALD W. BENNETT,
*Chief Counsel.*

[FR Doc.75-18925 Filed 7-21-75;8:45 am]

[FRA Waiver Petition Docket No. RSFC-74-27]

## CHEHALIS WESTERN RAILROAD CO.

### Waiver of Freight Car Safety Standards

The Chehalis Western Railroad Company (CW) has petitioned the Federal Railroad Administration (FRA) for exemption from Section 215.223 of the FRA Freight Car Safety Standards in order to continue operating 454 freight cars. All of the cars are equipped with one or more components whose use was prohibited, effective January 1, 1975 under FRA regulations (49 CFR 215.223).

All of the cars are staked log flat cars. The cars include 298 flat cars which bear CW reporting marks in the series between 1 and 946 and 156 flat cars which bear Weyerhaeuser Company reporting marks in the series between 2 and 929. The cars are used exclusively to haul logs in the area between Pe Ell and South Bay in the State of Washington.

The cars are equipped with both cast iron wheels and K type brakes. Both of these components are prohibited from use under FRA regulations. In addition, the cars are equipped with couplers whose use is restricted under FRA regulations (49 CFR 215.225).

Petitioner states that the cars receive thorough inspections and have not been the cause of an accident for more than seven years. The cars are operated at slow speeds with a maximum operating speed of 25 miles per hour. The cars are not interchanged with any other railroad but do operate for distances which do not exceed 40 miles, over track belonging to the Burlington Northern and the Chicago, Milwaukee and St. Paul Railroad Company.

Petitioner seeks a temporary exemption and proposes to retire all of the cars from service by January 1, 1977. Petitioner states that the safety record and the serious shortage of this type of log car warrant the granting of this exemption.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to August 4, 1975. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-74-27) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before September 1, 1975, will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far 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, S.W., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on July 16, 1975.

DONALD W. BENNETT,
*Chief Counsel.*

[FR Doc.75-18926 Filed 7-21-75;8:45 am]

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[FRA Waiver Petition Docket No. RSFC-74-24]

## TEXAS, OKLAHOMA AND EASTERN RAILROAD CO.

### Waiver of Freight Car Safety Standards

The Texas, Oklahoma and Eastern Railroad Company (TO&E) has petitioned the Federal Railroad Administration (FRA) for an exemption from Section 215.223 of the FRA Freight Car Safety Standards in order to continue operating 201 freight cars. All of the cars are equipped with a component whose use was prohibited, effective January 1, 1975, under FRA regulations (49 CFR 215.223).

The cars are all used for hauling lumber and lumber products in the area between Perkins, Arkansas and Valliant, Oklahoma. The cars all bear TO&E reporting marks and carry assorted numbers in the series 184 and 706. There are 2 bulkhead flat cars, 4 flat cars, 61 gondola cars, 17 end rack cars and 117 log cars covered by this petition. The cars are all equipped with one or more pairs of cast iron wheels which are prohibited by the FRA regulations. In addition to these wheels, each of the cars may be equipped with one or more components whose use is restricted under FRA regulations (49 CFR 215.225).

All of these cars are used in low speed operations with 25 miles per hour as the maximum operating speed. The cars are used in captive service and are interchanged with only one other railroad, the Dequeen and Eastern Railroad. The maximum distance these cars travel averages at 165 miles per week.

Petitioner states that the low speed and good safety record that these cars have demonstrated over several years warrants the granting of an exemption. A permanent exemption from the pertinent regulations is requested by the petitioner.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to August 4, 1975. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-74-24) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before September 1, 1975, will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far 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, S.W., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on July 16, 1975.

DONALD W. BENNETT,
*Chief Counsel.*

[FR Doc.75-18927 Filed 7-21-75;8:45 am]

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# CIVIL AERONAUTICS BOARD

[Docket No. 26494; Order 75-7-80]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### South Pacific Air Fares; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of July, 1975.

By Order 75-5-108, May 27, 1975, the Board established procedural dates for the receipt of carrier justification and comments from interested persons regarding an agreement among the carrier members of the International Air Transport Association (IATA) proposing a general increase of approximately 10 percent in South Pacific passenger fares.[1]

Economic justification supporting the agreement has been filed by Pan American World Airways, Inc. (Pan American), the only U.S.-flag carrier providing South Pacific service. No other comments have been received. Pan American states that the proposed increase will provide additional revenue of $2.3 million, 3.5 percent above that otherwise forecast for the year ending March 1976.[2] Pan American has provided a financial statement of historical results in South Pacific scheduled passenger service for the year

[1] In addition to the fare increase, the agreement also imposes stopover restrictions on various promotional fares not heretofore so restricted.

[2] Pan American, states that, although the agreement would increase fares by 10 percent, its forecast includes U.S.-Pago Pago and military Category A and Z traffic, neither of which is affected by the agreement. For this reason and the fact that the proposed fares would be in effect for only nine months of the forecast period (from July 1, 1975 through March 31, 1976), the actual impact will be considerably less than the amount of the increase. Elasticity of demand is also alleged to be an important factor in the forecast revenue improvement.

ended March 1975, and forecasts of results for the year ending March 1976 under both present and proposed fares. Pan American states that it experienced an operating loss of $5.6 million and a return on investment (ROI) of −4.85 percent during the historical period; it anticipates an operating loss of $2.2 million and an ROI of −0.48 percent in the forecast year under present fares, and an operating profit of $0.1 million and an ROI of 2.41 percent under the proposed fares.[3] These results are based on load factors of 46.3 percent during the historical period, 47.0 percent during the forecast period at present fares, and 45.5 percent during the forecast period at proposed fares.[4]

Upon full consideration of the agreement, Pan American's economic justification and other relevant matters, the Board has decided to approve the agreement. The current financial results of Pan American's South Pacific passenger service are disappointing, and reflect a −4.85 percent return during the most recent reported 12 months (ended March 31, 1975). Pan American forecasts a return on investment of only 2.41 percent under the proposed fares, which assumes a decline of about one point in load factor compared with recent experience (from 46.3 to 45.5 percent).[5] While Pan American projects an increase of 3.8 percent in available seat-mile capacity, this increase is attributable to greater reliance on potentially more efficient B–747 aircraft rather than B–707 equipment, and aircraft departures will actually decline by 3.5 percent.

Without reaching the issue of the proper capacity level in the South Pacific market as a whole, the Board is not convinced that load factors averaging about 45 percent reflect efficient operations over the longer term. As noted above, the Board recently approved a U.S./Australia capacity-limitation agreement which is expected to result in a load factor of 48.5 percent in that market. However, even adjusting Pan American's passenger forecast to reflect a more reasonable load factor in excess of the historical 46.3 percent shown in the Appendix,[5a] produces a return well below the Board's 12 percent guideline.

The Board recently disapproved a previous IATA agreement to increase South Pacific fares by 13 percent, concluding that approval of the fare increase at that time would have resulted in overall South Pacific earnings for Pan American significantly above the 12 percent return on investment guideline.[6] Since then Pan American's return from operations on this route has declined substantially (3.89 percent as reported for the year ended March 1975), and it now appears that a fare increase is warranted. The moderately improved earnings in scheduled passenger service, at a more reasonable load factor, will not produce an overall return inconsistent with the Board's 12 percent benchmark.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, does not find the following resolutions, incorporated in Agreement C.A.B. 25112 as indicated, to be adverse to the public interest or in volation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

| Agreement CAB | IATA No. | Title | Application |
|---|---|---|---|
| 25112: | | | |
| R–1 | 002c | Special Readoption Resolution (JT31 South Pacific) (NEW) | 3/1. |
| R–2 | 022i | JT31 (South Pacific) Special Rules for Sales of Passenger Air Transportation (Amending). | 3/1. |
| R–3 | 080d | South Pacific 23-Day Individual Inclusive Tour Fares (Readopting and Amending). | 3/1. |

Accordingly, it is ordered that:

1. Agreement C.A.B. 25112, R–1 through R–3, be and hereby is approved subject, where applicable, to conditions previously imposed by the Board; and

2. Carriers are hereby authorized to file tariff revisions implementing the approved agreement on not less than one day's notice for effect not earlier than August 1, 1975. The authority in this paragraph expires September 1, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.75–18987 Filed 7–21–75;8:45 am]

[Docket No. 27573; Order 75–7–21]

**International Air Transport Association Order Relating to Cargo Fare Matters**

*Correction*

In FR Doc. 75–17944 appearing at page 29117 in the issue of Thursday, July 10, 1975 on page 29118 the second line of the first paragraph in column one under the tables should be changed to read "25187, described in finding paragraph 1".

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL AND ENERGY CONSERVATION ASPECTS OF FEDERAL ENERGY RESEARCH AND DEVELOPMENT AND EMERGING ENERGY TECHNOLOGIES

**Preliminary Notice of Public Hearings**

The Council on Environmental Quality announces public hearings on the environmental and energy conservation aspects of Federal energy research and development and emerging energy technologies, pursuant to the provisions of Section 11 of the Non-Nuclear Energy Research and Development Act of 1974, P.L. 93–577.

The hearings will be held as follows:

National Hearings, Washington, D.C., Sept. 3–4, 1975.

Regional Hearings, Los Angeles, Calif., Sept. 8–9, 1975; Detroit, Mich., Sept. 11–12, 1975.

A principal subject for the hearings is the comprehensive national energy research and development plan, *Creating Energy Choices for the Future*, prepared by the Energy Research and Development Administration and submitted to the President and the Congress on June 28, 1975. Other environmental and energy conservation issues related to emerging energy technologies will be considered, including regional and local impacts and Federal-private industry relationships.

The Council invites participation and testimony from all interested parties. The results of the hearings will be published.

Requests for additional information may be addressed to Public Hearings, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006. Details on times and locations will be published prior to the hearings.

RUSSELL W. PETERSON,
*Chairman.*

[FR Doc.75–18994 Filed 7–21–75;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### CANADIAN TELEVISION STATIONS

**Miscellaneous Amendments**

JULY 15, 1975.

A supplementary list to the List of Canadian Television Stations within 250 miles of the Canada-U.S.A. border, dated April 1, 1973, has been issued by the FCC. Compiled from information supplied by the Department of Communications of Canada, the list reflects all additions, changes, deletions and corrections made up to June 30, 1975.

Further additions, changes, deletions and corrections will be issued as reported to the Commission by the Canadian Department of Communications.

Copies of the list may be obtained from Downtown Copy Center, 1730 K Street, N.W., Washington, D.C. 20006, telephone (202) 452–1422.

[3] See Appendix.

[4] Pan American states that these results are consistent with the capacity-limitation agreement between itself and Qantas Airways Limited for U.S./Australia services recently approved by Order 75–7–27, July 3, 1975, which is expected to result in a 48.5 percent load factor for U.S./Australia services.

[5] This decline is due primarily to the carrier's estimate of demand elasticity, since it forecasts a 47.0 percent load factor at present fares.

[5a] Filed as part of the original document.

[6] Order 75–3–98, March 26, 1975.

*Supplementary list of changes, additions, deletions and corrections as of June 30, 1975, to the list of Canadian television stations within 250 miles of the border issued by the commission dated April 1, 1973*

LIST NO. 5, JULY 8, 1975

| Call sign | Licensee | Location | Radiated power (kW) | Antenna | | | | Offset |
|---|---|---|---|---|---|---|---|---|
| | | | | Directivity | Above ground | Above MSL | Above terrain | |
| **CHANNEL 2 (54-60 MHz)** | | | | | | | | |
| CKPR-TV (increased power and antenna height). | Thunder Bay Electronics. | Thunder Bay, Ontario, N. 48°31'30", W. 89°00'50". | 56.0 V<br>10.0 A | Om | 750 | 2350 | 1201.5 | No |
| **CHANNEL 5 (76-82 MHz)** | | | | | | | | |
| CBAFT | | Fredericton-Saint John, New Brunswick, N. 45°31'57", W. 65°47'41". | 33.75 V<br>3.375 A | DA | 250 | 950 | 640.5 | (-) |
| **CHANNEL 8 (180-186 MHz)** | | | | | | | | |
| CBUBT-9 | | Fernie, British Columbia, N. 49°29'18", W. 115°03'47". | 0.0585 V<br>0.00585 A | DA | 100 | 3500 | -1804 | No |
| CBWST (call letters changed from CKSS-TV). | Yorkton TV Co., Ltd. | Dauphin (Baldy Mt.), Manitoba, N. 51°28'14", W. 100°43'10". | 120.0 V<br>12.0 A | DA | 540 | 3297 | 1147 | No |
| **CHANNEL 9 (186-192 MHz)** | | | | | | | | |
| CKSH-TV | | Sherbrooke, Quebec, N. 45°18'43", W. 72°14'32". | 113.0 V<br>20.2 A | DA | 250 | 3000 | 2026 | No |
| **CHANNEL 10 (198-204 MHz)** | | | | | | | | |
| CBUBT-10 | | Natal, British Columbia, N. 49°43'28", W. 114°51'48". | 0.103 V<br>0.0103 A | DA | 55 | 4530 | -598 | No |
| **CHANNEL 10 (192-198 MHz)—Continued** | | | | | | | | |
| CKSO-TV-4 | | Kapuskasing, Ontario, N. 49°24'51", W. 82°25'26". | 0.90 V<br>0.18 A | DA | 220 | 913 | 155 | No |
| CICC-TV | | Yorkton, Saskatchewan, N. 51°12'33", W. 102°43'59". | 39.24 V<br>5.35 A | Om | 554 | 2304 | 444 | No |
| **CHANNEL 11 (198-204 MHz)** | | | | | | | | |
| CKWS-TV (increased power and antenna height). | Frontenac Broadcasting, Ltd. | Kingston, Ontario, N. 44°10'02", W. 76°25'40". | 164.0 V<br>16.4 A | DA | 826 | 1151 | 842 | (-) |
| **CHANNEL 12 (204-210 MHz)** | | | | | | | | |
| CICC-TV-1 | | Wynyard, Saskatchewan, N. 51°42'30", W. 104°17'55". | 25.0 V<br>5.0 A | DA | 531 | 2556 | 560 | (+) |
| **CHANNEL 15 (476-482 MHz)** | | | | | | | | |
| CIVQ-TV | | Quebec, Quebec, N. 46°48'27", W. 71°13'02". | 1298 V<br>259 A | Om | 614 | 809 | 628 | (-) |
| **CHANNEL 17 (484-494 MHz)** | | | | | | | | |
| CIVM-TV | | Montreal, Quebec, N. 45°30'20", W. 73°35'32". | 1212 V<br>242 A | Om | 366 | 1110 | 983 | No |
| **CHANNEL 21 (512-518 MHz)** | | | | | | | | |
| CBUBT-8 | | Morrissey Ridge, British Columbia, N. 49°26'44", W. 114°39'20". | 0.0295 V<br>0.00295 A | DA | 15 | 7015 | 1804 | (+) |
| **CHANNEL 59 (740-746 MHz)** | | | | | | | | |
| CBUBT (channel changed from channel 10, and increased power and antenna height). | Canadian Broadcasting Corp. | Cranbrook, British Columbia, N. 49°32'45", W. 115°47'52". | 0.0277 V<br>0.00277 A | DA | 90 | 4014 | 681 | No |
| **CHANNEL 77 (848-854 MHz)** | | | | | | | | |
| CBUBT-5 (channel changed from channel 75). | Canadian Broadcasting Corp. | Radium, British Columbia, N. 50°37'08", W. 116°04'47". | 0.079 V<br>0.0079 A | DA | 110 | 2810 | -1488 | No |

[SEAL]

WALLACE E. JOHNSON,
*Chief, Broadcast Bureau, Federal Communications Commission.*

[FR Doc.75-18946 Filed 7-21-75;8:45 am]

[Report No. 762]

## COMMON CARRIER SERVICES INFORMATION [1]

### Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 14, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20001-CD-P-76, Bobier Electronics, Inc. (New). C.P. for a new station to operate on 152.06 MHz. to be located at Summit Ridge, 3.5 miles N.E. of Parkersburg, West Virginia.

20002-CD-P-76, Bobier Electronics, Inc. (New). C.P. for a new 1-way station to operate on 158.70 MHz. to be located at Summit Ridge, 3.5 miles N.E. of Parkersburg, West Virginia.

20003-CD-P-76, Memphis Mobile Telephone, Inc. (New). C.P. for a new station to operate on 43.58 MHz. to be located at 400 South Highland, Memphis, Tennessee.

20004-CD-P-76, James D. and Lawrence D. Garvey d/b/a Radiofone. (New). C.P. for a new 1-way station to operate on 35.58 MHz. to be located at N.E. corner of St. Landry Street and Lowe Davis Road, Covington, Louisiana.

20005-CD-P-76, James D. and Lawrence D. Garvey d/b/a Radiofone (KLF616). C.P. for additional facilities to operate on 152.24 MHz. at Loc. #2: 2601 Severne Avenue, Metairie, Louisiana.

20006-CD-P-76, James D. and Lawrence D. Garvey d/b/2 Radiofone (KUC975). C.P. for additional facilities to operate on 454.150 MHz. at Loc. #2: N.E. corner St. Landry and Lowe Davis Road, Covington, Louisiana.

20007-CD-P-76, Airsignal International, Inc. (KKG561). C.P. for additional control facilities to operate on 75.72 MHz. at Loc. #5: 7000 Fannin Street, Houston, Texas.

20008-CD-P-76, Arvig Telephone Company (KUS222). C.P. to change antenna system operating on 152.78 MHz. located 1.8 miles North of Ash River Falls, Minnesota.

20009-CD-P-76, Airsignal of California, Inc. (KMM703). C.P. for additional stand-by facilities to operate on 454.100 MHz. to be located 1.3 mi. S. of Bijou, California.

20010-CD-P-(3)-76, Airsignal of Colorado, Inc. (KUS278). C.P. to relocate facilities operating on 454.250, 454.275 & 454.300 MHz. to be located 3.3 miles West of Pierce, Colorado.

20011-CD-P-(7)-75, Imperial Communications Corporation (KLF644). C.P. to relocate facilities and chg. antenna system operating on 152.24 MHz and 158.70 MHz. and for additional control facilities to operate on 2125 MHz at Loc. #2: San Miguel Mountain, 13 miles E. of San Diego, California; change antenna system and replace transmitter operating on 152.24 and 158.70 MHz. at Loc. #3: Mount Woodson, California; and for additional control facilities to operate on 2175 & 2165 MHz. located at 110 West C Street, San Diego, California.

20012-CD-P-(3)-76, Pacific Northwest Bell Telephone Company (KOA731). C.P. to change antenna system operating on 35.26, 152.57 & 152.60 MHz. located at Prospect Hill No. 1, approximately 7 miles SW of Salem, Oregon.

20013-CD-P-(2)-76, Com-Nav, Inc. d/b/a Radio Telephone of Maine (KQZ780). C.P. for additional facilities to operate on 152.15 and 152.21 MHz. located at Copeland Hill approximately 3 miles West of East Holden, Maine.

20014-CD-P-76, Rodney J. Bacon d/b/a Coeur d'Alene Answering Service (KUO597). C.P. for additional facilities to operate on 454.200 MHz. located 10 mi. WSW of Coeur d'Alene, Mica Peak, Idaho.

20015-CD-P-(6)-76, Imperial Communications Corporation (KMA262). C.P. to relocate facilities, change antenna system and replace transmitter operating on 152.03, 152.12 and 152.18 MHz. and for additional fac. operating on 454.05 MHz; chg. antenna system, relocate facilities oper. on 2115, Control, and for additional facilities oper. on 2128 MHz, Repeater at Loc. No. 2: San Miguel Mountain, 13 miles E. of San Diego, California.

20016-CD-P-(2)-76, D. L. D'Auteuil, d/b/a Ozark Mobile Phone Company (New). C.P. for a new station to operate on 454.075 and 454.125 MHz. to be located at Ruddell Hill, 1.5 mile West of Batesville, Arkansas.

20017-CD-P-(2)-76, D. L. D'Auteuil, d/b/a Ozark Mobile Phone Company (New). C.P. for a new station to operate on 454.050 and 454.250 MHz. to be located at Island Town, 1 mi. S. of Newport, Arkansas.

20018-CD-P-(2)-76, D. L. D'Auteuil d/b/a Ozark Mobile Phone Company (KLF535). C.P. for additional facilities to operate on 454.175 and 454.225 MHz. to be located 2.5 miles NW of Searcy, Arkansas.

20019-CD-P-(2)-76, The Mountain States Telephone and Telegraph Company (KAH667). C.P. to change antenna system operating on 152.63 and 152.69 MHz. located 1 mile S.S.E. of Monte Vista, Colorado.

20020-CD-P-76, Radio Relay Corp.—Michigan (KQC884). C.P. to relocate facilities operating on 35.58 MHz. at Loc. No. 4: 1750 Southfield Road, Lincoln Park, Michigan.

*Major amendment*

2636-C2-P-72, (KLF577), Miami Valley Radiotelephone. Amend to change antenna location to Rt. 32 & I-275 (near Mt. Carmel), Clermont County, Ohio. All other particulars remain as reported in Public Notice No. 718 dated September 9, 1974.

*Corrections*

21714-CD-P-75, Telpage of Iowa, Inc. (New). C.P. for new station to operate on 152.06 MHz. All other particulars remain as reported on PN No. 759, dated 6-23-75.

21705-CD-R-75, South Central Bell Telephone Co. (KLF514). Correct Loc. to read Alabama, Kentucky, Louisiana, Mississippi and Tennessee. All other particulars are to remain as reported on PN No. 758, dated June 16, 1975.

RENEWAL FOR DEVELOPMENTAL LICENSE

21837-CD-R-75, Southern Bell Tel. & Tel. Co., KIN644. Fixed location term: August 1, 1975 to August 1, 1976.

RURAL RADIO

60001-CR-P-76, RCA Alaska Communications, Inc. (WAV591). C.P. to change antenna system operating on 161.9125 and 161.8625 MHz. located at Roundtop Mt., 85 miles south of Delta Junction, Alaska.

60002-CR-P-76, RCA Alaska Communications, Inc. (WAV601). C.P. to change frequency from 157.2625 to 161.9625 MHz. located at Alps Remote block valve No. 103, 11 miles North of Glennallen, Alaska.

60003-CR-P-76, RCA Alaska Communications, Inc. (WAV608). C.P. to relocate facilities and change antenna system operating on 161.9875, 161.9375, 161.8875 & 161.9125 MHz. located 44 miles SSE of Glennallen, Alaska.

60004-CR-P-76, RCA Alaska Communications, Inc. (WAV609). C.P. to change frequency from 157.3125 MHz. to 161.9875 MHz. located at Alps Remote Block Valve No. 113, 37 miles SSE of Glennallen, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

The following Renewal applications for the term ending August 1, 1980 have been received.

THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY

| *Call sign* | *Location* |
|---|---|
| KAH90 | In any temporary fixed location within the territory of the Grantee. |
| KAJ64 | Martin Company, Colo. |
| KAM31 | North Table Mountain, Colo. |
| KAM32 | Boulder Junction, Colo. |
| KAM38 | Longmont, Colo. |
| KAN25 | Badger Mountain, Colo. |
| KAN26 | Cerro Summit, Colo. |
| KAN27 | Denver, Colo. |

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

| Call sign | Location |
|---|---|
| KAN28 | Devils Head, Colo. |
| KAN29 | Pitzpatrick Mesa, Colo. |
| KAN30 | Gunnison, Colo. |
| KAN31 | Monarch Pass, Colo. |
| KAN32 | Montrose, Colo. |
| KAN78 | Madden Peak, Colo. |
| KAN79 | Durango, Colo. |
| KAN80 | Whitewater, Colo. |
| KAN84 | Ash Mesa, Colo. |
| KAP21 | Perrins Peak, Colo. |
| KAS72 | Salida, Colo. |
| KBC29 | Grand Valley, Colo. |
| KBC41 | Rifle Junction, Colo. |
| KBC48 | Lamar, Colo. |
| KBC49 | Sheridan Lake, Colo. |
| KBC50 | Marble, Colo. |
| KBC51 | Towner, Colo. |
| KBC87 | Storm King, Colo. |
| KBC96 | Baxter Pass, Colo. |
| KBC97 | Hilltop, Colo. |
| KBD20 | Limon, Colo. |
| KBD21 | Genoa, Colo. |
| KBD22 | Flagler, Colo. |
| KBD23 | Stratton, Colo. |
| KBD24 | Burlington, Colo. |
| KBD26 | Granite, Colo. |
| KBD27 | Leadville, Colo. |
| KBD28 | Cortez, Colo. |
| KBD46 | Sand Creek, Colo. |
| KBD47 | Cheyenne Wells, Colo. |
| KBD67 | Glenwood Springs, Colo. |
| KBD68 | Rio Blanco, Colo. |
| KBE99 | Tepee Park, Colo. |
| KBF20 | Craig Junction, Colo. |
| KBI88 | Calvary Temple, Colo. |
| KBI89 | Aspen, Colo. |
| KBI90 | Basalt, Colo. |
| KBK88 | Goodman Point, Colo. |
| KCO74 | Pueblo Junction, Colo. |
| KCO75 | Cedarwood, Colo. |
| KCO76 | Manzanola, Colo. |
| KCO77 | La Junta, Colo. |
| KCO78 | Frick, Colo. |
| KCO79 | Lamar, Colo. |
| KCO80 | San Luis, Colo. |
| KCO81 | Blanca Peak, Colo. |
| KCO82 | Alamosa, Colo. |
| KCO83 | Greeley Junction, Colo. |
| KCO84 | North Milliken, Colo. |
| KCO85 | Fort Collins, Colo. |
| KGG29 | Squaw Butte, Idaho. |
| KGH44 | Boise Bench, Idaho. |
| KKA51 | Questa, N. Mex. |
| KKA51 | Huerfano, N. Mex. |
| KKA58 | Kutz, N. Mex. |
| KKA63 | Star Lake, N. Mex. |
| KKA65 | Bernalillo, N. Mex. |
| KKA72 | La Cienega, N. Mex. |
| KKB96 | High Lonesome, N. Mex. |
| KKB97 | Elkins, N. Mex. |
| KKK22 | Tano, N. Mex. |
| KKK24 | White Sands, N. Mex. |
| KKK40 | El Paso, Tex. |
| KKK41 | South Franklin Mountain, Tex. |
| KKK57 | Las Cruces, N. Mex. |
| KKK68 | Organ, N. Mex. |
| KKK69 | Apollo, N. Mex. |
| KKL83 | Los Alamos, N. Mex. |
| KKU30 | Tempe, Ariz. |
| KKU62 | Ysleta, Tex. |
| KKU69 | El Paso, Tex. |
| KKU75 | Cheyenne Junction, Wyo. |
| KKU76 | Horse Creek, Wyo. |
| KKU77 | Chugwater, Wyo. |
| KKU78 | Wnedover, Wyo. |
| KKU83 | Wheatland, Wyo. |
| KLC47 | Kenna, N. Mex. |
| KLC49 | Albuquerque, N. Mex. |
| KLD48 | Jemez, N. Mex. |
| KLD49 | Lybrook, N. Mex. |
| KLD50 | Bloomfield, N. Mex. |
| KLD51 | Farmington, N. Mex. |
| KLF34 | Manzano, N. Mex. |
| KLF82 | White Oaks, N. Mex. |
| KLF83 | Tinnie, N. Mex. |
| KLF84 | Roswell, N. Mex. |
| KLO88 | Apache Springs, N. Mex. |
| KLO89 | Bottomless Lakes, N. Mex. |
| KLP78 | Elida, N. Mex. |
| KLR44 | Clovis, N. Mex. |
| KLS35 | Sandia Crest, N. Mex. |
| KLS36 | Rowe, N. Mex. |
| KLS37 | Apache Springs, N. Mex. |
| KLS38 | Las Vegas, N. Mex. |
| KLU40 | Colonias, N. Mex. |
| KLU41 | Alcor, N. Mex. |
| KLU42 | Montoya, N. Mex. |
| KLU43 | Tucumacari, N. Mex. |
| KLU54 | El Prado, N. Mex. |
| KLU55 | Tres Piedras, N. Mex. |
| KLU90 | Fairacres, N. Mex. |
| KLV23 | Nambe, N. Mex. |
| KLV24 | Ojo Caliente, N. Mex. |
| KLV25 | Taos, N. Mex. |
| KNZ49 | Albuquerque Junction, N. Mex. |
| KNZ50 | Los Lunas, N. Mex. |
| KNZ51 | Socorro, N. Mex. |
| KNZ52 | Luis Lopez, N. Mex. |
| KNZ53 | San Antonio, N. Mex. |
| KNZ54 | Monticello, N. Mex. |
| KNZ55 | Cutter, N. Mex. |
| KOA90 | Caldwell, Idaho. |
| KOM61 | Idaho Falls, Idaho. |
| KOM62 | Arco, Idaho. |
| KOM63 | East Butte, Idaho. |
| KOQ75 | San Manuel, Ariz. |
| KOS52 | Tucson, Ariz. |
| KOV59 | Yuma, Ariz. |
| KOV60 | Yuma Proving Ground, Ariz. |
| KOV63 | Phoenix, Ariz. |
| KPB52 | Salt Lake City, Utah. |
| KPB53 | Camp Williams, Utah. |
| KPB54 | Provo, Utah. |
| KPC67 | Flagstaff, Ariz. |
| KPC70 | Mingus Mountain, Ariz. |
| KPC71 | Mount Elden, Ariz. |
| KPC82 | Blackfoot, Idaho. |
| KPC83 | Pocatello Junction, Idaho. |
| KPH60 | Mount Sentinel, Mont. |
| KPH61 | TV Mountain, Mont. |
| KPH62 | Charlo, Mont. |
| KPH75 | Glendive Junction, Mont. |
| KPH76 | Richey, Mont. |
| KPH77 | Vida, Mont. |
| KPH78 | Fort Peck, Mont. |
| KPH79 | Glasgow Junction, Mont. |
| KPH81 | Opheim, Mont. |
| KPH88 | Glendive, Mont. |
| KPH89 | Great Falls Junction, Mont. |
| KPI49 | Dutton, Mont. |
| KPI50 | Conrad, Mont. |
| KPI51 | Shelby Junction, Mont. |
| KPI55 | Black Eagle, Mont. |
| KPI56 | Big Sandy, Mont. |
| KPI57 | Fort Benton, Mont. |
| KPI58 | Havre Junction, Mont. |
| KPI59 | Havre, Mont. |
| KPI60 | Raynesford, Mont. |
| KPI61 | Denton, Mont. |
| KPI62 | Giltedge, Mont. |
| KPK21 | Winslow, Ariz. |
| KPL23 | Prescott, Ariz. |
| KPL28 | Great Falls, Mont. |
| KPN70 | Boise, Idaho. |
| KPN71 | Deer Point, Idaho. |
| KPN80 | Mount Lemmon, Ariz. |
| KPN83 | Telegraph Pass, Ariz. |
| KPN84 | Oatman Mountain, Ariz. |
| KPN85 | White Tank Mountain, Ariz. |
| KPN86 | Pinal Peak, Ariz. |
| KPN87 | Globe, Ariz. |
| KPN88 | Safford, Ariz. |
| KPP22 | Hardin, Colo. |
| KPP23 | Wiggins, Colo. |
| KPP24 | Fort Morgan, Colo. |
| KPP25 | Fremont Butte, Colo. |
| KPP26 | Sterling, Colo. |
| KPP38 | Newcastle, Wyo. |
| KPP84 | Corona, N. Mex. |
| KPP85 | Klagetoh, Ariz. |
| KPP86 | Defiance Plateau, Ariz. |
| KPP92 | Grants, N. Mex. |
| KPQ23 | Payson, Utah. |
| KPQ24 | Lund, Utah. |
| KPQ25 | Iron Springs, Utah. |
| KPQ26 | Cedar City, Utah. |
| KPQ38 | Tuab, Ariz. |
| KPQ57 | Casper, Wyo. |
| KPQ58 | Casper Mountain, Wyo. |
| KPQ59 | Edgerton, Wyo. |
| KPQ60 | Reno, Wyo. |
| KPQ61 | Sharp, Wyo. |
| KPR24 | Coolidge, Ariz. |
| KPR34 | Bruin Peak, Utah. |
| KPR35 | Price, Utah. |
| KPR36 | Soldier Summit, Utah. |
| KPR37 | Salem, Utah. |
| KPR44 | Billings, Mont. |
| KPR45 | Billings Junction, Mont. |
| KPR46 | Indian Arrow, Mont. |
| KPR47 | Pine Ridge, Mont. |
| KPR48 | Hardin, Mont. |
| KPR59 | Waltman, Wyo. |
| KPR60 | Copper Mountain, Wyo. |
| KPR61 | Riverton, Wyo. |
| KPR62 | Worland, Wyo. |
| KPR72 | Big Timber Junction, Mont. |
| KPR73 | Melville Junction, Mont. |
| KPR74 | Harlowton South, Mont. |
| KPR75 | Harlowton, Mont. |
| KPR76 | Salt Lake City, Utah. |
| KPR77 | Ogden, Utah. |
| KPR79 | Mountain Home, Idaho. |
| KPS29 | Pocatello, Idaho. |
| KPS30 | Chink's Peak, Idaho. |
| KPS31 | McCammon, Idaho. |
| KPS32 | Fish Creek, Idaho. |
| KPS33 | Soda Springs, Idaho. |
| KPS34 | Georgetown, Idaho. |
| KPS35 | Montpelier, Idaho. |
| KPS36 | Gillette, Wyo. |
| KPS37 | Kemmerer, Wyo. |
| KPS38 | Kemmerer Hill, Wyo. |
| KPS39 | Hogback Ridge, Wyo. |
| KPS40 | La Barge, Wyo. |
| KPS44 | Columbus, Mont. |
| KPS45 | Bozeman Radio, Mont. |
| KPS46 | Livingston, Mont. |
| KPS48 | Lewistown, Mont. |
| KPS49 | Big Muddy, Wyo. |
| KPS50 | Glenrock, Wyo. |
| KPS51 | Joseph City, Ariz. |
| KPS52 | Holbrook, Ariz. |
| KPS61 | Missoula, Mont. |
| KPS69 | Helena, Mont. |
| KPS77 | Helena Junction, Mont. |
| KPS78 | Anaconda, Mont. |
| KPS79 | Butte, Mont. |
| KPS80 | Madera Canyon, Ariz. |
| KPS81 | Twin Buttes, Ariz. |
| KPS82 | Tubac, Ariz. |
| KPS83 | Nogales, Ariz. |
| KPS84 | Vail, Ariz. |
| KPS85 | Benson, Ariz. |
| KPS86 | Mule Pass, Ariz. |
| KPS87 | Bisbee, Ariz. |
| KPS88 | Sierra Vista, Ariz. |
| KPS89 | Vernal, Utah. |
| KPS98 | Little Mountain, Utah. |
| KPT26 | Burley Butte, Idaho. |
| KPT30 | Hansen Butte, Idaho. |
| KPT31 | Twin Falls, Idaho. |
| KPT32 | Freezeout, Idaho. |
| KPT33 | Clay Peak, Idaho. |
| KPT87 | Makoshika, Mont. |
| KPT88 | Cabin Creek, Mont. |
| KPV23 | Childs Mountain, Ariz. |
| KPV24 | Gila Bend, Ariz. |
| KPV27 | Tooele, Utah. |
| KPV32 | Flat Top Butte, Idaho. |
| KPV33 | Buhl, Idaho. |
| KPV34 | Kinzie Butte, Idaho. |
| KPV35 | Mount Baldy, Idaho. |
| KPV36 | Ketchum, Idaho. |
| KPV41 | Martinez Lake, Ariz. |
| KPV50 | Copper Mine, Ariz. |
| KPV51 | Page, Ariz. |

| Call sign | Location |
|---|---|
| KPV63 | Aneth, Utah. |
| KPV65 | Stansbury Island, Utah. |
| KPV87 | Glendive, Mont. |
| KPV88 | Intake, Mont. |
| KPV89 | Sidney Junction, Mont. |
| KPV90 | Fairview Junction, Mont. |
| KPV91 | Bainville Junction, Mont. |
| KPV92 | Plentywood Junction, Mont. |
| KPV93 | Whitetail, Mont. |
| KPV94 | Peerless, Mont. |
| KPW20 | Malmstrom Air Force Base, Mont. |
| KPW21 | Sphinx, Utah. |
| KPW22 | Green River, Utah. |
| KPW87 | Rexburg Hill, Idaho. |
| KPW88 | St. Anthony, Idaho. |
| KPX21 | Clearfield, Utah. |
| KPX23 | Horse Creek, Mont. |
| KPX24 | Bill Hill, Mont. |
| KPX25 | Baker, Mont. |
| KPX29 | Blowhard Mountain, Utah. |
| KPX30 | Kanab, Utah. |
| KPX32 | Dragoon, Ariz. |
| KPX33 | Willcox, Ariz. |
| KPX35 | Shaw Butte, Ariz. |
| KPX36 | Cave Creek, Ariz. |
| KPX37 | Casa Grande, Ariz. |
| KPX40 | Whiskey Mountain, Wyo. |
| KPX41 | Togwotee Pass, Wyo. |
| KPX42 | Teton Pass, Wyo. |
| KPX43 | Jackson, Wyo. |
| KPX47 | Luke Field, Ariz. |
| KPX48 | Buffalo Creek, Wyo. |
| KPX49 | Upton, Wyo. |
| KPX63 | Lander, Wyo. |
| KPX68 | Mount Ord, Ariz. |
| KPX69 | Payson, Ariz. |
| KPX77 | Lakeside Mountain, Utah. |
| KPX82 | Sidney, Mont. |
| KPX83 | Culbertson, Mont. |
| KPX84 | Culbertson, Mont. |
| KPX85 | Plentywood, Mont. |
| KPY42 | Deep Creek, Mont. |
| KPY43 | Dailey Lake, Mont. |
| KPY44 | Yellowstone Park, Wyo. |
| KPY56 | Grand Canyon North Rim, Ariz. |
| KPY57 | Grand Canyon Village, Ariz. |
| KPY63 | Snowbank Mountain, Idaho. |
| KPY64 | Cuprum, Idaho. |
| KPY65 | Hell's Canyon, Idaho. |
| KPY69 | Boysen Peak, Wyo. |
| KPY70 | Bill Williams Mountain, Ariz. |
| KPY71 | Hualapai Peak, Ariz. |
| KPY72 | Kingman, Ariz. |
| KPY79 | Lohman, Mont. |
| KPY80 | Chinook, Mont. |
| KPY81 | Harlem, Mont. |
| KPY82 | Savoy, Mont. |
| KPY83 | Wagner, Mont. |
| KPY84 | Malta, Mont. |
| KPZ41 | Butte City, Idaho. |
| KPZ42 | Arco, Idaho. |
| KPZ64 | Boise Junction, Idaho. |
| KPZ65 | Oracle, Ariz. |
| KPZ66 | Marana, Ariz. |
| KPZ67 | South Pass, Wyo. |
| KPZ68 | Pacific Creek, Wyo. |
| KPZ69 | White Mountain, Wyo. |
| KPZ70 | Rock Springs, Wyo. |
| KPZ71 | Brigham City, Utah. |
| KPZ72 | Logan, Utah. |
| KPZ73 | Mud Flat, Utah. |
| KPZ77 | Judith Peak, Mont. |
| KPZ86 | Cottonwood, Ariz. |
| KPZ95 | Stanford, Mont. |
| KPZ97 | Fort Custer, Mont. |
| KPZ98 | Fort Smith, Mont. |
| KRW87 | Roswell, N. Mex. |
| KRW92 | Howe, Idaho. |
| KTF31 | Gibson, N. Mex. |
| KTF32 | McCartys, N. Mex. |
| KTF33 | Mt. Powell, N. Mex. |
| KTF34 | Gallup, N. Mex. |
| KTF35 | Correo, N. Mex. |
| KTF76 | Copperton, Utah. |
| KTF86 | Saco, Mont. |
| KTF87 | Vandalia, Mont. |
| KTQ78 | Dome Mountain, Wyo. |
| KTQ79 | Sheridan, Wyo. |
| KTQ82 | Delle, Utah. |
| KTQ83 | Dugway Proving Ground, Utah. |
| KTQ84 | Barro, Utah. |
| KTQ85 | Wendover, Utah. |
| KTQ87 | Young, Ariz. |
| KTQ88 | Alamogordo, N. Mex. |
| KTQ89 | Sacramento Peak, N. Mex. |
| KTR22 | Cut Bank, Mont. |
| KTR23 | Santa Rita, Mont. |
| KTR24 | Blackfoot, Mont. |
| KTR25 | East Glacier Park, Mont. |
| KTR26 | Java, Mont. |
| KTR27 | Garry, Mont. |
| KTR28 | Silvertip, Mont. |
| KTR29 | West Glacier, Mont. |
| KTR30 | Big Fork, Mont. |
| KTR31 | La Salle, Mont. |
| KTR32 | Skidoo Bay, Mont. |
| KVD53 | Roosevelt, Utah. |
| KVD66 | Emmett, Idaho. |
| KVD78 | Blue Mesa Junction, Colo. |
| KVH72 | Meadowlark Lake, Wyo. |
| KVH80 | Bozeman, Mont. |
| KVI49 | Agency Park, Colo. |
| KVI53 | Carlton, Mont. |
| KVI54 | Hamilton, Mont. |
| KVI55 | Darby, Mont. |
| KVU54 | Grand Junction, Colo. |
| KVU93 | Valleytown, Mont. |
| KVU94 | Eureka, Utah. |
| KXP30 | Pompeys Pillar, Mont. |
| KXP31 | Big Horn, Mont. |
| KXP32 | Forsyth Junction, Mont. |
| KXP33 | Forsyth, Mont. |
| KXP34 | Hathaway, Mont. |
| KXP35 | Horton, Mont. |
| KXQ86 | Miles City, Mont. |
| KXQ87 | Cheyenne, Wyo. |
| KXQ88 | Archer, Wyo. |
| KXQ89 | Arcola, Wyo. |
| KXQ90 | Pine Bluffs, Wyo. |
| KXQ91 | Pine Bluffs, Wyo. |
| KXQ92 | Albin, Wyo. |
| KXQ96 | Thermopolis, Wyo. |
| KXQ97 | Rattlesnake Butte, Wyo. |
| KXQ98 | Torchlight, Wyo. |
| KXQ99 | McCullough Peak, Wyo. |
| KXR20 | Cody, Wyo. |
| KXR21 | Lovell, Wyo. |
| KXR22 | Provo, Utah. |
| KXR23 | Mt. Pleasant, Utah. |
| KXR24 | Gunnison, Utah. |
| KXR25 | Glenanna, Utah. |
| KXR26 | Richfield, Utah. |
| KXR31 | Critchell, Colo. |
| KXR32 | Westcreek, Colo. |
| KXR33 | Calham, Colo. |
| KXR34 | Truckton, Colo. |
| KXR35 | Boone, Colo. |
| KXR36 | La Veta Pass, Colo. |
| KXR38 | Jerome, Idaho. |
| KXR39 | Little Creek Mountain, Utah. |
| KXR40 | St. George, Utah. |
| KXR84 | Manzano Base, N. Mex. |
| KYC33 | East Helena R.S., Mont. |
| KYC34 | Wickes, Mont. |
| KYC35 | Boulder, Mont. |
| KYC36 | Twin Bridges, Mont. |
| KYC37 | Dillon, Mont. |
| KYC38 | Glen, Mont. |
| KYC39 | Bannock, Mont. |
| KYC69 | Deming, N. Mex. |
| KYC70 | Deming, N. Mex. |
| KYC82 | La Junta Junction, Colo. |
| KYJ28 | Box Elder, Mont. |
| KYJ29 | Lothair, Mont. |
| KYJ30 | Joplin, Mont. |
| KYJ31 | Oilmont, Mont. |
| KYJ32 | Sweetgrass, Mont. |
| KYJ51 | Springfield, Idaho. |
| KYJ52 | Atomic City, Idaho. |
| KYJ53 | Mud Lake, Idaho. |
| KYJ54 | Gilmore, Idaho. |
| KYJ55 | Leadore, Idaho. |
| KYJ65 | Garnell, Mont. |
| KYJ77 | Rawlins, Wyo. |
| KYJ78 | Separation Peak, Wyo. |
| KYJ79 | Pine Butte, Wyo. |
| KYO28 | Carrica Ranch, Colo. |
| KYO29 | Platt Ranch, Colo. |
| KYO30 | Kim, Colo. |
| KYO79 | Aztec, N. Mex. |
| KYO85 | Missionary Ridge, Colo. |
| KYR97 | Deer Lodge, Mont. |
| KYS22 | Mount Hopkins, Ariz. |
| KYS23 | Nogales, Ariz. |
| KYS25 | Superior, Mont. |
| KYS26 | Plains, Mont. |
| KYS30 | Mountain Home, Idaho. |
| KYZ76 | Douglas, Ariz. |
| KZA51 | Northfield, Colo. |
| KZA52 | Midway, Colo. |
| KZA53 | Colorado Springs, Colo. |
| KZA70 | Rico, Colo. |
| KZI68 | Curecanti, Colo. |
| KZS95 | Pinos Altos, N. Mex. |
| KZS96 | Silver City, N. Mex. |
| WAD32 | Oxbow, Idaho. |
| WAN35 | Powell, Wyo. |
| WAN78 | Shirley Basin, Wyo. |
| WAX76 | Big Bend, Idaho. |
| WAX77 | Island Park, Idaho. |
| WAX86 | Artesia, N. Mex. |
| WAX99 | Humboldt Mountain, Ariz. |
| WAY20 | Casper Junction, Wyo. |
| WAY21 | Orpha, Wyo. |
| WAY22 | Douglas, Wyo. |
| WAY23 | Douglas, Wyo. |
| WAY28 | Donald, Mont. |
| WAY33 | Hayden, Ariz. |
| WAY35 | Pine, Ariz. |
| WAY36 | Tonto Creek, Ariz. |
| WAY52 | Towers Mountain, Ariz. |
| WAY53 | Wickenburg, Ariz. |
| WAY54 | Mt. Francis, Ariz. |
| WAY79 | Idaho Springs, Idaho. |
| WAY80 | Medicine Bow, Wyo. |
| WAY82 | Orchard, Idaho. |
| WBO44 | Matheson, Colo. |
| WBO45 | Peyton, Colo. |
| WBO46 | Williams, Ariz. |
| WBO71 | Las Nutrias, N. Mex. |
| WBO72 | La Joya, N. Mex. |
| WBO73 | Magdalena, N. Mex. |
| WBO74 | Datil, N. Mex. |
| WBO75 | Quemado, N. Mex. |
| WBO94 | Parley's Peak, Utah. |
| WBO95 | Park City, Utah. |
| WBO99 | Greenhorn, Colo. |
| WBP20 | Ravenwood, Colo. |
| WBP21 | Walsenburg, Colo. |
| WBP22 | Aguilar, Colo. |
| WBP23 | Hoehne, Colo. |
| WBP24 | Trinidad, Colo. |
| WBP26 | San Jon, N. Mex. |
| WBP33 | Burley Main, Idaho. |
| WBP50 | Afton, Wyo. |
| WBP51 | Piney Creek, Wyo. |
| WBP64 | Clifton C.O., Ariz. |
| WBP79 | Lamont, Wyo. |
| WDD53 | Highland Flats, Wyo. |
| WDD55 | Canyon Ferry, Mont. |
| WDD62 | Idaho City, Idaho. |
| WDE26 | Jim Bridger Power Plant, Wyo. |
| WDE85 | Arlington, Wyo. |
| WDE86 | Pilot Hill, Wyo. |
| WGE99 | Little Station Canyon, Idaho. |
| WGF20 | Malad City, Idaho. |
| WGG35 | Cave Creek, Ariz. |
| WGG36 | Morristown, Ariz. |
| WGG37 | Aguila, Ariz. |
| WGG38 | Salome, Ariz. |
| WGH92 | Tom Miner, Mont. |
| WGH93 | West Yellowstone, Mont. |
| WGI50 | Craig, Mont. |
| WGI51 | Denver Zuni, Colo. |
| WGI52 | Arapahoe Springs, Colo. |

| Call sign | Location |
|---|---|
| WGI61 | Huntington, Utah. |
| WHB65 | Mohawk Pass, Ariz. |
| WHB69 | Hayden, Colo. |
| WHB70 | Mount Werner, Colo. |
| WHB71 | Steamboat Springs, Colo. |
| WHB72 | Owl Ridge, Colo. |
| WHB73 | Walden, Colo. |
| WHT49 | Raspberry, Colo. |
| WHT50 | Norwood Junction, Colo. |
| WHU21 | Seligman, Ariz. |
| WIV21 | Apache Junction, Ariz. |
| WIV22 | Kelvin, Ariz. |
| WIV24 | Strawberry, Ariz. |
| WIV25 | Mormon Mountain, Ariz. |
| WIV52 | Three Forks, Mont. |
| WIV59 | Winston, Mont. |
| WIV60 | Toston, Mont. |
| WIV73 | Broadus, Mont. |
| WIV74 | Home Creek, Mont. |
| WIV75 | Miles City R., Mont. |
| WIV76 | Fallon, Mont. |
| WIV77 | Volberg, Mont. |
| WJK81 | Encampment, Wyo. |
| WJK87 | Sedona, Ariz. |
| WJM28 | Mesa, Idaho. |
| WJM29 | Council, Idaho. |
| WJM55 | Midwest, Wyo. |
| WJM56 | Mayoworth, Wyo. |
| WJM57 | Fort McKinney, Wyo. |
| WJM58 | Sheridan Junction, Wyo. |
| WKS37 | Keyhole, Wyo. |
| WKS38 | Hulett, Wyo. |
| WKS42 | Dateland, Ariz. |
| WOE39 | Jeffrey City, Wyo. |
| WOE40 | Pueblo, Colo. |
| WOF83 | Ronan, Mont. |
| WOJ36 | Clementsville, Idaho. |
| WOJ37 | Driggs, Idaho. |
| WPE72 | Grouse Mountain, Colo. |
| WPE73 | Granby, Colo. |
| WPF84 | Vernal, Utah. |
| WPF86 | Garden City, Utah. |
| WPF90 | Preston, Idaho. |
| WPF91 | Red Rock, Idaho. |
| WPG64 | Mt. Wilson, Utah. |
| WPG65 | Panguitch, Utah. |
| WPW76 | Lands End, Colo. |
| WPX21 | Organ Pipe National Monument, Ariz. |
| WPX83 | Crow Valley Hill, Colo. |
| WPX84 | Grover, Colo. |
| WPX88 | Iona Butte, Idaho. |
| WPX90 | Ioka, Utah. |
| WPX91 | Duchesne, Utah. |
| WPX93 | Heber City, Utah. |
| WPY21 | Kitt Peak National Observatory, Ariz. |
| WPY22 | Tumamoc Hill, Ariz. |
| WPY23 | Silver Bell, Ariz. |
| WQN43 | Delta, Colo. |
| WQP57 | Humboldt, Ariz. |
| WQP58 | Cordes Junction, Ariz. |
| WQP65 | San Toy Mountain, Colo. |
| WQP66 | Castle Peak, Colo. |
| WQP67 | Vail Junction, Colo. |
| WQP68 | Vail, Colo. |
| WQP70 | Buffalo, Wyo. |
| WSL67 | Sells, Ariz. |
| WSM69 | Bagdad, Ariz. |

INDIANA BELL TELEPHONE COMPANY

| | |
|---|---|
| KOC56 | Point Isabel, Ind. |
| KOC57 | Marion, Ind. |
| KOC60 | Warren, Ind. |
| KOC61 | Zanesville, Ind. |
| KSG62 | Temporary Fixed, Ind. |
| KSJ45 | Indianapolis, Ind. |
| KSL95 | Bloomington, Ind. |
| KSL96 | Kirksville, Ind. |
| KSL97 | Bloomfield, Ind. |
| KSN75 | Montclair, Ind. |
| KSN76 | Lebanon, Ind. |
| KSN77 | Frankfort, Ind. |
| KSN78 | Lafayette, Ind. |
| KSP57 | Evansville, Ind. |
| KSP58 | Bayou Road, Ind. |
| KSP59 | Mount Vernon, Ind. |
| KSP82 | Michigan City, Ind. |
| KSP83 | Rolling Prairie, Ind. |
| KSP84 | South Bend, Ind. |
| KSP95 | Princeton, Ind. |
| KSV85 | Noblesville, Ind. |
| KSV86 | Anderson, Ind. |
| KSV87 | Muncie, Ind. |
| KTG60 | Morgantown, Ind. |
| KTG61 | New Unionville, Ind. |
| KTQ46 | Westphalia, Ind. |
| KTQ47 | Monroe City, Ind. |
| KTQ48 | Petersburg, Ind. |
| KTQ49 | Arthur, Ind. |
| KXQ73 | Fort Wayne, Ind. |
| KYO35 | Burlington, Ind. |
| KYO36 | Kokomo, Ind. |
| KYO37 | Anoka, Ind. |
| KYO38 | Rochester, Ind. |
| KYO39 | Bremen, Ind. |
| KYO40 | North Liberty, Ind. |
| WAN49 | Crawfordsville, Ind. |
| WAY99 | Bruceville, Ind. |
| WHT91 | Elberfeld, Ind. |
| WHT92 | Vincennes, Ind. |
| WQR49 | Chandler, Ind. |

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA

| | |
|---|---|
| KGD52 | Wilsons, Va. |
| KIA24 | Oilville, Va. |
| KIA25 | Shannon Hill, Va. |
| KIA30 | Carter Mountain, Va. |
| KIA32 | Charlottesville, Va. |
| KIA81 | Chester, Va. |
| KIA83 | Poore Mountain, Va. |
| KIA95 | Price Mountain, Va. |
| KIA96 | Blacksburg, Va. |
| KIA97 | Radford, Va. |
| KIB23 | Bucks Elbow Mountain, Va. |
| KIB24 | Staunton, Va. |
| KIB28 | Dinwiddie, Va. |
| KIN87 | Lynchburg, Va. |
| KIN88 | Apple Orchard Mountain, Va. |
| KIP50 | Any Temporary fixed location in territory of Grantee. |
| KIR29 | Richmond, Va. |
| KIT49 | Kiptopeke, Va. |
| KIW79 | Hampton, Va. |
| KIX54 | Greens Knob, Va. |
| KIX55 | Roanoke, Va. |
| KJG52 | Newport News, Va. |
| KJG53 | Norfolk, Va. |
| KJJ27 | Leesburg, Va. |
| KJJ28 | Aldie, Va. |
| KJJ29 | Nokesville, Va. |
| KJJ30 | Morrisville, Va. |
| KJJ31 | Berea, Va. |
| KJJ32 | Bowling Green, Va. |
| KJJ33 | Cauthornville, Va. |
| KJJ46 | King and Queen, Va. |
| KJJ47 | Deltaville, Va. |
| KJJ48 | Silver Beach, Va. |
| KJK23 | Buchanan, Va. |
| KJK24 | Glasgow, Va. |
| KJK28 | Long Mountain, Va. |
| KJK29 | White Oak Mountain, Va. |
| KJK30 | Danville, Va. |
| KJK33 | Petersburg, Va. |
| KJK39 | Powhatan, Va. |
| KJK40 | Amelia, Va. |
| KJK41 | Blackstone, Va. |
| KJK42 | Nutbush, Va. |
| KJK43 | Keysville, Va. |
| KJK44 | Drakes Branch, Va. |
| KJK45 | Clover, Va. |
| KJK46 | South Boston, Va. |
| KJK47 | Tobacco Row, Va. |
| KOC51 | Christianburg, Va. |
| KTG56 | Bald Knob, Va. |
| KTG57 | Pearisburg, Va. |
| KTQ76 | Onancock, Va. |
| KTQ77 | Tangier, Va. |
| KYS82 | Aylett, Va. |
| KYS83 | Culpeper, Va. |
| KYZ80 | Sand Mountain, Va. |
| KYZ81 | Walker Mountain, Va. |
| KYZ82 | Brumley Mountain, Va. |
| KYZ83 | Coeburn, Va. |
| KYZ84 | Norton, Va. |
| KZS45 | Dismal Peak, Va. |
| KZS66 | Fort Defiance, Va. |
| WAY40 | Front Royal, Va. |
| WAY41 | Paris Mountain, Va. |
| WAY42 | Leesburg, Va. |
| WAY84 | Altavista, Va. |
| WGI32 | Fredericksburg, Va. |
| WHA76 | Blairs, Va. |
| WHA85 | Covington, Va. |
| WHT67 | Moseley, Va. |
| WQQ62 | Harrisonburg, Va. |

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF MARYLAND

| | |
|---|---|
| KGB72 | In any temporary fixed location within the territory of the Grantee. |

WISCONSIN TELEPHONE COMPANY

| | |
|---|---|
| KSE73 | Within the territory of the Grantee. |
| KSF88 | Stevens Point, Wis. |
| KSJ52 | Beaver Dam, Wis. |
| KSJ53 | Watertown Junction, Wis. |
| KSN96 | Madison, Wis. |
| KSN97 | New Glarus, Wis. |
| KSN98 | Dodgeville, Wis. |
| KSN99 | Darlington, Wis. |
| KSO20 | Monroe, Wis. |
| KSO21 | Platteville, Wis. |
| KSO24 | Boscobel, Wis. |
| KSO25 | Mohawk Valley, Wis. |
| KSO26 | Walker Corner, Wis. |
| KSO27 | Rising Sun, Wis. |
| KSO28 | La Crosse, Wis. |
| KSO85 | Appleton, Wis. |
| KSO86 | Osborn, Wis. |
| KSO87 | Green Bay, Wis. |
| KSO97 | Eau Claire, Wis. |
| KSO98 | Cleghorn, Wis. |
| KSO99 | Strum, Wis. |
| KSP20 | Pigeon Falls, Wis. |
| KSP42 | Rib Hill, Wis. |
| KSP43 | Parrish, Wis. |
| KSP44 | Rhinelander, Wis. |
| KSP45 | Walhain, Wis. |
| KSP46 | Algoma, Wis. |
| KSP47 | Sawyer, Wis. |
| KSP48 | Sturgeon Bay, Wis. |
| KSP50 | Hudson, Wis. |
| KSP51 | Troy, Wis. |
| KSP52 | Dresser, Wis. |
| KSP60 | Ashland, Wis. |
| KSP65 | Ino, Wis. |
| KSP66 | Poplar, Wis. |
| KSP67 | Chaffey, Wis. |
| KSP68 | Superior, Wis. |
| KSP85 | Mellen, Wis. |
| KSP86 | Park Falls, Wis. |
| KZA82 | Rocky Run, Wis. |
| WAD65 | Viroqua, Wis. |
| WBO96 | Dover, Wis. |
| WDE27 | Milwaukee, Wis. |
| WDE28 | Granville, Wis. |
| WDE29 | Port Washington, Wis. |
| WDE30 | Random Lake, Wis. |
| WDE31 | Sheboygan, Wis. |
| WDE32 | Graham Corners, Wis. |
| WDE33 | Fond Du Lac, Wis. |
| WDE34 | Fisk, Wis. |
| WDE35 | Hortonville, Wis. |
| WDE37 | North Appleton, Wis. |
| WDE38 | Lark, Wis. |
| WDE39 | Kewaunee, Wis. |
| WDE40 | Madison, Wis. |
| WDE41 | Waunakee, Wis. |
| WHU23 | Oshkosh, Wis. |
| WQR50 | Phillips, Wis. |
| WSL51 | Eagleton, Wis. |
| WSL52 | Cameron, Wis. |
| WSL53 | Poynette, Wis. |

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

| Call sign | Location |
|---|---|
| KFB40 | Ridgeway, S.C. |
| KIA47 | Raleigh, N.C. |
| KIB25 | Atlanta, Ga. |
| KIB39 | Alcovy Mountain, Ga. |
| KIB41 | Forsyth, Ga. |
| KIB43 | Thomaston, Ga. |
| KIB45 | Kathleen, Ga. |
| KIB46 | Eastman, Ga. |
| KIB47 | Fitzgerald, Ga. |
| KIB52 | Nicholls, Ga. |
| KIB53 | Waycross, Ga. |
| KIB87 | Palmetto, Ga. |
| KIL20 | Temporary Fixed within the territory served by Southern Bell Telephone and Telegraph Company. |
| KIL89 | Newington, Ga. |
| KIL90 | Marlow, Ga. |
| KIL91 | Goldsboro, N.C. |
| KIL92 | Smithfield, N.C. |
| KIN54 | Waxhaw, N.C. |
| KIN55 | Kershaw, S.C. |
| KIO42 | Lumpkin, Ga. |
| KIO59 | Columbus, Ga. |
| KIP48 | Albany, Ga. |
| KIQ76 | Rock Harbor, Fla. |
| KIQ77 | Upper Matecumbe Key, Fla. |
| KIQ78 | Long Key, Fla. |
| KIQ97 | Marathon, Fla. |
| KIQ98 | Little Torch Key, Fla. |
| KIR23 | Maxton, N.C. |
| KIR24 | Smiths, N.C. |
| KIR25 | Council, N.C. |
| KIR26 | Bishop, N.C. |
| KIR27 | Wilmington, N.C. |
| KIU49 | Thomasville, Ga. |
| KIU50 | Climax-Whigham, Ga. |
| KIU51 | Oak Grove, Fla. |
| KIU52 | Pleasant Hill, Fla. |
| KIU53 | Marianna, Fla. |
| KIU54 | Chipley, Fla. |
| KIU56 | Orlando, Fla. |
| KIU57 | Christmas, Fla. |
| KIU58 | Cocoa, Fla. |
| KIU59 | Melbourne, Fla. |
| KIU64 | Double Branch Pond, Fla. |
| KIV58 | Merial Lake, Fla. |
| KIV59 | Panama City, Fla. |
| KIV82 | Prosperity, Fla. |
| KIW68 | Liberty, Fla. |
| KIW69 | Crestview, Fla. |
| KIW70 | Harold, Fla. |
| KIW71 | Pensacola, Fla. |
| KIX68 | Miami, Fla. |
| KIY59 | Columbia, S.C. |
| KIY60 | Chapin, S.C. |
| KIY61 | Clinton, S.C. |
| KIY62 | Paris Mountain, S.C. |
| KIY63 | Greenville, S.C. |
| KJA71 | Camden, S.C. |
| KJA89 | Charlotte, N.C. |
| KJA90 | Anderson Mountain, N.C. |
| KJA91 | Cajah Mountain, N.C. |
| KJA92 | Marion, N.C. |
| KJA93 | Black Mountain, N.C. |
| KJA94 | Mt. Olive Church, N.C. |
| KJA95 | Asheville, N.C. |
| KJA97 | Florence, S.C. |
| KJA98 | Marion, S.C. |
| KJA99 | Dillon, S.C. |
| KJB42 | West Bay, Fla. |
| KJB47 | Blaney, S.C. |
| KJB48 | Spring Hill, S.C. |
| KJB49 | Sumter, S.C. |
| KJB50 | Jacksonville, Fla. |
| KJB51 | Middleburg, Fla. |
| KJB52 | Goldhead, Fla. |
| KJB53 | Gainesville, Fla. |
| KJB54 | Dukes, Fla. |
| KJB55 | Lake City, Fla. |
| KJC21 | Jasper, Fla. |
| KJC22 | Madison, Fla. |
| KJC23 | Monticello, Fla. |
| KJC33 | Gonzales, Fla. |
| KJC87 | Swansea, S.C. |
| KJC88 | Blackville, S.C. |
| KJC89 | Allendale, S.C. |
| KJC90 | Walterboro, S.C. |
| KJC91 | Summerville, S.C. |
| KJC92 | Charleston, S.C. |
| KJC94 | Titusville, Fla. |
| KJD26 | Orangeburg, S.C. |
| KJG22 | Belle Glade, Fla. |
| KJG23 | Loxahatchee, Fla. |
| KJG26 | Glassy Mountain, S.C. |
| KJG27 | Laurinburg, N.C. |
| KJG40 | Morganton, N.C. |
| KJG41 | Lenoir, N.C. |
| KJG64 | Gurley, S.C. |
| KJG66 | Hollywood, Fla. |
| KJG67 | Ft. Lauderdale, Fla. |
| KJG68 | Homestead, Fla. |
| KJG91 | Macon, Ga. |
| KJG92 | Round Oak, Ga. |
| KJG93 | Jackson, Ga. |
| KJG94 | Rockdale, Ga. |
| KJG95 | Newberry, S.C. |
| KJH35 | Montmorenci, S.C. |
| KJH36 | Aiken, S.C. |
| KJH41 | Hartsville, S.C. |
| KJH42 | Society Hills, S.C. |
| KJH51 | Spartanburg, S.C. |
| KJH52 | West Springs, S.C. |
| KJH60 | Mt. Pleasant, S.C. |
| KJH61 | Huger, S.C. |
| KJH62 | McClellanville, S.C. |
| KJH63 | Moncks Corner, S.C. |
| KJH67 | Piney Grove, Ga. |
| KJH68 | Andersonville, Ga. |
| KJH69 | Fort Valley, Ga. |
| KJJ53 | Garden City, Ga. |
| KJJ54 | Lockner, Ga. |
| KJJ55 | Guyton, Ga. |
| KJJ56 | Mill Creek, Ga. |
| KJJ65 | Graniteville, N.C. |
| KJJ66 | Flemington, Fla. |
| KJJ71 | Johnston, S.C. |
| KJJ78 | Rosman, N.C. |
| KJJ79 | Frying Pan Mountain, N.C. |
| KJJ80 | McAlpine Mountain, N.C. |
| KJJ81 | Cocoa Beach, Fla. |
| KJJ82 | Deer Park, Fla. |
| KJJ83 | Kenansville, Fla. |
| KJJ84 | Cypress Lake, Fla. |
| KJJ85 | Davenport, Fla. |
| KJJ86 | Polk City, Fla. |
| KJJ88 | Florida City, Fla. |
| KJJ89 | Stock Island, Fla. |
| KJJ90 | Key West, Fla. |
| KJK61 | Jacksonville Beach, Fla. |
| KJK62 | Sampson Church, Fla. |
| KJK63 | Midway, Fla. |
| KJK64 | St. Augustine, Fla. |
| KJK65 | Flagler Beach, Fla. |
| KJK66 | Daytona Beach, Fla. |
| KJK92 | Clarks Hill, S.C. |
| KJK93 | Thomson, Ga. |
| KJK94 | Mitchell, Ga. |
| KJK95 | Tennille, Ga. |
| KJK96 | Garretta, Ga. |
| KJK97 | McRae, Ga. |
| KJK98 | Pridgen, Ga. |
| KJK99 | Pearson, Ga. |
| KJL20 | Homerville, Ga. |
| KJL21 | Fargo, Ga. |
| KJL22 | Benton, Fla. |
| KJL23 | Nickelsville, Ga. |
| KJL24 | Gordon, Ga. |
| KJL25 | Orianna, Ga. |
| KJL26 | Vidalia, Ga. |
| KJL27 | Reidsville, Ga. |
| KJL28 | Ludowici, Ga. |
| KJL29 | Richmond Hill, Ga. |
| KJL30 | Savannah, Ga. |
| KJL31 | Baldwin, Fla. |
| KJL32 | Sanderson, Fla. |
| KJL38 | Greenough, Ga. |
| KJL39 | Meigs, Ga. |
| KJL90 | Minturn, S.C. |
| KJM99 | Gastonia, N.C. |
| KJM30 | Charles, N.C. |
| KJM31 | Smithtown, N.C. |
| KJM32 | Winston-Salem, N.C. |
| KJM33 | Thomasville, N.C. |
| KJM34 | Greensboro, N.C. |
| KJM35 | Lake Hamilton, Fla. |
| KJM36 | Frostproof, Fla. |
| KJM37 | Sebring, Fla. |
| KJM38 | Childs, Fla. |
| KJM39 | Palmdale, Fla. |
| KJM40 | Moore Haven, Fla. |
| KJM41 | Clewiston Junction, Fla. |
| KJM42 | Okeelanta, Fla. |
| KJM43 | Andytown North, Fla. |
| KJM44 | Andytown, South, Fla. |
| KJM45 | Pennsuco, Fla. |
| KJM51 | Merritt Island, Fla. |
| KJN25 | Thiokol, Ga. |
| KJN26 | Brunswick, Ga. |
| KJN27 | Woodbine, Ga. |
| KJN28 | Jekyll Island, Ga. |
| KJW76 | Hilton Head Island, S.C. |
| KJW85 | Deer Park, S.C. |
| KJW86 | Lane, S.C. |
| KJW87 | Lake City, S.C. |
| KJW88 | Jacksonville, Fla. |
| KJW89 | Hilliard, Fla. |
| KJW90 | Fellsmere North, Fla. |
| KJW91 | Vero Beach, Fla. |
| KJW92 | Fort Pierce, Fla. |
| KJW98 | Margate, Fla. |
| KJW99 | Boynton Beach, Fla. |
| KJX36 | Gaffney, S.C. |
| KOC62 | Stuart, Fla. |
| KOC63 | Jupiter, Fla. |
| KOC64 | Stone Mountain (WGTV), Ga. |
| KRR65 | Marietta, Ga. |
| KRR66 | Adairsville, Ga. |
| KRR67 | Dalton, Ga. |
| KRW73 | Atlanta (WAGA-TV), Ga. |
| KRW79 | Graves, Ga. |
| KTF45 | Augusta, Ga. |
| KTF60 | Athens, Ga. |
| KTF62 | Telstar Lane, N.C. |
| KTF84 | Spruce Pine, N.C. |
| KTF85 | Woodys Knob, N.C. |
| KVH52 | North Key Largo, Fla. |
| KVH63 | Elliott, S.C. |
| KVU79 | Lovejoy, Ga. |
| KVU80 | Warm Springs, Ga. |
| KVU81 | Rehobeth, Ga. |
| KYN95 | Samsula, Fla. |
| KYN96 | Lake Harney, Fla. |
| KZA72 | West Titusville, Fla. |
| KZI54 | Miller, Fla. |
| KZI55 | Tamiami, Fla. |
| KZI56 | Seminole, Fla. |
| KZI76 | Johns Island, S.C. |
| KZI77 | Edisto Beach, S.C. |
| KZS56 | Dinsmore, Fla. |
| WAD77 | Kure Beach, N.C. |
| WAH453 | Temporary fixed within the Territory served by Southern Bell Telephone and Telegraph Company. |
| WAN59 | Stanfield, N.C. |
| WAN51 | McKay, N.C. |
| WAN52 | Hamlet, N.C. |
| WDD43 | West Palm Beach, Fla. |
| WGH98 | Holly Springs, N.C. |
| WGI44 | Red Springs, N.C. |
| WGI45 | Tobermory, N.C. |
| WGI48 | White Lake, N.C. |
| WGI49 | Yamacraw, N.C. |
| WIV84 | Oak Mountain, Ga. |
| WIV85 | Carrollton, Ga. |
| WOF31 | Hartsfield (Atlanta), Ga. |
| WOF32 | Hampton (FAA), Ga. |
| WOF35 | Hancock Landing, Ga. |
| WQP54 | Mule Creek, Fla. |
| WQP72 | Greer, S.C. |
| WQP73 | Wellford, S.C. |
| WQP90 | Dublin, Ga. |
| WQQ63 | Folkston, Ga. |

4545-CF-MP-75, Andrews Tower Rental, Inc. (KLN79), 6.5 Miles WNW of Comanche, Texas. Lat. 31°54'54" N., Long. 98°42'08" W. Mod. of C.P. to add 6375.2H MHz and 6286.2H MHz (via power split) toward Rising Star, Texas, on azimuth 321°20'.

4766–CF–P–75, Frank K. Spain d/b/a Microwave Service Company (KOV46). 10.0 Miles N of Missoula, Montana, Lat. 47°01'05" N. Long. 114°00'41" W. C.P. to add new point of communication at Miltown, Montana on 6134.5V MHz, 6234.5V MHz, 6309.5V MHz and 6409.5V MHz, on azimuth 153°54'.

4754–CF–P–75, American Television & Communications Corporation (WSM71). 7.0 Miles NW of Melbourne, Florida. Lat. 28°08'53" N., Long. 80°42'12" W. C.P. to add new point of communication at Cocoa, Florida, on 6004.5H MHz, on azimuth 334°19'.

4755–CF–P–75, Same (New). Cocoa, Florida, Lat. 28°21'14" N., Long. 80°48'55" W. C.P. for a new station on 11625V MHz and 11305V MHz toward Titusville, Florida, on azimuth 352°39'.

4756–CF–P–75, Same (WJL78). Tohopkee, Florida, Lat. 28°16'37" N., Long. 81°04'51" W. C.P. to add 6226.9H MHz toward Melbourne, Florida, on azimuth 110°59'.

4757–CF–P–75, Same (WJL77). Kissimmee, Florida, Lat. 28°17'27" N., Long. 81°28'05" W. C.P. to add 6093.5V MHz toward Tohopkee, Florida and 6093.5H MHz toward Winter Haven, Florida, on azimuths 92°14' & 223°16', respectively.

4758–CF–P–75, Same (WPF95). Orlando, Florida, Lat. 28°36'25" N., Long. 81°19'35" W. C.P. to add 6286.2V MHz toward Kissimmee and Orange City, Florida, on azimuths 201°38' & 07°02', respectively.

4759–CF–P–75, Same (WPE66). 1.0 Mile NE of Orange City, Florida, Lat. 28°58'08" N., Long. 81°16'32" W. C.P. to add 6004.5H MHz toward Daytona Beach, Florida, on azimuth 53°15'.

4760–CF–P–75, Same (New). Daytona Beach, Florida, Lat. 29°09'03" N., Long. 80°59'51" W. C.P. for a new station on 6212.0H MHz, 6271.4H MHz, 6390.0H MHz toward New Smyrna, Florida; 6212.0V MHz, 6271.4V MHz, and 6390.0V MHz toward Ormond Beach and Holly Hill, Florida, on azimuths 165°16', 331°37' and 329°39', respectively.

4657–CF–P–75, Mid-Kansas, Inc. (KZA48). 1.6 Miles SE of Galatia, Kansas, Lat. 38°37'27" N., Long. 98°56'14" W. C.P. to add 5960.0H MHz toward new point of communication at LaCrosse, Kansas, on azimuth 250°03'.

4569–CF–P–75, Pen Service Microwave Company (KG020). Bears Head Mtn., 1.0 Mile N of Delano, Pennsylvania, Lat. 40°51'00" N., Long. 76°04'48" W. C.P. to add 6271.4V MHz toward a new point of communication at Bald Eagle Mtn., Pennsylvania, on azimuth 299°00'.

4550–CF–P–75, American Microwave & Communications, Inc. (WAH628). 6.1 Miles West of Grand Rapids, Walker, Michigan, Lat. 42°58'31" N., Long. 85°47'27" W. C.P. to add 6315.9V MHz toward Greenville, Michigan on azimuth 60°58'.

4551–CF–P–75, Same (WAH629). 2.5 Miles West of Greenville, Michigan, Lat. 43°10'-29" N., Long. 85°17'51" W. C.P. to add 6034.2V MHz toward Perrinton, Michigan, on azimuth 91°32'. (Note: Waiver of 21.701(i) requested by American Microwave & Communications, Inc.)

4688–CF–P–75, Eastern Microwave, Inc. (KQP99). Quaker Hill, New York, Lat. 43°20'36" N., Long. 75°25'36" W. C.P. to add 6390.0V MHz toward Oneida, New York, on azimuth 212°30'.

4687–CF–P–75, Same (KTF96). Italy Hill, New York, Lat. 42°37'13" N., Long. 77°15'-17" W. C.P. to add 6330.7H MHz, via power split, toward new point of communication at Canandaigua, New York, on azimuth 348°50'.

4702–CF–P–75, Same (KEM59). Sentinel Heights, New York, Lat. 42°56'45" N., Long. 76°07'09" W. C.P. to add 6049.0H MHz toward Camillus, New York, on azimuth 325°18'.

4685–CF–P–75, Same (KG027). Elk Hill, Pennsylvania, Lat. 41°42'54" N. Long. 75°33'42" W. C.P. to add 6212.0H MHz, 6271.4H MHz, 6301.0V MHz and 6330.7H MHz toward a new point of communication at Penobscot Mtn., Pennsylvania, on azimuth 203°51'.

4686–CF–P–75, Same (New). Penobscot Mtn. #3, Pennsylvania, Lat. 41°10'57" N., Long. 75°52'23" W. C.P. for a new station on 11385.0V MHz 11625.0V MHz, 11305.0V MHz and 11545.0V MHz toward Swoyersville, Penna.; 11545.0H MHz toward Wilkes-Barre, Pennsylvania, on azimuths 356°14' and 68°21', respectively.

4683–CF–P–75, Same (WAN75). Gardner, Massachusetts, Lat. 42°33'33" N., Long. 71°57'50" W. C.P. to 1135.0H MHz, via power split, toward a new point of communication at Paxton, Massachusetts, on azimuth 169°07'.

4684–CF–P–75, Same (New). Paxton, Massachusetts, Lat. 42°18'10" N., Long. 71°53'51" W. C.P. for a new station on 11345.0V MHz toward Worcester, Massachusetts, on azimuth 170°54'.

4546–CF–P–75, United Video, Inc. (New). 3.0 Miles North of Sand Springs, Oklahoma, Lat. 36°11'16" N., Long. 96°06'06" W. C.P. for a new station on 11385.0V MHz toward Tulsa, Oklahoma, on azimuth 118°28'.

4559–CF–P–75, Tex-Mex Communications Company (KLT72). Muleshoe, Texas, Lat. 34°12'52" N., Long. 102°43'35" W. C.P. to add 6212.0H MHz and 6390.0H MHz toward Friona, Texas, on azimuth 359°42'. (Note: Waiver of 21.701(i) requested by Tex-Mex Communication Company.)

4520–CF–P–75, RCA Global Communications, Inc. (New). Lawrence, Approx. 1 Mile SW of Clarksville, New Jersey, Lat. 40°17'00" N., Long. 74°41'20" W. C.P. for a new station on frequencies 6315.9V, 6256.5V MHz toward Edison, New Jersey on azimuth 42°33'; frequencies 6315.9V, 6256.5V MHz toward Wyndmoor, Pennsylvania on azimuth 242°12'.

*Correction*

4396–CF–P–75, Bell Telephone Company of Pennsylvania. Correct minutes toward Allentown, Pennsylvania to read 15'. All other particulars remain as reported on Public Notice #758 dated June 16, 1975.

*Major amendments*

379–CE–P–75, RCA Global Communications, Inc. (New). 60 Broad Street, New York City, New York, Lat. 40°42'19" N., Long. 74°00'44" W. Add frequency 6286.2V MHz toward Edison, New Jersey on azimuth 238°41'.

381–CF–P–75, Same (New). 40 Talmadge Road, Edison, New Jersey, Lat. 40°31'45" N., Long. 74°23'34" W. Delete frequencies 6167.6H MHz toward Hightstown, New Jersey and 11345.0V MHz toward Piscataway, New Jersey. Add frequencies 5974.8H MHz and 6034.2H MHz toward Lawrence, New Jersey on azimuth 222°44'. Add frequency 6063.8H MHz toward New York City, New York on azimuth 58°36'.

383–CF–P–75, Same (New). WPHL Broadcast Tower, 1230 Mermaid Lane, Wyndmoor, Pennsylvania, Lat. 40°04'58" N., Long. 75°10'54" W. Delete frequencies 6004.5V MHz toward Hightstown, New Jersey; change polarization on frequency 10815.0 MHz toward Valley Forge, Pennsylvania to 10815.0H MHz and azimuth to 272°31'. Add frequencies 5974.8H MHz and 6034.2H MHz toward Lawrence, New Jersey on azimuth 61°53'; and frequency 11135.0H MHz toward Valley, Pennsylvania on azimuth 272°31'.

384–CF–P–75, Same (New). 240 Goddard Blvd., Bldg. 100, King of Prussia, Pennsylvania, Lat. 40°05'24" N., Long. 75°24'07" W. Add frequency 11585.0H MHz toward Wyndmoor, Pennsylvania on azimuth 92°22' and change azimuth toward Wyndmoor, Pa. to 92°22'.

1395–CF–P–75, Mantanuska Telephone Association, Inc. (New). McKinley National Park Hotel, McKinley Park, Alaska. Changed co-ordinates to Lat. 63°44'01" N., Long. 148°55'05" W. with azimuth of 147°21' toward McKinley Village, Alaska.

*Major Amendments*

1392–CF–P–75, Mantanuska Telephone Association, Inc. (New). 3 Miles SE of McKinley Village, Alaska. Change azimuth toward McKinley Park, Alaska to 327°21'.

2368–CF–P–75, Southern Pacific Communications Company (WAS397). Warrensville, Ohio. 0.3 Miles off Harvard Road on Sunny Acres Hospital access road, Lat. 41°26'46" N., Long. 81°30'17" W. C.P. to change point of communication from Suffield, Ohio to Freedom, Ohio on azimuth 125°33' on new frequency 6063.8H.

2369–CF–P–75, Same (New). C.P. to change antenna location from Suffield, Ohio to 1100' NNW. of the intersection of Streeter Road and Asbury Road, Freedom, Ohio. Lat. 41°15'41" N., Long. 81°09'47" W. New frequency 6286.3H on azimuth 305°46' to Warrensville, Ohio and new frequency 6226.9V on azimuth 151°31' to Salem, Ohio.

2370–CF–P–75, Same (New). 2.4 Miles south of Salem, Ohio, Lat. 40°51'15" N., Long. 80°52'20" W. C.P. to change point of communication from Suffield, Ohio to Freedom, Ohio on azimuth 231°42' on new frequency 5974.8V.

2371–CF–P–75, Same (New). 1.2 Miles SSE of Georgetown, Pennsylvania, Lat. 40°37'44" N., Long. 80°28'56" W. C.P. to change point of communication from Thompsonville, Pennsylvania to Mount Washington, Pennsylvania on azimuth 118°28' on same frequency 6226.9H.

2372–CF–P–75, Same (New). C.P. to change antenna location from Thompsonville, Pennsylvania to 111 Shiloh Street and Grandview Avenue, Mount Washington, (Pittsburgh) Pennsylvania, Lat. 40°25'52" N., Long. 80°00'26" W. New frequency 5945.2H on azimuth 298°46' to Georgetown, Pennsylvania.

[FR Doc.75-18945 Filed 7-21-75;8:45 am]

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[FCC 75-812]

## CABLE TELEVISION CERTIFICATES OF COMPLIANCE AND FRANCHISING

### Reminder to Applicants

JULY 16, 1975.

The Commission wishes to call to the attention of operators of cable television systems that in fulfilling their obligation to obtain a certificate of compliance upon the expiration of their existing franchise, or by March 31, 1977, whichever occurs first, the application for certification must include a copy of a franchise consistent with the Commission's Rules. To date, a number of parties have filed, in lieu of a franchise, a statement that negotiations between the operator and the franchising authority have reached an impasse, and that a franchise will be forwarded upon resolution of the points in question. In some cases more than a year has passed without any progress being reported.

There appears to be no reason why negotiations cannot be entered into and concluded prior to the expiration date of the existing franchise. Indeed, Section 76.13(c)(2) of the Rules requires it, and

we expect compliance by the affected parties. In cases where diligent efforts have failed to result in a franchise consistent with the Rules, we will entertain requests for extra time accompanied by a showing of the reasons for the delay and the specific time requested. Where such extensions are granted, cable systems failing to obtain a franchise consistent with the Rules within the time specified shall be subject to show cause proceedings for illegal operations.

Secondly, we note that a number of parties, at the expiration of a current franchise which is not in compliance with our Rules, have obtained one-year extensions of that franchise while negotiations with the franchising authority proceed. This act in no way affects the illegal status of their operations. As stated at paragraph 75, *Clarification of Rules and Notice of Proposed Rule Making*, FCC 74-384, 46 FCC 2d 175, 197 (1974), "[a]ny such substantial change or renewal we consider to effectively terminate the existing franchise and that termination (or in effect the granting of a new franchise) requires recertification (or certification in the first instance on grandfathered franchises)." We take this opportunity again to encourage system operators and franchising authorities whose franchises must comply with the Commission's Rules by March 31, 1977, to begin negotiations as promptly as possible. As stated in *Report and Order in Docket 20021*, FCC 75-68, 50 FCC 2d 761 (1975), if the parties so elect, the new franchise term may run as late as March 31, 1992, regardless of when the franchise is renegotiated, and the franchise fee currently in effect may continue until March 31, 1977.

Action by the Commission July 8, 1975. Commissioners Lee, Reid, Hooks, Quello, Washburn and Robinson with Chairman Wiley concurring.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-18944 Filed 7-21-75;8:45 am]

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[Docket No. 19660; RM-690]

## INTERNATIONAL RECORD CARRIERS

### Scope of Operations; Correction

In the matter of International Record Carriers Scope of Operations in the continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act; erratum (40 FR 28132).

1. The second sentence in paragraph 9 of the Commission's Memorandum Opinion and Order released June 26, 1975 in the above captioned proceeding, FCC 75-723, should be corrected in pertinent part to read as follows:

* * * filed by RCA Globcom on January 18, 1972 and by WUI on January 19, 1972 * * *

Released: July 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-18943 Filed 7-21-75;8:45 am]

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[Docket No. 19660; RM-690]

## INTERNATIONAL RECORD CARRIERS

### Order

In the matter of International Record Carriers' Scope of Operations in the continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act; Order (40 FR 28665).

1. By Memorandum Opinion and Order in the above-captioned proceeding released June 6, 1975, FCC 75-617, we required the parties to file comments addressing the issues designated in the above-captioned proceeding, respecting the study of outbound international telegraph message traffic conducted by The Western Union Telegraph Company and the results of such study, on or before July 16, 1975 and reply comments on or before July 31, 1975.

2. We have before us Western Union International, Inc.'s (WUI) request for an extension of time in which to file comments from July 16, 1975 to July 30, 1975. WUI indicates that the requested extension is needed due to the absence of key staff and the press of regulatory matters and that no other parties oppose the requested extension.

3. We believe that good cause has been shown for the requested extension, all parties agree to its grant, and that it will not unduly delay this proceeding.

4. Accordingly, it is ordered, pursuant to Section 0.303(c) of the Commission's Rules, that comments shall be filed by the parties in this proceeding on or before July 30, 1975 and reply comments on or before August 14, 1975.

Adopted: July 14, 1975.

Released: July 15, 1975.

[SEAL] WALTER R. HINCHMAN,
*Chief, Common Carrier Bureau.*

[FR Doc.75-18942 Filed 7-21-75;8:45 am]

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[Docket Nos. 20526, 20527; File Nos. BPH-9127, BPH-9183]

## MESABI COMMUNICATIONS SYSTEMS, INC. AND EVELETH RADIO, INC.

### Requests for Construction Permits

In re applications of Mesabi Communications Systems, Inc., Eveleth, Minnesota; Docket No. 20526, File No. BPH-9127; Requests: 100.1 MHz, Channel 261, 2.25 kW (H&V), 352 feet. Eveleth Radio, Inc., Eveleth, Minnesota; Docket No. 20527, File No. BPH-9183; Requests: 100.1 MHz, Channel 261, 0.71 kW (H&V), 556 feet: for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the two above-captioned applications, which are mutually exclusive in that they seek the same channel in Eveleth, Minnesota.

2. Eveleth Radio, Inc., proposes independent programming, while Mesabi Communications Systems, Inc., proposes to duplicate the programming of its commonly owned AM station WEVE in Eveleth, Minnesota, up to 80 percent of its broadcast time. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency, *James T. Sudbury*, 8 FCC 2d 360, 10 RR 114 (1967).

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine in the light of the evidence adduced pursuant to the foregoing issue which of the applications should be granted.

4. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

5. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such

notice as required by section 1.594(g) of the rules.

Adopted: July 8, 1975.

Released: July 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

[FR Doc.75-18940 Filed 7-21-75;8:45 am]

[Dockets Nos. 20432, 20433; File Nos. BPH-8921, BPH-9135]

## JOHN HAROLD TOTTEN, SR. AND COHUTTA BROADCASTING CO.

### Requests for Construction Permits

In re applications of John Harold Totten, Sr., Chatsworth, Georgia, Docket No. 20432, File No. BPH-8921, Requests: 99.3 mHz, Channel 257, 2 kW (H&V), 360 feet; Carman D. Trevitt and Calvin R. Means, d/b/a Cohutta Broadcasting Company, Chatworth, Georgia, Docket No. 20433, File No. BPH-9135, Requests: 99.3 mHz, Channel 257, .640 kW (H&V), 583 feet; for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the two above-captioned applications, which are mutually exclusive in that they seek the same channel in Chatsworth, Georgia.

2. Except as indicated by issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

3. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

4. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issue specified in this Order.

5. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: July 8, 1975.

Released: July 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

[FR Doc.75-18939 Filed 7-21-75;8:45 am]

[Docket No. 20456, File Nos. BR-1329, BRH-725]

## WHITE MOUNTAIN BROADCASTING CO., INC.

### Memorandum Opinion and Order

In re applications of White Mountain Broadcasting Co., Inc., (WMOU and WXLQ (FM)), Berlin, New Hampshire, Docket No. 20456, File Nos. BR-1329, BRH-725; for renewal of licenses.

1. By Order and Notice of Apparent Liability, FC 75-463, released May 8, 1975, the Commission designated White Mountain Broadcasting Co., Inc.'s (White Mountain) renewal applications for hearing on issues to determine (a) whether the licensee engaged in fraudulent billing practices, (b) whether it failed to maintain adequate program logs, (c) whether it retained program logs, and (d) based upon the resolution of these issues, whether White Mountain possesses the requisite qualifications to be a broadcast licensee. Now before the Review Board is a petition to enlarge issues, filed on May 28, 1975, by White Mountain seeking the addition of a meritorious programming issue, which the licensee submits is warranted under the reasoning of *Oil Shale Broadcasting Company*, FCC 75R-192, ——— FCC 2d ——, 33 RR 2d 1227. The Broadcast Bureau in a partial opposition, filed June 9, 1975, opposes the request insofar as it seeks to mitigate the effect of evidence adduced under the fraudulent billing issue.

2. The Board will add a meritorious programming issue. In so doing, we note, however, that we agree with the Bureau's assertion that evidence adduced under the added issue may only be used in mitigation of those issues which do not concern acts involving moral turpitude relating directly to the operation of a broadcast station. *Empire Broadcasting Corp.*, FCC 75R-217, —— FCC 2d ——, 33 RR 2d 1651; *Oil Shale Broadcasting Company, supra*. Thus, any evidence adduced under this issue may not be used to mitigate adverse findings under issue (a). We further note that a showing of meritorious programming must be limited to White Mountain's performance before it learned that its license was in jeopardy, and that the parties are free to argue the weight which should be accorded such evidence. *Oil Shale Broadcasting Company, supra, Cosmopolitan Broadcasting Corp.*, 39 FCC 2d 698, 26 RR 2d 1172 (1973).

3. *Accordingly, it is ordered*, That the petition to enlarge issues, filed May 28, 1975, by White Mountain Broadcasting Co., Inc. is granted to the extent indicated herein, and is denied in all other respects; and

4. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the programming of Stations WMOU and WXLQ (FM) has been meritorious, particularly with regard to public service programs.

5. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein SHALL BE on White Mountain Broadcasting Co., Inc.

Adopted: July 9, 1975.

Released: July 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.75-18941 Filed 7-21-75;8:45 am]

# FEDERAL ENERGY ADMINISTRATION

## APPLICATION FOR EXCEPTION FILED BY THE NEW ENGLAND PETROLEUM CORP.

### Public Hearing

The Federal Energy Administration hereby gives notice that a public hearing will be held on an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) filed by the New England Petroleum Corporation (NEPCO) on July 10, 1975. FEA also invites written comments on NEPCO's application.

On May 2, 1975, the FEA issued a Decision and Order to NEPCO which granted the firm exception relief from the provisions of Section 211.67 and permitted NEPCO to earn entitlements on its residual fuel oil imports up to a maximum of 3 million barrels per month, as adjusted for supplemental import fees. *New England Petroleum Corp.*, 2 FEA par. 83,136 (May 2, 1975). The Order specified that the relief granted to NEPCO would expire on July 31, 1975, and provided that NEPCO might apply for an extension of exception relief at an appropriate time. Under the terms of the Order, any request for an extension of exception relief should be based upon a representation by the firm that the financial and market conditions which were set forth in the May 2 Order and which formed the basis of the relief granted will continue to exist after July 31, 1975. The Order also directed that any such request for extension of exception relief must be accompanied by extensive financial, operating and market survey data. NEPCO's request was received by the Office of Exceptions and Appeals of the FEA on July 10, 1975. Copies of that application from which confidential information has been deleted are available to the public in the FEA public docket

[1] Dissenting statement by Board Member Zias filed as part of the original document.

room, Room B-210, 2000 M Street, N.W., Washington, D.C.

Significant interest has been expressed in a public hearing in connection with any request for an extension of exception relief made by NEPCO. Since the approval of additional exception relief to NEPCO may affect all of the participants in the Entitlements Program and those firms which operate in the same markets as NEPCO, and in view of the apparent public interest in a public hearing on this matter, the FEA has determined that it is appropriate that a public hearing be held with respect to NEPCO's request for an extension of exception relief in order to afford interested parties an opportunity to present their views. The public hearing will be held at 9:30 a.m., Tuesday, July 29, 1975 in Room 2105, 2000 M Street N.W., Washington, D.C.

Interested persons are invited to participate by submitting data, views or arguments to Executive Communications, Room 3309, Federal Energy Administration, Box DV, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to the FEA Executive Communications with the designation "NEP CO Application". All comments received by July 28, 1975, and all other relevant information will be considered by the Federal Energy Administration. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Any person who has an interest in the subject matter, or who is a representative of a group or class of persons that has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m. e.d.s.t., Thursday, July 24, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and phone number where he or she may be contacted through July 25, 1975. Each person selected to be heard will be so notified by the FEA before 5 p.m., July 25, 1975, and must submit 100 copies of his statement to Executive Communications, FEA, Room 2105, 2000 M Street, N.W., Washington, D.C., before 4:30 p.m. on July 28, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, if time permits, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.s.d.t., July 28, 1975. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., July 18, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel,*
*Federal Energy Administration.*

[FR Doc.75-19095 Filed 7-18-75;2:46 am]

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## OLD OIL ALLOCATION PROGRAM

### Entitlement Notice for May 1975

In accordance with the provisions of 10 CFR 211.67 relating to FEA's old oil allocation program, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports submitted to FEA by refiners as to crude oil receipts and crude oil runs to stills for May 1975 and an application of the entitlement adjustment for small refiners provided in 10 CFR 211.67(e), the adjusted national old oil supply ratio for May 1975 is calculated to be .382595.

The issuance of entitlements for the month of May 1975 to refiners and to one other firm (pursuant to a Decision and Order issued by FEA's Office of Exceptions and Appeals) is set forth in the Appendix to this notice. The Appendix lists the name of each refiner and other firm to which entitlements have been issued, the number of entitlements issued to each such refiner or other firm, and the number of barrels of old oil included in each refiner's adjusted crude oil receipts.

Pursuant to 10 CFR 211.67(i)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of May 1975 at $7.39, which is the exact differential as reported for the month of May between the weighted average costs to refiners of old oil and of new, released, stripper well and imported crude oil.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of May 1975 than the number of barrels of old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of May 1975 equal to the difference between the number of barrels of old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of May 1975 in excess of the number of barrels of old oil included in their adjusted crude oil receipts for May 1975 and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for prior reporting errors pursuant to 10 CFR 211.67(i)(5).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing of entitlement issuances contained in the Appendix also reflects relief granted in Decisions and Orders issued by FEA's Office of Exceptions and Appeals. The following refiners are not shown in the listing due to their having been exempted from the entitlement purchase requirements of the program under exception decisions: Famariss, Good Hope, Husky, Navajo, Oil Shale, OKC, Pasco, Powerine, Rock Island, Thagard and Young. Under the terms of an exception decision, Fletcher is also fully exempted from entitlement purchase requirements for the month of May and under those terms is also listed as having entitlements for sale. The aggregate volume of old oil receipts for these firms for May 1975 was 5,770,894 barrels, which was not taken into account for purposes of making the calculations in the listing.

The total number of entitlements required to be purchased and sold under this notice is 14,830,738.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for May 1975 must be made by July 31, 1975. On or prior to August 11, 1975, each firm which is required to purchase or sell entitlements for the month of May shall file with FEA the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitle-

ments for the month of May. FEA will mail monthly transaction report forms for the month of May to reporting firms in July 1975. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by July 31, 1975 contact FEA at 202-634-7615 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to July 31, 1975, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(j).

Issued in Washington, D.C. on July 15, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel.*

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APPENDIX

ENTITLEMENTS FOR ALLOCATION OF OLD OIL

| REPORTING FIRM SHORT NAME | OLD OIL ADJUSTED RECEIPTS | *******ENTITLEMENT POSITION******** ISSUED | REQUIRED TO BUY | REQUIRED TO SELL |
|---|---|---|---|---|
| A-JOHNSON | 72,377 | 131,430 | 0 | 59,053 |
| ALLIED | 66,105 | 54,313 | 11,792 | 0 |
| AMER-PETROFINA | 1,741,590 | 1,804,979 | 0 | 63,389 |
| AMERADA-HESS | 3,443,114 | 5,342,525 | 0 | 1,899,411 |
| AMOCO | 10,987,783 | 11,340,757 | 0 | 352,974 |
| APCO | 357,476 | 558,158 | 0 | 200,682 |
| ARCO | 6,158,709 | 6,683,514 | 0 | 524,805 |
| ARIZONA | 0 | 51,467 | 0 | 51,467 |
| ASAMERA | 5,595 | 22,085 | 0 | 16,490 |
| ASHLAND | 2,350,714 | 3,869,371 | 0 | 1,518,657 |
| BAY | 28,905 | 85,353 | 0 | 56,448 |
| BAYOU | 42,178 | 42,680 | 0 | 502 |
| BEACON | 292,845 | 272,566 | 20,279 | 0 |
| C&H | 56 | 586 | 0 | 530 |
| CALUMET | 0 | 34,893 | 0 | 34,893 |
| CANAL | 61,497 | 55,868 | 5,629 | 0 |
| CARIBOU | 109,342 | 88,346 | 20,996 | 0 |
| CHAMPLIN | 2,384,974 | 1,726,941 | 658,033 | 0 |
| CHARTER | 1,040,996 | 950,889 | 90,107 | 0 |
| CITGO | 4,196,018 | 2,975,413 | 1,220,605 | 0 |
| CLAIBORNE | 78,512 | 50,287 | 28,225 | 0 |
| CLARK | 1,006,413 | 1,115,191 | 0 | 108,778 |
| COASTAL | 1,135,378 | 1,506,068 | 0 | 370,690 |
| CONOCO | 4,132,175 | 3,470,394 | 661,781 | 0 |
| CORCO | 0 | 1,140,997 | 0 | 1,140,997 |
| CRA-FARMLAND | 747,769 | 606,446 | 141,323 | 0 |
| CROSS | 13,208 | 51,292 | 0 | 38,084 |
| CROWN | 863,298 | 758,576 | 104,722 | 0 |
| CRYSTAL-OIL | 171,528 | 175,077 | 0 | 3,549 |
| CRYSTAL-REF | 17,748 | 35,801 | 0 | 18,053 |
| DELTA | 506,612 | 574,628 | 0 | 66,016 |
| DIAMOND | 673,791 | 655,283 | 18,508 | 0 |
| DORCHESTER | 1,346 | 8,240 | 0 | 6,894 |
| EDDY | 39,444 | 42,926 | 0 | 3,482 |

| REPORTING FIRM SHORT NAME | OLD OIL ADJUSTED RECEIPTS | ********ENTITLEMENT POSITION******** ISSUED | REQUIRED TO BUY | REQUIRED TO SELL |
|---|---|---|---|---|
| EDGINGTON-OIL | 457,094 | 297,879 | 159,215 | 0 |
| EDGINGTON-OXN | 15,405 | 18,760 | 0 | 3,355 |
| EVANGELINE | 31,242 | 28,025 | 3,217 | 0 |
| EXXON | 13,777,757 | 11,950,753 | 1,827,004 | 0 |
| FARMERS-UN | 227,793 | 345,591 | 0 | 117,798 |
| FLETCHER | 0 | 178,210 | 0 | 178,210 |
| FLINT | 11,776 | 12,099 | 0 | 323 |
| GARY | 1,645 | 87,120 | 0 | 85,475 |
| GETTY | 318,682 | 404,962 | 0 | 86,280 |
| GIANT | 8,004 | 25,703 | 0 | 17,699 |
| GLADIEUX | 114,236 | 129,698 | 0 | 15,462 |
| GOLDEN-EAGLE | 175,102 | 210,174 | 0 | 35,072 |
| GUAM | 0 | 367,284 | 0 | 367,284 |
| GULF | 12,099,626 | 9,699,728 | 2,399,898 | 0 |
| GULF-STS | 15,158 | 37,761 | 0 | 22,603 |
| HIRI | 0 | 611,289 | 0 | 611,289 |
| HOWELL | 850,383 | 423,321 | 427,062 | 0 |
| HUNT | 215,745 | 171,393 | 44,352 | 0 |
| INDIANA-FARM | 119,592 | 247,642 | 0 | 128,050 |
| J&H | 40,271 | 58,694 | 0 | 18,423 |
| KENTUCKY | 1,439 | 5,482 | 0 | 4,043 |
| KERR-MCGEE | 2,441,638 | 1,700,535 | 741,103 | 0 |
| KOCH | 573,317 | 1,112,902 | 0 | 539,585 |
| LAGLORIA | 510,961 | 351,279 | 159,682 | 0 |
| LAKESIDE | 5,421 | 35,418 | 0 | 29,997 |
| LAKETON | 127,758 | 120,533 | 7,225 | 0 |
| LITTLE-AMER | 281,579 | 242,697 | 38,882 | 0 |
| MACMILLAN | 126,164 | 195,042 | 0 | 68,878 |
| MARATHON | 4,061,102 | 3,410,169 | 650,933 | 0 |
| MARION | 76,938 | 276,918 | 0 | 199,980 |
| MID-AMER | 0 | 42,952 | 0 | 42,952 |
| MIDLAND | 285,610 | 265,828 | 19,782 | 0 |

| REPORTING FIRM SHORT NAME | OLD OIL ADJUSTED RECEIPTS | ********ENTITLEMENT POSITION******** ISSUED | REQUIRED TO BUY | REQUIRED TO SELL |
|---|---|---|---|---|
| MOBIL | 8,472,354 | 8,532,299 | 0 | 59,945 |
| MOHAWK | 504,820 | 480,263 | 24,557 | 0 |
| MONSANTO | 225,724 | 302,812 | 0 | 77,088 |
| MORRISON | 7,056 | 9,612 | 0 | 2,556 |
| MOUNTAINEER | 1,056 | 3,812 | 0 | 2,756 |
| MURPHY | 1,250,287 | 1,137,602 | 112,685 | 0 |
| N-AMER-PETRO | 83,328 | 58,305 | 25,023 | 0 |
| NATL-COOP | 194,042 | 611,106 | 0 | 417,064 |
| NEW-ENGL-PETRO | 0 | 749,809 | 0 | 749,809 |
| NEWHALL | 76,941 | 137,023 | 0 | 60,082 |
| PENNZOIL | 637,591 | 604,023 | 33,568 | 0 |
| PHILLIPS | 3,189,864 | 4,283,172 | 0 | 1,093,308 |
| PIONEER | 14,085 | 12,546 | 1,539 | 0 |
| PLACID | 333,921 | 327,908 | 6,013 | 0 |
| PLATEAU | 103,987 | 97,549 | 6,438 | 0 |
| PRIDE | 211,192 | 378,662 | 0 | 167,470 |
| QUAKER-ST | 9,850 | 274,557 | 0 | 264,707 |
| ROAD-OIL | 0 | 3,907 | 0 | 3,907 |
| SABER-TEX | 125,370 | 131,516 | 0 | 6,146 |
| SABRE-CAL | 7,529 | 22,529 | 0 | 15,000 |
| SAGE-CREEK | 7,066 | 5,363 | 1,703 | 0 |
| SAN-JOAQUIN | 302,713 | 236,603 | 66,110 | 0 |
| SEMINOLE | 0 | 56,357 | 0 | 56,357 |
| SHELL | 12,892,081 | 11,074,462 | 1,817,619 | 0 |
| SKELLY | 820,451 | 914,237 | 0 | 93,786 |
| SO-HAMPTON | 89,852 | 101,373 | 0 | 11,521 |
| SOCAL | 9,747,000 | 8,809,242 | 937,758 | 0 |
| SOHIO | 3,142,579 | 3,986,292 | 0 | 843,713 |
| SOMERSET | 0 | 46,243 | 0 | 46,243 |
| SOUND | 0 | 14,355 | 0 | 14,355 |
| SOUTHLAND | 422,511 | 324,726 | 97,785 | 0 |
| SUNLAND | 110,421 | 116,630 | 0 | 6,209 |

| REPORTING FIRM SHORT NAME | OLD OIL ADJUSTED RECEIPTS | ********ENTITLEMENT POSITION******** ISSUED | REQUIRED TO BUY | REQUIRED TO SELL |
|---|---|---|---|---|
| SUNOCO | 6,182,338 | 5,695,445 | 486,893 | 0 |
| TENNECO | 805,655 | 952,591 | 0 | 146,938 |
| TESORO | 1,119,311 | 810,444 | 308,867 | 0 |
| TEXACO | 10,919,541 | 11,388,087 | 0 | 468,546 |
| TEXAS-ASPH | 1,080 | 28,177 | 0 | 27,097 |
| TEXAS-CITY | 962,931 | 939,436 | 23,495 | 0 |
| THE-REFINERY | 93,537 | 175,215 | 0 | 81,678 |
| THRIFTWAY | 23,424 | 44,350 | 0 | 20,926 |
| THUNDERBIRD | 123,203 | 109,343 | 13,860 | 0 |
| TONKAWA | 23,931 | 38,995 | 0 | 15,064 |
| TOTAL-LEONARD | 145,268 | 499,617 | 0 | 354,349 |
| UNION-OIL | 6,445,242 | 5,159,449 | 1,285,793 | 0 |
| UNION-TEXAS | 212,184 | 138,300 | 73,884 | 0 |
| UNTD-REF | 260,502 | 484,919 | 0 | 224,417 |
| US-OIL | 36,989 | 99,851 | 0 | 62,862 |
| VI-OIL | 1,113 | 1,429 | 0 | 316 |
| VICKERS | 543,165 | 398,296 | 0 | 55,131 |
| VULCAN | 0 | 32,433 | 0 | 32,433 |
| WARRIOR | 38,405 | 33,809 | 4,596 | 0 |
| WEST-COAST | 89,100 | 46,903 | 42,197 | 0 |
| WESTERN | 2,588 | 55,286 | 0 | 52,698 |
| WINSTON | 48,813 | 169,063 | 0 | 120,250 |
| WIREBACK | 0 | 1,746 | 0 | 1,746 |
| WITCO | 183,558 | 248,546 | 0 | 64,988 |
| YETTER | 0 | 675 | 0 | 675 |
| TOTAL | 150,746,481 | 150,746,481 | 14,830,738 | 14,830,738 |

[FR Doc.75-18749 Filed 7-16-75;9:36 am]

## FEDERAL MARITIME COMMISSION

### 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 (75 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.

Kenneth Shaffer, 205 West 34th Street, New York, New York 10001.

Malvar Cargo Service, Alberto Malvar d/b/a, 10400 S.W. 49th Street, Miami, Florida 33165.

Leonard Eugene Ball, 511 Lamont Avenue, Staten Island, New York 10312.

Frederick Michael Brothers, 67-81 152nd Street, Flushing, New York 11367.

Karevan, Inc., 230 West Warner Avenue, Santa Ana, California 92705. Officers: L. V. Cupp, President; Paul L. Burnam, Secretary/Treasurer; Dean Forgey, Vice President.

Mory Intermodal Transport Company, Inc., 15 Park Row, New York, New York 10038. Officers: Serge Pucheu, Chm. of Board of Directors; Raoul S. Zetler, President/Treasurer; Kevin MacCarthy, Secretary.

International Shipping Company, 122 South Front Street, Wilmington, North Carolina 28401. Officers: J. H. Batuyios, President; Louie Batuyios, Vice President; Carlson A. Rowe, Secretary.

Freeport Freight Forwarders, Inc., 111 N.E. 2nd Avenue, Miami, Florida 33132. Officers: Carlos E. Diaz, President; Harvey Worthington, Secretary; Tomas Reyes, Vice-Sec. Treasurer; Gilberto A. Worthington, Director.

By the Federal Maritime Commission.

Dated: July 17, 1975.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.75-18991 Filed 7-21-75;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. E-9478]

### ALABAMA POWER CO., ET AL.

#### Extension of Time

JULY 15, 1975.

On July 11, 1975, Alabama Power Company filed a motion to extend the time for filing answers to the petition to intervene and for hearing filed by Georgia Power Project, et al., on June 30, 1975.

Upon consideration, notice is hereby given that the date for filing briefs answering the petition in the above matter is extended to and including July, 30, 1975.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-18947 Filed 7-21-75;8:45 am]

[Docket No. E-9408]

### AMERICAN ELECTRIC POWER SERVICE CORP.

#### Order Granting Late Intervention

JULY 15, 1975.

On April 29, 1975, the American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate Ohio Power Company (Ohio Company) Modification No. 3, dated April 1, 1975, to the July 6, 1951 Interconnection Agreement among Appalachian Power Company (Appalachian Company), Ohio Company, Indiana & Michigan Electric Company (I&M) and AEP, their agent. The filing provides in part for an increase in primary capacity equalization charge for the participating companies.

Notice of AEP's filing (under the heading of "Ohio Power Company") was issued on May 8, 1975, with all protests, comments or petitions to intervene due on or before May 21, 1975. By order issued May 30, 1975, the Commission accepted for filing and suspended the amendment to the power pool agreement.

On June 2, 1975, Kaiser Aluminum and Chemical Cooperative (Kaiser) filed a petition to intervene out of time in the proceeding. Kaiser points out that it is currently served by Ohio Power Company and that no delay or prejudice to the rights of other parties will result from the granting of its petition to intervene.

*The Commission finds:* Participation by Kaiser in this proceeding may be in the public interest and good cause exists for permitting such intervention.

*The Commission orders:* (A) The above-mentioned petitioner is hereby permited to intervene in this proceeding, subject to the Rules and Regulations of the Commission, *Provided, however,* that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18948 Filed 7-21-75;8:45 am]

[Docket No. RP72-142, PGA75-1]

## CITIES SERVICE GAS CO.

### Order Setting Date for Hearing

JULY 16, 1975.

On December 3, 1974, Cities Service Gas Company (Cities) tendered for filing alternative purchased gas cost adjustment (PGA) increases pursuant to its PGA clause in addition to filing a revised surcharge to recover deferred purchase gas costs.[1] Commission review of Cities' December 3, 1974 filing indicated that it was based in part upon small independent producer and emergency purchases at rates in excess of the rate levels established by Opinion No. 699-H.[2] By order issued January 22, 1975, the Commission found that the claimed increased costs other than those costs associated with that portion of the small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H were fully justified, but that those costs pertaining to that portion of the small producer and emergency purchases in excess of the national rate had not been shown to be just and reasonable. The Commission accepted for filing Cities' alternative 4.29¢ per Mcf increase as proposed in its December 3, 1974 filing and suspended it for one day to become effective January 24, 1975, subject to refund.

Cities' PGA rate increase filing in the instant docket, discussed above, raises a question as to whether the increased costs claimed therein relating to emergency gas purchases at rates in excess of Opinion No. 699-H levels are justified.

We indicated in Order No. 491-B issued November 2, 1973, mimeo p. 13, that we would "scrutinize the rates of all 180 day emergency purchases in the review of purchased gas costs in pipeline rate proceedings, including purchased gas . . . adjustment clause increases." We made it clear that we would "permit the pipeline to pass on to the consumer the rates of emergency purchases *only* when such rates can be shown to have been required by the public interest." Accordingly, we are setting these matters for hearing to give Cities an opportunity to show that the prices paid by it for emergency sales made by producers pursuant to Order No. 491 as amended, which are reflected in its PGA increases, are in the public interest. In this connection we shall also make the producers involved respondents herein so that they may present cost evidence to show that the rates charged by them are in the public interest.[3] These producers are listed in the Appendix hereto.

Cost evidence relating to the producer sales under Order No. 491 can clearly provide the basis for "just and reasonable" rate findings. *F.P.C.* v. *Texaco Inc.*, 417 U.S. 380 (1974). It follows, then, that the producer should introduce relevant evidence of the cost involved in its sale. Such evidence shall be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the national rate.

The cost evidence submitted by the producer should include, *inter alia*, the direct and indirect costs, including the cost of all capital funds reasonably allocated to its sale. In addition, the producer should indicate the price for which the subject gas is now being sold, whether in intrastate or interstate commerce.

The pipeline should submit evidence as to (1) its need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased from the producer involved under the emergency provisions of Order No. 491, as amended, (4) the rates of other producer sales under Order No. 491 approved for flow through, and (5) the prevailing prices in the area for both interstate and intrastate sales of gas.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Order No. 491, as amended, are in the public interest.

*The Commission finds:* It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

*The Commission orders:* (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 C.F.R., Chapter I), Docket No. RP72-142, PGA75-1 is set for the purpose of hearing and disposition with respect to the emergency purchases of Cities discussed in the body of this order.

(B) A public hearing on the issues presented herein shall be held commencing on September 9, 1975, at 10:00 A.M. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E. Washington, D.C., 20426.

(C) The producers listed in the Appendix hereto are hereby made respondents in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(E) Cities and the producers listed in the Appendix shall file their direct testimony and evidence on or before August 19, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

APPENDIX

| *Producer respondents* | *Rate in cents* |
|---|---|
| Delhi Gas Pipeline | 72.4100 |
| Rodman Corporation | 71.7600 |
| Oklahoma Natural Gas Co | 78.0957 |
| Burham Oil & Gas Co | 67.8740 |

[FR Doc.75-18949 Filed 7-21-75;8:45 am]

[1] The alternative tariff sheets reflecting the proposed increases were designated as Substitute Ninth Revised Sheet No. PGA-1 to Second Revised Volume No. 1.

[2] Opinion No. 699-H, *Just And Reasonable National Rates For Sales Of Natural Gas* From Wells Commenced On Or After January 1, 1973, *And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973*, Docket No. R-389-B, issued December 4, 1974, modifying Opinion No. 699, issued June 21, 1974.

[3] Under Order No. 491-B producers are not required to make any refunds.

[Project 796; Docket No. E-9305]

## CITY OF PHOENIX, ARIZONA

### Extension of Procedural Dates

JULY 16, 1975.

In the matter of: Salt River Pima-Maricopa Indian Community v. City of Phoenix, Arizona.

On July 10, 1975, Salt River Project Agricultural Improvement and Power District filed a motion to extend the procedural dates fixed by order issued June 17, 1975, in the above-designated matter. The motion shows good cause for the extension and states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Prehearing Conference, August 26, 1975.
Service of Direct Testimony, October 6, 1975.
Service of Rebuttal Testimony, October 28, 1975.
Hearing, November 11, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-18950 Filed 7-21-75;8:45 am]

[Docket No. RP72-89]

## COLUMBIA GAS TRANSMISSION CORP.

### Motions for Approval of Alternative Interim Settlement Agreements

JULY 11, 1975.

Take notice that on July 2, 1975, Columbia Gas Transmission Corporation (Columbia) and Armco Steel Corporation (Armco) filed motions for the approval of alternative settlement agreements, together with implementing tariff sheets, which they submitted on that date. These settlement agreements result from discussions among Columbia, the Commission staff, and interested parties in this proceeding, and are proposed to be effective for the interim period November 1, 1975 through October 31, 1976.

The Stipulation and Agreement submitted by Columbia provides for three priority of service categories: (1) Residential, small commercial (less than 50 Mcf on the average day in the peak month); (2) All requirements not specified in (1) and (3); and (3) All large industrial boiler fuel (in excess of 300 Mcf per day on an average day in the peak month). The Offer of Settlement by

Armco proposes five priority of service categories during periods of curtailed deliveries: (1) Residential, small commercial (less than 50 Mcf on the average day in the peak month); (2) Large commercial (50 Mcf or more on the average day in the peak month), industrial requirements for plant protection, feedstock and process needs, industrial use by customers whose aggregate industrial use is 300 or less Mcf per day, and pipeline customer storage injection requirements; (3) All industrial requirements not specified in (2), (4), or (5); (4) Industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements; and (5) Industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternate fuel capabilities can meet such requirements.

Any person desiring to be heard or to make any protest with reference to said filings of settlement agreements should file on or before July 28, 1975, such comments or petitions to intervene with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Reply comments may be filed on or before August 5, 1975. 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 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. Persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filings. The filings which were made with the Commission are available for public inspection.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18951 Filed 7-21-75;8:45 am]

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[Docket Nos. RP73-65 and RP74-82]

## COLUMBIA GAS TRANSMISSION CORP.

### Filing of Tariff Sheet Pursuant to the Commission's Order of July 7, 1975

JULY 15, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia), on July 11, 1975, tendered for filing changes in its FPC Gas Tariff, Original Volume No. 1, to be effective on July 8, 1975.

Columbia states that the purpose of the revised tariff sheet is to comply with the Commission's Order of July 7, 1975, in this proceeding. The revised tariff sheet to be effective July 8, 1975, reflects the cost of gas purchased from Tennessee Gas Pipeline Company and Texas Eastern Transmission Corporation as reflected in Columbia's rates as of July 1, 1975, pursuant to its PGA filing at Docket Nos. RP73-65 and PGA 75-7.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 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 and 1.10). All such petitions or protests should be filed on or before July 30, 1975. 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.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18952 Filed 7-21-75;8:45 am]

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[Docket No. E-9407]

## COLUMBUS & SOUTHERN OHIO ELECTRIC CO.

### Order Granting Late Intervention

JULY 15, 1975.

On April 29, 1975, Columbus & Southern Ohio Electric Company (C&S) tendered for filing a proposed rate schedule which would supersede the provisions of the rate schedule contained in Docket No. E-8650. The changes would increase the rates to the City of Westerville, City of Jackson, and the Village of Glouster in the amount of $826,425 based on the 12 month period December 31, 1974. C&S' April 29, 1975 filing was noticed on May 8, 1975, with all comments, protests or petitions to intervene due on or before May 19, 1975. By order issued May 30, 1975, we accepted for filing and suspended C&S' proposed rate increase.

On May 30, 1975, the City of Jackson, Ohio filed a petition to intervene out of time in the present proceeding. In support of its petition to intervene, Jackson states that it purchases at wholesale from C&S its entire requirements of electric energy for resale and will be directly affected by the proposed rate increase. Jackson further states that although the time for filing interventions has passed, no delay of procedural dates will result from the granting of its petition since Jackson will abide by the procedural schedule established by the Commission.

*The Commission finds:* Participation by the City of Jackson, Ohio in this proceeding may be in the public interest and good cause exists to permit such intervention.

*The Commission orders:* (A) The City of Jackson is hereby permitted to intervene in this proceeding as hereinbefore described, subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such intervenor shall be limited to matters affecting the rights and interests as specifically set forth in its petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedule heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18953 Filed 7-21-75;8:45 am]

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[Docket No. E-9343]

## COLUMBUS & SOUTHERN OHIO ELECTRIC CO.

### Order Granting Petition To Intervene

JULY 15, 1975.

On March 27, 1975, Columbus and Southern Ohio Electric Company (C&SO) tendered for filing a proposed change in rates for wholesale sales to the City of Columbus, Ohio. Notice of this filing was issued April 2, 1975, with protests and petitions to intervene due on or before April 21, 1975. No protests or petitions to intervene were received.

On May 8, 1975, C&SO tendered for filing certain additional information to cure a deficiency in its March 27, 1975, filing. Notice of the May 8 filing was issued May 19, 1975, with protests or petitions to intervene due on or before May 29, 1975. The City of Westerville, Ohio, filed a protest and Petition to Intervene. We believe that Westerville should be permitted to intervene in this proceeding.

*The Commission finds:* It is desirable and in the public interest to allow the above-named petitioner to intervene.

*The Commission orders:* (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-18954 Filed 7-21-75;8:45 am]

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[Docket Nos. RP72-155, RP73-104, RP74-22, RP74-23, RP74-57, and CP74-314 PGA75-2]

## EL PASO NATURAL GAS CO.

### Order Setting Date for Hearing

JULY 16, 1975.

On February 24, 1975, El Paso Natural Gas Company (El Paso) tendered for filing revised tariff sheets[1] providing for a purchased gas cost adjustment (PGA) rate increase. Commission review of the February 24 filing indicated that El Paso was making emergency purchases at rates above the nationwide rate established by Opinion No. 699[2] as amended. By order of March 31, 1975, Docket Nos. RP72-155, *et al.*, the Commission found that the claimed increased costs pertaining to such emergency should be suspended for one day until April 2, 1975.

El Paso's PGA rate increase filing in the instant dockets raises a question as to whether the increased costs claimed therein relating to the 180 day emergency gas purchases at rates in excess of Opinion No. 699-H levels are justified.[3]

We indicated in Order No. 491-B issued November 2, 1973, mimeo. p. 13, that we would "scrutinize the rates of all 180 day emergency purchases in the review of purchased gas costs in pipeline rate proceedings, including purchased gas . . . adjustment clause increases." We made it clear that we would "permit the pipeline to pass on to the consumer the rates of emergency purchases *only* when such rates can be shown to have been required by the public interest." Accordingly, we are setting these matters for hearing to give El Paso an opportunity to show that the prices paid by it pursuant to emergency sales made by producers under Order No. 491 as amended, which are reflected in its PGA increases, are in the public interest. In this connection we shall also make the producers involved respondents herein so that they may present cost evidence to show that the rates charged by them are in the public interest.[4] These producers are listed in the Appendix hereto.

Cost evidence relating to the producer sales under Order No. 491 can clearly provide the basis for "just and reasonable" rate findings. *F.P.C.* v. *Texaco, Inc.*, 417 U.S. 380 (1974). It follows then, that the producer should introduce relevant evidence of the cost involved in its sale. Such evidence shall be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the national rate.

The cost evidence submitted by the producer should include, *inter alia*, the direct and indirect costs, including the cost of all capital funds reasonably allocated to its sale. In addition, the producer should indicate the price for which the subject gas is now being sold, whether in intrastate or interstate commerce.

The pipeline should submit evidence as to (1) its need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased from the producer involved under the emergency provisions of Order No. 491, as amended, (4) the rates of other producer sales under Order No. 491 approved for flow through, and (5) the prevailing prices in the area for both interstate and intrastate sales of gas.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Order No. 491, as amended, are in the public interest.

*The Commission orders:* It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

*The Commission orders:* (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 C.F.R., Chapter I), Docket Nos. RP72-155, *et al.*, are set for the purpose of hearing and disposition with respect to the emergency purchases of El Paso.

(B) A public hearing on the issues presented herein shall be held commencing on September 9, 1975, at 10:00 A.M. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) The producers listed in the Appendix hereto are hereby made respondents in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(E) El Paso and the producers listed in the Appendix shall file their direct testimony and evidence on or before August 19, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

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[1] First Substitute Fourteenth Revised Sheet No. 3-B and First Revised Sheet No. 67-B to Original Volume No. 1; First Substitute Fourth Revised Sheet No. 1-D to Third Revised Volume No. 2; First Substitute Sixth Revised Sheet No. 1-C and Substitute First Revised Sheet No. 1-D to Original Volume No. 2-A.

[2] Opinion No. 699, Docket No. R-389-B, Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, issued June 21, 1974. That opinion was modified by Opinion No. 699-H issued December 4, 1974.

[3] There is no need for El Paso to present any evidence with respect to those emergency sales reflected in its filings in Docket Nos. RP72-155, *et al.*, which exceed the rate established in Opinion No. 699 but do not exceed the higher rate prescribed in Opinion No. 699-H to be effective as of June 21, 1974.

[4] Under Order No. 491-B producers are not required to make any refunds.

APPENDIX

| *Producer respondents* | *Rates in cents* |
|---|---|
| Sheldon K. Beren, *et al.* (Beren Corp.) | 61.7398 and 57.9403. |
| Apexco, Inc | 56.6944, 58.0119 and 56.2174. |
| Exxon Corp | 56.7618, 58.0120 and 61.3390. |
| Cities Service Oil Co | 56.2115, 56.7619, 58.0840, 62.7357, 58.3665, 63.6997, 66.3408, 62.8017, 62.7356, 65.1384, and 71.5770. |
| Kerr-McGee Corp | 63.3623, 62.8150, 71.3400, 64.2521, 67.4592, 65.6666, and 67.4743. |
| Dorchester Explorations, Inc | 61.7121, 65.7375, 61.0025 and 62.4637. |
| Texas Oil & Gas Corp | 57.8006 and 63.6841. |
| Phillips Petroleum Co | 63.9631, 61.6694, 71.9546, 61.2124, 72.6299, and 55.0000. |
| J. M. Huber Corp | 58.0177 and 61.2769. |
| The Superior Oil Co | 58.0682, 57.4628, and 66.3270. |
| Patrick Petroleum Corp | 58.6484. |
| Amoco Production Co | 58.6456. |
| Samedan Oil Corp | 58.3375 and 66.6299. |
| J. S. Ambercrombie Mineral Co., Inc., *et al* | 60.8637. |
| Pennzoil Co | 61.2787, 71.5490, and 61.2942. |
| Oil Development Co. of Texas | 71.5500. |
| Union Texas Petroleum, Div. of Allied Chem. Corp. | 61.2745 and 58.2349. |
| Wainoco, Inc | 61.2439. |
| Mesa Petroleum Co | 61.7838 and 62.6903. |
| Texas International Petro. Corp | 68.4603. |
| Gulf Oil Corp | 71.5452. |
| Troporo Oil & Gas Co | 61.3331. |
| Kewanee Oil Co | 61.1910. |
| Midwest Oil Corp | 56.2188. |

[FR Doc.75-18975 Filed 7-21-75;8:45 am]

[Docket No. RP75-53]

## FLORIDA GAS TRANSMISSION CO.

### Further Extension of Time

JULY 15, 1975.

On June 20, 1975, Staff Counsel filed a motion to further extend the procedural dates fixed by order issued February 7, 1975, as most recently modified by notice issued May 15, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, October 8, 1975.
Service of Internevor Testimony, November 10, 1975.
Service of Company Rebuttal, December 5, 1975.
Hearing, December 9, 1975 (10 a.m. e.s.t.).

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18955 Filed 7-21-75;8:45 am]

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[Docket No. C175-319, *et al.*]

## GETTY OIL CO., ET AL.

### Correction

JUNE 25, 1975.

In the Notice of Extension of Procedural Dates, issued June 23, 1975 and published in the FEDERAL REGISTER on July 9, 1975, 40 FR 28854, the procedural dates should be corrected to read:

Service of Applicants' and all Supporting Testimony, September 8, 1975.
Hearing, September 30, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18956 Filed 7-21-75;8:45 am]

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[Docket No. RP75-94]

## GREAT LAKES GAS TRANSMISSION CO.

### Order Granting Late Interventions

JULY 15, 1975.

On April 30, 1975, Great Lakes Gas Transmission Company (Great Lakes) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 which would result in increased jurisdictional revenues of $12,000,000 based on sales and transportation volumes for the test year ended December 31, 1974, as adjusted.

Great Lakes' filing was noticed on May 8, 1975, with all comments, protests or petitions to intervene due on or before May 23, 1975. By order issued June 13, 1975, the Commission accepted for filing and suspended Great Lakes' proposed rate increase.

Petitions to intervene in this proceeding have been untimely filed on behalf of Northern and Central Gas Corporation, Union Gas Limited, Consumers' Gas Company, and Michigan Power Company. All petitions state that they either directly or indirectly purchase volumes of gas from Great Lakes or utilize Great Lakes' transportation services. All the petitioners point out that a great deal of time has not yet elapsed since Great Lakes' filing and that their participation would not serve to delay the proceedings.

*The Commission finds:* Participation by the above-named petitioners in this proceeding may be in the public interest and good cause exists for permitting such interventions.

*The Commission orders:* (A) The above-mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission, *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18957 Filed 7-21-75;8:45 am]

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[Docket No. ER76-5]

## INDIANA & MICHIGAN POWER CO.

### Filing of Power Agreement With Affiliated Company

JULY 15, 1975.

Take notice that on July 3, 1975, Indiana & Michigan Power Company (I&M Power) tendered for filing copies of a "Power Agreement" (Agreement) between I&M Power and Indiana & Michigan Electric Company (I&M Electric). I&M Power states that said Agreement is tendered as an initial rate schedule in accordance with Part 35 of the Commission's Regulations.

I&M Power is a subsidiary of I&M Electric. I&M Electric is a subsidiary of American Electric Power Company, Inc., a registered holding company.

I&M Power states that it has agreed with I&M Electric that the effective date of said Agreement shall be the date of commercial operation of Unit No. 1 of the Donald C. Cook Nuclear Generating Plant (Plant), located at Bridgman, Michigan. I&M Power states further that said Unit No. 1 is presently expected to be placed in commercial operation during the first week of August, 1975.

I&M Power states that the tendered Agreement provides (1) that I&M Electrict shall be entitled to receive all power and energy available at the Plant, and (2) that I&M Electric shall pay to I&M Power, as a demand charge, an amount which, when added to amounts received by I&M Power from any other source, will enable I&M Power to pay "all of its operating and other expenses." Said "expenses" are discussed in more detail in said Agreement.

I&M Power also states in its transmittal letter that it has agreed with I&M Electric "upon the terms representing a fair return on the common stock equity of I&M Power," which terms are set forth more fully in said letter.

I&M Power states further: "I&M Power and I&M Electric believe that the terms of the rate schedule filed herewith are just and reasonable under the circumstances and are essential for I&M Power to achieve its financial and capital requirements. Conversely, the initiation of an investigation and hearings into the lawfulness of the rate schedule would introduce for the investment community an element of uncertainty as to I&M Power's rates, revenues and earning power. Such uncertainty could affect adversely I&M Power's ability to attract the capital funds it urgently needs." Accordingly, I&M Power urges that the Commission issue an order finding that "good cause exists for the Commission not to initiate an investigation and hearing as to the lawfulness of the rate schedule." I&M Power states that it believes that "such action would afford I&M Power an opportunity to develop a financing program to achieve its financial and capital needs and that the overriding public interest in the completion of the Cook Plant would be well served."

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1975. 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.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18958 Filed 7-21-75;8:45 am]

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[Project No. 1909]

## KADIAK FISHERIES CO.

### Order Vacating Land Withdrawal

JULY 16, 1975.

The Alaska Power Administration, United States Department of the Interior, has reviewed the land withdrawal for Project No. 1909 and recommended that it be vacated in its entirety, thereby requiring Commission consideration under Section 24 of the Federal Power Act.

The following described lands are withdrawn pursuant to the filing on

January 15, 1974, of an application for license by Kadiak Fisheries Company for Project No. 1909 for which the Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated February 10, 1945:

KODIAK ISLAND, ALASKA

SHEARWATER BAY

All lands of the United States adjacent to United States Survey No. 2607 lying within 50 feet of the center line survey of the flume, penstock and pipe line locations as shown on a map designated "Exhibit F" and entitled "Map Accompanying Application of the Kadiak Fisheries Company for License For A Water Power Project Situate on Unnamed creek at Shearwater Bay, Territory of Alaska," and filed in the office of the Federal Power Commission on January 15, 1944. (Approximately 8.54 acres.)

Project No. 1909 was a small diversion-conduit development (capacity 10.5 kw) which served a salmon cannery. The project and the cannery were destroyed by the Alaska earthquake of March 27, 1964. The 25-year license for the project expired on December 31, 1966, and an application for a new license was dismissed.

There are no known plans for the reconstruction of Project No. 1909. The Bureau of Land Management has reported that the lands which were affected by the project have been restored to a satisfactory condition.

The subject lands have no significant power value as the drainage area of the creek involved is only about two square miles.

*The Commission finds:* The withdrawal for Project No. 1909 serves no useful purpose and should be vacated.

*The Commission orders:* The withdrawal of the subject lands pursuant to the application for Project No. 1909 is hereby vacated in its entirety.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-18959 Filed 7-21-75;8:45 am]

[Docket No. E-9260]

## KANSAS GAS AND ELECTRIC CO.

### Further Extension of Procedural Dates

JULY 16, 1975.

On July 10, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 23, 1975, as most recently modified by notice issued June 17, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff, Testimony, August 15, 1975.
Service of Staff Testimony, August 15, 1975.
Service of Company Rebuttal, September 12, 1975.
Hearing, September 26, 1975 (10 a.m. e.d.t.).

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-18960 Filed 7-21-75;8:45 am]

[Docket No. E-9425]

## KENTUCKY UTILITIES CO.

### Order Rejecting Filing of Initial Rate Schedule

JULY 16, 1975.

On May 5, 1975, Kentucky Utilities Company (KU) tendered for filing a proposed agreement for electric service to the City of Nicholasville, Kentucky (City) at a new delivery point. KU presently provides all-requirements services to the City at one delivery point under WPS-3R rate. The supplemental agreement dated April 22, 1975,[1] provides for additional service at the new delivery point with billing under WPS-73, currently on file with the Commission. KU requests that the Commission waive the notice requirement and allow the proposed rates to become effective as of October 24, 1974.

Notice of the filing was issued on May 12, 1975, with comments, protests, or petitions to intervene due on or before May 27, 1975. No responses have been filed.

By certified letter dated May 29, 1975, the Secretary informed KU that the filing was deficient in that the proposed fuel adjustment clause contained within its filing did not comply with Section 35.14 of the Regulations as amended by Order No. 517.[2]

By letter dated June 13, 1975, and received by this Commission on June 16, 1975, KU responded to the Commission stating the WPS-73 rate was designed for wholesale service as a class rate and that the demand, energy, and fuel clause charges were coordinated in the development of the overall rate which produced the necessary revenue requirements for the class. KU further states it is soliciting its sources of purchase power during the WPS-73 test period in an effort to obtain the operating data required to design a new clause, which KU advises it will file on or before January 1, 1976. KU also contends that the fuel clause in the instant filing was recently designed and in their opinion is deficient only in that it is expressed in terms of ¢/MBTU rather than ¢/KWH.

We are compelled to reject KU's filing. KU states in their letter of June 13, 1975, to the Commission that "(t)he data on hand for the July 31, 1972 test period, (the period on which WPS-73 was designed) related to fuel costs and KWH, are not in the form required to be used in developing a fuel adjustment clause to conform to FPC Order 517". Our review shows the proposed clause does not provide for fuel adjustments based on changes in per unit costs per KWH of sales, as required in Ordering Paragraph (A), part (1), of Order No. 517. Further, in the same Paragraph, part (3), appears the provision, "(s)ales shall be all KWH's sold, excluding inter-system sales". KU's proffered fuel clause fails to indicate exclusion of inter-system sales. Thus KU's proposed fuel adjustment clause fails to comply with Order No. 517 and must therefore be rejected.

The circumstances of KU's particular rate design method, which produces an overall class rate, does not excuse it from complying with the requirements of the Regulations as they apply to this rate schedule. Nor is the fact that KU will be making a compliance filing with regard to other rate schedules within six months good cause to waive the requirements herein. Finally, we note that rejection of the instant submittal shall not preclude KU's making the service proposed available to the City under the terms and conditions of a Commission approved rate schedule containing a fuel clause which comports with Order No. 517.

Finding Paragraph (4) of Order No. 517 specifically states that the amended Regulation shall be effective for all initial rates filed on or after January 1, 1975. Ordering Paragraph (A) of Order No. 517 effects this result. This Commission has held before that although the fuel clause is identical to the fuel clause on file with other rate schedules, it nevertheless must comply with the amended Regulation.[3]

*The Commission finds:* Good cause exists to reject KU's tendered filing of May 5, 1975, for failure to comply with the Regulations of this Commission.

*The Commission orders:* (A) KU's tendered filing, received May 5, 1975, is hereby rejected for failure to comply with applicable Commission Regulations.

(B) This rejection is without prejudice to KU's tender of a filing for service to the City of Nicholasville which complies with this Commission's fuel clause regulations.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc. 75-18961 Filed 7-21-75;8:45 am]

[Docket No. RP75-104]

## LAWRENCEBURG GAS TRANSMISSION CORP.

### Correction

JULY 1, 1975.

In the Order Accepting for Filing and Suspending Proposed Rate Increase, Re-

[1] The Agreement is designated Kentucky Utilities Company Supplement No. 1 to Rate Schedule FPC No. 98.

[2] Docket No. R-479, issued November 13, 1974.

[3] See *Kansas Power and Light Company*, Docket No. E-9383, order issued June 17, 1975. 1975; *Public Service Company of Colorado*, Docket No. E-9283, order issued June 17, 1975.

jecting in Part Proposed Tariff Sheets, Rejecting Revised Service Agreements, Providing for Hearing and Establishing Procedures, issued June 27, 1975, and Published in the Federal Register on July 8, 1975, 40 FR 28670, Page 28670, fourth paragraph, lines 17 and 20, change "Tariff Sheet 3A" to "Tariff Sheet 4", Page 28671, paragraph 4, line 3, paragraph 6, line 3 and paragraph 7, line 4 change "Tariff Sheet 3A" to "Tariff Sheet 4".

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18962 Filed 7-21-75;8:45 am]

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[Docket No. E-9181]

## NANTAHALA POWER AND LIGHT CO.

### Further Extension of Procedural Dates

JULY 15, 1975.

On July 10, 1975, Nantahala Power and Light Company filed a motion to extend the procedural dates fixed by order issued February 14, 1975, as most recently modified by notice issued June 18, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff and Intervenor Testimony, August 1, 1975.
Service of Company Rebuttal, August 8, 1975.
Hearing, August 15, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18963 Filed 7-21-75;8:45 am]

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[Docket No. RP74-95 and RP73-109]

## NORTHWEST PIPELINE CORP.

### Further Extension of Procedural Dates

JULY 15, 1975.

On June 27, 1975, Northwest Pipeline Corporation filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as most recently modified by notice issued May 20, 1975 and to set a prehearing conference in the above-designated matter. On July 10, 1975, Northwest Pipeline Corporation filed an amendment to the above motion withdrawing its request to set a prehearing conference. The motions state that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenors' Testimony, September 8, 1975.
Service of Company Rebuttal, September 22, 1975.
Hearing, October 20, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18964 Filed 7-21-75;8:45 am]

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[Docket No. RP72-115; PGA 75-2]

## OKLAHOMA NATURAL GAS GATHERING CORP.

### Order Accepting for Filing and Suspending Proposed PGA Rate Adjustment

JULY 16, 1975.

On June 2, 1975, Oklahoma Natural Gas Gathering Corporation (Oklahoma) tendered for filing with the Commission a proposed revised tariff sheet[1] pursuant to its PGA clause which reflects a) an increase of 2.88¢ per Mcf, or $411,606 per year, in cost of purchased gas and b) a reduction in the surcharge to 4.94¢ per Mcf. The proposed surcharge is to recoup a balance of $356,006 in Oklahoma's Deferred Purchased Gas Cost Account. Oklahoma has further requested the Commission to waive its notice requirements and permit the increase to become effective July 1, 1975.

Public notice of Oklahoma's filing was issued on June 10, 1975, with all protests, comments, or petitions to intervene due on or before June 24, 1975. The Commission has received no protests, comments, or petitions to intervene.

Our review of Oklahoma's proposed PGA adjustment indicates that it is based in part upon small independent producer purchases at rates in excess of the rate levels established in Opinion No. 699-H.[2]

The proposed rates have not therefore been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall grant Oklahoma's request for waiver of our notice requirements and accept Oklahoma's June 2, 1975, PGA filing and suspend it for one day to become effective July 2, 1975, subject to refund.

With regard to the question of the small producer purchases, we note that t the Supreme Court has recently remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness for small producer purchases.[3] It is therefore too premature to set the matter of the justness and reasonableness of these rates for hearing at this time.

Our review of Oklahoma's proposed tariff sheet indicates that the claimed increased costs other than those associated with that portion of small producer purchases in excess of Opinion No. 699-H complies with the standards set forth in Docket No. R-406. Accordingly, Oklahoma may file a substitute tariff sheet to become effective July 1, 1975, reflecting increased costs other than that portion of claimed increased costs associated with small producer purchases in excess of the rate levels prescribed by Opinion No. 699-H.

*The Commission finds:* (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Oklahoma's proposed PGA adjustment tendered on June 2, 1975, be accepted for filing, suspended for one day and permitted to become effective July 2, 1975, subject to refund pending further Commission action in this docket.

(2) The claimed increased costs, other than those associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

(3) Good cause exists to grant Oklahoma's request for waiver of the Commission's notice requirements.

*The Commission orders:* (A) Oklahoma's proposed Seventh Revised Sheet PGA-1 to its FPC Gas Tariff, Original Volume No. 1 is hereby accepted for filing, suspended for one day, and permitted to become effective July 2, 1975, subject to refund, pending further Commission order in this docket.

(B) Oklahoma may file to become effective July 1, 1975, a substitute tariff sheet reflecting that portion of Oklahoma's proposed rates which reflect costs other than those costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion No. 699-H.

(C) Oklahoma's request for waiver of the Commission's notice requirements is hereby granted.

(D) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18965 Filed 7-21-75;8:45 am]

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[Docket Nos. RP72-74 and RP74-6]

## SOUTHERN NATURAL GAS CO.

### Order Granting Motion in Part, Denying Motion in Part, Denying Request and Establishing Procedures

JULY 7, 1975.

On February 5, 1975, Delta-Macon Brick and Tile Company, *et al.* (Delta-Macon) filed a motion in this consolidated proceeding requesting the Commission to issue an order directing the Presiding Administrative Law Judge to issue his Initial Decision prior to a complete compliance with NEPA. Presumably this decision would be subject to revision after a thorough analysis of the environmental aspects of this proceeding. In the alternative, Delta-Macon asked for an interim order restricted to certain specific issues in this case. Delta-Macon asserted that it was being injured every day that it operated under the currently effective plan of Southern Natural Gas Company (Southern) and that the environmental phase of this proceeding promised to be sufficiently lengthy as to make a final resolution of this case unacceptably remote in time.

On February 20, 1975, Alabama Gas Corporation (Alabama) filed an answer

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[1] Seventh Revised Sheet PGA-1 to FPC Gas Tariff, Original Volume No. 1.
[2] Docket No. R-389-B, issued June 21, 1974.
[3] *F.P.C. v. Texaco, Inc.*, 417 U.S. 380 (1974).

in opposition to the motion of Delta-Macon. Alabama maintained that the National Environmental Policy Act 42 USC 4332(2)(C) (NEPA) required that an environmental analysis be an integral part of the proceeding and that an interim plan which did not consider the environmental portion of this case was in violation of NEPA. Alabama further stated that Delta-Macon had given no demonstration of specific injuries suffered and that, if such injuries did occur, Delta-Macon should apply for extraordinary relief.

Carolina Pipeline Company (Carolina) filed a statement in support of Delta-Macon's motion on February 27, 1975. Carolina based its support on the allegedly lengthy delay occasioned by the environmental phase of this proceeding.

Chattanooga Gas Company (Chattanooga) filed an answer in opposition to Delta-Macon's motion on March 4, 1975. Chattanooga asserted that further conferences might indicate a shortened schedule for resolving these matters and that Delta-Macon's motion was premature.

On March 10, 1975, Delta-Macon filed a supplement to its motion which attempted to further establish the probability of a lengthy environmental proceeding and to give particulars with regards to its special injuries caused by the delay.

On May 1, 1975, Southern filed a motion requesting the Commission to issue an order directing the Presiding Administrative Law Judge to issue an Initial Decision containing his recommendations on (1) the permanent curtailment plan appropriate for the Southern system, and (2) an interim curtailment plan which, subject to Commission approval, would be in effect during the period prior to adoption by the Commission of a permanent curtailment plan for the Southern system after fully evaluating the environmental impact statement and evidence. Southern further requested that the Commission establish a date for the Initial Decision which would give Southern and its customers a reasonable basis upon which to make plans for the upcoming 1975–1976 heating season. Southern relied upon essentially the same argument of unacceptable delay used by Delta-Macon to justify its requests.

Carolina jointed Southern in its motion by a filing made on May 9, 1975.

An answer in opposition to Southern's motion was filed by Atlanta Gas Light Company (Atlanta) on May 14, 1975. Atlanta repeated the argument that NEPA required that no decision be made without an environmental analysis and further stated that Southern had demonstrated no justification for expedited procedures.

Alabama filed on May 15, 1975 an answer to Southern's motion. In that answer Alabama restated its position that NEPA would prohibit the issuance of an order prior to consideration of the environmental issues. It also asserted that *Alabama Gas Company* v. *FPC*, CADC Case Nos. 74–1150, *et al.*, Orders issued January 28, 1974, February 22, 1974 and November 26, 1974, required a preliminary finding that the current operational plan is unjust and unreasonable before it could be replaced by any alternative plan.

On May 28, 1975, Carolina requested the Commission to file a "Motion to Dissolve Stay Order" in the Court of Appeals. Carolina suggested that the stay order issued in *Alabama (supra) could* be dissolved upon the motion of the Commission.

This was said to be a conclusion of the Court in *Consolidated Edison Company of New York* v. *FPC*, —— F2d —— (D.C. Cir. Nos. 73–1999, *et al.*, decided May 19, 1975). It was argued by Carolina that, under the current operational plan filed in Docket No. RP72–74, large volumes of natural gas were being consumed for inferior uses and that an end-use plan, such as that filed in Docket No. RP74–6 and currently stayed by the decision in *Alabama (supra)*, should be instituted quickly to maximize the most desirable uses of natural gas.

The Water, Light and Sinking Fund Commission of the City of Dalton, Georgia, (Dalton) filed a response in support of Carolina's request. Dalton stated that the currently operational plan should be replaced by the proposed end-use plan because the former plan discriminates against customers buying under the Authorized Overrun Rate Schedules.

On June 6, 1975, Alabama Municipal Distributors Group filed a petition essentially opposing the request of Carolina because it asserted the plan filed in Docket No. RP74–6 was patently unjust and unreasonable.

This case began on November 24, 1971, when Southern first filed a proposed curtailment plan in Docket No. RP72–74. An additional filing was made in Docket No. RP74–6 by Southern. This latter filing constituted another proposed curtailment plan in addition to, but not replacing, the plan proposed in Docket No. RP72–74. The former proposed plan, which is currently operational, is a partial end-use plan, but one in which substantial emphasis is placed on contractual obligations and priorities. The latter plan, whose implementation is currently stayed by court order, is essentially a plan molded on the nine-step priorities of Commission Order No. 467–B. This proceeding has been fully heard and briefed except for the environmental issues. By order issued February 3, 1975, we reopened the proceeding for the purpose of insuring compliance with the requirements of NEPA and ordered further public hearings to be held with respect to the Final Environmental Impact Statement. In response to our order above, two prehearing conferences were held to establish procedures for the preparation of the Draft Environmental Impact Statement in compliance with the requirements of NEPA. As a result of these conferences, the Presiding Administrative Law Judge indefinitely postponed the hearing pending further Commission action in this matter.

Our Staff is presently involved in attempting to prepare NEPA statements in this and other curtailment cases in accordance with the Court's decision in *State of Louisiana* v. *FPC*, 503 F2d 844 (5th Cir., 1974). We, however, believe that it will be desirable and in the public interest to require Southern to allocate its gas supply on the basis of a plan established on the evidentiary record made in this proceeding. The record has been fully developed (except for environmental issues) and briefed by all parties. The preparation of the NEPA statement is progressing rapidly in all pending curtailment proceedings. We believe it to be premature to require that the Presiding Administrative Law Judge issue a decision for an interim curtailment plan for Southern since that pre-supposes that the evidentiary record regarding a Staff Environmental Impact Statement cannot be compiled and completed in sufficient time for the timely issuance of an Initial Decision on a permanent plan for utilization in the forthcoming winter. This Commission is nonetheless sympathetic with the complaints of some parties with regards to the length of these extended proceedings.

We shall therefore direct that the Presiding Administrative Law Judge immediately convene a conference for the purpose of establishing realistic dates regarding the submittal and the establishment of a record on a Staff Environmental Impact Statement. We shall also direct the Law Judge to issue an Initial Decision in this case by September 1, 1975 inclusive of the environmental analysis based on Staff's environmental statement if possible and, if not, on all other relevant issues. At that point in time, we will be in a proper posture for determining whether an interim plan should be imposed on the Southern system.

The request of Carolina that this Commission file a motion with the Court of Appeals asking that the stay in Docket No. RP74–6 be dissolved should be denied. This case is too near resolution to require instituting a new, unexamined plan when, on the basis of the record, a carefully considered—and perhaps permanent—plan may be instituted within a reasonable length of time.

*The Commission finds:* (1) There is good reason to reject at this time those portions of the motions of Delta-Macon, Southern and Carolina requesting the establishment of an interim plan of curtailment on Southern's system.

(2) The public convenience and necessity requires that the Presiding Administrative Law Judge assigned shall take those steps necessary, including the convening of pre-hearing conferences, to expeditiously move forward with the environmental phase of this proceeding, and that he issue an Initial Decision by September 1, 1975, on all issues, inclusive of the environmental issues to be dealt with in a Staff EIS if possible.

(3) There is good reason to deny the request of Carolina for a motion of this Commission to the Court of Appeals requesting the Court to dissolve the stay.

*The Commission orders:* (A) Those portions of the motions of Delta-Macon, Southern and Carolina requesting the establishment of an interim plan on Southern's system are hereby denied at this time.

(B) Those portions of the motions of Delta-Macon, Southern and Carolina requesting an early Initial Decision based on the record in these proceedings are approved.

(C) The request of Carolina that this Commission file a motion with the Court of Appeals is hereby denied.

(D) The Commission Staff is hereby directed to prepare an environmental impact statement consistent with the provisions of the National Environmental Policy Act for incorporation into the record of this proceeding.

(E) The designated Law Judge shall immediately convene a pre-hearing conference to expeditiously move forward with the environmental phase of this proceeding.

(F) On or before September 1, 1975, the designated Law Judge shall issue his Initial Decision in this proceeding, inclusive of the environmental issues as may be raised by virtue of the incorporation into the record of Staff's EIS. In the event that the record is not sufficiently developed at that time to enable the Presiding Judge to complete his disposition of the requisite environmental matters contemplated under NEPA he shall nevertheless hand down his Initial Decision on all other issues by September 1, 1975, which may be modified by a subsequent decision relative to the impact of the environmental considerations to be issued at the earliest date practical.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18966 Filed 7-21-75;8:45 am]

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[Docket No. RP75-73]

## TEXAS EASTERN TRANSMISSION CORP.

### Extension of Procedural Dates

JULY 10, 1975.

On June 30, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 30, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, December 1, 1975.
Service of Intervenor Testimony, December 15, 1975.
Service of Company Rebuttal, January 12, 1976.
Hearing, January 27, 1976 (10 a.m. e.d.t.).

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18967 Filed 7-21-75;8:45 am]

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[Docket Nos. RP72-98 and RP74-41, PGA75-3]

## TEXAS EASTERN TRANSMISSION CORP.

### Order Setting Date for Hearing

JULY 16, 1975.

On November 18, 1974, Texas Eastern Transmission Corporation (TETCO) tendered for filing alternative purchased gas cost adjustment (PGA) increases[1] pursuant to its PGA clause which would reflect an increase in its current cost of gas purchased from its pipeline and producer suppliers and a revenue surcharge to recover the balance in its Unrecovered Purchase Gas Cost Account. In an order issued December 31, 1974, Docket No. RP 72-98 and RP74-41, PGA75-3, TETCO's alternate PGA proposal was accepted for filing, suspended for one day, and permitted to become effective January 2, 1975, subject to refund. Commission review of the November 18 filing had indicated that TETCO was making emergency purchases from four producers at rates above the national rate established in Opinion No. 699,[2] as amended. The Commission further found that the proposed rates has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful.

TETCO'S PGA rate increase filings in the above-entitled proceeding raises a question as to whether the increased costs claimed therein relating to 180 day emergency gas purchases at rates in excess of Opinion No. 699-H levels are justified.[3]

We indicated in Order No. 491-B issued November 2, 1973, mimeo p. 13, that we would "scrutinize the rates of all 180 day emergency purchases in the review of purchased gas costs in pipeline rate proceedings, including purchased gas . . . adjustment clause increases." We made it clear that we would "permit the pipeline to pass on to the consumer the rates of emergency purchases *only* when such rates can be shown to have been required by the public interest." Accordingly, we are setting these matters for hearing to give Texas Eastern an opportunity to show that the prices paid by it for emergency sales made by producers pursuant to Order No. 491 as amended, which are reflected in its PGA increases, are in the public interest. In this connection we shall also make the producers involved respondents herein so that they may present cost evidence to show that the rates charged by them are in the public interest.[4] These producers are listed in the Appendix hereto.

Cost evidence relating to the producer sales under Order No. 491 can clearly provide the basis for "just and reasonable" rate findings. *F.P.C.* v. *Texaco Inc.*, 417 U.S. 380 (1974). It follows then, that the producer should introduce relevant evidence of the cost involved in its sale. Such evidence shall be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the national rate.

The cost evidence submitted by the producer should include, *inter alia*, the direct and indirect costs, including the cost of all capital funds reasonably allocated to its sale. In addition, the producer should indicate the price for which the subject gas is now being sold, whether in intrastate or interstate commerce.

The pipeline should submit the evidence as to (1) its need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased from the producer involved under the emergency provisions of Order No. 491, as amended, (4) the rates of other producer sales under Order No. 491 approved for flow through, and (5) the prevailing prices in the area for both interstate and intrastate sales of gas.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Order No. 491, as amended, are in the public interest.

*The Commission finds*: It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

*The Commission orders*: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 C.F.R., Chapter I), Docket Nos. RP72-98, RP74-41 and PGA75-3, are set for the purpose of hearing and disposition with respect to the emergency purchases of TETCO discussed in the body of this order.

(B) A public hearing on the issues presented herein shall be held commencing on August 26, 1975, at 10:00 A.M. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) The producers listed in the Appendix hereto are hereby made respondents in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by he Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5(d) shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(E) TETCO and the producers listed in the Appendix shall file their direct testimony and evidence on or before August 8, 1975. All testimony and evidence shall be served upon the Presiding Ad-

[1] Fifth Revised Sheet Nos. 14, 14A through 14D to Fourth Revised Volume 1 and Alternative Fifth Revised Sheet Nos. 14, 14A through 14D to Fourth Revised Volume No. 1.

[2] Opinion No. 699, Docket No. R-389-B, Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commence On Or After January 1, 1973 Issued June 21, 1974. That opinion was modified by Opinion No. 699-H issued December 4, 1974.

[3] There is no need for TETCO to present any evidence with respect to those emergency sales reflected in its filing in Docket Nos. RP72-98 and RP74-41, PGA75-3, which exceed the rate established in Opinion No. 699 but do not exceed the higher rate prescribed in Opinion No. 699-H to be effective as of June 21, 1974.

[4] Under Order No. 491-B producers are not to make any refunds.

ministrative Law Judge, the Commission Staff, and all parties.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

APPENDIX

| *Producer respondents* | *Rate in cents* |
|---|---|
| Delhi Gas Pipeline | 61 |
| Gold King Production Co. | 63 |
| W. R. Dean | 56 |
| Mobil Oil Co. | 60 |

[FR Doc.75-18968 Filed 7-21-75;8:45 am]

[Docket Nos. RP71-130; RP72-58; RP74-39-11]

## TEXAS EASTERN TRANSMISSION CORP.

### Correction

JUNE 30, 1975.

In the matter of Texas Eastern Transmission Corporation (Borough of Chambersburg, Pennsylvania).

In the Order Approving Settlement Agreement and Terminating Proceeding, issued June 18, 1975, and Published in the Federal Register on June 25, 1975, 40 FR 26715, please omit footnote 1 on page 26715, column 2 and substitute the following:

Of the 24 customers purchasing under the DCQ rate schedule, 21 have AQEs which are virtually 100 per cent of their contract entitlements. National Gas and Oil Corporation's AQE is 95 per cent of its contract entitlement; Chambersburg's AQE is 88 per cent and Pottsville Gas Company's AQE is 96 per cent.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18969 Filed 7-21-75;8:45 am]

[Docket Nos. RP75-111, etc.]

## TEXAS EASTERN TRANSMISSION CORP.

### Postponement of Hearing

JULY 15, 1975.

In the matter of Texas Eastern Transmission Corporation, Docket No. RP75-111; Texas Eastern Transmission Corporation (Indiana Natural Gas Corporation), Docket No. RP74-39-22; Texas Eastern Transmission Corporation (Pulaski Natural Gas Company), Docket No. RP74-39-23; Texas Eastern Transmission Corporation (City of Huntingburg, Indiana), Docket No. RP74-39-24; Texas Eastern Transmission Corporation (Starks Water and Gas Corporation), Docket No. RP74-39-25.

On July 11, 1975, Texas Eastern Transmission Corporation filed a motion to extend the procedural dates fixed by order issued June 16, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is modified as follows:

Hearing, August 19, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18970 Filed 7-21-75;8:45 am]

[Docket No. RP75-56]

## TEXAS GAS PIPELINE CORP.

### Extension of Procedural Dates

JULY 15, 1975.

On July 11, 1975, Texas Gas Pipeline Corporation, filed a motion to extend the procedural dates fixed by order issued March 7, 1975, as most recently modified by order issued June 16, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Filing of Texas Gas Pipeline Corporation Testimony, August 22, 1975.
Service of Staff Testimony, September 30, 1975.
Service of Intervenor Testimony, October 14, 1975.
Service of Company Rebuttal, October 30, 1975.
Hearing, November 11, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18971 Filed 7-21-75;8:45 am]

[Docket No. RP75-19]

## TEXAS GAS TRANSMISSION CORP.

### Further Extension of Procedural Dates; Correction

JULY 15, 1975.

By notice issued June 23, 1975, the procedural dates at this docket were extended in response to a motion to defer such dates filed by Texas Gas Transmission Corporation. The notice of June 23, 1975 incorrectly set forth the order in which the parties are to serve their rejective testimony and exhibits. Therefore, notice is hereby given that our notice of June 23, 1975 is modified as follows:

Service of Intervenors' Testimony, July 30, 1975.
Service of Intervenors' and Staff's Reply, August 28, 1975.
Service of Company Rebuttal, September 11, 1975.
Hearing, September 23, 1975.

MARY B. KIDD,
*Secretary.*

[FR Doc.75-18972 Filed 7-21-75;8:45 am]

[Docket No. E-9198]

## WISCONSIN POWER AND LIGHT CO.

### Further Extension of Procedural Dates

JULY 16, 1975.

On July 11, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued February 19, 1975, as most recently modified by notice issued June 16, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, August 22, 1975.
Service of Intervenor Testimony, September 5, 1975.
Service of Company Rebuttal, September 19, 1975.
Hearing, October 2, 1975 (10 a.m. E.D.T.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.75-18973 Filed 7-21-75;8:45 am]

[Docket No. RI75-110]

## MARATHON OIL CO.

### Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject To Refund [1]

JULY 11, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

*The Commission finds:* It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

*The Commission orders:* (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf* † Rate in effect | Cents per Mcf* † Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI75-110 | Marathon Oil Co | 24 | [1] 17 | El Paso Natural Gas Co. (New Mexico) (Rocky Mountain). | $28 | 6-13-75 | | 7-15-75 | [2] [5] 27.1374 | [5] 27.1492 | RI75-110. |
| RI75-110 | do | 55 | [1] 17 | do | 133 | 6-13-75 | | 7-15-75 | [2] [5] 27.1291 | [5] 27.1408 | RI75-110. |
| RI75-110 | do | 90 | [1] 8 | Southern Union Gathering Co. (New Mexico) (Rocky Mountain). | 5 | 6-13-75 | | 7-15-75 | [2] [5] 27.1374 | [5] 27.1492 | RI75-110. |
| RI75-110 | do | 92 | [1] 7 | do | 2 | 6-13-75 | | 7-15-75 | [3] [5] 27.1374 | [5] 27.1492 | RI75-110. |
| RI75-110 | do | 96 | [1] 13 | El Paso Natural Gas Co. (New Mexico) (Rocky Mountain). | 2 | 6-13-75 | | 7-15-75 | [3] [5] 27.1291 | [5] 27.1408 | RI75-110. |
| RI75-110 | do | 126 | [1] 22 | Northwest Pipeline Corp. (New Mexico) (Rocky Mountain). | 1 | 6-13-75 | | 7-15-75 | [3] [5] 27.0615 | [5] 27.0732 | RI75-110. |
| RI75-110 | do | 127 | [1] 17 | do | 99 | 6-13-75 | | 7-15-75 | [3] [5] 27.0615 | [5] 27.0732 | RI75-110. |
| RI75-110 | do | | | do | | 6-13-75 | | 7-15-75 | [3] [5] 27.1374 | [5] 27.1492 | RI75-110. |
| RI75-110 | do | 25 | [1] 24 | El Paso Natural Gas Co. (New Mexico) (Rocky Mountain). | 43 | 6-13-75 | | 7-15-75 | [3] [5] 27.0615 | [5] 27.0732 | RI75-110. |
| RI75-110 | do | | | do | 7 | 6-13-75 | | 7-15-75 | [3] [5] 27.1291 | [4] [5] 27.1408 | RI75-110. |

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Applicable to wells completed prior to June 1, 1970.
[2] Suspended until July 15, 1975.
[3] Applicable to New Mexico School District No. 53.
[4] Applicable to New Mexico School District No. 6.
[5] Subject to British thermal unit adjustment pursuant to Opinion No. 658.
[6] Applicable to New Mexico School District No. 5.
† Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

Marathon's subject underlying rates are currently under suspension in Docket No. RI75-110 until July 15, 1975. Marathon's proposed increases reflect only the recent New Mexico Conservation Tax increase from 0.14% to 0.18%. The proposed tax increases exceed the applicable area ceiling in Opinion No. 658 and are suspended until July 15, 1975.

[FR Doc.75-18786 Filed 7-21-75;8:45 am]

[Docket No. RI76-4]

## MOBIL OIL CORP.

### Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject To Refund [1]

JULY 11, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

*The Commission finds:* It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

*The Commission orders:* (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto, [18 CFR Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf* Rate in effect | Cents per Mcf* Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI76-4 | Mobil Oil Corp | 308 | [3] 17 | El Paso Natural Gas Co. (Texas) (Permian Area). | $18,968 | 6-13-75 | | 1-1-76 | [1] 36.5 | [1] 37.5 | RI75-14. |
| | do | 312 | [4] 41 | do | 7,605 | 6-13-75 | | 1-1-76 | [1] 36.5 | [1] 37.5 | RI75-14. |
| | do | 402 | (17) | do | 5,475 | 6-12-75 | | 1-1-76 | 35.0 | 36.0 | RI75-14. |

*Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Includes 1.5 cents per thousand cubic feet for gathering.
[3] Applicable only to production from the Judkins Formation.
[4] Applicable only to production from acreage dedicated prior to Oct. 1, 1968.

The proposed rate increases of Mobil exceed the applicable area ceiling rate in Opinion No. 662 and are suspended for five months.

[FR Doc.75-18787 Filed 7-21-75;8:45 am]

[Rate Schedule Nos. 248, *et al.*]

## MOBIL OIL CORPORATION, ET AL.

### Rate Change Filings

JULY 11, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 23, 1975, 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). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

MARY B. KIDD,
*Acting Secretary.*

| Filing date | Producer | Rate schedule No. | Buyer | Area |
|---|---|---|---|---|
| June 25, 1975 | Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046. | 248 | Panhandle Eastern Pipe Line Co. | Hugoton-Andarko. |
| June 27, 1975 | Exxon Corp., P.O. Box 2180, Houston, Tex. 77001. | 23 | Columbia Gas Transmission Corp. | South Louisiana. |
| June 30, 1975 | Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052. | 270 | Transcontinental Gas Pipe Line Corp. | Do. |
| Do | Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221. | 147 | do | Do. |
| Do | Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102. | 213 | Transwestern Pipeline Co. | Permian Basin. |
| Do | Cities Service Oil Co | 214 | Natural Gas Pipeline Co. of America. | Do. |
| Do | Burmah Oil & Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77018. | 16 | Lone Star Gas Co. | Other Southwest. |

[FR Doc.75-18788 Filed 7-21-75;8:45 am]

[Docket No. CP75-376]

## TENNESSEE GAS PIPELINE CO.

### Application

JULY 11, 1975.

Take notice that on June 26, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-376 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the off-peak storage by Applicant of natural gas for ten of its New England customers for a two year period and the authorization to serve permanently five of the ten New England customers, which are now served under Applicant's Rate Schedules G-6 and/or GS-6, under Applicant's Rate Schedule CD-6, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests that it be authorized to render an off-peak storage service for a two-year period to ten of its New England customers, Bay State Gas Company, Berkshire Gas Company, Boston Gas Company, Commonwealth Gas Company, Connecticut Gas Company, Fitchburg Gas & Electric Light Company, Haverhill Gas Company, Lawrence Gas Company, Lowell Gas Company and Manchestser Gas Company, jointly the New England Customers. Applicant states that it would receive volumes of gas from the New England Customers during the 1975 and 1976 summers to permit them to store up to their combined total storage volume of 3,440,000 Mcf of gas and would deliver such stored volumes to the New England customers at daily rates up to their combined total volume daily storage of 42,838 Mcf of gas during each of the 1975-76 and 1976-77 winters.[1] The proposed service would be rendered only when in Applicant's opinion its operating conditions so permit.

Applicant states that it has recently acquired a storage service from Consolidated Gas Supply Corporation (Consolidated) and that Applicant's proposed service would be rendered by utilizing such acquired storage service together with the available off-peak capacity of Applicant's existing pipeline and storage facilities. Applicant further states that in January 1975 the New England Customers had requested Consolidated to render a storage service directly to them; that they requested Applicant to transport natural gas between each of them and Consolidated; and that subsequently, in order to simplify the arrangement, it was agreed that Applicant would purchase the storage service from Consolidated and, in turn, make such service available to the ten customers.

| Customer | Daily storage volume thousand cubic feet | Total storage volume thousand cubic feet |
|---|---|---|
| Bay State Gas Co. | 13,636 | 1,500,000 |
| Berkshire Gas Co. | 1,111 | 100,000 |
| Boston Gas Co. | 2,000 | 80,000 |
| Commonwealth Gas Co. | 9,091 | 805,000 |
| Connecticut Natural Gas Corp. | 500 | 55,000 |
| Fitchburg Gas & Electric Light Co. | 1,000 | 40,000 |
| Haverhill Gas Co. | 2,800 | 280,000 |
| Lawrence Gas Co. | 1,200 | 80,000 |
| Lowell Gas Co. | 10,000 | 400,000 |
| Manchester Gas Co. | 1,500 | 100,000 |
| Total | 42,838 | 3,440,000 |

Applicant states that the proposed interim off-peak storage service would be rendered pursuant to off-peak storage service agreements with the New England Customers under Applicant's proposed off-peak storage service Rate Schedule OPS-6.

Applicant states that in rendering the proposed off-peak storage service Applicant would, on days when the New England Customers request daily volumes exceeding the daily volume available to Applicant from Consolidated, withdraw from its own facilities volumes of gas to enable it to deliver the requested volumes when it would be able to do so. The application states that the volumes so delivered by Applicant would be replaced by gas delivered to Applicant from Consolidated on days when the New England Customers request daily volumes less than the daily volume available.

Applicant states that the availability provisions of its Rate Schedule G-6 provide that storage service as proposed herein is available to any buyer which does not have available to it underground gas storage. This provision is said to prevent a customer from purchasing natural gas from Applicant when such customer obtains underground gas storage. To effectuate the proposed service Applicant also requests authorization to serve on a permanent basis five of the New England Customers, presently served under Applicant's Rate Schedules G-6 and GS-6, under Applicant's Rate Schedule CD-6, in order to make such customers eligible to receive the proposed service.[2] Applicant states that each of the customers has requested Applicant to render service pursuant to Applicant's Rate Schedule CD-6 and that none has requested any increase in maximum daily contract quantity from that which is presently authorized. Boston Gas Company is said to have requested Applicant to render to it gas service under Applicant's Rate Schedule CD-6 in lieu of Applicant's Rate Schedules G-6 and GS-6; but Applicant states, the conversion of sales to Boston Gas Company will be the subject of a separate application and authorization therefor is not requested in the instant application. Authorization is sought in the instant application, however, to render off-peak storage service to Boston Gas Company subject to authorization of the change in rate schedules in the separate application.

Applicant states that the proposed storage service would be rendered through presently existing facilities when there is capacity available and that no new facilities are required for the proposed service.

| Existing authorization | | | Proposed authorization |
|---|---|---|---|
| Customer and rate schedule | Date of contract | MDQ | Proposed MDQ under CD-6 rate schedule |
| Berkshire Gas Co.: | | | |
| Pittsfield (G-6) | 11- 1-63 | 9,724 | |
| North Adams (G-6) | 11- 1-63 | 6,324 | 19,948 |
| Greenfield (GS-6) | 9-25-70 | 3,900 | |
| Fitchburg Gas & Electric Light Co. (G-6) | 8-25-66 | 7,506 | 7,506 |
| Haverhill Gas Co. (G-6) | 5- 1-68 | 14,519 | 14,519 |
| Lawrence Gas Co. (G-6) | 11- 1-70 | 18,849 | 18,849 |
| Manchester Gas Co. (G-6): | | | |
| Manchester (G-6) | 11- 1-63 | 7,248 | |
| Hooksett (GS-6) | 5- 1-59 | 322 | 7,570 |

Any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1975, 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

[1] Applicant states that the ten New England Customers for whom this service would be rendered and their proposed respective daily and total storage volumes are as set forth below:

[2] Applicant's proposed change in authorization for the five customers requesting a change in service is as follows:

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.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.75-18789 Filed 7-21-75;8:45 am]

## GENERAL SERVICES ADMINISTRATION

### ATTORNEY GENERAL

#### Delegation of Authority

*Purpose.* This supplement continues in effect the provisions of FPMR Temporary Regulation D-27, January 29, 1971, which delegated authority to the Attorney General of the United States to perform all functions in connection with the leasing of various improved properties in the Maryland and northern Virginia suburbs of Washington, D.C.

*Effective date.* This regulation is effective July 1, 1975.

*Expiration date.* This regulation expires June 30, 1978.

DWIGHT A. INK,
*Acting Administrator of General Services.*

JULY 8, 1975.

[FR Doc.75-18910 Filed 7-21-75;8:45 am]

### REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

#### Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 5, August 5, 1975, from 10 a.m. to 5 p.m., Construction Management Division Conference Room, 35th Floor, Federal Office Building, 230 South Dearborn Street, Chicago, Illinois. The meeting will be devoted to the initial step of the procedure for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for proposed future small projects, primarily repair and alteration work, throughout the states of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin. Frank and open discussion of the professional qualifications of the firms being considered is essential to ensure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

FRANK RESNIK,
*Regional Administrator.*

[FR Doc.75-18909 Filed 7-21-75;8:45 am]

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-10]

### COMMONWEALTH EDISON CO.

#### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-2 to the Commonwealth Edison Company (the licensee) which revised Technical Specifications for operation of Unit 1 of Dresden Nuclear Power Station (the facility) located in Grundy County, Illinois. The license amendment is effective as of its date of issuance.

The license amendment revises the Technical Specifications for the facility to incorporate interim operability requirements for the primary reactor feedwater systems in accordance with the licensee's request dated December 3, 1974.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 3, 1974, (2) Amendment No. 11 to License No. DPR-2 with Change No. 30, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 12th day of July, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN, *Chief,*
*Operating Reactors Branch No. 2,*
*Division of Reactor Licensing.*

[FR Doc.75-18874 Filed 7-21-75;8:45 am]

[Docket No. 50-321]

### GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

#### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit 1 located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment permits modification to the Technical Specification to modify ship manning requirements for unit operation in the event that startup testing is suspended for an extended period of time.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated June 26, 1975, (2) Amendment No. 13 to License No. DPR-57, with Change No. 13, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 11th day of July, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.*

[FR Doc.75-18875 Filed 7-21-75;8:45 am]

[Docket Nos. 50-516 and 50-517]

## LONG ISLAND LIGHTING COMPANY (JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2)

### Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Alan S. Rosenthal, Chairman.
Dr. John H. Buck, Member.
Richard S. Salzman, Member.

MARGARET E. DU FLO,
*Secretary to the Appeal Board.*

Dated: July 16, 1975.

[FR Doc.75-18876 Filed 7-21-75;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 16, 1975 (44 USC 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 the 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 HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Professional Standards Review Organization Routine Federal Reporting Requirements, HSABQA 0606, quarterly, professional standards review organizations, Caywood, D. P., 395-3443.

Center for Disease Control, The Feasibility of Securing Research Defining Accident Statistics From Existing Sources, single-time, management and selected employees of business estab., Ellett, C. A., 395-5867.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, Sandhill Crane Harvest Questionnaire, 3-530, annually, hunters of sandhill cranes, Planchon, P., 395-6140.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Off-Farm Stocks of Grain and Oilseed, quarterly, grain storage operators, Lowry, R. L., 395-3772.
Monthly Farm Report (Crop, Labor, and Livestock Data), monthly, farmers, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for grants to Strengthen Developing Institutions (Title III, Pub. L. 89-329), OE-1049, on occasion, Government agencies, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.75-19029 Filed 7-21-75;8:45 am]

## COMMISSION ON FEDERAL PAPERWORK

### Public Meeting

Pursuant to Public Law No. 92-463, notice is hereby given of a meeting of the Commission on Federal Paperwork to be held on Wednesday, July 23, 1975, in Room S-407, The Capitol, commencing at 3:00 p.m.

Waiver of the 15 day public notice in the FEDERAL REGISTER has been approved for this initial meeting by the Director, Office of Management and Budget. This waiver was required by the need to expeditiously hold the initial meeting of the Commission in order to structure and organize its proceedings to accomplish in a timely manner the significant responsibilities assigned to the Commission by Public Law No. 93-556. It is expected that the necessity for a waiver shall not reoccur.

The meeting will be open to public observation. Further information regarding the meeting may be obtained from the Organization and Special Studies Division, Office of Management and Budget, Room 10236, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-4868.

PHILLIP D. LARSEN,
*Acting Assistant to the Director for Administration.*

[FR Doc.75-19170 Filed 7-21-75;10:25 am]

## POSTAL RATE COMMISSION

[Docket No. C76-1]

### STEPHEN MOSES

### Receipt of Complaint

JULY 16, 1975.

On July 10, 1975, Stephen Moses of Smyrna, Georgia, filed a Complaint under 39 U.S.C. § 3662. The Complaint states that the United States Postal Service (Postal Service) has unilaterally changed rates and procedures in connection with post office box rentals which allegedly contravenes the spirit, policies and applicable criteria of the Postal Reorganization Act. The Complaint also alleges that the rate increase is unjustified, that semi-annual collections, in lieu of quarterly collections, will work a hardship on some boxholders, and that there should be separate rate structures for business users and personal boxholders.

The Commission has sent a copy of the Complaint to the Postal Service and requested that it respond pursuant to 39 C.F.R. § 3001.84. The answer from the Postal Service should be filed on or before August 11, 1975. Upon receipt of the Postal Service's answer, the Commission will issue a further procedural order.

The Complaint of Stephen Moses is on file with the Commission and available for public inspection.

JAMES R. LINDSAY,
*Secretary.*

[FR Doc.75-18893 Filed 7-21-75;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

### EQUITY FUNDING CORPORATION OF AMERICA

### Suspension of Trading

JULY 15, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 16, 1975 through July 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-18885 Filed 7-21-75;8:45 am]

[Release No. 34-11534]

### CERTAIN CORRESPONDENCE CONCERNING DELINQUENT REGISTRANTS

### Procedures for Placement in Public Files

The Securities and Exchange Commission today announced procedures it will follow to include certain correspondence between registrants and the Commission in the Commission's official public files for the registrants involved. The procedures are intended to inform the public of the circumstances surrounding the registrant's failure to file required periodic reports under Section 13 or 15 (d) of the Securities Exchange Act of 1934 ("Exchange Act"), but are not in any way intended to relieve registrants of their reporting or other obligations under the Act. The Commission will not pass upon the accuracy or adequacy of the statements in these communications, and the placing of such communications in the official public file will not

preclude the possibility of the Commission's instituting an enforcement action relating to the delinquency.

On a continuing basis, the Commission determines whether registrants are complying with the requirements under Section 13 or 15(d) of the Exchange Act by filing periodic reports on the proper forms and in a timely manner. Where the Commission identifies registrants which according to its records are delinquent in filing a required report, the staff, among other things, will send such registrants a notice which reminds them of their obligation to file all required reports and requests the registrant to set forth in writing the reasons for the delinquency. Such notice also points out that it may be appropriate for a registrant to disclose its inability or failure to file a periodic report by describing the basis for such failure in a current report on Form 8-K. The Commission's notice further indicates that delinquent registrants should respond immediately in writing to the Commission's communication and state how they propose to remedy their reporting delinquency.

The Commission's notice to delinquent registrants makes it clear, however, that filing a current report on Form 8-K or writing a letter to the Commission describing reasons for a reporting delinquency will not relieve a registrant from its reporting and other obligations under the Exchange Act and will not preclude the possibility of the Commission's instituting an enforcement action relating to the delinquency.

The Commission has determined that the public should have access to information from registrants concerning their failure to report as required. Accordingly, if such information is not already included in a report filed under the Act, the Commission will place in its official public files certain correspondence to and from registrants describing any reasons why the registrant is delinquent in filing a required report. In order that registrants may be advised of this procedure, the Commission's delinquency notices have been revised to describe the new procedure mentioned herein and to state that the following warning will be stamped on any correspondence from a registrant which is included in its official public files pursuant to this procedure:

The Securities and Exchange Commission has not passed upon the accuracy and adequacy of the statements in this communication and has not exempted the registrant from the reporting and other provisions of the Securities Exchange Act of 1934. This information, as furnished by or on behalf of the registrant, is not deemed to be "filed" with the Commission and is not subject to the liabilities of Section 18 of the Securities Exchange Act of 1934.

In view of the fact that the above procedures do not impose new filing requirements on registrants, the Commission finds, for good cause, that notice for public comment is not necessary under the Administrative Procedure Act. However, in order that registrants may assess the impact of this procedure, and possibly take appropriate steps at this time prior to its implementation, the Commission will not implement this procedure until October 1, 1975.

By the Commission.

Dated: July 14, 1975.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-18888 Filed 7-21-75;8:45 am]

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[File No. 500-1]

## INDUSTRIES INTERNATIONAL, INC.

### Suspension of Trading

JULY 15, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 16, 1975 through July 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-18886 Filed 7-21-75;8:45 am]

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[Rel. No. 34-11536; File No. SR-4]

## NEW YORK STOCK EXCHANGE, INC.

### Amendments to Rules of The Depository Trust Co.

Notice is hereby given that the New York Stock Exchange, Inc. (the "NYSE") has filed, pursuant to Section 19(b) of the Securities Exchange Act, as amended, amendments (the "Amendments") to the Rules of The Depository Trust Company.

The Amendments have been filed in connection with the proposed implementation by the American Stock Exchange Clearing Corporation ("ASECC") of a continuous net settlement ("CNS") system which will involve settlement of certain American Stock Exchange-listed issues through the facilities of The Depository Trust Company ("DTC").

The Amendments consist of additions to DTC's rules 1, 4, 6 and 9, to provide for the allocation of certain DTC losses among the DTC Participants Fund, the ASECC CNS Clearing Fund, and the SCC CNS Clearing Fund. The Amendments constitute an expansion of procedures previously established by SCC and DTC, in connection with the implementation of SCC's CNS system, to allocate losses between them.

All interested persons are invited to submit their views by August 8, 1975. Written statements of views and comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-4. The proposed Amendments are, and all comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

Dated: July 14, 1975.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-18889 Filed 7-21-75;8:45 am]

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[Rel. No. 34-11535; File No. SR-3]

## NEW YORK STOCK EXCHANGE, INC.

### Amendments to Rules of Stock Clearing Corporation

Notice is hereby given that the New York Stock Exchange, Inc. (the "NYSE") has filed, pursuant to Section 19(b) of the Securities Exchange Act, as amended, amendments (the "Amendments") to the Rules of Stock Clearing Corporation.

The Amendments have been filed in connection with the proposed implementation by the American Stock Exchange Clearing Corporation ("ASECC") of a continuous net settlement ("CNS") system which will involve settlement of certain American Stock Exchange-listed issues through the facilities of The Depository Trust Company ("DTC").

Except for a minor correction in SCC's Rule 12, the Amendments consist of additions to SCC's Rule 4, Section 4 to provide for the allocation of certain DTC losses among the DTC Participants Fund, the ASECC CNS Clearing Fund, and the SCC CNS Clearing Fund. The Amendments constitute an expansion of procedures previously established by SCC and DTC, in connection with the implementation of SCC's CNS system, to allocate losses between them.

All interested persons are invited to submit their views by August 8, 1975. Written statements of views and comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-3. The proposed Amendments are, and all comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

Dated: July 14, 1975.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-18890 Filed 7-21-75;8:45 am]

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[File No. 500-1]

## WESTGATE CALIFORNIA CORP.

### Suspension of Trading

JULY 15, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987, and all other securi-

ties of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 16, 1975 through July 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-18887 Filed 7-21-75;8:45 am]

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[Rel. No. 8852; 811-1286]

## PUERTO RICAN INVESTORS FUND, INC.

### Application

JULY 16, 1975.

In the matter of Puerto Rican Investors Fund, Inc., 16 Taft Street, Apartment 3, Santurce, Puerto Rico 00911; (811-1286).

Notice is hereby given that on May 23, 1975, Puerto Rican Investors Fund, Inc. ("Applicant") registered as an open-end, non-diversified management investment company under the Investment Company Act of 1940 ("Act"), filed an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was incorporated under the laws of Puerto Rico on June 30, 1964, and registered under the Act on September 29, 1964.

On June 19, 1974, Applicant's board of directors voted to submit a proposal for Applicant's dissolution to its shareholders, and, at a meeting held for that purpose on August 23, 1974, such shareholders duly authorized the dissolution of Applicant and the distribution of its assets. Subsequently, Applicant's portfolio was liquidated, and its total net assets of $161,246.85 were distributed on a *pro rata* basis to Applicant's shareholders as of August 23, 1974.

Applicant states that it has no assets and no liabilities and that its corporate existence was terminated pursuant to the laws of its jurisdiction of incorporation. For these reasons, Applicant requests that the Commission issue an order declaring that Applicant has ceased to be an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than August 13, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of 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 August , 1975, 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 or 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 Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-18993 Filed 7-21-75;8:45 am]

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[Rel. No. 8859; 812-3801]

## KIKIKTAGRUK INUPIAT CORP., ET AL.

### Application

JULY 18, 1975.

In the matter of Kikiktagruk Inupiat Corporation, Box 333, Kotzebue, Alaska 99752; Arctic Amusement Co., Inc., Box 93, Kotzebue, Alaska 99752; Mutual Enterprise, Inc., Box 93, Kotzebue, Alaska 99752; Donald Ferguson, c/o Arctic Amusement Co., Inc., Box 93, Kotzebue, Alaska 99752; 812-3801.

Notice is hereby given that Kikiktagruk Inupiat Corporation ("Kotzebue"), a closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), Arctic Amusement Co., Inc. ("Arctic"), Mutual Enterprise Inc. ("Mutual"), and Donald Ferguson ("Ferguson") (collectively, the "Applicants"), filed an application on April 28, 1975 pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed purchase by Kotzebue from Mutual and Arctic of certain real estate located in Kotzebue, Alaska. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Kotzebue is one of the more than 200 Alaska corporations that have been organized under authorization of the Alaska Native Claims Settlement Act of 1971[1] ("Settlment Act" and "ANCSA Corporations," respectively). As one of the so-called "Village Corporations", Kotzebue represents Alaska Natives residing in the Village of Kotzebue, which is located in the NANA Region, for which the NANA Regional Corporation ("NANA"), also a registered investment company, is the regional corporation. All shareholders and all members of the board of directors of Kotzebue are Alaska Natives residing in the Village of Kotzebue. As of March 10, 1975, 198,200 shares of the common stock of Kotzebue were outstanding, held by 1982 stockholders. As of December 31, 1974, Kotzebue had total assets of $2,618,539, of which $2,561,015 consisted of investment securities, as defined in Section 3(a)(3) of the Act.[2] On October 9, 1974, Kotzebue registered under the Act, thereby qualifying for the relief provided by Rule 6c2(T),[3] which was adopted by the Commission to exempt ANCSA Corporations registering pursuant to Section 8(a) from all but the most essential provisions of the Act.[4]

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[1] 85 Stat. 688. The purpose of the Settlement Act is to provide compensation to Alaska's native Indian Aleut and Eskimo population ("Alaska Natives") for their relinquishment of aboriginal claims to land in the State of Alaska. This purpose has been implemented by the creation of approximately 225 Native-owned and managed corporations to receive, distribute, hold and administer the extensive land grants, mineral rights, cash and mineral revenues which constitute the settlement. The ANCSA Corporations consist of twelve "Regional Corporations", representing the Alaska Natives residing in twelve geographical districts designated by the Department of the Interior, and more than 200 "Village Corporations" within these districts, each representing Alaska Natives residing in a village. An estimated 175 of these entities are investment companies within the meaning of Section 3(a) of the Act because they have received significant amounts of the cash portion of the settlement in advance of taking title to the land and subsurface mineral interests, and have invested the cash in securities. Section 3(a)(1) defines "investment company" as any issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities. Section 3(a)(3) defines "investment company" as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (excluding Government securities and cash items) on an unconsolidated basis.

[2] Section 3(a)(3) defines "investment securities" to include all securities except (A) Government securities, (B) securities issued by employees' securities companies, and (C) securities issued by majority-owned subsidiaries of the owner which are not investment companies.

[3] Investment Company Act Release No. 8251, February 26, 1974.

[4] Rule 6c-2(T) exempts all ANCSA Corporations registering pursuant to Section 8(a) from all provisions of the Act except Sections 9, 17, 36 and 37.

On January 24, 1975, Kotzebue and Arctic entered into an option agreement (the "Option Agreement") pursuant to which Kotzebue would purchase from Arctic certain real property located in the Village of Kotzebue at a purchase price of $275,000. In addition, Kotzebue paid $5000 to Arctic as consideration for the option, and has elected to exercise it.[6]

The property which is the subject of the proposed transaction, recorded as Lot 9, Block 2, U.S. Survey No. 2863, is situated in the commercial district of the Village of Kotzebue and consists of a building known as the Eskimo Building, and the land upon which it sits. The unimproved land amounts to approximately 16,225 square feet, and the building contains approximately 11,800 square feet of apartment space, with a full unfinished basement. Kotzebue plans to renovate the building for office space and other types of commercial use.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered company any security or other property. Section 2(a)(3)(D) of the Act, in pertinent part, defines an affiliated person of another person to include any director of such other person. Ferguson is an officer, director and owner of approximately one-third of the common stock of Mutual, which owns 91.8 percent of the outstanding common stock of Arctic; Fergusion was a director of Kotzebue at the time the Option Agreement was entered into. Thus, Arctic and Mutual may be deemed affiliated persons of a person (Ferguson) affiliated with a registered investment company (Kotzebue), and hence the proposed sale of the property by Mutual and Arctic to Kotzebue comes within the purview of Section 17(a).[7]

Section 17(b) of the Act, in pertinent part, provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company and the general purposes of the Act.

Applicants maintain that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of Kotzebue, Arctic, Mutual, or Ferguson. In support of the fairness of the proposed purchase price, Applicants have submitted a certified appraisal of the property made by an independent real estate appraiser from Fairbanks, Alaska. The appraisal sets forth the assumptions and limiting conditions affecting the analysis, opinions, and conclusions drawn therein. It is based upon the assumption that the "highest and best use"[7] of the building would be as retail and office space, with an alternative use as apartments. Since the property is located in a remote area, where no comparable real estate transactions have occurred against which to measure the valuation, the appraisal was predicated upon the income which could be generated by the building, or, alternatively, the estimated replacement cost of the building. Under the projected income approach, the appraisal assumes a mortgage interest rate of 11%, a mortgage term of 20 years, and a loan/value ratio of 75%. With a net annual income computed at $194,928.77 and an income projection period of ten years, the indicated market value of the building after renovation is placed at approximately $1,435,000. The cost to rehabilitate the building, projected at $1,102,234, is deducted from the estimated market value after renovation to derive an indicated present worth of the building of approximately $330,000.

Under the cost approach the cost to reproduce the building, estimated at $254,825, is added to the value of the land, appraised at $39,879, to produce an approximate value of the property of $295,000. The income approach, which sulted in a value of $330,000 is then reconciled with the cost approach, which resulted in a value of $295,000, to produce a final appraisal value of $315,000.

Applicants have provided a copy of a letter of commitment from the Alaska Command Federal Credit Union to Kotzebue in which the credit union agrees to provide financing in the amount of $960,000 for the purchase and renovation of the building, predicated on a projected cost of $1,600,000. While it is indicated that Kotzebue plans to occupy approximately two-thirds of the building, Applicants have provided a list of persons representing various governmental agencies, including the United States Post Office, who have been contacted by Kotzebue as prospective tenants in the Eskimo Building upon consummation of the proposed purchase and renovation.

Thus, Applicants represent that the proposed purchase price is supported by the need which Kotzebue has for office space and/or the general demand for rental space in the community. It is represented that the Village of Kotzebue is in an area of anticipated growth which may be expected to occur in the foreseeable future because of the potential for development of rich mineral resources in the region, particularly oil and gas reserves and copper deposits.

It is represented that environmental conditions in the area in which the Village of Kotzebue is located make it necessary that renovation of the building commence at the earliest possible moment, before the building season is over. In view of these factors it is found that an abbreviated notice period is appropriate. To assure that interested persons are given an opportunity to request a hearing in the matter, applicants have undertaken (1) to post, at the earliest possible date after the date hereof, but not later than July 22, 1975, a copy of this notice in the United States Post Office, Kotzebue, Alaska 99752, and (2) to make available to interested persons, at the earliest possible date after the date hereof, but not later than July 22, 1975, a copy of the application and all exhibits thereto, including the appraisal, at the office of Kotzebue, located in the Nul-Luk-Vik Hotel, Kotzebue, Alaska 99752.

Notice is further given that any interested person may, not later than August 6, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following August 6, 1975, 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 Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.75-19037 Filed 7-21-75;8:45 am]

[6] The option had expired prior to the filing of the application, but the Applicants have, in effect, renewed the agreement by mutual consent. As of the date hereof the only written document memorializing the agreement is the Option Agreement. The making of this agreement may itself have been subject to Section 17(a) of the Act. This aspect of the transaction has, however, been treated as part of the larger transaction.

[7] A further basis for finding Section 17(a) jurisdiction over the proposed transaction arises from the fact that one of Ferguson's brothers (Ray Ferguson), who also owns a one-third interest in Mutual, is a director of NANA, which, as the regional corporation for the district in which Kotzebue is located, exercises a significant degree of control over Kotzebue and may be deemed a controlling person of Kotzebue within the meaning of Section 2(a)(3)(C) of the Act. Thus, the proposed transaction involves the sale by affiliated persons (Mutual and Arctic) of a person (Ray Ferguson) affiliated with a registered investment company (NANA) to a company controlled by such registered investment company (Kotzebue).

[7] The appraisal defines "highest and best use" as that use which, at the time of appraisal, is most likely to produce the greatest net return to the land and/or building over a given period of time.

## DEPARTMENT OF LABOR

### Office of the Secretary

[TA-W-86]

### DAVIDSON RUBBER CO.

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On July 11, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Dover and Farmington, New Hampshire, plants of Davidson Rubber Company, a subsidiary of McCord Corporation, Detroit, Michigan (TA-W-86).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with automobile parts, including bumpers, arm rests, visors produced by Davidson Rubber Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 5, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of July 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-18916 Filed 7-21-75;8:45 am]

[TA-W-85]

### DUNBAR SHOE PATTERN CO.

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On July 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union, on behalf of the workers and former workers of Dunbar Shoe Pattern Company, St. Louis, Missouri (TA-W-85).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigaton as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with shoe patterns, produced by Dunbar Shoe Pattern Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 5, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of July 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-18917 Filed 7-21-75;8:45 am]

[TA-W-81]

### FLORSHEIM SHOE CO.

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On July 11, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union, on behalf of the workers and former workers of Florsheim Shoe Company, New Athens, Illinois (TA-W-81).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear, produced by Florsheim Shoe Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 5, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of July 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-18918 Filed 7-21-75;8:45 am]

[TA-W-76]

### GLOBE UNION, INC.

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On July 7, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union Allied Industrial Workers, AFL-CIO, on behalf of the workers and former workers of Centralab Division Headquarters of Globe Union, Inc., Milwaukee, Wisconsin (TA-W-76).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electronic components produced by Globe Union, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or

proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 5, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of July 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-18919 Filed 7-21-75;8:45 am]

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[TA-W-25]

## GTE SYLVANIA

### Notice of Determination Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-25; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 13, 1975 in response to a worker petition received on May 13, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers, AFL-CIO, on behalf of workers formerly producing televisions and parts thereof at the Batavia, New York plant of GTE Sylvania, Stamford, Connecticut.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 21800) on May 19, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of GTE Sylvania, its customers, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

*Significant Total or Partial Separation.* All workers engaged in the production of flybacks for television receivers at the Batavia plant of GTE Sylvania were separated in the fourth quarter of 1974, when the company transferred production of flybacks to a Sylvania facility in Mexico.

*Sales or Production, or Both, Have Decreased Absolutely.* Production of flybacks at the Batavia plant was terminated in November 1974 when GTE Sylvania transferred such production to Mexico.

*Increased Imports Contributed Importantly.* Increased imports of flybacks by GTE Sylvania from its plant in Mexico resulted in the separation of workers producing flybacks at the Batavia plant. Imports of flybacks from Mexico increased over 58 percent from the last quarter of 1974 through the first quarter of 1975.

The investigation revealed that the company plans to transfer production of monochrome television receivers to a foreign facility in the near future. The exact date of this transfer is not known and at this time it is not possible to relate a decline in sales or production of monochrome television sets at the Batavia plant to the impending move. This imminent transfer does pose a direct threat to the employment of workers engaged in production of monochrome television sets creating a situation in the future that may warrant coverage under the provisions of the Trade Act of 1974. To facilitate the monitoring of this situation the petitioners are urged to file a request to reopen this investigation when in their view production or sales declines of monochrome sets related to increased imports have occurred.

*Conclusion.* After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with flybacks for television receivers produced by the Batavia, New York plant of GTE Sylvania contributed importantly to the total or partial separation of workers of that plant. I further conclude that increased imports like or directly competitive with monochrome television receivers produced at the Batavia plant did not contribute importantly to absolute decline in sales or production of monochrome television receivers at that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act I make the following certification:

"All hourly workers engaged in employment related to the production of flybacks (horizontal output transformers) for television receivers at the Batavia, New York plant of GTE Sylvania who became totally or partially separated from employment on or after October 3, 1974 and before November 2, 1974 are certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 14th day of July 1975.

HERBERT N. BLACKMAN,
*Associate Deputy Under Secretary for Trade and Adjustment Policy.*

[FR Doc.75-18924 Filed 7-21-75;8:45 am]

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[TA-W-84]

## HAMILTON SHOE CO.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union, on behalf of the workers and former workers of Hamilton Shoe Company, St. Louis, Missouri (TA-W-84).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Hamilton Shoe Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed

in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 5, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of July 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-18920 Filed 7-21-75;8:45 am]

[TA-W-82]

## JACKSON INTERNATIONAL SHOE FACTORY

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 11, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union on behalf of the workers and former workers of Jackson International Shoe Factory, Jackson, Missouri (TA-W-82).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increase of imports of articles like or directly competitive with women's footwear, produced by Jackson International Shoe Factory, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 5, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 14th day of July 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-18921 Filed 7-21-75;8:45 am]

[TA-W-80]

## PROGRESSIVE SERVICE CO.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 11, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists, on behalf of the workers and former workers of Progressive Service Company, St. Louis, Missouri (TA-W-80).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with shoe cutting dies produced by Progressive Service Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 5, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of July 1975:

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-18922 Filed 7-21-75;8:45 am]

[TA-W-83]

## ROCKMORE COMPANY, INC.

### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union, on behalf of the workers and former workers of The Rockmore Company, Inc., St. Louis, Missouri (TA-W-83).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with shoe bows, ornaments, and strippings, produced by The Rockmore Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 5, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of July 1975.

MARVIN M. FOOKS,
*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc.75-18923 Filed 7-21-75;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 812]

### ASSIGNMENT OF HEARINGS

JULY 17, 1975.

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 51146 Sub 383, Schneider Transport, Inc., now assigned July 28, 1975 at Amarillo, Texas is canceled and the application is dismissed.

MC 71593 Sub 3, C. G. Potter, d/b/a Maumee Express, now assigned July 31, 1975 at New York, New York; is postponed indefinitely.

MC-F-12347, Roadway Express, Inc.—Purchase (Portion)—Red Line, Inc., continued to September 29, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 19537 (Sub-No. 6), Virgil Brooks Tucker and Marjorie Clark Tucker d/b/a Clark Truck Line, now being assigned October 20, 1975, (1 week), at Jackson, Miss., in a hearing room to be later designated.

MC 138018 Sub 8, Refrigerated Foods, Inc., now assigned August 6, 1975 at Denver, Colorado, will be held in Room 587, 5th Floor U.S. Federal Building & Courthouse, 19th & Stout Street.

AB-1 Sub 6, Chicago and North Western Transportation Company Abandonment Between Tekamah and Lyons, Bert County, Nebraska, now assigned August 11, 1975 at Omaha, Nebraska, will be held in the Union Pacific Plaza, 110 W 14th Street 14th & Dodge.

MC 109708 Sub 62, Indian River Transport, Co., d/b/a Indian River Transport, Inc., now being assigned September 22, 1975 (3 days) at Orlando, Florida; in a hearing room to be designated later.

MC 104589 Sub 29, Southern Freightways, Inc., now being assigned September 25, 1975 (2 days) at Tampa, Florida; in a hearing room to be designated later.

No. 36050, United States Steel Corporation V. Seaboard Coast Line Railroad Company, now being assigned September 29, 1975 (1 week) at Tampa, Florida; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18997 Filed 7-21-75;8:45 am]

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[Notice No. 34]

### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 22, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 11, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75888. By order of July 14, 1975, the Motor Carrier Board approved the transfer to Southeastern Warehouse and Distribution Corporation, Johnson City, Tenn., of the operating rights in Certificates Nos. MC 136380 and MC 136380 (Sub-No. 1) issued August 3, 1973, and March 21, 1975, to Southern Cartage, Inc., Knoxville, Tenn., authorizing the transportation of general commodities, with usual exceptions, between points in Hawkins, Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn., and between points in Greene County, Tenn., on the one hand, and, on the other, points in Hawkins, Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn., and Bristol, Va., restricted to the transportation of traffic having a prior or subsequent movement by rail. Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402, Attorney for applicants.

No. MC-FC-75891. By order entered July 15, 1975 the Motor Carrier Board approved the transfer to Eugene C. Warren, doing business as Eugene C. Warren Trucking Co., Iowa City, Iowa, of that portion of the operating rights set forth in Certificate No. MC 39443, issued November 5, 1974, to Thompson, Inc., Quincy, Ill., authorizing the transportation of general commodities, with the usual exceptions, between Elvaston, Ill., on the one hand and, on the other, points in Illinois, Iowa, and Missouri, within 85 miles of Elvaston, Ill. Ernest A. Brooks II, 1301 Ambassador Bldg., 411 N. 7th St., St. Louis, Mo. 63101, Attorney for applicants.

No. MC-FC-75958. By order entered July 14, 1975, the Motor Carrier Board approved the acquisition by Robert T. Parkhill, Richard J. Parkhill, J. Bergen Parkhill, Olen G. Parkhill, Jr., and Thomas S. Parkhill, Champaign, Ill., of control of Parkhill's Tours, Inc., Champaign, Ill., which holds License No. MC 75001, issued October 22, 1940, authorizing operations as a broker at Champaign, Ill., in connection with the transportation of passengers between points and places in Illinois, on the one hand and, on the other, points and places in the United States. Harry J. Harman, 8130 South Meridian St., Indianapolis, Ind. 46217, Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18998 Filed 7-21-75;8:45 am]

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[Notice No. 79]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 17, 1975.

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 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52473 (Sub-No. 9TA), filed July 7, 1975. Applicant: BEHNKE INC., 77 South Monroe St., Battle Creek, Mich. 49014. Applicant's representative. Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Battle Creek, Mich., to points in Ohio, Illinois, and Minnesota, and to Lafayette and Connersville, Inc., and Chicago, Ill., and their respective commercial zones, under a continuing contract or contracts with United Steel & Wire Company, for 180 days. Supporting shipper: United Steel & Wire Company, 27 Fonda St., Battle Creek, Mich. 49017. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 89238 (Sub-No. 13TA), filed July 2, 1975. Applicant: ELDON D. AYRES, 640 Canyon St., Spearfish, S. Dak. 57783. Applicant's representative: J. Maurice Andren, 1743 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Wyodak (Campbell County), Wyo., to the South Dakota Cement Plant, Pennington County, S. Dak., under a continuing contract or contracts with South Dakota Cement Plant, for 180 days. Supporting shipper: South Dakota Cement Plant, P.O. Box 360, Rapid City, S. Dak. 57701. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 112520 (Sub-No. 309TA) (Correction), filed June 18, 1975. Published in the FEDERAL REGISTER issue of July 2, 1975, and republished as corrected this issue. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude peanut oil*, in bulk, in tank vehicles, from the plantsite of Olin Corporation, in Eufaula, Ala., to Hartsville, S.C., for 180 days. Supporting shipper: Eufaula Cotton, Oil Co., P.O. Drawer C, Eufaula, Ala. 36207. Send protests to: G. H. Fauss, Jr., District-Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202. The purpose of this republication is to correct the territorial description.

No. MC 113024 (Sub-No. 139TA), filed July 9, 1975. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. 2, S. Dupont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, cabinets, and accessories and attachments therefor, and materials and supplies* (except in bulk), used in the manufacture thereof, for the account of Universal-Rundle Corporation, New Castle, Pa., between Crawfordville, Michigan City, and Rensselaer, Ind.; Corsicana and Hondo, Tex.; Leominster, Mass.; Monroe and Union Point, Ga.; Camden, N.J.; Ottumwa, Iowa; Salem, Ohio; and New Castle, Pa., under a continuing contract or contracts with Universal-Rundle Corporation, for 180 days. Supporting shipper: R. L. Gardner, Traffic Manager, Universal-Rundle Corporation, P.O. Box 960, New Castle, Pa. 16103. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 114486 (Sub-No. 32TA), filed July 9, 1975. Applicant: AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 107 Lelia St., Texarkana, Tex. 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Clay, clay products, and fittings therefor*, from Texarkana, Tex., to points in Alabama, Florida, Georgia, Illinois, Iowa, Kentucky, Minnesota, North Carolina, South Carolina, and Virginia; and (2) *Compounds* that are manufactured and distributed by Clay Manufacturers, from Texarkana, Tex., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, New Mexico, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia; and (B) *Clay*, from Moundsville, W. Va., to Texarkana, Tex.; (C) *Silica sand*, from Elco, Ill., to, Texarkana, Tex., under a continuing contract with W. S. Dickey Clay Manufacturing Co., for 180 days. Supporting shipper: W. S. Dickey Clay Manufacturing Co., Box 58, Texarkana, Tex. 75501. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 134890 (Sub-No. 6TA), filed July 7, 1975. Applicant: MARION TRANSFER, INC., 4524 South 13th St., Milwaukee, Wis. 53221. Applicant's representative: Carlo Benvenuto (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products, and cheese by-products*, from Merrill, Wis., to points in Connecticut, Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia; and from points in New York, New Jersey, and Pennsylvania, to points in Wisconsin and Illinois, under a continuing contract or contracts with Inofood Corporation, for 180 days. Supporting shipper: Inofood Corporation, Route 5, Merrill, Wis. 54452. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 136035 (Sub-No. 5TA), filed July 9, 1975. Applicant: W. S. DUNNING & SON, INC., 131 D South Balmar St., West Chester, Pa. 19380. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, from the plantsite and storage facilities of Grocery Store Products Company, at or near West Chester, Pa., to Atlanta, Ga., and its commercial zone, under a continuing contract or contracts with Grocery Store Products Company, for 180 days. Supporting shipper: Grocery Store Products Company, Union and Adams Streets, West Chester, Pa. 19380. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 138043 (Sub-No. 4TA), filed July 7, 1975. Applicant: F. W. CASPERSEN, 397 Palos Road, Glencoe, Ill. 60022. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Rd., Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, medical isotopes, and medical test kits*, from Detroit City Airport and Detroit Metropolitan Wayne County Airport, at or near Detroit, Mich., to points in Michigan; from Carlstadt, N.J., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin, under a continuing contract or contracts with Mallinckrodt Nuclear, for 180 days. Supporting shipper: Mallinckrodt Nuclear, 2703 Wagner Place, Maryland Hts., Mo. 63042. Send protests to: William J. Gray, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138163 (Sub-No. 2TA), filed July 9, 1975. Applicant: CONTAINER TRANSPORT, INC., Canterbury Road, Brooklyn, Conn. 06234. Applicant's representative: A. David Millner, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, cloth, piece goods, and parts and accessories* used in the manufacture and distribution of wearing apparel, between Ringtown, Pa., New Ipswich, Franklin, and Pelham, N.H.; and Heflin; Ala., on the one hand and, on the other, Warrenton, Ga., and Brockton, Mass., under a continuing contract or contracts with Garland Corporation, for 180 days. Supporting shipper: Garland Corporation, Garland Plaza, Brockton, Mass. 02401. Send protests to: James D. Perry, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 High St., Room 324, Hartford, Conn. 06101.

No. MC 140370 (Sub-No. 2TA), filed July 7, 1975. Applicant: V. G. H. TRUCKING, INC., Highway 2 East, Box 497, East Grand Forks, Minn. 56721. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming. Restriction: Restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations, under a continuing contract or

contracts with Farmland Foods, Inc., for 180 days. Supporting shipper: Farmland Foods, Inc., 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140474 (Sub-No. 3TA), filed July 2, 1975. Applicant: C. E. JOHNSON, 704 North First St., Osborne, Kans. 67473. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts*, from the plantsite and/or storage facilities of Sunflower Mfg., Co., Inc., at or near Beloit, Kans., to points in Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, under a continuing contract or contracts with Sunflower Mfg., Co., Inc., for 180 days. Supporting shipper: Sunflower Mfg., Co., Inc., P.O. Box 418, Beloit, Kans. 67420. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 140615 (Sub-No. 2TA) (Correction), filed May 9, 1975, published in the FEDERAL REGISTER issue of May 30, 1975, and republished as corrected this issue. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unedible food Products*, in vehicles equipped with mechanical refrigeration equipment, from Hainesport, N.J., to Peoria, Ill., Battle Creek, Mich., and Everson, Pa., for 180 days. Supporting shipper: Black Diamond-Emco Division Brooke Bond Foods, Inc., P.O. Box 274, Hainesport, N.J. 08036. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703. The purpose of this republication is to add the supporting shipper, which was omitted in the previous publication.

No. MC 140974 (Sub-No. 1TA), filed July 7, 1975. Applicant: LLOYD GARBER, doing business as GARBER'S TRUCKING, 14th and K St., Fairbury, Nebr. 68352. 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: *Cheese*, from Hebron and Hastings, Nebr., to points in Arizona, California, Idaho, Illinois, Indiana, New York, Iowa, Kansas, Louisiana, Michigan, Missouri, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Utah, Washington, and Widson Wisconsin, under a continuing contract or contracts with Swan Enterprises, Inc., Hebron, Nebr., for 180 days. Supporting shipper: Roy O. Mitchell, Manager, Swan Enterprises, Inc., Hebron, Nebr. Send protests to: Max Johnston, District Supervisor, 320 Federal Bldg. and U.S. Courthouse, 129 North Tenth St., Lincoln, Nebr. 68508.

No. MC 141056 (Sub-No. 1TA), filed July 3, 1975. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford St., Decatur, Ill. 62526. Applicant's representative: Paul E. Steinhour, 918 E. Capitol Ave., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, fasteners, grinding wheels, coated abrasives, tools, belts, belting, belt lacing, hose, blocks, pulleys, strapping, wire wheels, brushes, light bulbs, lubricants, casters, and machine tools and equipment*, between East Peoria, Ill., on the one hand and on the other, points within the Indiana Counties of Lake, Porter, La Porte, St. Joseph, Newton, Jasper, Starke, Pulaski, Marshall, Fulton, Benton, White, Cass, Miami, Warren, Tippecanoe, Carroll, Clinton, Howard, Fountain, Montgomery, Vermillion, Parke, Putnam, Vigo, Clay, Owen, Sullivan, Greene, and Knox; the Iowa Counties of Delaware, Dubuque, Linn, Jones, Jackson, Johnson, Cedar, Clinton, Scott, Washington, Muscatine, Louisa, Jefferson, Henry, Des Moines, Van Buren, and Lee; and the Missouri Counties of Scotland, Clark, Knox, Lewis, Shelby, Marion, Monroe, Ralls, Audrain, Pike, Montgomery, Lincoln, Gasconade, Warren, St. Charles, Franklin, St. Louis, Jefferson, St. Francois, St. Genevieve, Perry, Bollinger, and Cape Girardeau, for the account of Hagerty Brothers Company, East Peoria, Ill., under a continuing contract or contracts with Hagerty Brothers Company, East Peoria, Ill., for 180 days. Supporting shipper: Frank T. Bedard, Manager, Hagerty Brothers, 601 N. Main, East Peoria, Ill. 61601. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 141101 (Sub-No. 1TA), filed July 7, 1975. Applicant: WARNE TRUCKING COMPANY, doing business as ROBERT E. WARNE, 121 Rosewood Drive, Zanesville, Ohio 43701. Applicant's representative: Thomas J. Burke, Jr., Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Earthenware pots*, from Marshall, Tex., and El Monte, Van Nuys, Long Beach, and LaVerne, Calif., to Denver, Colo., under a continuing contract or contracts with Denver Pottery Co., for 180 days. Supporting shipper: Denver Pottery Co., 2201 South Delaware St., Denver, Colo. 80223. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 141118, TA, filed July 8, 1975. Applicant: CLAIRE LARSON, Route 3, Pipestone, Minn. 56164. Applicant's representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and return of empty containers*, from Milwaukee, Wis., to Pipestone, Minn., under a continuing contract or contracts with Pepsi-Cola Bottling Co. of Pipestone, Minn., Inc., for 180 days. Supporting shipper: Pepsi-Cola Bottling Co., of Pipestone, Minn., Inc., 216 2nd Ave., N.W., Pipestone, Minn. 56164. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC-141119, TA, filed July 8, 1975. Applicant: MERCHANTS 5 STAR, INC., P.O. Box 541, Marietta, Ohio 45750. Applicant's representative: John L. Alden, P.O. Box 5241, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl core filters* to be used in water and sewage treatment facilities and commodities used in the installation and assembly of vinyl core filters (except commodities in bulk, between Marietta, Ohio, and points in the United States (except Alaska and Hawaii), under a continuing contract with The B. F. Goodrich Company, for 180 days. Supporting shipper: The B. F. Goodrich Company, 500 S. Main St., Akron, Ohio 44318. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 24301.

No. MC 141125, TA, filed July 9, 1975. Applicant: RONALD I. WADSWORTH, doing business as RON WADSWORTH TRUCKING, 7501 County Road 18, Osseo, Minn. 55369. Applicant's representative: Ron Wadsworth (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Underwood, Wash., to Grand Rapids, Minn., under a continuing contract or contracts with Lumbermen's Supply Co., for 180 days. Supporting shipper: Lumbermen's Supply Co., P.O. Box 307, Grand Rapids, Minn. 55744. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141126, TA, filed July 9, 1975. Applicant: STEVEN I. WADSWORTH, doing business as STEVE WADSWORTH TRUCKING, 20 East Hayden Lake Road, Champlin, Minn. 55316. Applicant's representative: Steven Wadsworth (same address as applicant). Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: *Lumber*, from Underwood, Wash., to Grand Rapids, Minn., under a continuing contract or contracts with Lumbermen's Supply Co., for 180 days. Supporting shipper: Lumbermen's Supply Co., P.O. Box 307, Grand Rapids, Minn. 55744. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

APPLICATION OF PASSENGERS

No. MC 141053 (Sub-No. 1TA), filed July 9, 1975. Applicant: ENSEC SERVICE CORPORATION, 1927 York Road, Timonium, Md. 21093. Applicant's representative: Robert J. Weiss (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Wallops Island, Va., and points in Virginia, New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia, under a continuing contract with The National Aeronautics and Space Administration, for 180 days. Supporting shipper: A. Wayne Mears, Contracting Officer, National Aeronautics & Space Admin., Wallops Flight Center, Wallops Island, Va. 23337. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18999 Filed 7-21-75;8:45 am]

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[AB 1 (Sub-No. 44)]

## CHICAGO & NORTH WESTERN TRANSPORTATION CO.

### Abandonment

In the matter of Chicago and North Western Transportation Co., abandonment of operations between South Kansas Avenue and South Lake Drive in St. Francis, Milwaukee County, Wisconsin.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

*It appearing*, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

*It is ordered*, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Milwaukee County, Wisconsin, on or before July 29, 1975 and certify to the Commission that this has been accomplished.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the Federal Register.

Dated at Washington, D.C., this 7th day of July, 1975.

By the Commission, Commissioner Deason.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated July 7, 1975, it has been determined that the proposed abandonment of operations by the Chicago and North Western Transportation Company of its shuttle operations between South Kansas Avenue and South Lake Drive in St. Francis, Milwaukee County, Wisconsin, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be requird under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because relatively few cars are moved on this line and the materials so moved can be moved easily by motor carrier from the nearby St. Francis Siding of the applicant's main line operations.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before August 13, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-19001 Filed 7-21-75;8:45 am]

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[AB 9 (Sub-No. 1)]

## ST. LOUIS-SAN FRANCISCO RAILWAY CO.

### Abandonment

In the matter of St. Louis-San Francisco Railway Company, abandonment between Monette and Lake City, Arkansas.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

*It appearing*, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

*It is ordered*, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Craighead County, Ark., on or before July 31, 1975 and certify to the Commission that this has been accomplished.

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of July, 1975.

By the Commission, Commissioner Deason.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated July 9, 1975, it has been determined that the proposed abandonment by the St. Louis-San Francisco Railway Company of its line of railroad between Monette and Lake City, Ark., a distance of 8.5 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because area environmental quality will only be degraded slightly due to increased air pollution and energy consumption resulting from diversion of minimal levels of rail traffic to motor carrier transport upon abandonment. There are no identifiable governmental plans or projects dependent upon continued direct rail access.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before August 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-19000 Filed 7-21-75;8:45 am]

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## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

### Elimination of Gateway Letter Notices

JULY 17, 1975.

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 Com-

mission'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 August 1, 1975. 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 102616 (Sub-E437), filed June 3, 1974. Applicant: COASTAL TANK LINES INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* used in the manufacture of phenolic resins, in bulk, in tank vehicles, from points in South Carolina and West Virginia to points in Kalamazoo and Grand Rapids, Michigan. The purpose of this filing is to eliminate the gateway of Riverview, Ohio.

No. MC 102616 (Sub-E438), filed June 3, 1974. Applicant: COASTAL TANK LINES INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Chicago, Ill. to points in California and Oregon which are on and west of U.S. Highway 5. The purpose of this filing is to eliminate the gateway of Ludington, Mich.

No. MC 102616 (Sub-E439), filed June 3, 1974. Applicant: COASTAL TANK LINES INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Petroleum products*, in bulk, in tank vehicles, from Midland and Bay City, Mich. to points in Erie, Lawrence, Crawford, Mercer, and Venango Counties, Pa. The purpose of this filing is to eliminate the gateway of Kent or Cleveland, Ohio.

No. MC 102616 (Sub-E440), filed June 3, 1974. Applicant: COASTAL TANK LINES INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Petroleum products*, in bulk in tank vehicles, from Midland and Bay City, Mich., to points in West Virginia on and north of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of Steubenville, Ohio.

No. MC 102616 (Sub-E445), filed June 3, 1974. Applicant: COASTAL TANK LINES INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), as defined by the Commission, in bulk, in tank vehicles, from Alma, Mich., to points in New Hampshire, New Jersey, New York, North Carolina, Vermont, Virginia, and Pennsylvania (except points north of U.S. Highway 80 and west of U.S. Highway 219). The purpose of this filing is to eliminate the gateway of points in Ohio on and north of U.S. Highway 40, Pittsburgh, Pa., and Congo, W. Va.

No. MC 102616 (Sub-E446), filed June 3, 1974. Applicant: COASTAL TANK LINES INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), as defined by the Commission, in bulk, in tank vehicles, from Bay City, Mich., to points in New Hampshire, New Jersey, New York, North Carolina, Vermont, Virginia, and Pennsylvania (except points north of U.S. Highway 80 and west of U.S. Highway 219). The purpose of this filing is to eliminate the gateway of points in Ohio on and north of U.S. Highway 40, Pittsburgh, Pa., and Congo, W. Va.

No. MC 107002 (Sub-No. E209), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anthol, cymene, esterified tall oil, liquid soap, nalene, paracymene, paramethane, hydro peroxide, pinene, pine oil, pine pitch, pine tar, rosin, rosin liquor, rosin sizing, rosin solution, synthetic gums and resins, tall oil, tall oil fatty acid, tall oil pitch, terpineol, turpentine, and zinc resinates*, in bulk, in tank vehicles, from the plant site and facilities of Tenneco Chemicals, Inc., (now Reichhold Chemicals, Inc.), at Telogia, Fla., to points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of the site of Newport Industries Company (now Reichhold Chemicals, Inc.) at Pensacola, Fla.

No. MC 107002 (Sub-No. E210), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anthol, cymene, esterfied tall oil, liquid soap, nalene, paracymene, paramethane, hydro peroxide, pinene, pine oil, pine pitch, pine tar, rosin, rosin liquor, rosin sizing, rosin solution, synthetic gums and resins, tall oil, tall oil fatty acids, tall oil pitch, terpineol, turpentine, and zinc resinates*, in bulk, in tank vehicles, from Port St. Joe, Fla., to points in Kansas. The purpose of this filing is to eliminate the gateways of Pensacola, Fla., and Collierville, Tenn.

No. MC 107002 (Sub-No. E211), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anthol, cymene, esterified tall oil, liquid soap, nalene, paracymene, paramethane, hydro peroxide, pinene, pine oil, pine pitch, pine tar, rosin, rosin liquor, rosin sizing, rosin solution, synthetic gums and resin, tall oil, tall oil fatty acids, tall oil pitch, terpineol, turpentine, and zinc resinates*, in bulk, in tank vehicles, from Port St. Joe, Fla., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Pensacola, Fla., and Delta, La., or Memphis, Tenn.

No. MC 107002 (Sub-No. E212), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from points in Alabama, on, south, and east of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 80 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction Alabama Highway 25, thence along Alabama Highway 25 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 11, and thence along U.S. Highway 11 to the Alabama-Georgia State line to points in Texas. The purpose of this filing is to eliminate the gateway of Hattiesburg, Miss.

No. MC 107002 (Sub-No. E213), filed May 20, 1974. Applicant: MILLLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* (except anhydrous ammonia), in bulk, in tank vehicles, from Greenville, Miss., to points in Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, and points in Kansas on, north, and west of a line beginning at the Kansas-Missouri State line and extending along Interstate Highway 70 to the junction of Kansas Highway 140 at Solomon, thence along Kansas Highway 140 to junction of U.S. Highway 156, thence along U.S. Highway 156 to the junction of U.S. Highway 50, and thence along U.S. Highway 50 to the Kansas-Colorado State line. The purpose of this filing is

to eliminate the gateway of Blytheville, Ark.

No. MC 107002 (Sub-No. E214), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Mississippi west and north of a line beginning at the Mississippi-Louisiana State line and extending along Mississippi Highway 27 to Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction Mississippi Highway 19, thence along Mississippi Highway 19 to the Mississippi-Alabama State line to points in Florida. Restriction: Service from points in Alcorn, Prentiss, Tippah, and Tishomingo Counties, Miss., to Baker, Duval, and Nassau Counties, Fla., is restricted to the transportation of commodities described in Appendix XIII, 61 M.C.C. 209. The purpose of this filing is to eliminate the gateway of Tuscaloosa or Mobile, Ala.

No. MC 107002 (Sub-No. E215), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from points in Mississippi west and north of a line beginning at the Tennessee-Mississippi State line and extending along U.S. Highway 51 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Mississippi-Louisiana State line to points in Arkansas on and west of a line beginning at the Arkansas-Tennessee State line and extending along Interstate Highway 55 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 107002 (Sub-No. E216), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anthol, cymene, esterified tall oil, liquid soap, nalene, paracymene, paramethane, hydro peroxide, pinene, pine oil, pine pitch, pine tar, rosin, rosin liquor, rosin sizing, rosin solution, synthetic gums and resins, tall oil, tall oil fatty acids, tall oil pitch, terpineol, turpentine, and zinc resinates*, in bulk, in tank vehicles, from Port St. Joe, Fla., to points in Illinois, Indiana, Kentucky, Louisiana, New Jersey, New York, Ohio, Pennsylvania, and Tennessee. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 107002 (Sub-No. E217), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anthol, cymene, esterified tall oil, liquid soap, nalene, paracymene, paramethane, hydro peroxide, pinene, pine oil, pine pitch, pine tar, rosin, rosin liquor, rosin sizing, rosin solution, synthetic gums and resins, tall oil, tall oil fatty acids, tall oil pitch, terpineol, turpentine, and zinc resinates*, in bulk, in tank vehicles, from Port St. Joe, Fla., to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateways of Pensacola, Fla., Memphis, Tenn., and Blytheville, Ark.

No. MC 107002 (Sub-No. E218), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum chemicals*, in bulk, in tank vehicles, from points in Adams County, Miss., to points in Illinois, Indiana, Iowa, Kansas on and north of U.S. Highway 40, Kentucky, Michigan, Missouri, on, north, and east of a line beginning at the Arkansas-Missouri State line and extending along Arkansas Highway 5 to the junction of U.S. Highway 50, and thence along U.S. Highway 50 to the Missouri-Kansas State line, Ohio, and Wisconsin. Restriction: Restricted to the transportation of dry petrochemicals to the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission. The purpose of this filing is to eliminate the gateways of Vicksburg, Miss., and points within 10 miles of Barfield, Ark.

No. MC 107002 (Sub-No. E219), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common* carrier, by motor vehicle, over irregular routes, transporting: *Anthol, cymene, esterified tall oil, liquid soap, nalene, paracymene, paramethane, hydro peroxide, pinene, pine oil, pine pitch, pine tar, rosin, rosin liquor, rosin sizing, rosin solution, synthetic gums and resins, tall oil, tall oil fatty acids, tall oil pitch, terpineol, turpentine, and zinc resinates*, in bulk, in tank vehicles, from Port St. Joe, Fla., to points in Oklahoma, Missouri, and those points in Michigan on, west, and north of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 27 to junction Michigan Highway 78, thence along Michigan Highway 78 to the junction of Michigan Highway 21, thence along Michigan Highway 21 to the junction of Michigan Highway 54, thence along Michigan Highway 54 to junction Michigan Highway 83, thence along Michigan Highway 83 to junction Michigan Highway 15, thence along Michigan Highway 15 to Bay City, Mich., on Saginaw Bay. The purpose of this filing is to eliminate the gateways of Pensacola, Fla., and Memphis, Tenn.

No. MC 107002 (Sub-No. E220), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum chemicals*, in bulk, in tank vehicles, from Adams County, Miss., to points in Arkansas on and north of a line beginning at the Mississippi-Arkansas State line and extending along U.S. Highway 82 to the junction of U.S. Highway 65, thence along U.S. Highway 65 to the junction of Arkansas Highway 35, thence along Arkansas Highway 35 to the junction of Arkansas Highway 4, thence along Arkansas Highway 4 to the junction of Arkansas Highway 8, thence along Arkansas Highway 8 to the junction of U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line. The purpose of this filing is to eliminate the gateway of Vicksburg, Miss.

No. MC 107002 (Sub-No. E221), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Moundville, Ala., to points in Tennessee on and west of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 72 to the junction of Tennessee Highway 57, thence along Tennessee Highway 57 to Collierville, thence north on unnumbered highway to Arlington, thence along U.S. Highway 70/79 to the junction of Tennessee Highway 19, thence along Tennessee Highway 19 to the junction of U.S. Highway 51, thence along U.S. Highway 51 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateways of points in Union County, Miss., and the site of the pipeline terminal of Oklahoma-Mississippi River Products Lines, Inc., near West Memphis, Ark.

No. MC 107002 (Sub-No. E222), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petrochemicals), in bulk, in tank vehicles, from Cedartown, Ga., to points in Kentucky on, west, and north of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 31E to junction U.S.

Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Ohio State line. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC 107002 (Sub-No. E223), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from points in Alabama on and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 82 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Georgia State line to points in Kentucky on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Tuscaloosa, Ala.

No. MC 107002 (Sub-No. E224), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* (except anhydrous ammonia), in bulk, in tank vehicles, from Greenville, Miss., to points in Kentucky. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC 107002 (Sub-No. E225), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Moundville, Ala., and points within 10 miles thereof (except points within 5 miles of Tuscaloosa, Ala.), to points in Louisiana. The purpose of this filing is to eliminate the gateway of Lumberton or Vicksburg, Miss.

No. MC 107002 (Sub-No. E226), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Cedartown, Ga., to points in Kansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Collierville, Tenn.

No. MC 107002 (Sub-No. E227), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cedartown, Ga., to points in Missouri. Restriction: Restricted against the transportation of (1) dry chemicals, to the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, and (2) liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen, or liquid nitrogen. The purpose of this filing is to eliminate the gateway of Blytheville, Ark.

No. MC 107002 (Sub-No. E228), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Cordova, Ala., to points in Arkansas. The purpose of this filing is to eliminate the gateways of points in Shelby County, Tenn., or Memphis, Tenn., or Friars Point or Greenville, Miss., or points in Washington County, Miss.

No. MC 107002 (Sub-No. E229), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from points in Alabama on, east, and south of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 278 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Fox, Ala., or Hattiesburg, Miss.

No MC 107002 (Sub-No. E230), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from Cordova, Ala., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Washington County, Miss.

No. MC 107002 (Sub-No. E231), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petrochemicals), in bulk, in tank vehicles, from Decatur, Ala., to points in Iowa. The purpose of this filing is to eliminate the gateway of Arlington, Tenn.

No. MC 107002 (Sub-No. E232), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum chemicals* (except fertilizer and fertilizer ingredients), in bulk, in tank vehicles, from points in Adams County, Miss., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Jackson, Miss.

No. MC 107002 (Sub-No. E233), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naval stores*, in bulk, in tank vehicles, from Port St. Joe, Fla., to points in Texas. The purpose of this filing is to eliminate the gateway of Bay Minette, Ala.

No. MC 107002 (Sub-No. E234), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from points in Mississippi on and south of U.S. Highway 82 to points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 127 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Tuscaloosa, Ala.

No. MC 107002 (Sub-No. E235), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from Memphis, Tenn., to points in Alabama and Louisiana. The purpose of this filing is to eliminate the gateways of points in Lee County, Miss., or Vicksburg and points in Madison County, Miss.

No. MC 109397 (Sub-No. E82), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors'*

*equipment*, heavy and bulky articles, *machinery* and *machine parts*, and *articles* requiring specialized handling or rigging, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to self-propelled articles transported on trailers, (1) and (2) above is restricted against transportation of new passenger automobiles, commodities moving in tank vehicles, and classes A and B explosives; (a) between points in Connecticut, Delaware, Indiana, Massachusetts, New Jersey, North Carolina, Ohio, Rhode Island, West Virginia, and the District of Columbia, on the one hand and, on the other, points of entry on the Pacific Coast and those on the United States-Canada International Boundary line in Washington, Idaho, Montana, North Dakota, and Minnesota, (points in Illinois or points in Lucas County, Ohio)*; (b) between points in Michigan on and south of Michigan Highway 21, on the one hand and, on the other, points of entry on the United States-Canada International Boundary line on North Dakota and Minnesota (points in Illinois or points in Lucas County, Ohio)*; and (c) between points in Delaware, Indiana, lower Peninsula of Michigan, New Jersey, North Carolina, Ohio, West Virginia, and the District of Columbia, on the one hand and, on the other, points of entry on the United States-Canada International Boundary line in Maine, Vermont, and New Hampshire (points in New York or points in Lucas County, Ohio)*; restricted in (a), (b), and (c) to traffic moving to or from Alaska and further restricted in (a), (b), and (c) to foreign commerce only. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111823 (Sub-No. E3), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Keesler Air Force Base, at or near Biloxi, Miss., and the Naval Construction Battalion Center, at or near Gulfport, Miss., on the one hand and, on the other, Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimmons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Naval Submarine Base New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and the Naval Security Station, D.C.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station Glenview, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Knox, Fort Knox, Ky.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station Patuxent, Patuxent River, Md.; Naval Academy, Annapolis, Md.; Naval Training Center Bainbridge, Bainbridge, Md.; Fort Devens, Ayer, Mass.

Naval Air Station, South Waymouth, Mass.; L. G. Hanscom Field, Bedford Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base Philadelphia, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities Mechanicsburg, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Ellsworth Air Force Base, Rapid City, S. Dak.; Fort Belvoir, Alexandria, Va.; Marine Corps School, Quantico, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Vint Hill Farms Station, Warrenton, Va.; and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky.

No. MC 111823 (Sub-No. E4), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort Dix, and McGuire Air Force Base, Wrightstown, N.J., and the Naval Air Station, Lakehurst, N.J., on the one hand and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Kincheloe Air Force Base, Sault Ste Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Columbus Air Force Base, Columbus, Miss.

Keesler Air Force Base, Biloxi, Miss.; Naval Air Station Meridian, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Altus Air Force Base, Altus, Okla; Fort Sill, Lawton, Okla.; Tinker Air Force Base, Oklahoma City, Okla.; Vance Air Force Base, Enid, Okla.; Ellsworth Air Force Base, Rapid City, S. Dak.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station Memphis, Millington, Tenn.; Bergstrom Air Force Base, Austin, Tex.; Brooks Air Force Base, San Antonio, Tex.; Carswell Air Force Base, Fort Worth, Tex.; Dyess Air Force Base, Abilene, Tex.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Dallas, Tex.; Fort Bliss, El Paso, Tex.; Fort Hood, Killeen, Tex.; Fort Sam Houston, San Antonio, Tex.; Fort Wolters, Mineral Wells, Tex.; Goodfellow Air Force Base, San Angelo, Tex.; Kelly Air Force Base, San Antonio, Tex.; Lackland Air Force Base, San Antonio, Tex.; Laredo Air

Force Base, Laredo, Tex.; Laughlin Air Force Base, Del Rio, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Randolph Air Force Base, Universal City, Tex.; Reese Air Force Base, Lubbock, Tex.; Sheppard Air Force Base, Wichita Falls, Tex.; Webb Air Force Base, Big Spring, Tex.; and Camp McCoy, Sparta, Wisc. The purpose of this filing is to eliminate the gateways of Louisville, Ky., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E5), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Minot Air Force Base, Minot, N. Dak., on the one hand and, on the other, Craig Air Force Base, Selma, Ala.; Fort McClellan, Anniston, Ala.; Fort Rucker, Ozark, Ala.; Gunter Air Force Base, Montgomery, Ala.; Maxwell Air Force Base, Montgomery, Ala.; Redstone Arsenal, Huntsville, Ala.; Blytheville Air Force Base, Blytheville, Ark.; Little Rock Air Force Base, Jacksonville, Ark.; Naval Submarine Base New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, D.C.; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, D.C.; Fort Myer, Arlington, Va.; Fort McNair, D.C.; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, D.C.; National Naval Medical Center, Bethesda, Md.; Naval Station, D.C.; Eglin Air Force Base, Valparaiso, Fla.; Homestead Air Force Base, Homestead, Fla.; McDill Air Force Base, Tampa, Fla.; McCoy Air Force Base, Orlando, Fla; Naval Air Station Cecil Field, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Station, Mayport, Fla.; Naval Air Station Whiting Field, Milton, Fla.; Naval Station, Key West, Fla.; Naval Training Center, Orlando, Fla.; Patrick Air Force Base, Cocoa Beach, Fla.; Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Forest Park, Ga.; Fort Benning, Columbus, Ga.; Fort Gordon, Augusta, Ga.; Fort McPherson, Atlanta, Ga.

Fort Stewart, Hinesville, Ga.; Hunter Army Airfield, Savannah, Ga.; Marine Corps Supply Center, Albany, Ga.; Dobbins Air Force Base, Marietta, Ga.; Moody Air Force Base, Valdosta, Ga.; Naval Air Station, Albany, Ga.; Naval Air Station, Glynco, Ga.; Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Ammunition Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Fort Campbell, Hopkinsville, Ky.; Fort Knox, Fort Knox, Ky.; Barksdale Air Force Base, Shreveport, La.; England Air Force Base, Alexandria, La.; Fort Polk, Leesville, La.; Naval Air Station, New Orleans, La.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.; Naval Academy, Annapolis, Maryland; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cap Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Miss.; Keesler Air Force Base, Biloxi, Miss.; Naval Air Station, Meridian, Miss.; Naval Construction Battalion, Gulfport, Miss.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.H.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), New York; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio.

Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Charleston Air Force Base, Charleston, S.C.; Fort Jackson, Columbia, S.C.; Marine Corps Air Station, Beaufort, S.C.; Marine Corps Recruit Depot, Parris Island, S.C.; Myrtle Beach Air Force Base, Myrtle Beach, S.C.; Naval Base, Charleston, S.C.; Polaris Missile Facility, Charleston, S.C.; Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Station, Tullahoma, Tenn.; Naval Air Station, Millinton, Tenn.; Ellington Air Force Base, Houston, Tex.; Naval Air Station, Corpus Christi, Tex.; Naval Air Station Chase Field, Beeville, Tex.; Naval Air Station, Kingsville, Tex.; Fort Belvoir, Alexandria, Va.; Fort Eustis, Newport News, Va.; Fort Lee, Petersburg, Va.; Fort Monroe, Hampton, Va.; Fort Story, Virginia Beach, Va.; Langley Air Force Base, Hampton, Va.; Marine Corps School, Quantico, Va.; Naval Air Station Oceana, Oceana (Virginia Beach), Va.; Naval Amphibious Base, Little Creek (Norfolk), Va.; Naval Shipyard Norfolk, Portsmouth, Va.; Naval Station, Norfolk, Va.; Naval Weapons Laboratory, Dahlgren, Va.; Naval Weapons Station, Yorktown, Va.; Defense General Supply Center, Richmond, Va.; and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Illinois on and north of U.S. Highway 36.

No. MC 111823 (Sub-No. E12), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78210. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Arnold Air Force Base, Tullahoma, Tenn., on the one hand and, on the other, Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Naval Submarine Base New London, Groton, Conn.; Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia; Andrews Air Force Base, Camp Springs, Md.; Bolling Air Force Base, District of Columbia; Fort Myer, Arlington, Va.; Fort McNair, District of Columbia; Cameron Station, Alexandria, Va.; Walter Reed Army Medical Center, District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Knox, Fort Knox, Ky.; Aberdeen Proving Ground, Aberdeen, Md.; Edgewood Arsenal, Edgewood Arsenal, Md.; Fort Detrick, Frederick, Md.; Fort Holabird, Baltimore, Md.; Fort George Meade, Laurel, Md.; Fort Ritchie, Cascade, Md.; Naval Air Station, Patuxent River, Md.

Naval Academy, Annapolis, Md.; Naval Training Center, Bainbridge, Md.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force

Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Ellsworth Air Force Base, Rapid City, S. Dak.; Fort Belvoir, Alexandria, Va.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of Louisville, Ky., or St. Louis, Mo., or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, or that part of Illinois and Indiana on and north of U.S. Highway 36.

No. MC 111823 (Sub-No. E15), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Barstow, Calif., on the one hand and, on the other, Craig Air Force Base, Selma, Ft. McClellan, Anniston, Ft. Rucker, Ozark, Gunter Air Force Base, Montgomery, Maxwell Air Force Base, Montgomery, and Redstone Arsenal, Huntsvile, Ala.; Blytheville Air Force Base, Ark.; Naval Sub Base, Groton, Conn.; Andrews Air Force Base, Bolling Air Force Base, Ft. Myer, Ft. McNair and Walter Reed Army Medical Center, the District of Columbia; National Naval Medical Center, Bethesda, Md.; Naval Station, District of Columbia; Eglin Air Force Base, Valpariso, Homestead Air Force Base, Homestead, McDill Air Force Base, Tampa, McCoy Air Force Base, Orlando, Cecil Field Air Force Base, Jacksonville, Naval Air Station, Jacksonville, Naval Air Station, Pensacola, Naval Air Station, Mayport, Naval Air Station, Milton, Naval Air Station, Key West, Naval Training Center, Orlando, Patrick Air Force Base, Cocoa Beach, and Tyndall Air Force Base, Panama City, Fla.; Atlanta Army Depot, Atlanta, Ft. Benning, Columbus, Ft. Gordon, Augusta, Ft. McPherson, Atlanta, Ft. Stewart, Hinesville, Hunter Army Airfield, Savannah, Marine Corps Supply Center, Albany, Moody Air Force Base, Valdosta, Naval Air Station, Albany, Naval Air Station, Glynco, and Robins Air Force Base, Warner Robins, Ga.; Chanute Air Force Base, Rantoul, Ft. Sheridan, Highland Park, Joliet Army Ammunition Depot, Joliet, Savanna Army Depot, Savanna, Naval Air Station, Glenview, Great Lakes Naval Training Center, Great Lakes, and Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ft. Benjamin Harrison, Indianapolis, and Naval Ammunition Depot, Crane, Ind.; Ft. Campbell, Hopkinsville and Ft. Knox, Ky.

Aberdeen Proving Ground, Aberdeen, Edgewood Arsenal, Edgewood, Ft. Detrick, Frederick, Ft. Holabird, Baltimore, Ft. George G. Meade, Laurel, Ft. Ritchie, Cascade, Naval Academy, Annapolis, Naval Air Station, Patuxent River, and Naval Training Center, Bainbridge, Md.; Ft. Devens, Ayer, Hanscom Field, Bedford, Otis Air Force Base, Falmouth, and Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Selfridge Air Force Base, Mt. Clemens, and Wurtsmith Air Force Base, Oscoda, Mich.; Columbus Air Force Base, Columbus, Naval Air Station, Meridian, Miss.; Ft. Leonard Wood, Waynesville, Mo.; Pease Air Force Base, Portsmouth, N.H.; Ft. Dix, Wrightstown, N.J., Ft. Monmouth, Oceanport, McGuire Air Force Base, Wrightstown, and Naval Air Station, Lakehurst, N.J.; Camp Drum, Watertown, Ft. Hamilton, Brooklyn, US Coast Guard, Governor's Island, Griffiss Air Force Base, Rome, Hancock Field, Syracuse, Plattsburg Air Force Base, Plattsburg, Naval Hospital, St. Albans, Seneca Army Depot, Romulus, Stewart Air Force Base, Newburgh, and West Point Academy, West Point, N.Y.; Lockbourne Air Force Base, Columbus, Wright Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle, Pa.; Cameron Station, Alexandria, Va.; Dobbins Air Force Base, Marietta, Ga.; Letterkenny Army Depot, Chambersburg, Naval Supply Depot, Philadelphia, Naval Supply Depot, Philadelphia, New Cumberland Army Depot, New Cumberland, Tobyhanna Army Depot, Tobyhanna, Defense Activities, Mechanicsburg, Valley Forge General Hospital, Phoenixville, Pa.; Chareston Air Force Base, Charleston, Ft. Jackson, Columbia, Marine Corp Air Station, Beaufort, Marine Corp. Recruit Depot, Parris Island, Myrtle Beach Air Force Base, Myrtle Beach, Charleston Naval Base, Charleston, Polaris Missile Center, Charleston, Shaw Air Force Base, Sumter, S.C.; Arnold Air Force Base, Tullahoma, and Naval Air Station, Memphis, Tenn.; Ft. Belvoir, Alexandria, Ft. Eustis, Newport News, Ft. Lee, Petersburg, Ft. Monroe, Hampton, Ft. Story, Virginia Beach, Langley Air Force Base, Hampton, Marine Corp. School, Quantico, Naval Air Station, Virginia Beach, Naval Amphibians Base, Norfolk, Naval Shipyard, Norfolk, Naval Air Station, Norfolk, Naval Weapons Lab., Dahlgren, Naval Weapons Station, Yorktown, Defense Supply Center, Richmond, and Vint Hill Farms Station, Warrenton, Va. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or that part of Illinois on and north of US Highway 36.

No. MC 111823 (Sub-No. E44), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort McClellan, Anniston, Ala., on the one hand and, on the other, Davis-Monthan Air Force Base, Tucson, Ariz.; Fort Huachuca, Fort Huachuca, Ariz.; Luke Air Force Base, Phoenix, Ariz.; Marine Corps Air Station, Yuma, Ariz.; Williams Air Force Base, Chandler, Ariz.; Yuma Proving Ground, Yuma, Ariz.; Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; US Air Force Academy, Colorado Springs, Colo.; Naval Submarine Base New London, Groton, Conn.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Naval Training Center, Great Lakes, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Knox, Fort Knox, Ky.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport,

Duluth, Minn.; Fort Leonard Wood, Waynesville, Mo.

Richards-Gebaur Air Force Base, Kansas City, Mo.; Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaha, Nebr.; Pease Air Force Base, Portsmouth, N.H.; Fort Dix, Wrightstown, N.J.; Fort Monmouth, Oceanport, N.J.; McGuire Air Force Base, Wrightstown, N.J.; Naval Air Station, Lakehurst, N.J.; Cannon Air Force Base, Clovis, N. Mex.; Fort Wingate Army Depot, Gallup, N. Mex.; Holloman Air Force Base, Alamogordo, N. Mex.; Kirtland Air Force Base West, Albuquerque, N. Mex.; Kirtland Air Force Base East, Albuquerque, N. Mex.; White Sands Missile Range, White Sands, N. Mex.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockbourne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; Letterkenny Army Depot, Chambersburg, Pa.; Naval Base, Philadelphia, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Valley Forge General Hospital, Phoenixville, Pa.; Ellsworth Air Force Base, Rapid City, S. Dak.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Illinois and Indiana on and north of U.S. Highway 36, or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 440 to junction U.S. Highway 62, thence U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 111823 (Sub-No. E45), filed June 4, 1974. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Fort Rucker, Ozark, Ala., on the one hand and, on the other, Ent Air Force Base & Peterson Field, Colorado Springs, Colo.; Fitzsimons General Hospital, Denver, Colo.; Fort Carson, Colorado Springs, Colo.; Lowry Air Force Base, Denver, Colo.; U.S. Air Force Academy, Colorado Springs, Colo.; Naval Submarine Base New London, Groton, Conn.; Chanute Air Force Base, Rantoul, Ill.; Fort Sheridan, Highland Park, Ill.; Joliet Army Ammunition Depot, Joliet, Ill.; Savanna Army Depot, Savanna, Ill.; Naval Air Station, Glenview, Ill.; Scott Air Force Base, Belleville, Ill.; Grissom Air Force Base, Peru, Ind.; Fort Benjamin Harrison, Indianapolis, Ind.; Naval Ammunition Depot, Crane, Ind.; Forbes Air Force Base, Topeka, Kans.; Fort Leavenworth, Leavenworth, Kans.; Fort Riley, Junction City, Kans.; McConnell Air Force Base, Wichita, Kans.; Fort Knox, Fort Knox, Ky.; Fort Devens, Ayer, Mass.; Naval Air Station, South Weymouth, Mass.; L. G. Hanscom Field, Bedford, Mass.; Otis Air Force Base, Falmouth (Cape Cod), Mass.; Westover Air Force Base, Springfield, Mass.; Kincheloe Air Force Base, Sault Ste. Marie, Mich.; K. I. Sawyer Air Force Base, Gwinn, Mich.; Selfridge Air National Guard Base, Mount Clemens, Mich.; Wurtsmith Air Force Base, Oscoda, Mich.; Duluth International Airport, Duluth, Minn.; Fort Leonard Wood, Waynesville, Mo.; Richards-Gebaur Air Force Base, Kansas City, Mo. Whiteman Air Force Base, Knob Noster, Mo.; Offutt Air Force Base, Omaga, Nebr.; Pease Air Force Base, Portsmouth, N.H.; Camp Drum, Watertown, N.Y.; Fort Hamilton, Brooklyn, N.Y.; Fort Wadsworth, Staten Island, N.Y.; U.S. Coast Guard Base, Governor's Island (New York City), N.Y.; Griffiss Air Force Base, Rome, N.Y.; Hancock Field, Syracuse, N.Y.; Plattsburg Air Force Base, Plattsburg, N.Y.; Naval Hospital, Saint Albans, N.Y.; Seneca Army Depot, Romulus, N.Y.; Stewart Field, Newburgh, N.Y.; U.S. Military Academy, West Point, N.Y.; Grand Forks Air Force Base, Emerado, N. Dak.; Minot Air Force Base, Minot, N. Dak.; Lockburne Air Force Base, Columbus, Ohio; Wright-Patterson Air Force Base, Dayton, Ohio; Army War College, Carlisle Barracks, Pa.; New Cumberland Army Depot, New Cumberland, Pa.; Tobyhanna Army Depot, Tobyhanna, Pa.; Defense Activities, Mechanicsburg, Pa.; Ellsworth Air Force Base, Rapid City, S. Dak.; and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., or Louisville, Ky., or that part of Illinois and Indiana on and north of U.S. Highway 36, or that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line.

No. MC 113843 (Sub-E1042), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Green Bay and Milwaukee, Wis., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E1043), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* between Green Bay and Milwaukee, Wis., on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 1044 (Sub-No. E1044), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). 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 Massachusetts, Connecticut, and Rhode Island to points in Arkansas. The purpose of this filing is to eliminate the gateway of Geneva, N.Y.

No. MC 113843 (Sub-E1051), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Hanover, Pa., to those points in Maine on and north of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 3 to junction U.S. Highway Alt. 1, to junction Maine Highway 3 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-E1052), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* between those points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15, to junction Pennsylvania Highway 973, to junction U.S. Highway 220, to junction U.S. Highway 15, to junction Interstate Highway 83, to the Pennsylvania-Maryland State line, and Williamsport and Harrisburg, Pa., on the one hand and, on the other, those points in Michigan on and orth of a line beginning at Lake Huron and extending along Michigan Highway 72 to junction Interstate Highway 75, to junction Michigan Highway 55 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-E1055), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from North Brunswick, N.J., to those points in New York, on and west of New York Highway 14, and those on, north, and west of a line beginning at Lake Ontario and extending along N.Y. Highway 104 to junction U.S. Highway 11, to junction N.Y. Highway 68 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-E1057), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* between those points in Michigan south and east of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 94 to junction Michigan Highway 60, to junction U.S. Highway 27 to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-E1059), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in Michigan to those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 106, to Lake Ontario, and Oswego and Ithaca, N.Y. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-E1061), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* from North Brunswick, N.J., to those points in Kentucky on and west of U.S. Highway 431. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-E1062), filed December 2, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* from North Brunswick, N.J., to those points in Kentucky on and west of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 115257 (Sub-No. E1), filed May 12, 1974. Applicant: SHAMROCK VAN LINES, INC., P.O. Box 53443, Oklahoma City, Okla. 73105. Applicant's representative: William E. Bentley (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 California, on the one hand and, on the other, points in North Dakota; (b) between points in California north of California Highway 152 from Watsonville to intersection with California Highway 59, thence along California Highway 59 to Merced, thence along California Highway 140 from Merced to intersection with California Highway 120, thence along California Highway 120 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Nevada border, on the one hand, and, on the other, points in Wyoming north of U.S. Highway 26. The purpose of this filing is to eliminate the gateway of any point in Montana west of U.S. Highway 89.

No. MC 115257 (Sub-No. E13), filed May 12, 1974. Applicant: SHAMROCK VAN LINES, INC., P.O. Box 53443, Oklahoma City, Okla. 73105. Applicant's representative: William E. Bentley (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 Louisiana, on the one hand and, on the other, points in Missouri; (b) between points in Louisiana, on the one hand and, on the other, points in Illinois; (c) between points in Louisiana, on the one hand and, on the other, points in Indiana; (d) between points in Louisiana, on the one hand and, on the other, points in Michigan; (e) between points in Louisiana, on the one hand and, on the other, points in Ohio; (f) between points in Louisiana west of U.S. Highway 61 from the Mississippi-Louisiana border to Baton Rouge and south of Interstate Highway 12/10 from Baton Rouge to the Mississippi/Louisiana border, on the one hand and, on the other, points in Kentucky west of Interstate Highway 65 from the Tennessee-Kentucky border to Elizabethtown, north of the Blue Grass Parkway from Elizabethtown to Lexington and west of Interstate Highway 75 from Lexington to the Ohio-Kentucky border; (g) between points in Louisiana west of U.S. Highway 165 from the Arkansas-Louisiana border to Alexandria west of U.S. Highway 167 from Alexandria to the intersection with Louisiana Highway 13, west of Louisiana Highway 13 to Kaplan and west of a North/South line from Kaplan to the Gulf of Mexico, on the one hand and, on the other, points in Tennessee; (h) between points in Louisiana, on the one hand and, on the other, points in Nebraska; (i) between points in Louisiana, on the one hand and, on the other, points in Kansas; (j) between points in Louisiana north of U.S. Highway 190 from the Texas-Louisiana border to De Ridder, north of Louisiana Highway 112 from De Ridder to intersection with U.S. Highway 165, and west of U.S. Highway 165 from the intersection to the Arkansas-Louisiana border, on the one hand and, on the other, points in Alabama north of U.S. Highway 82 from the Mississippi-Alabama border to Tuscaloosa, and north of Interstate Highway 20 from Tuscaloosa to the Georgia-Alabama border; (k) between points in Louisiana west of U.S. Highway 165 from the Arkansas-Louisiana border to the intersection with Louisiana Highway 26, west of Louisiana Highway 26 from the intersection to Lake Arthur and west of a North/South line from Lake Arthur to the Gulf of Mexico, on the one hand and, on the other, points in Mississippi north of U.S. Highway 82. The purpose of this filing is to eliminate the gateway of any point in Arkansas.

No. MC 116915 (Sub-E20), filed May 28, 1974. Applicant: ECK TRANSPORTATION CORP., Owensboro, Ky. Applicant's representative: William P. Sullivan, 1819 H Street N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and products* (other than motor vehicles) which require the use of special equipment by reason of size or weight; (1) from points in Perry, Crawford, Harrison, and Floyd Counties, Ind. to Minneapolis, Minn., points in Iowa and points in Wisconsin on and west of a line beginning at the Illinois-Wisconsin Highway 78 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line; (2) from points in Tennessee to Minneapolis, Minn., and points in Wisconsin; and (3) from points in West Virginia on and south of a line beginning at Kenova and extending along U.S. Highway 60 to Cedar Grove, thence along West Virginia Highway 39 to the West Virginia-Virginia State line and points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to Richmond and thence along U.S. Highway 360 to Reedville to points in Iowa. The purpose of this filing is to eliminate the gateway of the plantsite of Harvey Aluminum, Inc., in Hancock County, Ky.

No. MC 121060 (Sub-E59), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Lawrence, Limestone, and Morgan Counties, Ala., to points in Illinois, on and north of a line commencing at the Illinois-Indiana State line, thence along Interstate Highway 70 to its intersection with Illinois Highway 32, thence along Illinois Highway 32 to its intersection with Illinois Highway 16, thence along Illinois 16 to its intersection with Illinois High-

way 29, thence along Illinois Highway 29 to its intersection with Illinois Highway 104, thence along Illinois Highway 104 to its intersection with U.S. Highway 36, thence along U.S. Highway 36 to its intersection with U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of the Facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E60), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from Jackson County, Ala., to points in Maine, Michigan, New Hampshire, Minnesota, Virginia, Pennsylvania, Maryland, Delaware, Kansas, New York, Iowa, New Jersey, Mississippi, Arkansas, Missouri, Oklahoma, Connecticut, Ohio, Illinois, West Virginia, Texas, Vermont, Louisiana, Kentucky, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E61), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Alabama, on and east of a line commencing at the Alabama-Georgia State line, thence extending along Alabama Highway 22 to its intersection with Interstate Highway 65, thence along Interstate Highway 65 to its intersection with U.S. Highway 31, thence along U.S. Highway 331, thence along U.S. Highway 331 to its intersection with Covington County, Ala., thence along the Covington, Coffee, Dale, and Henry County, Ala., lines to the Alabama-Georgia State line, to points in Oklahoma, on and west of a line commencing at the Oklahoma-Arkansas State line, thence extending along Oklahoma Highway 83 to its intersection with U.S. Highway 59, thence along U.S. Highway 59 to its intersection with U.S. Highway 270, thence along U.S. Highway 270 to its intersection with U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corp., at or near Scottsboro, Alabama.

No. MC 121060 (Sub-E62), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Lauderdale, Colbert, Lawrence, Franklin, and Morgan Counties, Ala., to points in Oklahoma on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E63), filed May 25, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Alabama, on and east of a line commencing at the Alabama-Tennessee State line, thence along Interstate Highway 65 to its intersection with U.S. Highway 11, thence along U.S. Highway 11 to its intersection with Alabama Highway 5, thence along Alabama Highway 5 to its intersection with Alabama Highway 28, thence along Alabama Highway 28 to its intersection with Alabama Highway 10, thence along Alabama Highway 10 to its intersection with Alabama Highway 47, thence along Alabama Highway 47 to its intersection with Alabama Highway 83, thence along Alabama Highway 83 to its intersection with U.S. Highway 31, thence along U.S. Highway 31 to the Alabama-Florida State line, (except points in Washington, Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry, and Houston Counties, Alabama) to points in Oklahoma, on and west of a line commencing at the Oklahoma-Kansas State line, thence along U.S. Highway 75 to its intersection with Interstate Highway 44, thence along Interstate Highway 44 to its intersection with Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp. at or near Scottsboro, Ala.

No. MC 121060 (Sub-E64), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Alabama, on and east of a line commencing at the Alabama-Tennessee State line, thence along Interstate Highway 65 to its intersection with Alabama Highway 69, thence along Alabama Highway 69 to its intersection with U.S. Highway 82, thence along U.S. Highway 82 to its intersection with U.S. Highway 331, thence along U.S. Highway 331 to the Alabama-Florida State line, except points in Washington, Mobile, Baldwin, Escamnia, Covington, Coffee, Geneva, Dale, Henry, and Houston Counties, Ala., to points in Oklahoma, on and west of a line commencing at the Oklahoma-Kansas State line, thence along U.S. Highway 81 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to its intersection with Oklahoma Highway 8, thence along Oklahoma Highway 8 to its intersection with Oklahoma Highway 45, thence along Oklahoma Highway 45 to its intersection with U.S. Highway 281, thence along U.S. Highway 281 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of the Facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E65), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffuser, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies, used in the installation of any commodity named above* (except in bulk), from points in Alabama, on and north of a line commencing at the Alabama-Georgia State line, thence extending along U.S. Highway 278 to its intersection with U.S. Highway 431, thence along U.S. Highway 431 to its

intersection with U.S. Highway 72, thence along U.S. Highway 72 to the Alabama-Tennessee State line, to points in Arkansas. The purpose of this filing is to eliminate the gateway of facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E66), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Alabama, on and north of a line commencing at the Alabama-Georgia State line, thence extending along U.S. Highway 78 to its intersection with U.S. Highway 431, thence along U.S. Highway 431 to its intersection with U.S. Highway 72 thence along U.S. Highway 72 to the Alabama-Tennessee State line, to points in Arkansas, on and north of a line commencing at the Arkansas-Mississippi State line, thence along Arkansas Highway 4, to its intersection with U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E67), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installaton of any commodity named above* (except in bulk), from points in Madison, Jackson, and Marshall Counties, Ala., to points in Arkansas, on and west of a line commencing at the Missouri-Arkansas State line, thence along Arkansas Highway 9 to its intersection with Arkansas Highway 69, thence along Arkansas Highway 69 to its intersection with U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E68), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applictors and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Alabama, on and east of a line commencing at the Alabama-Georgia State line, thence extending along U.S. Highway 278 to its intersection with Alabama Highway 21, thence along Alabama Highway 21 to its intersection with U.S. Highway 280, thence along U.S. Highway 280 to its intersection with Alabama Highway 9, thence along Alabama Highway 9 to its intersection with Alabama Highway 229, thence along Alabama Highway 229 to its intersection with U.S. Highway 80 thence along U.S. Highway 80 to its intersection with U.S. Highway 29, thence along U.S. Highway 29 to its intersection with Alabama Highway 10, thence along Alabama Highway 10 to the Henry County line, thence along the Henry County line to the Alabama-Georgia State line, to points in Arkansas, on and west of a line commencing at the Missouri-Arkansas State line, thence extending along U.S. Highway 67 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E69), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Alabama, on and east of U.S. Highway 231, except points in Dale, Henry, Geneva, and Houston Counties, Ala., to points in Arkansas, on and west of a line commencing at the Arkansas-Missouri State line, thence along Arkansas Highway 9 to its intersection with Arkansas Highway 16, thence along Arkansas Highway 16 to its intersection with Arkansas Highway 106, thence along Arkansas Highway 107 to its intersection with Arkansas Highway 36, thence along Arkansas Highway 36 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to its intersection with Interstate Highway 40, thence along Interstate Highway 40 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to its intersection with U.S. Highway 270, thence along U.S. Highway 270 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E70), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Alabama, on and east of U.S. Highway 31, except points in Covington, Coffee, Geneva, Houston, Dale, and Henry Counties, Ala., to points in Arkansas on and west of a line commencing at the Arkansas-Missouri State line, thence along U.S. Highway 65 to its intersection with Arkansas Highway 7, thence along Arkansas Highway 7 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E71), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, *steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Madison, Jackson, and De Kalb Counties, Ala., to points in Mississippi, on and south of a line commencing at the Alabama-Mississippi State line, thence along U.S. Highway 98 to its intersection with U.S. Highway 11, thence along U.S. Highway 11 to its intersection with Mississippi Highway 13, thence along Mississippi Highway 13 to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to its intersection with Mis-

sissippi Highway 27, thence along Mississippi Highway 27 to its intersection with U.S. Highway 80, thence along U.S. Highway 80 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E72), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Montgomery County, Ala., to points in Arkansas, on and west of a line commencing at the Missouri-Arkansas State line, thence along Arkansas Highway 9 to its intersection with U.S. Highway 65, thence along U.S. Highway 65 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to its intersection with U.S. Highway 270, thence along U.S. Highway 270 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of facilities of Litecraft-Luminous Ceilings, Division of Celotex Corporation at or near Scottsboro, Ala.

No. MC 121060 (Sub-E73), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Barbour County, Ala., to points in Mississippi, on and north of U.S. Highway 78. The purpose of this filing is to eliminate the gateway of facilities of Litecraft-Luminous Ceilings, Division of Celotex Corporation at or near Scottsboro, Ala.

No. MC 121060 (Sub-E74), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Calhoun, Cleburne, Randolph, and Clancy Counties, Ala., to points in Mississippi, on and west of a line commencing at the Mississippi-Tennessee State line, thence along U.S. Highway 51 to its intersection with Mississippi Highway 8, thence along Mississippi Highway 8 to the Arkansas-Mississippi State line. The purpose of this filing is to eliminate the gateway of the facilities of Litcraft-Luminous Ceilings, Division of the Celotex Corporation, at or near Scottsboro, Ala.

No. MC 121060 (Sub-E75), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Madison, Marshall, Jackson, and De Kalb Counties, Ala., to points in Louisiana. The purpose of this filing is to eliminate the gateway of facilities of Litecraft-Luminous Ceilings, Division of Celotex Corporation at or near Scottsboro, Ala.

No. MC 121060 (Sub-E77), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Limestone and Morgan Counties, Ala., to points in Camaron, Jefferson, Calcasieu, and Beauregard Parishes, La. The purpose of this filing is to eliminate the gateway of facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at or near Scottsboro, Ala.

No. MC 121060 (Sub-E78), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from Mobile, Ala., to points in Maryland, Ohio, West Virginia, Washington, D.C., Pennsylvania, New Jersey, Delaware, Minnesota, Wisconsin, Michigan, Maine, New Hampshire, Vermont, Connecticut, New York, and Virginia. The purpose of this filing is to eliminate the gateway of Demopolis, Ala., and the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-E79), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from Mobile, Ala., to points in Kentucky, on and east of a line commencing at the Indiana-Kentucky State line, thence along U.S. Highway 41 to its intersection with U.S. Highway 62, thence along U.S. Highway 62 to its intersection with U.S. Highway 431, thence along U.S. Highway 431 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Demopolis, Ala., and the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-E83), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers; adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from Mobile, Ala., to points in Iowa, on and north of a line commencing at the Missouri-Iowa State line, thence along Interstate Highway 35 to its intersection with Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of Demopolis, Ala. and the facilities of Litecraft-Luminous

Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-E84), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Muscogee, Chattahoochee, and Harris Counties, Ga., to points in Illinois, New Hampshire, Vermont, Connecticut, New York, Minnesota, Wisconsin, Michigan, Maine, New Jersey, Delaware, Pennsylvania, Ohio, Oklahoma, Missouri, Iowa, and Kansas. The purpose of this filing is to eliminate the gateway of Lee County, Ala. and the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-E85), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Muscogee, Chattahoochee, and Harris Counties, Ga., to points in Kentucky, on and west of a line commencing at the Kentucky-Tennessee State line, thence along U.S. Highway 27 to its intersection with U.S. Highway 68, thence along U.S. Highway 68 to the Kentucky-Ohio State line. The purpose of this filing is to eliminate the gateway of Lee County, Ala. and the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-E87), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Muscogee, Chattahoochee, and Harris Counties, Ga., to points in Virginia, on and north of a line commencing at the Virginia-West Virginia State line, thence along Virginia Highway 259 to its intersection with U.S. Highway 11, thence along U.S. Highway 11 to its intersection with U.S. Highway 211, thence along U.S. Highway 211 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to the Maryland State line, and points in Maryland, on and north of a line commencing at the Maryland-Virginia State line, thence extending along U.S. Highway 15 to its intersection with U.S. Highway 40, thence along U.S. Highway 40 to its intersection with Interstate Highway 695, thence along Interstate Highway 695 to its intersection with Maryland Highway 2, thence along Maryland Highway 2 to its intersection with U.S. Highway 50, thence along U.S. Highway 50 to its intersection with U.S. Highway 301, thence along U.S. Highway 301 to its intersection with Maryland Highway 300, thence along Maryland Highway 300 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateway of Lee County, Ala. and the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-E88), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Muscogee, Chattahoochee, and Harris Counties, Ga., to points in Mississippi, on and north of U.S. Highway 78. The purpose of this filing is to eliminate the gateway of Lee County, Ala., and the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-E89), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Muscogee, Chattahoochee, and Harris Counties, Ga., to points in Arkansas, on and north of a line commencing at the Arkansas-Louisiana State line, thence extending along U.S. Highway 79 to its intersection with U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line. The purpose of this filing is to eliminate the gateway of Lee County, Ala., and the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 121060 (Sub-E90), filed May 28, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 West 3rd Street, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators and roofing caps, and materials and supplies used in the installation of any commodity named above* (except in bulk), from points in Muscogee, Chattahoochee, and Harris Counties, Ga., to points in Texas, on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of Lee County, Ala. and the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corporation, located at or near Scottsboro, Ala.

No. MC 124211 (Sub-E24), filed April 22, 1974. Applicant: HILT-TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *N ew empty container* from the plantsite or warehouses of Owens-Illinois, Inc., at Streator, Ill., to points in California, those in Texas on and west of U.S. Highway 75, and Paris, Tex., (Nebraska)*; and *New empty glass containers*, from the plantsite or warehouses of Owens-Illinois, Inc., at Streator, Ill., to points in Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming, those in Iowa on and west of U.S. Highway 59, those in Minnesota on and west of U.S. Highway 75, those in Oklahoma on and west of U.S. Highway 75, Red Oak, Iowa, Muskogee, Okla. (Alliance, David City, Fairburg, Fremont, Lincoln, McCook, Norfolk, Omaha, and Scottsbluff, Nebr.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 124211 (Sub-E32), filed April 22, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, except in bulk, from Belleville, Ill., to those points in Kansas on, north, and west of a line beginning at the Kansas-Missouri State line and extending along

Interstate Highway 70 to junction Interstate Highway 35, to the Kansas-Oklahoma State line, and those in Oklahoma on and west of U.S. Highway 183. The purpose of this filing is to eliminate the gateway of Weston, Mo.

No. MC 124211 (Sub-E57), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Ohama, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen beverages* from points in California to points in South Dakota (Alliance, David City, Fairbug, Fremont, Lincoln, McCooh, Norfolk, Omaha, and Scottsbluff, Nebr.)*; and *Unfrozen alcoholic beverages* except in bulk, from points in California to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway as indicated by an asterisk above.

No. MC 138274 (Sub-E2), filed June 23, 1974. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 1522 K St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, and *frozen inedible meat* (except liquid commodities and commodities in bulk, in tank or hopper type vehicles) from Seattle, Washington to points in Nebraska and those points in South Dakota located on east and south of U.S. Highway 14 beginning at the Minnesota-South Dakota line to the junction of U.S. Highway 83 near Pierre, thence over U.S. Highway 83 to the junction of Interstate 90, thence over Interstate 90 to U.S. Highway 83, thence over U.S. Highway 83 to junction U.S. Highway 18, thence over U.S. Highway 18 to U.S. Highway 83, thence over U.S. Highway 83 to the Nebraska-South Dakota line. The purpose of this filing is to eliminate the gateway of Ogden, Utah.

No. MC 124211 (Sub-No. E63), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, restricted to processed meats, meat products, and meat by-products (except commodities in bulk and frozen foods), (1) from points in Nebraska (except points in Nemaha, Otoe, Richardson, Johnson, Pawnee, Gage, Jefferson, Thayer, Nuckolls, Webster, Franklin, Harlan, and Furnas Counties), to points in Arkansas; (2) from points in Otoe, Gage, Jefferson, Thayer, Nuckolls, Webster, Franklin, and Furnas Counties, Nebr., to those points in Arkansas on and east of U.S. Highway 65; (3) from points in Nebraska (except those in Nemaha and Richardson Counties), to points in Louisiana; (4) from points in Nebraska (except those in Nemaha and Richardson Counties), to points in Mississippi; (5) from those points in Nebraska on and north of U.S. Highway 34 and east of U.S. Highway 81 (except those in York County), to points in Oklahoma; (6) from points in Scottsbluff County, Nebr., to those points in Oklahoma on and east of Interstate Highway 35; (7) from those points in Nebraska on and north of Interstate Highway 80, and east of U.S. Highway 81, to points in Texas; (8) from those points in Nebraska on and north of U.S. Highway 30 and west of U.S. Highway 81, (except those in Scottsbluff County), to those points in Texas on and east of U.S. Highway 75; and (9) from points in Scottsbluff County, Nebr., to those points in Texas on and east of U.S. Highway 77; (Lincoln, Nebr.)*; and *meat products and meat by-products*, as defined by the Commission, (1) from points in Nebraska (except those in Nemaha and Richardson Counties), to points in Michigan (except the Upper Peninsula).

(2) From those points in Nebraska on and south of U.S. Highway 30, to those points in the Upper Peninsula of Michigan; (3) from those points in Nebraska on and south of U.S. Highway 30, to points in Minnesota; (4) from points in Scotts Bluff County, Nebr., to those points in Minnesota on and east of U.S. Highway 71, Worthington, Minn.; (5) from those points in Nebraska on and north of U.S. Highway 6, to points in Missouri (except Carthage and those west of U.S. Highway 169 and north of U.S. Highway 36); (6) from those points in Nebraska on and north of U.S. Highway 30, to those points in Missouri west of U.S. Highway 169 and north of U.S. Highway 36; (7) from those points in Nebraska on and south of Nebraska Highway 92 and east of Nebraska Highway 15, to points in North Dakota; (8) from those points in Nebraska on and south of U.S. Highway 34 and west of Nebraska Highway 15, to those points in North Dakota on and east of U.S. Highway 81; (9) from points in Nebraska, to points in Ohio; (10) from those points in Nebraska on and south of U.S. Highway 30, and on and east of Nebraska Highway 15 (except those in Washington County), to points in South Dakota (except those in Clay and Union Counties); (11) from those points in Nebraska on and south of U.S. Highway 34 and west of Nebraska Highway 15, to those points in South Dakota on and east of Interstate Highway 29 (except those in Clay and Union Counties); (12) from those points in Nebraska on and south of U.S. Highway 30 (except those in Washington, Nemaha, and Richardson Counties), to points in Wisconsin; (13) from those points in Nebraska north of U.S. Highway 30, west of U.S. Highway 83, and south of Nebraska Highway 2 (except those in Dawes and Sioux Counties), to points in Wisconsin; (14) from points in Madison County, Nebr., to points in Wisconsin (except those west of U.S. Highway 53).

(15) From points in Dakota County, Nebr., to those points in Wisconsin on and east of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 41 to junction U.S. Highway 151, thence along U.S. Highway 151 to Madison, thence along U.S. Highway 14 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Illinois-Wisconsin State line; (16) from those points in Nebraska on and south of U.S. Highway 30, and east of U.S. Highway 77, to points in Wyoming; (17) from those points in Nebraska on and north of U.S. Highway 30, and on and east of U.S. Highway 77, to those points in Wyoming on and south of U.S. Highway 26; (18) from those points in Nebraska on and south of U.S. Highway 34 (except points in Nemaha and Richardson Counties), to those points in Illinois on and north of Illinois Highway 2; (19) from those points in Nebraska on and north of U.S. Highway 34, to those points in Illinois on and south of Illinois Highway 2; (20) from points in Nebraska (except points in Nemaha and Richardson Counties), to points in Indiana; (21) from points in Nemaha and Richardson Counties, Nebr., to those points in Indiana on and north of U.S. Highway 50; (22) from those points in Nebraska on and west of U.S. Highway 81 (except points in Red Willow and Scottsbluff Counties), to those points in Iowa on and south of U.S. Highway 6; (23) from those points in Nebraska on and south of U.S. Highway 6 and west of U.S. Highway 77 (except points in Red Willow County), to those points in Iowa on and north of U.S. Highway 6; (24) from points in Red Willow and Scottsbluff Counties, Nebr., to points in Iowa; (25) from points in Madison County, Nebr., to Cedar Rapids, Iowa; (26) from those points in Nebraska on and north of Nebraska Highway 92 and east of U.S. Highway 77, to points in Kansas; and (27) from points in Madison County, Nebr., to those points in Kansas on, east and south of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line (Saunders County, Nebr.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 124211 (Sub-E73), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni, Noodles, Grain Products, Food Products, Pancake and Cake Flour, Spaghetti*, and *Vermicelli* (except frozen foods, potato products, meat and packinghouse products, and commodities in bulk), between points in Idaho, Montana, North Dakota, and South Dakota, on the one hand and, on the other points in Arkansas, Louisiana, and Mississippi, restricted against the transportation of inedible grain

products from points in Arkansas, Louisiana, Mississippi to points in South Dakota, and *Grain products and food products* (except frozen foods and commodities in bulk), between points in Nebraska (except points in Johnson, Nemaha, Richardson, and Pawnee Counties), on the one hand and, on the other, points in Louisiana, and Mississippi; and, between points in Johnson, Nemaha, Richardson, and Pawnee Counties, Nebraska, on the one hand and, on the other, points in Louisiana and Mississippi on and south of U.S. Highway 84. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC 138274 (Sub-E3), filed June 23, 1975. Applicant: SHIPPER'S BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 1522 K St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and Poultry feed*, and *inedible frozen meat* (except liquid commodities and commodities in bulk, in tank or hopper type vehicles) from Seattle, Washington, to points in Colorado, Kansas, Missouri, Iowa, Arizona, Michigan, Illinois, Ohio, and Indiana. The purpose of this filing is to eliminate the gateway of Ogden, Utah.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-18996 Filed 7-21-75;8:45 am]

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PART II

# FEDERAL ENERGY ADMINISTRATION

■

# NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

## Supplier Percentage Notice for August 1975

## FEDERAL ENERGY ADMINISTRATION

### NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

#### Supplier Percentage Notice for August 1975

Pursuant to the provisions of 10 CFR 211.163(b)(2), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility and the percentage of such volumes required to be supplied by each supplier for delivery in August 1975. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities and suppliers, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix.

The utility allocations were determined after review of the relative availability of supplies of residual fuel oil for allocation to both utility and non-utility uses. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b)(2) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Forms 23 and 23A submitted by utilities;

2. Natural gas curtailments;

3. FEA's prediction that the supply level of residual fuel oil is expected to generally equate to the total demand.

The amounts shown in the Appendix are the quantities of residual fuel oil to be delivered to the utilities listed during the month of August 1975. Some utilities will not receive any allocation for this month for various reasons including the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEA burn level. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of August to avoid undue hardship. FEA will consider special circumstances such as unexpected outages which cause fuel consumption to exceed FEA burn levels in any month. Such corrections or adjustments shall be made pursuant to Subparts B and C of 10 CFR Part 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Forms 23 and 23A. Thus, the timely submission of these forms will be a necessary prerequisite to receiving future allocations.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., July 16, 1975.

ROBERT E. MONTGOMERY, Jr.,
*General Counsel.*

APPENDIX—Residual fuel allocations to utilities for August 1975

| | Recommended FEA burn | By supplier | | Total (barrels) |
|---|---|---|---|---|
| | | Percent | Barrels | |
| **1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)** | | | | |
| Connecticut: | | | | |
| United Illuminating Co | 691,000 | | | 691,000 |
| Wyatt, Inc. (Exxon) | | 13.00 | 89,830 | |
| Texaco | | 87.00 | 601,170 | |
| Northeast Utilities | 1,255,666 | | | 1,255,666 |
| Tad Jones Co. (Gulf) | | 21.00 | 263,693 | |
| Wyatt, Inc. (Exxon) | | 10.00 | 125,568 | |
| H. N. Hartwell & Son, Inc | | 1.00 | 12,557 | |
| Amerada Hess Corp | | 68.00 | 853,864 | |
| Maine: | | | | |
| Bangor Hydro Electric Co | 11,547 | | | 11,547 |
| Sprague | | 100.00 | 11,547 | |
| Central Maine Power Co | 271,000 | | | 271,000 |
| Texaco | | 100.00 | 271,000 | |
| Maine Public Service Co | 429 | | | 429 |
| Dead Riv. O. (Sprague) | | 100.00 | 429 | |
| Massachusetts: | | | | |
| Boston Edison Co | 1,583,000 | | | 1,583,000 |
| Sprague | | 12.00 | 180,960 | |
| White Fuel (Texaco) | | 46.00 | 728,180 | |
| Exxon | | 42.00 | 664,860 | |
| Fitchburg Gas & Electric | 4,000 | | | 4,000 |
| Northeast Petroleum | | 100.00 | 4,000 | |
| E. Util. Assoc. (Montaup & BL | 199,000 | | | 199,000 |
| Texaco | | 100.00 | 199,000 | |
| Braintree Electric Light Department | 17,960 | | | 17,960 |
| C. K. Smith (Gold. Eagle) | | 100.00 | 17,960 | |
| Holyoke Gas & Electric | 11,820 | | | 11,820 |
| Wyatt Inc (Exxon) | | 100.00 | 11,820 | |
| Peabody Electric Light Department | 0 | | | 0 |
| Taunton Municipal Light | 109,844 | | | 109,844 |
| Quincy Oil Co. (Exxon) | | 100.00 | 109,844 | |
| New England, G&E | 755,000 | | | 755,000 |
| New England Petro | | 84.80 | 640,240 | |
| White Fuel (Texaco) | | 15.20 | 114,760 | |
| New England, Electric | 1,699,000 | | | 1,699,000 |
| Asiatic Petro Corp | | 60.00 | 1,019,400 | |
| Prulease | | .10 | 1,699 | |
| Gold, Eagle | | 39.90 | 677,901 | |
| New Hampshire: | | | | |
| Public Service of New Hampshire | 143,000 | | | 143,000 |
| Sprague | | 26.30 | 37,609 | |
| Conoco | | 73.70 | 105,391 | |
| New York: | | | | |
| Central Hudson Gas & Electric | 1,324,369 | | | 1,324,369 |
| Amerada Hess Corp | | 100.00 | 1,324,369 | |
| Consolidated Edison of New York | 4,623,000 | | | 4,623,000 |
| New England Petro | | 45.50 | 2,103,465 | |
| Amerada Hess Corp | | 22.30 | 1,030,929 | |
| Exxon | | 20.80 | 961,584 | |
| Texaco | | 11.40 | 527,022 | |
| Long Island Light Co | 1,581,000 | | | 1,581,000 |
| New England Petro | | 100.00 | 1,581,000 | |
| Orange & Rockland Utility | 1,068,500 | | | 1,068,500 |
| New England Petro | | 51.50 | 550,278 | |
| Howard Oil Co | | 11.20 | 119,672 | |
| Amerada Hess Corp | | 29.90 | 319,481 | |
| Asiatic Petroleum | | 7.40 | 79,069 | |
| Rochester Gas & Electric | 62,609 | | | 62,609 |
| Allied Oil | | 29.70 | 18,594 | |
| Monoco Oil Co | | 70.30 | 44,014 | |
| Freeport, Village of | 24,142 | | | 24,142 |
| Burns Bros. O. (Nepco) | | 100.00 | 24,142 | |
| Niagara Mohawk Power Co | 769,277 | | | 769,277 |
| New England Petro | | 100.00 | 769,277 | |
| Rhode Island: | | | | |
| Newport Electric Corp | 4,710 | | | 4,710 |
| C. K. Smith | | 100.00 | 4,710 | |
| **2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)** | | | | |
| Delaware: | | | | |
| Delmarva Power & Light | 753,000 | | | 753,000 |
| Gulf | | 8.00 | 60,240 | |
| Steuart Petroleum Co | | 22.00 | 165,660 | |
| Conoco | | 65.00 | 489,450 | |
| Texaco | | 5.00 | 37,650 | |
| Dover, City of | 92,000 | | | 92,000 |
| Texaco | | 100.00 | 92,000 | |
| District of Columbia: | | | | |
| Potomac Electric Power | 1,357,000 | | | 1,357,000 |
| Steuart Petroleum Co | | 21.00 | 284,970 | |
| Asiatic Petro Corp | | 79.00 | 1,072,030 | |

APPENDIX—Residual fuel allocations to utilities for August 1975

| | Recommended FEA burn | By supplier | | Total (barrels) |
|---|---|---|---|---|
| | | Percent | Barrels | |
| **2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)—Continued** | | | | |
| Maryland: | | | | |
| Baltimore Gas & Electric | 1,018,105 | | | 1,018,105 |
| Amerada Hess Corp | | 52.70 | 536,541 | |
| Exxon | | 47.30 | 481,563 | |
| New Jersey: | | | | |
| Public Service Electric | 1,684,194 | | | 1,684,194 |
| Amerada Hess Corp | | 78.00 | 1,313,671 | |
| Exxon | | 22.00 | 370,522 | |
| Vineland, City of Electric | 49,777 | | | 49,777 |
| British Petroleum | | 100.00 | 49,777 | |
| Atlantic City Electric Co | 576,531 | | | 576,531 |
| Amerada Hess Corp | | 60.00 | 345,919 | |
| Conoco | | 40.00 | 230,612 | |
| GPU Integrated System | 422,540 | | | 422,540 |
| Shipley-Humble | | 1.00 | 4,225 | |
| Amerada Hess Corp | | 94.00 | 397,187 | |
| Swann Oil, Inc | | 5.00 | 21,127 | |
| Pennsylvania: | | | | |
| Pennsylvania Power & Light | 428,500 | | | 428,500 |
| Amerada Hess | | 100.00 | 428,500 | |
| Philadelphia Electric Co | 1,023,200 | | | 1,023,200 |
| New England Petro | | 2.10 | 21,487 | |
| Amerada Hess Corp | | 21.50 | 219,988 | |
| Arco | | 28.50 | 291,612 | |
| Gulf | | 9.00 | 92,088 | |
| Conoco | | 14.90 | 152,456 | |
| Texaco | | 24.00 | 245,568 | |
| **3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)** | | | | |
| Florida: | | | | |
| Florida Power & Light | 3,383,000 | | | 3,383,000 |
| Exxon | | 15.00 | 507,450 | |
| Belcher Oil (Exxon) | | 85.00 | 2,875,550 | |
| Florida Power Corporation | 1,818,000 | | | 1,818,000 |
| Amerada Hess Corp | | 40.00 | 727,200 | |
| Exxon | | 60.00 | 1,090,800 | |
| Gulf Power Co | 0 | | | 0 |
| Tampa Electric Co | 163,624 | | | 163,624 |
| Western (New England Petroleum) | | 100.00 | 163,624 | |
| Fort Pierce, City of | 65,000 | | | 65,000 |
| Belcher | | 100.00 | 65,000 | |
| Gainesville, City of | 109,164 | | | 109,164 |
| Eastern Seaboard | | 100.00 | 109,164 | |
| Jacksonville Electric Authority | 875,000 | | | 875,000 |
| Ven Fuel, Inc | | 82.60 | 722,750 | |
| New England Petro | | 8.70 | 76,125 | |
| Amerada Hess Corp | | 8.70 | 76,125 | |
| Key West Utilities | 14,844 | | | 14,844 |
| Standard Oil-Kentucky | | 100.00 | 14,844 | |
| Lake Worth Utility Authority | 0 | | | 0 |
| Lakeland Light & Water Department | 142,496 | | | 142,496 |
| Belcher (Standard Oil-Kentucky) | | 100.00 | 142,496 | |
| New Smyrna Beach | 0 | | | 0 |
| Orlando Utilities Commission | 449,000 | | | 449,000 |
| Belcher | | 100.00 | 449,000 | |
| Sebring Utilities Commission | 5,305 | | | 5,305 |
| Union Oil of California | | 100.00 | 5,305 | |
| Tallahassee, City of | 78,021 | | | 78,021 |
| Union Oil of California | | 100.00 | 78,021 | |
| Vero Beach Municipal Power | 41,416 | | | 41,416 |
| Belcher Oil (Exxon) | | 100.00 | 41,416 | |
| Florida Keys Electric Coop | 0 | | | 0 |
| Georgia: | | | | |
| Georgia Power Co | 91,602 | | | 91,602 |
| New England Petro | | 100.00 | 91,602 | |
| Savannah Electric & Power | 231,258 | | | 231,258 |
| Colonial Oil (Exxon) | | 100.00 | 231,258 | |
| Mississippi: | | | | |
| Mississippi Power Co | 28,000 | | | 28,000 |
| Baker Service (Exxon) | | 55.00 | 15,400 | |
| Ergon (International Trading) | | 45.00 | 12,600 | |
| South Mississippi Electric | 95,174 | | | 95,174 |
| Southland Oil | | 83.00 | 78,994 | |
| Amerada Hess Corp | | 17.00 | 16,179 | |
| North Carolina: | | | | |
| Carolina Power & Light | 0 | | | 0 |
| South Carolina: | | | | |
| South Carolina Public Service Authority | 0 | | | 0 |
| South Carolina Electric & Gas Co | 510,000 | | | 510,000 |
| Exxon | | 100.00 | 510,000 | |
| Virginia: | | | | |
| Virginia Electric Power | 2,024,700 | | | 2,024,700 |
| Amerada Hess Corp | | 16.60 | 336,100 | |
| Exxon | | 47.30 | 957,683 | |
| Amoco | | 20.50 | 415,004 | |
| New England Petroleum | | 15.60 | 315,853 | |
| **4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)** | | | | |
| Arkansas: | | | | |
| Jonesboro Water & Light | 2,604 | | | 2,604 |
| E. L. Bride (Midland) | | 17.00 | 442 | |
| Delta Refining Co | | 83.00 | 2,161 | |
| Arkansas Elec Coop | 64,183 | | | 64,183 |
| Logicon Inc (Shell) | | 80.00 | 51,346 | |
| E. L. Bride (Texaco) | | 20.00 | 12,836 | |

APPENDIX—Residual fuel allocations to utilities for August 1975

| | Recommended FEA burn | By supplier | | Total (barrels) |
|---|---|---|---|---|
| | | Percent | Barrels | |
| **4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)—Continued** | | | | |
| Colorado: | | | | |
| CT&U, South Colorado Power Division | 0 | | | 0 |
| Kansas: | | | | |
| Central Kansas Power | 13,279 | | | 13,279 |
| GR. PLS(CRA-Farmland) | | 100.00 | 13,279 | |
| Kansas Gas & Electric | 252,179 | | | 252,179 |
| Asph & Petro Indust | | 84.70 | 213,595 | |
| Frontier production | | 15.30 | 38,583 | |
| Kansas Power & Light | 176,059 | | | 176,059 |
| GR PLS | | 38.40 | 67,606 | |
| National Coop Refinery | | 15.50 | 27,289 | |
| Phillips Petroleum | | 46.10 | 81,163 | |
| CT&U, Western Power Division | 13,642 | | | 13,642 |
| Amoco | | 73.00 | 9,959 | |
| North American Petroleum | | 23.00 | 3,137 | |
| Carter Water | | 4.00 | 546 | |
| Chanute, city of | 1,640 | | | 1,640 |
| Mid Amer. Refining | | 100.00 | 1,640 | |
| Clay Center Light & Water | 0 | | | 0 |
| Coffeyville Light & Power | 0 | | | 0 |
| Larned Water & Electric | 0 | | | 0 |
| McPherson Board of Public Utilities | 4,600 | | | 4,600 |
| National Coop Refinery | | 100.00 | 4,600 | |
| Ottawa Water & Light | 0 | | | 0 |
| Louisiana: | | | | |
| Central Louisiana Electric | 0 | | | 0 |
| Jonesboro Power & Light | 0 | | | 0 |
| Southwestern Electric Power | 16,032 | | | 16,032 |
| Falco | | 100.00 | 16,032 | |
| Middle South Services | 2,183,000 | | | 2,183,000 |
| E. L. Bride (OKC Ref.) | | 1.70 | 37,111 | |
| Tauber Oil Co | | 20.50 | 447,515 | |
| Ergon Inc (Exxon) | | 3.80 | 82,954 | |
| Reese Oil (Sun Oil) | | .30 | 6,549 | |
| Shell | | 21.30 | 464,979 | |
| Exxon | | 12.90 | 281,607 | |
| Texaco | | 9.50 | 207,385 | |
| Murphy Oil Corp | | 30.00 | 654,900 | |
| Mississippi: | | | | |
| Clarksdale Water & Light | 11,111 | | | 11,111 |
| Southland Oil | | 100.00 | 11,111 | |
| Yazoo City Public Service | 0 | | | 0 |
| Missouri: | | | | |
| St. Joseph Light & Power | 0 | | | 0 |
| Empire Dist. Elec | 0 | | | 0 |
| Oklahoma: | | | | |
| Oklahoma Gas & Electric | 0 | | | 0 |
| Blackwell Water & Light | 0 | | | 0 |
| Western Farmers Electric Coop | 0 | | | 0 |
| Texas: | | | | |
| Gulf States Utilities | 0 | | | 0 |
| **5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)** | | | | |
| Dallas Power & Light | 0 | | | 0 |
| Houston Light & Power | 0 | | | 0 |
| Texas Electric Service | 0 | | | 0 |
| Texas Power & Light | 0 | | | 0 |
| West Texas Utilities | 94,896 | | | 94,896 |
| Pride Refining Inc | | 100.00 | 94,896 | |
| Austin City Electric Department | 0 | | | 0 |
| Bryan, City of | 0 | | | 0 |
| Garland, City of | 0 | | | 0 |
| Lower Colorado River Authority | 0 | | | 0 |
| San Antonio Public Service | 499 | | | 499 |
| Tesoro | | 100.00 | 499 | |
| Brazos Electric Coop | 0 | | | 0 |
| Medina Electric Coop | 0 | | | 0 |
| **6. MID-AMERICA INTERPOOL NETWORK (MAIN)** | | | | |
| Illinois: | | | | |
| Commonwealth Edison Co | 340,000 | | | 340,000 |
| Allied O | | 98.00 | 333,200 | |
| Clark Oil & Ref. Corp | | 2.00 | 6,800 | |
| Illinois Power Co | 26,000 | | | 26,000 |
| Allied O | | 100.00 | 26,000 | |
| Missouri: | | | | |
| Union Electric | 0 | | | 0 |
| Wisconsin: | | | | |
| Superior Water & Light | 9,524 | | | 9,524 |
| Murphy Oil Corp | | 100.00 | 9,524 | |
| Wisconsin Electric Power | 1,235 | | | 1,235 |
| Industrial Fuel & Asphalt | | 100.00 | 1,235 | |
| **7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)** | | | | |
| Iowa: | | | | |
| Atlantic Municipal Utility | 0 | | | 0 |
| Lamont Municipal | 0 | | | 0 |
| Interstate Power | 9,473 | | | 9,473 |
| Northwestern Ref | | 100.00 | 9,473 | |

APPENDIX—Residual fuel allocations to utilities for August 1975

| | Recommended FEA burn | By supplier | | Total (barrels) |
|---|---|---|---|---|
| | | Percent | Barrels | |
| **7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)—Continued** | | | | |
| Minnesota: | | | | |
| Minnesota Power & Light | 30,700 | | | 30,700 |
| Murphy Oil | | 100.00 | 30,700 | |
| Austin Utilities | 0 | | | 0 |
| Fairmont Water & Light | 0 | | | 0 |
| Marshall Municipal Utility | 0 | | | 0 |
| Owatonna Municipal Utility | 0 | | | 0 |
| Worthington, City of | 0 | | | 0 |
| Northern States Power | 0 | | | 0 |
| Nebraska: | | | | |
| Central Nebraska Public | 66,316 | | | 66,316 |
| Farmland Industries | | 100.00 | 66,316 | |
| Fairbury Light & Water | 0 | | | 0 |
| Grand Island Electric | 25,331 | | | 25,331 |
| F. L. Bride | | 100.00 | 25,331 | |
| Hastings Utilities Department | 423 | | | 423 |
| Carter Water | | 100.00 | 423 | |
| Lincoln Electric System | 0 | | | 0 |
| Nebraska Public Power Dist | 0 | | | 0 |
| Omaha Public Power Dist | 0 | | | 0 |
| Wisconsin: | | | | |
| Lake Superior Dist. Power | 15,500 | | | 15,500 |
| Dome Petroleum | | 100.00 | 15,500 | |
| **8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)** | | | | |
| Michigan: | | | | |
| Clinton Light & Water | 504 | | | 504 |
| Crystal Refining Co | | 100.00 | 504 | |
| Grand Haven Bd. Pub | 462 | | | 462 |
| Osceola Ref | | 100.00 | 462 | |
| Hillsdale Board of Public Works | 344 | | | 344 |
| Lewis (Gladieux Ref) | | 100.00 | 344 | |
| Consumers Power | 589,260 | | | 589,260 |
| Murphy Michigan Division Amoco | | 6.00 | 35,355 | |
| Enterprise Oil Co | | 6.00 | 35,355 | |
| Indust Fuel & Asphalt | | 2.00 | 11,785 | |
| Rupp Oil Co | | 2.00 | 11,785 | |
| Consumers Power-Crude | | 54.00 | 318,200 | |
| Boron Oil (Standard) | | 3.00 | 17,677 | |
| Gladieux Ref | | 1.00 | 5,892 | |
| Lakeside Refining Co | | 14.00 | 82,496 | |
| Total Leonard Inc | | 4.00 | 23,570 | |
| Osceola Refining Co | | 8.00 | 47,140 | |
| Detroit Edison Co | 610,392 | | | 610,392 |
| Enterprise Oil Co | | 4.80 | 29,298 | |
| Canadian Fuel Marketers | | 9.90 | 60,428 | |
| Petro Products | | 5.40 | 32,961 | |
| Sun Oil Ltd | | 70.00 | 427,274 | |
| Marathon Oil | | 9.90 | 60,428 | |
| Ohio: | | | | |
| Cleveland Electric Illumin | 25,095 | | | 25,095 |
| Allied O. (Ashland) | | 100.00 | 25,095 | |
| Toledo Edison | 11,335 | | | 11,335 |
| Sun Oil | | 100.00 | 11,335 | |
| Pennsylvania: | | | | |
| Allegheny Power Service | 21,210 | | | 21,210 |
| Allied O. (Nepco) | | 100.00 | 21,210 | |
| **9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)** | | | | |
| Arizona: | | | | |
| Tucson Gas & Electric | 240,485 | | | 240,485 |
| Golden Gate Petro | | 22.00 | 52,906 | |
| Tosco | | 43.00 | 103,408 | |
| Holland Oil (Tosco) | | 5.00 | 12,024 | |
| Union Oil of California | | 25.00 | 60,121 | |
| Navajo Refining | | 5.00 | 12,024 | |
| Salt River Project | 174,000 | | | 174,000 |
| Gustafson Oil Co | | .90 | 1,566 | |
| Douglas Oil Co | | 2.80 | 4,872 | |
| Little America | | 19.70 | 34,278 | |
| Tesoro | | 12.40 | 21,576 | |
| Macmillan | | 17.00 | 29,580 | |
| Powerine Oil Co | | 18.10 | 31,494 | |
| San Joaquin Ref | | 29.10 | 50,634 | |
| Arizona Public Service Co | 302,368 | | | 302,368 |
| Pacific Southwest | | 16.50 | 49,890 | |
| Basin Fuels | | 4.00 | 12,094 | |
| Union Oil of California | | 63.00 | 190,491 | |
| San Joaquin Ref | | 16.50 | 49,890 | |
| California: | | | | |
| Pacific Gas & Electric Co | 1,134,000 | | | 1,134,000 |
| ARCO | | 71.30 | 808,542 | |
| Phillips Petroleum | | 24.00 | 272,160 | |
| Union Oil of California | | 4.70 | 53,298 | |
| San Diego Gas & Electric | 386,018 | | | 386,018 |
| Hirl | | 16.20 | 62,534 | |
| Tesoro | | 32.70 | 126,227 | |
| Union Oil of California | | 29.80 | 115,033 | |
| Edgington Oil Co | | 21.30 | 82,221 | |

APPENDIX—Residual fuel allocations to utilities for August 1975

| | Recommended FEA burn | By supplier | | Total (barrels) |
|---|---|---|---|---|
| | | Percent | Barrels | |
| **9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)—Continued** | | | | |
| Burbank City Public Service | 79,736 | | | 79,736 |
| Arco | | 100.00 | 79,736 | |
| Glendale Public Services | 107,358 | | | 107,358 |
| Powerine Oil Co | | 100.00 | 107,358 | |
| Imperial Irrigation Dist | 59,500 | | | 59,500 |
| Crescent Ref&O (Gulf) | | 100.00 | 59,500 | |
| Los Angeles Department of Water | 1,479,363 | | | 1,479,363 |
| Petrobay | | 7.60 | 112,431 | |
| Arco | | 59.80 | 884,659 | |
| Edgington Oil Co | | 20.90 | 309,186 | |
| Newhall Refining Co | | 5.00 | 73,968 | |
| Powerine Oil Co | | 3.20 | 47,339 | |
| San Joaquin Ref | | 3.50 | 51,777 | |
| Southern Calif. Edison | 3,187,000 | | | 3,187,000 |
| Exxon | | 20.40 | 650,148 | |
| Arco | | 7.80 | 248,586 | |
| Conoco | | 2.20 | 70,114 | |
| Texaco | | 9.70 | 309,139 | |
| Standard Oil-California | | 50.10 | 1,596,687 | |
| MacMillan R. F. Oil | | 3.00 | 95,610 | |
| Pacific Resources | | 6.80 | 216,716 | |
| Pasadena Power Co | 125,073 | | | 125,073 |
| Gold. Eagle | | 100.00 | 125,073 | |
| Colorado: | | | | |
| Public Service Colorado | 0 | | | 0 |
| Colorado Springs Light & Power | 0 | | | 0 |
| Lamar Light & Power | 0 | | | 0 |
| Montana: | | | | |
| Montana Power | 0 | | | 0 |
| Nevada: | | | | |
| Nevada Power Co | 52,000 | | | 52,000 |
| Gustafson Oil Co | | 54.00 | 28,080 | |
| Husky Oil Co | | 46.00 | 23,920 | |
| Sierra Pacific Power | 0 | | | 0 |
| New Mexico: | | | | |
| Public Service of New Mexico | 0 | | | 0 |
| Plains Electric Generation & Transmission | 0 | | | 0 |
| Oregon: | | | | |
| Pacific Power & Light Co | 204 | | | 204 |
| Standard Oil (Ind.) | | 100.00 | 204 | |
| Texas: | | | | |
| Community Public Service | 0 | | | 0 |
| El Paso Electric | 100,622 | | | 100,622 |
| Southern Union | | 74.50 | 74,963 | |
| Tesoro | | 25.50 | 25,658 | |
| Utah: | | | | |
| Utah Power & Light Co | 0 | | | 0 |
| Washington: | | | | |
| Puget Sound Power & Light | 0 | | | 0 |
| Seattle Department of Light | 0 | | | 0 |
| Tacoma Department of Public Utilities | 0 | | | 0 |
| **10. ALASKA SYSTEMS COORDINATING COUNCIL (ASCC)** | | | | |
| Alaska: | | | | |
| Cordova, Town of | 0 | | | 0 |
| Hawaii: | | | | |
| Hawaiian Electric Co | 767,291 | | | 767,291 |
| Standard Oil-California | | 100.00 | 767,291 | |
| Hilo Electric Light | 34,370 | | | 34,370 |
| Standard Oil-California | | 100.00 | 34,370 | |
| Kauai Electric | 13,045 | | | 13,045 |
| Standard Oil-California | | 100.00 | 13,045 | |
| Maui Electric | 37,217 | | | 37,217 |
| Standard Oil-California | | 100.00 | 37,217 | |
| **11. NOT OTHERWISE CLASSIFIED (NOC)** | | | | |
| Unknown: | | | | |
| Guam Power Authority | 151,019 | | | 151,019 |
| U.S. Navy | | 100.00 | 151,019 | |
| Unknown: | | | | |
| Puerto Rico Water Resources | 1,869,208 | | | 1,869,208 |
| Commonwealth Oil | | 50.00 | 934,604 | |
| Puerto Rico Sun Oil | | 30.00 | 560,762 | |
| Caribbean Gulf Ref | | 20.00 | 373,841 | |
| Unknown: | | | | |
| St. Croix, V. I. Water Power | 47,718 | | | 47,718 |
| Amerada Hess Corp | | 100.00 | 47,718 | |
| St. Thomas, V.I. Water Power | 34,947 | | | 34,947 |
| Amerada Hess Corp | | 100.00 | 34,947 | |

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