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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Twelve agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Weekly Briefings at the Office of the Federal Register

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

Title 7—Agriculture

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

[Valencia Orange Reg. 537]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 23–29, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.837 Valencia Orange Regulation 537.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues favorable. Prices f.o.b. for the week ending July 15 were $3.46 a carton on 630 cars as compared with $3.41 per carton on 471 cars during the prior week. Track and rolling supplies at 339 cars were down 62 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 20, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 23, 1976, through July 29, 1976, are hereby fixed as follows:

(i) District 1: 299,000 cartons;

(ii) District 2: 351,000 cartons;

(iii) District 3: Unlimited."

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

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

Dated: July 21, 1976.

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

[FR Doc.76–21507 Filed 7–21–76;8:45 am]

PART 914—HANDLING OF ORANGES GROWN IN THE INTERIOR DISTRICT OF FLORIDA

Termination

This document terminates Marketing Agreement No. 154 and Order No. 914 (7 CFR Part 914) regulating the handling of oranges grown in the Interior District of Florida, hereinafter referred to as "order", effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice of rulemaking with respect to termination of said order was published in the June 4, 1976, FEDERAL REGISTER (41 FR 22569). The notice provided that all written data, views, or arguments in connection with the proposed termination be submitted by July 1, 1976. None were received.

STATEMENT OF CONSIDERATION

This order was established in 1970, and has been inactive since 1972. A U.S. District Court ruled that the referendum held in connection with the promulgation proceedings was not in accordance with law. There has been little interest in reactivating the order in recent years.

The Interior Orange Marketing Committee's assets consist of approximately $3,600 in assessment funds and interest. These funds were collected during 1970–72. To the extent practicable, these funds will be returned, pro rata, to handlers. Funds which cannot be so returned will be made available to the University of Florida's Agricultural Research and Edu-

cation Center, Lake Alfred, Florida, for research on oranges.

FINDINGS AND ORDER

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, and pursuant to section 8c(16)(A) of the act (7 U.S.C. 608c(16)(A)), it is hereby found that the agreement and order no longer tend to effectuate the declared policy of the act and should be terminated and good cause exists for making this termination effective on September 30, 1976. It is further found that the above indicated funds should be refunded, pro rata, to handlers, to the extent possible, and all funds not so returned should be made available to the University of Florida's Agricultural Research and Education Center, Lake Alfred, Florida, for research on oranges. After disbursement of funds, current committee members and alternates should be relieved of further obligation under the order.

It is therefore ordered, That (1) Marketing Agreement No. 154 and Order No. 914 (7 CFR Part 914) are hereby terminated, (2) the Interior Orange Marketing Committee members and alternates, after disposition of committee funds and assets, are hereby relieved of their powers and duties under this order, and (3) committee assets consisting of approximately $3,600 in unexpended assessment funds are hereby directed to be returned, pro rata, to the extent possible, to handlers. Any funds unable to be so returned will be made available to the University of Florida's Agricultural Research and Education Center, Lake Alfred, Florida, for research on oranges.

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

Dated, July 16, 1976, to become effective September 30, 1976.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.76-21227 Filed 7-21-76;8:45 am]

[Bartlett Pear Reg. 11]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

This regulation, issued pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931), specifies grade and size requirements for fresh Bartlett pears shipped from Oregon and Washington during the period August 1 through September 15, 1976. The requirements are that Bartlett pears grade at least U.S. No. 1 and be not smaller than 165 size except such pears of the 150 size or larger must be at least U.S. No. 2 grade. Red Bartlett pears shall grade at least U.S. No. 1 and be not smaller than 180 size except such pears of the 165 size or larger must be at least U.S. No. 2 grade. Pears in specified containers shall grade at least U.S. No. 2 and be not smaller than 2¼ inches or 2⅛ inches in diameter as specified for the particular container. This action is necessary to assure that the pears shipped will be of suitable quality and size in the interest of consumers and producers. Several containers and packs are authorized to reflect trade preferences and needs.

This regulation is issued pursuant to the applicable provisions of the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The regulation was recommended by the Northwest Fresh Bartlett Pear Marketing Committee established under the said Marketing Agreement and Order. It is hereby found that the regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

This action reflects the Department's appraisal of the crop and the need for regulation based on current and prospective market conditions. Committee reports indicate that fresh shipments of Washington-Oregon Bartlett pears from the 1976 crop will total about 56,684 tons compared to 68,200 tons in 1975 and 49,300 tons in 1974. The regulation, as hereinafter set forth, is designed to prevent the handling during the aforesaid period of lower quality and smaller size Bartlett pears so as to provide good quality fruit in the interest of producers and consumers consistent with the objectives of the act.

The provisions which provide for less stringent size regulations for certain containers recognize the fact that (1) pears packed in the "western lug" are sold primarily to markets in the Northwestern states mostly for home canning, and (2) pears packed in "14 to 15 pound containers" are sold primarily in markets in the Midwestern states mostly for home canning. Conversely, the application of more stringent regulations for pears packed in the "standard western pear box", the "L. A. lug", or their carton equivalents, the half-carton, the master container containing overwrapped consumer packages of pears, or in "tight-filled" containers recognizes the fact that pears packed in these containers are primarily sold in supermarkets throughout the country for fresh consumption to be eaten out of hand. The special inspection requirement for minimum quantities, which exempts shipments up to an equivalent of 200 "standard western pear boxes" on any single conveyance from inspection requirements, except for spot check inspection, if certain reporting requirements are met, reflects the fact that such minimum quantity shipments are often shipped on the same conveyance as apples; that mandatory inspection of such minimum quantities would be unduly expensive and in some instances difficult to obtain; and that the total of such shipments is relatively inconsequential when compared with the total supply handled. The exemption of pears in gift packages from assessment, inspection, and certification reflects the fact that pears so handled are generally of high quality because they are sold in a market which demands high quality fruit. The exemption for individual shipments of 500 pounds or less of Bartlett pears sold for home use and not for resale and for pears in gift packages follows the custom and pattern of prior years. The quantity of pears so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impracticable to regulate the handling of such shipments due to the nearness of markets to the source of supply.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 1, 1976. The committee held an open meeting on July 9, 1976, after giving due notice thereof, to consider supply and market conditions for fresh Bartlett pears grown in Oregon and Washington, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting; the provisions of this regulation are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such pears. Shipments of Bartlett pears of the current crop are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all shipments of such Bartlett pears during the effective period hereof in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 931.311 **Bartlett Pear Regulation 11.**

Order. (a) During the period August 1, 1976, through September 15, 1976, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements or are handled in accordance with subparagraph (4) or (5) of this paragraph:

(1) *Minimum grade and size.* (i) Bartlett pears of varieties other than Red Bartletts, when packed in the standard western pear box, the "L.A. lug", or their carton equivalents, in half-cartons (con-

tainers with inside dimensions of 19¼ x 11½ x 5½ inches), in master containers containing overwrapped consumer packages of pears, or in "tight-filled" containers shall be of a size not smaller than 165 size and shall grade at least U.S. No. 1 Provided, That Bartlett pears of such varieties may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 150 size. Red Bartlett variety pears, when packed in any of the containers specified in this subdivision, shall be of a size not smaller than 180 size and shall grade at least U.S. No. 1 Provided, That pears of such variety may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 165 size.

(ii) Bartlett pears of any variety, when packed in the "western lug", shall grade at least U.S. No. 2 and be not less than 2¼ inches in diameter;

(iii) Bartlett pears of any variety, when packed in containers containing at least 14 pounds but not more than 15 pounds net weight, shall grade at least U.S. No. 2 grade and measure not less than 2⅛ inches in diameter.

(2) *Pack or container requirements.* Bartlett pears of any variety shall be packed in one of the following types of containers:

(i) "Standard western pear box" or "L.A. lug" or their carton equivalents;

(ii) "Western lug" or containers having a capacity equal to or greater than said lug;

(iii) "Half-carton" containers;

(iv) Containers of at least 14 pounds but not more than 15 pounds net weight;

(v) "Tight-filled" containers; or

(vi) Master containers containing overwrapped consumer packages.

(3) *Special inspection requirements for minimum quantities.* During the aforesaid period any handler may ship on any conveyance up to, but not in excess of, an amount equivalent to 200 "standard western pear boxes" of pears without regard to the inspection requirements of § 931.55 under the following conditions: (i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and (ii) on the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(4) *Special purpose shipments.* Notwithstanding any other provisions of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph and of §§ 931.41 and 931.55.

(5) Notwithstanding any other provisions of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph and of §§ 931.41 and 931.55:

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

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

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1", "U.S. No. 2", and "size" shall have the same meaning as when used in the United States Standards for Summer and Fall Pears (7 CFR 51.1260–51.1280); "150 size", "165 size," and "180 size" shall mean that the pears are of a size which pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 150, 165, or 180 pears, as the case may be, in a standard western pear box (inside dimensions 18 inches by 11½ by 8½ inches); the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration according to approved and recognized methods, and the term "master container" shall mean those containers containing overwrapped consumer packages of pears.

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

Dated, July 19, 1976, to become effective August 1, 1976.

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

[FR Doc.76-21226 Filed 7-21-76;8:45 am]

PART 948—IRISH POTATOES GROWN IN COLORADO; AREA NO. 3

Expenses and Rate of Assessment

This document authorizes the Colorado Area No. 3 Potato Committee to spend $2,191.40 for its operations during the fiscal period ending June 30, 1977, and to collect one-half cent per hundredweight on assessable potatoes handled by first handlers to defray such expenses.

The committee is the administrative agency established under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the July 2 FEDERAL REGISTER (41 FR 27336) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than July 15, 1976. None was received.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable potatoes from the beginning of such period.

The regulation follows:

§ 948.275 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1977, by the Area No. 3 Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $2,191.40.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-half cent ($0.005) per hundredweight or equivalent quantity of assessable potatoes handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 948.78.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

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

Dated: July 16, 1976.

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

[FR Doc.76-21192 Filed 7-21-76;8:45 am]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment

This document authorizes the Idaho-Eastern Oregon Onion Committee to spend $231,000 for its operations during the fiscal period ending June 30, 1977, and to collect $0.0525 per hundredweight on assessable onions handled by first handlers to defray such expenses.

The committee is the administrative agency established under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in Idaho and Malheur County, Oregon. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the July 2 FEDERAL REGISTER (41 FR 27386) regard-

ing the proposals. It afforded interested persons an opportunity to file written comments not later than July 15, 1976. None was filed.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable onions from the beginning of such period.

The regulation follows:

§ 958.220 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1977, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning and for such other purposes as the Secretary determines to be appropriate will amount to $231,000.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.0525 per hundredweight, or equivalent quantity, of assessable onions handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be caried over as a reserve to the extent authorized in § 958.44.

(d) Terms used in this section shall have the same meaning as when used in the marketing agreement and this part.

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

Dated: July 16, 1976.

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

[FR Doc.76-21191 Filed 7-21-76;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: MILK), DEPARTMENT OF AGRICULTURE

[Milk Order Nos. 1006, 1012, and 1013]

MILK IN THE UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas.

It is hereby found and determined that for the months of August and September 1976, the following provisions of the order do not tend to effectuate the declared policy of the Act:

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

In § 1006.13(b)—"that is neither an other order plant nor a producer-handler plant."

PART 1012—MILK IN TAMPA BAY MARKETING AREA

In § 1012.13(b)—"that is neither an other order plant nor a producer-handler plant."

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

In § 1013.13(b)—"that is neither an other order plant nor a producer-handler plant."

STATEMENT OF CONSIDERATION

This action suspends for August and September 1976 those provisions in each of the three Florida milk orders that preclude the diversion of producer milk to plants regulated under other Federal orders. This is a continuation of a similar suspension for the months of May, June and July that was issued on June 11, 1976 (41 FR 24337).

Each of the orders provides that producer milk may be diverted only to unregulated plants. Due to a lack of local manufacturing facilities, Florida cooperatives customarily have moved much of the reserve supplies associated with the fluid markets directly from local farms to a manufacturing plant at Franklinton, Louisiana, which until recently had been unregulated. However, the plant became regulated in April 1976 under the newly expanded New Orleans-Mississippi order. Although the cooperatives still need to use this plant for surplus disposal, the plant's regulated status precludes its use as an outlet for surplus milk if the milk is to retain producer status under the Florida orders.

Absent this suspension action, milk moved directly from farms to the Franklinton plant would be pooled under the New Orleans-Mississippi order. The effect would be to pass the burden of Florida's surplus milk to that order, thus unwarrantedly decreasing blend prices to that market's regular producers and unjustifiably increasing the blend prices for the Florida markets. Such a result would not be consistent with the intent of the Act.

On the basis of the Franklinton situation, the provisions of the Florida orders precluding diversions to other order plants were suspended pending a June 22 hearing in Orlando, Florida, at which this issue was considered. Cooperatives proposed that the orders permit producer milk to be diverted to manufacturing plants regulated under other orders for requested Class II use. There was no opposition to the proposal.

It is unlikely that amended orders will be made effective before October 1 because of the time required to complete procedures. For this reason, the current suspension should be continued through September to ensure orderly marketing conditions during the interim period.

It is hereby found and determined that notice of proposed rule-making, public procedure thereon, and thirty days' notice of the effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing areas;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension continues the effect of a previously issued suspension that was applicable for the months of May, June and July 1976. Moreover, this issue was considered at a public hearing at which immediate amendatory action was requested. Interim action is necessary pending amendatory procedures.

Therefore, good cause exists for making this order effective August 1, 1976.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of August and September 1976.

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

Effective date: August 1, 1976

Signed at Washington, D.C., on July 16, 1976.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.76-21190 Filed 7-21-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

MANDATORY PETROLEUM PRICE REGULATIONS

Exemption of Naphthas, Gas Oils and "Other Products" From the Mandatory Petroleum Allocation and Price Regulations

INTRODUCTION

On June 10, 1976, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (41 FR 24188, June 15, 1976) to amend 10 CFR Parts 210, 211 and 212 to exempt naphthas, gas oils and "other products" (as delned in 10 CFR 211.182 and 211.202) from the Mandatory Petroleum Price and Allocation Regulations. The proposal was based on tentative conclusions set forth in a document dated June 4, 1976, entitled "Preliminary Findings and Views Concerning the Exemption of Naphtha, Gas Oils and 'Other Products' from the Mandatory Petroleum Allocation and Price Regulations" ("Preliminary Findings"). The term "other products" as used herein includes carbon black feedstocks, benzene, toluene, mixed xylenes, hexane, lubricants, greases, lubricating base stock oils, special naphthas and process oils. Written comments on the exemption proposal and on the Preliminary Findings were invited through July 7, 1976, and the public hearing was held July 1 and July 2, 1976.

Seventy written and oral comments were received in response to the notice of proposed exemption. Those offering comments included major integrated re-

fining companies, large and small independent refining companies, marketers, synthetic natural gas (SNG) distributors and users, ultimate consumers, petrochemical feedstock users, and trade associations.

Almost all of the parties commenting agreed with FEA that naphthas, gas oils, and the other products should be exempted from FEA's allocation and price regulations. This support was based generally upon agreement with FEA's conculsions as to supply and demand projections, competition, and other findings and views set forth in the Preliminary Findings. The opposition to the proposal was limited to the particular issue of whether naphtha should be exempted for use as SNG feedstock. It was based on the contention that freeing SNG plants from price and allocation regulations would create demand and price pressure which would harm the domestic petrochemical industry which also uses naphtha feedstocks.

In the June 10 notice, FEA announced that "the environmental impact of exempting naphthas has not been completed." As noted in the environmental assessment, the publication of which was announced in that notice, "[t]he only product and use for which any significant uncertainty [as to environmental effects] exists is the use of naphtha, currently allocated under Subpart J, as a feedstock for synthetic or substitute natural gas (SNG) production." FEA, therefore, is undertaking an environmental impact statement concerning the pricing and allocation exemption of naphtha for SNG feedstock uses which will analyze the effect of such exemption on the price and supply of naphtha and, as a result, the environmental consequences of the exemption. FEA's previously published assessment set forth FEA's conclusion that an exemption from such controls of naphtha for other uses would not affect the price or supply of naphtha. In the absence of any effects on price or supply, it was determined that there would be no environmental impacts resulting from the proposed action. FEA today, therefore, announces its conclusion that the exemption of naphtha for uses other than the production of SNG will not significantly affect the quality of the human environment. Any future proposal to exempt the use of naphtha as an SNG feedstock from allocation controls will be examined in the light of the conclusion set forth in the environmental impact statement currently under preparation on that subject. Accordingly, this rulemaking is continued with respect to the allocation of naphtha for use as an SNG feedstock.

FEA has carefully considered the comments of all persons who participated in the rulemaking. Following its consideration, FEA has concluded that its initial view that naphthas, gas oils and other products should be exempted from regulations is correct, with the exception of the use restrictions under the allocation regulations as to naphtha utilized as a SNG feedstock discussed above.

No information or data were presented in this proceeding which significantly alter FEA's preliminary findings and views. FEA does not anticipate that supply shortages will occur in the future as predicted by some comments and in any event FEA has standby authority under section 12(f) of the Emergency Petroleum Allocation Act of 1973 (EPAA) to reimpose allocation and price controls (on a temporary or permanent basis) if necessary to attain the objectives set forth in section 4(b)(1) of the EPAA. Therefore, FEA hereby adopts the proposed amendments exempting naphthas, gas oils and the other products from the Mandatory Petroleum Allocation and Price Regulations, with the exception of naphtha from SNG feedstock allocation regulations. Unless disapproved by either House of Congress under section 551 of the Energy Policy and Conservation Act (EPCA), this exemption will be effective September 1, 1976.

Findings and Views

In addition to this amendment exempting naphthas, gas oils, and the other products from the Mandatory Petroleum Allocation and Price Regulations, FEA has prepared its findings and views supporting the amendment as required by section 12 of the EPAA based upon its consideration of the comments of those persons who participated in the rulemaking and other information available to FEA. These findings and views are set forth in a document dated July 20, 1976 and entitled "Findings and Views Concerning the Exemption of Naphtha, Gas Oils and 'Other Products' from the Mandatory Petroleum Allocation and Price Regulations" (the "Findings and Views"). The findings and views set forth therein may be summarized, in part, as follows:

(1) Naphthas, gas oils, and the other products are not now in short supply.

Projected supplies of naphthas, gas oils and other products, taking into account projected expansions of domestic refinery capacity, will be sufficient to meet demand over the near term (1976–1978).

(2) Exemption of naphthas, gas oils, and other products from the Mandatory Petroleum Allocation and Price Regulations will not adversely affect the supply of any other oil or refined product subject to the EPAA.

(3) Competition and market forces will be adequate to protect consumers following exemption of naphthas, gas oils, and other products from regulation. In fact, competition may be enhanced by the play of market forces following exemption from regulation.

Anticipated price increases for the next two years are minimal and may be directly related to crude cost increases.

(4) Exemption of naphthas, gas oils or other products from regulation will not result in inequitable prices for any class of user of the exempted products or any other product user.

No price increases for naphthas, gas oils and the other enumerated products are projected to occur solely as a result of exemption. Competition and the ability for most refiners to meet demand increases with little impact on the volumes of other refined products should be sufficient to ensure equitable prices for all classes of users.

(5) Exemption of naphthas, gas oils and other products from the price and allocation regulations is consistent with the attainment of the objectives set forth in section 4(b)(1) of the EPAA.

Since an adequate supply is anticipated, the continued allocation and pricing of naphthas, gas oils and other products are not necessary to protect the public health, safety and welfare, and the national defense (Section 4(b)(1)(A)); the maintenance of all public services (Section 4(b)(1)(B)); the maintenance of agricultural operations (Section 4(b)(1)(C)); or the maintenance of exploration for and production or extraction of fuels and minerals (Section 4(b)(1)(G)).

The adequacy of present and projected supplies and the operation of market forces and competition should insure that the exemption is consistent with the equitable distribution of crude oil, residual fuel oil and refined petroleum products (Section 4(b)(1)(F)).

The exemption is not directly relevant to the allocation of suitable types of crude oil to U.S. refineries which would permit such refineries to operate at full capacity. (Section 4(b)(1)(E)).

The current period of adequate supplies and the determination of prices by market forces, should contribute significantly to the attainment of the objectives of preservation of an economically sound petroleum industry (Section 4(b)(1)(D)); economic efficiency (Section 4(b)(1)(H)); and minimization of economic distortions, inflexibility, and interference with market mechanisms (Section 4(b)(1)(I)).

The Findings and Views also state FEA's views concerning the potential economic impacts of exempting naphthas, gas oils and other products from the Mandatory Petroleum Allocation and Price Regulations. It is not anticipated that there will be any adverse state or regional impacts resulting from the proposed exemption. In addition, FEA anticipates no adverse economic impacts on the availability of consumer goods or services, the gross national product, small business or the supply and availability of energy resources as fuel or feedstock for industry. FEA expects that the exemption will have a positive effect on competition. The exemption is likewise expected not to cause an adverse effect on employment or consumer prices. FEA's analysis of the effects of the exemption on the rate of unemployment in the U.S., on the Consumer Price Index and on the implicit price deflator for the gross national product are set forth in detail in the Findings and Views.

Allocation of Increased Crude Oil Costs to Naphthas, Gas Oils and Other Products

The refiners' cost allocation formulae of § 212.83(c) provide that the portion of a refiner's total increased costs of crude oil and increased non-product costs which are incurred in a month of measurement and which are attributable on a proportionate volumetric basis to the quantity of exempt products produced from crude oil must be excluded from the amount of increased costs which may be passed through in prices charged for covered (i.e., non-exempt) products. Increased costs incurred with respect to purchases of exempt products are ex-

cluded from the total of increased costs of purchased product permitted to be included in maximum allowable prices charged for covered products. These exclusions effectively prevent increased costs incurred beginning with the month prior to the effective date of the exemption of a product and attributable to that exempt product from being passed through in prices charged for non-exempt products. The notice of proposed rulemaking noted the substantial amounts of unrecovered increased costs currently allocable to maximum allowable prices for naphthas, gas oils and other products and the fact that these increased costs could be reallocated under current price rules to maximum allowable prices for gasoline prior to the effective date of the exemption of naphthas, gas oils and other products. FEA therefore proposed to limit the reallocation of any increased costs attributable to naphthas, gas oils and other products, which would be effective as of the date of the June 10 notice, if the exemption would be adopted FEA requested comments on both the extent and the effective date of this proposed limitation in light of the seasonal pricing patterns for gasoline and any other historic pricing practices relevant to this issue. FEA also requested comments on the method by which this limitation would be most effectively implemented, including the manner of determining which portion of the general refinery products bank is properly attributable to naphthas, gas oils and other products.

Nearly all the parties commenting on this issue opposed limiting reallocation of refiners' banked costs. The great majority of this opposition was voiced by refiners which stated that: (1) the limitation would be inconsistent with the general feature of the price rules permitting more than a proportionate amount of increased costs to be recovered in gasoline prices; and (2) the limitation would penalize refiners by causing them to lose unrecovered costs. Although the refiner price rules do permit a disproportionate allocation of increased costs to gasoline prices, in no event do the price rules permit increased costs attributable to exempt products to be recovered in lawful prices charged for covered products; and while it is true that the limitation would prohibit the recovery of these costs in gasoline prices, it does not follow that these costs are "lost." Such costs may be recovered without any restrictions whatsoever in prices charged for the exempt products to which they are properly attributable. Limiting cost reallocation would be consistent with the handling of banked costs for middle distillates, which were exempted from price and allocation regulations effective July 1, 1976. In light of comments received, and further analysis, FEA has decided to adopt but to slightly delay the effective date of the limitation on reallocation of costs attributable to naphthas, gas oils and other products to July 1, 1976, thereby extending the period of permissible reallocation to the end of the month in which the proposal was issued. This slight modification conforms the amendment to industry pricing patterns which are determined on a monthly basis, without materially changing the impact of the reallocation limitation.

Accordingly, the refiner price rules are amended to prohibit the reallocation of increased costs attributable to naphthas, gas oils and other products effective July 1, 1976. Other conforming amendments to the price regulations of Part 212 are also being adopted to reflect the exemption of naphthas, gas oils and other products.

EFFECTIVE DATE AND STANDBY AUTHORITY

Comments and testimony received with respect to the period necessary between the promulgation of the exemption amendment and its implementation generally supported FEA's tentative conclusion that a short transition period should provide sufficient time to permit parties currently subject to the regulations to make alternative supply arrangements. FEA therefore has selected September 1, 1976 as the effective date for the exemption of naphthas, gas oils and the other enumerated products.

Section 12(f) of the EPAA provides that following the exemption of any product from regulation, FEA shall have the authority at any time to reimpose price and allocation controls if necessary to attain the objectives of the EPAA. For this reason, FEA is adopting amendments which stay the effectiveness of Subparts J and K of Part 211, except for the allocation regulations of Part 211 which pertain to the use of naphtha as SNG plant feedstock, and of the general price regulations as they would otherwise apply to naphthas, gas oils and other products without deleting those regulations from the Code of Federal Regulations. They are in effect converted to standby status, so that in the event of shortages or other occurrences which might require reimposition of controls, they may be quickly put into effect.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-332, E.O. 11790 (39 FR 23185).)

In consideration of the foregoing, Parts 210, 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective September 1, 1976, unless this amendment is disapproved by either House of Congress pursuant to the review procedures set forth in Section 551 of the EPCA.

Issued in Washington, D.C., July 20, 1976.

MICHAEL F. BUTLER,
General Counsel.

1. Section 210.35 is amended by adding paragraphs (c), (d) and (e) to read as follows:

§ 210.35 Exempted products.

* * * * *

(c) (1) Naphthas as defined in § 211.182 of this chapter are exempt from the provisions of Part 211 of this chapter except as pertains to allocation of naphtha for synthetic natural gas plant feedstock use.

(2) Naphthas as defined in § 212.31 of this chapter are exempt from the provisions of Part 212 of this chapter.

(d) (1) Gas oils as defined in § 211.182 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Gas oil as defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

(e) (1) Other products as defined in § 211.202 of this chapter are exempt from the provisions of Part 211 of this chapter.

(2) Benzene, greases, hexane, lubricant base oil stocks, lubricants, special naphthas (solvents), toluene, unfinished oils, xylene and other finished products, as those terms are defined in § 212.31 of this chapter are exempt from the provision of Part 212 of this chapter.

2. Section 211.1 is amended in paragraph (b) by adding new subparagraphs (6) and (7) to read as follows:

§ 211.1 Scope.

* * * * *

(b) *Exclusions.*

* * * * *

(6) Notwithstanding the provisions of Subpart J of this part, naphthas and gas oils are excluded from this part except with respect to the use of naphtha for synthetic natural gas plant feedstock pursuant to §§ 211.183 and 211.29.

(7) Notwithstanding the provisions of Subpart K of this part, other products as defined in § 211.202 of this part are excluded from this part.

3. Section 212.31 is amended in the definition of "covered products" to read as follows:

§ 212.31 Definitions.

* * * * *

"Covered products" means aviation fuels, butane, crude oil, gasoline, natural gas liquids, natural gasoline, and propane. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

4. Subpart C of Part 212 is amended by adding a new section 212.56 to read as follows:

§ 212.56 General refinery products other than propane, butane, natural gasoline, and aviation gasoline.

General refinery products as defined in § 212.31 of this chapter, other than propane, butane, natural gasoline, and aviation gasoline, are exempt from the provisions of this part.

5. Section 212.83 is revised in subparagraph (1) of paragraph (d), to read as follows:

§ 212.83 Price rule.

* * * * *

(d) *Reallocation of increased costs among product categories.*

* * * * *

(1) *General Refinery Products.* (i) To the extent that a refiner does not allocate

its increased costs for general refinery products to maximum allowable prices for such products, it may instead allocate that part of its increased costs for general refinery products only to maximum allowable prices for gasoline. No increased costs for general refinery products may be reallocated to maximum allowable prices for No. 2 oils or aviation jet fuel.

(ii) Beginning on July 1, 1976, no increased costs for general refinery products other than propane, butane, natural gasoline, and aviation gasoline may be reallocated to maximum allowable prices for any other covered product.

6. Section 212.93 is amended in clause (i) of subparagraph (2) of paragraph (1) to read as follows:

§ 212.93 Price rule.

* * * * *

(1) *Reallocation of increased product costs among products.*

* * * * *

(2) * * *

(ii) *General Refinery Products.* (A) To the extent that a seller does not allocate its increased product costs for a particular general refinery product, other than propane, to the prices for that product, it may reallocate the unallocated part of its increased product costs for the product to the prices for gasoline or for any other general refinery product (or products) except propane, in whatever amounts the seller deems appropriate. No increased product costs for general refinery products other than propane may be reallocated to the prices for No. 2 oils, for propane, or for aviation jet fuel.

(B) Beginning on July 1, 1976, no increased costs for general refinery products other than propane, butane, natural gasoline, and aviation gasoline may be reallocated to maximum allowable prices for any other covered product.

[FR Doc.76-21363 Filed 7-20-76;2:54 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 76-SW-41, Amdt. 39-2675]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A, 206B, 206A-1, and 260B-1 Helicopters

There has been a reported failure of a main rotor blade tension-torsion strap on a Bell Model 206B that resulted in loss of the main rotor blade. The Models 206A, 206A-1, and 206B-1 are also equipped with the same tension-torsion straps. During subsequent checks of other Model 206 series tension-torsion straps, it was found that torsional resistance or twist resistance of the straps varied significantly. Thus Bell Helicopter Textron issued Service Bulletin No. 206-76-4 to require a one-time inspection of each tension-torsion strap for adequate torsional resistance and to require removal of certain straps that may possibly contain wires improperly formed. Since these conditions are likely to exist in other helicopters of the Model 206 series type design, an airworthiness directive is being issued in the interest of safety to require compliance with Bell Helicopter Service Bulletin No. 206-76-4, Revision A, on Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters, equipped with main rotor blade tension-torsion straps, P/N 206-010-105-3, certificated in all categories.

Compliance required as indicated.

To detect straps with inadequate torsional resistance or stiffness and to remove certain straps possibly made from certain spools of wire from further service, comply with the following.

(a) Within the next 25 hours' time in service after the effective date of this AD, accomplish the following, unless previously accomplished:

(1) Determine the serial number of each strap and remove from service straps having serial numbers 15432 through 15472 in accordance with the pertinent model maintenance manual or an FAA approved equivalent.

(2) Conduct the inspections noted in paragraph II of Bell Helicopter Company Service Bulletin No. 206-76-4, Revision A dated May 11, 1976, or a later approved revision and remove those straps with unacceptable rotation (inadequate torsional resistance) before further flight.

(b) Prior to installing replacement straps or replacement hub assemblies, determine that paragraphs (a)(1) and (a)(2) of this AD have been accomplished. Install replacement straps in accordance with the pertinent model maintenance manual or an FAA approved equivalent.

(c) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Forth Worth, Texas.

This amendment becomes effective July 29, 1976.

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

Issued in Fort Worth, Texas, on July 13, 1976.

A. H. THURBURN,
Acting Director,
Southwest Region.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-21100 Filed 7-21-76;8:45 am]

[Airworthiness Docket No. 76-SW-14, Amdt. 39-2673]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney M20 and M20A Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the wood wing and wood empennage structures for wood and glue joint deterioration and repair as necessary on Mooney M20 and M20A airplanes to supersede Amendment 39-731 was published in 41 FR 15865.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Several commentators recommended that the empennage proof load directions be defined more clearly and that loads be applied to both the right and the left. It was contended that wood rot existing on only one side of the fin spar or rudder hinges could result in the capability to sustain a proof load in one direction but not the other. The Federal Aviation Administration (FAA) agrees; therefore, paragraph (a) of the AD has been reworded to require loads in both directions (right and left). Several commentators recommended that proof tests be conducted every year rather than every two years. The FAA agrees, and the AD has been rewritten accordingly.

One commentator recommended that View A-A of the proposed amendment be clarified in showing the reaction point on the fin spar. Since the FAA agrees, View A-A has been clarified to show the reaction point to be centered on the P/N 4007 bracket.

Several commentators recommended mandatory replacement of the wood empennage with a metal empennage. The FAA disagrees. The arbitrary replacement of all wood empennages would unduly penalize those owners who have properly inspected, maintained, and operated their airplanes.

Two commentators recommended against proof tests on wood tails because of a possibility of undetected damage. They proposed thorough inspections by qualified personnel. Both commentators recommended that mandatory inspections of wood aircraft be limited to those "licensed as specialists by special endorsement of certificates."

During the formulation of the NPRM, consideration was given to requiring the tests be witnessed by FAA engineering personnel or others specifically qualified and trained for such purpose; however, it was determined that such a requirement would be functionally impractical.

Likewise, the use of "licensed specialists by special endorsement of certificates" was considered during the evaluation of the Mooney wood rot problem. Current rules do not provide for such "special endorsement." The required rule changes, with associated delays, make "special endorsement of certificates" an impractical means for timely application of this AD. Also, inspections alone do not provide the level of safety of tests and inspections. The FAA disagrees with the contention that inspections alone will result in a more airworthy airplane than proof tests in conjunction with inspections. While the inspections are unlikely to cause undetected damage (as it is contended that the tests may cause), it is also unlikely that inspections alone will uncover all previously existing undetected damage. In fact, the new AD proposal of 41 FR 15865 was generated because of service experience which showed that inspections alone had not detected previously existing damage. The proof tests will assure that the wood fin can sustain design loads without failure or else will require replacement of the wood empennage with a metal empennage.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MOONEY. Applies to Models M20 and M20A certificated in all categories.

Compliance required as indicated.

To prevent failure of the vertical fin spar in flight due to wood deterioration and to detect other wood and glue joint deterioration in the wood wing and wood empennage structures, accomplish the following:

(a) Within the next 30 days after the effective date of this AD apply the following proof loads:

(1) Apply proof loads to the vertical fin spar as shown in Figure 1. Apply the load to the right side and then to the left side. Apply proof loads to the rudder hinges of the fin as shown in Figure 3. Apply hinge proof loads to the right side and then to the left side.

(2) After the proof tests of paragraph (a) (1) have been conducted, apply the proof loads to the vertical fin spar and hinges as shown in Figures 1 and 3 of this AD thereafter at intervals not to exceed one year. Apply the loads in one direction only after each one-year interval. Apply the loads to the right side at the end of the first interval and to the left side at the end of the second interval. Alternate load direction similarly thereafter.

(3) Replace the wood empennage with an all-metal empennage, as provided by Mooney Service Bulletin No. M20–170–1 kit, if the vertical stabilizer fails during any proof load application. The empennage has failed if complete separation of the vertical fin from the horizontal stabilizer occurs, if fin spar cracks occur, if any hinge separates or loosens from the fin, if other wood failures occur, if glue joint failures occur, or if permanent deformation occurs as shown in Figure 2.

(b) After completion of the proof load requirements of paragraph (a) above, and before flight, inspect and rework the wood wing and wood empennage structures in accordance with the following specified parts of Mooney Service Bulletin No. M20–170A, dated February 24, 1969:

(1) Comply with Part III.

(2) If fin failure did not occur during the proof load application described in paragraph (a), comply with Parts 1A and II. In addition, comply with Parts 1B and C, unless already accomplished.

(c) Within the sixth month after initial compliance and within the sixth month after each annual inspection, comply with Parts IIA, II18, 9, and 10 of Mooney Service Bulletin No. M20–170A. If wood or glue joint deterioration is detected, accomplish the complete initial inspection in accordance with Parts IA, II, and III.

NOTE.—Inspection intervals required by this AD differ from the inspection intervals shown in Mooney Service Bulletin No. M20–170A.

(d) At each annual inspection required by FAR 91, comply with Parts IA, II, and III of Mooney Service Bulletin No. M20–170A.

(e) If wood or glue joint deterioration is detected by the inspections of paragraphs (b), (c), and (d) above, repair must be accomplished in accordance with Mooney Service Bulletin No. M20–170A, or other methods acceptable to the Administrator prior to further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where repair can be performed.

(f) Mooney Service Bulletin No. M20–170–1 kit includes pertinent parts and instructions for replacement of the wood empennage with an all metal empennage, which if installed, relieves the owner or operator from the inspection and proof load requirements of this AD applicable to the wood empennage. Installation of the all metal empennage is recommended but not required by this AD.

(g) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Mooney Aircraft Corporation, PO Box 72, Kerrville, Texas 78028. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

Equivalent methods of complying with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

This supersedes Amendment 39–731 (34 FR 4939), AD 69–5–3.

This amendment becomes effective on August 12, 1976.

Issued in Fort Worth, Tex., on July 9, 1976.

HENRY L. NEWMAN,
Director, Southwest Region.

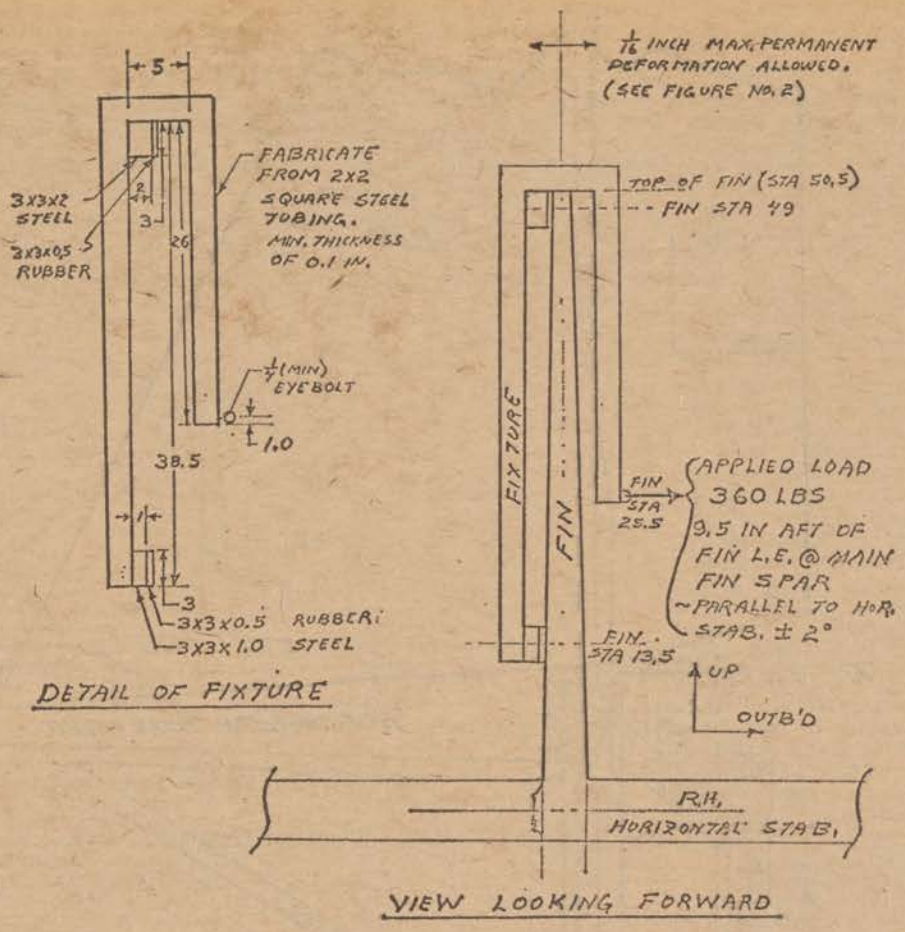


FIGURE NO. 1 - APPLICATION OF FIN SIDE PROOF LOAD ON MAIN SPAR

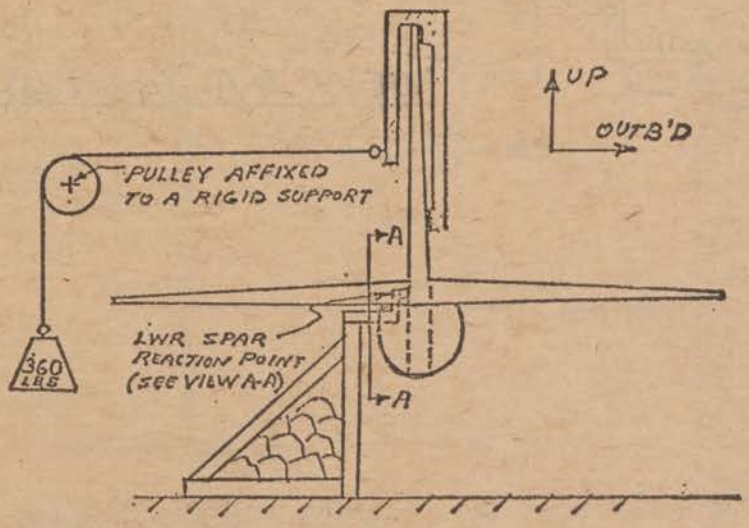
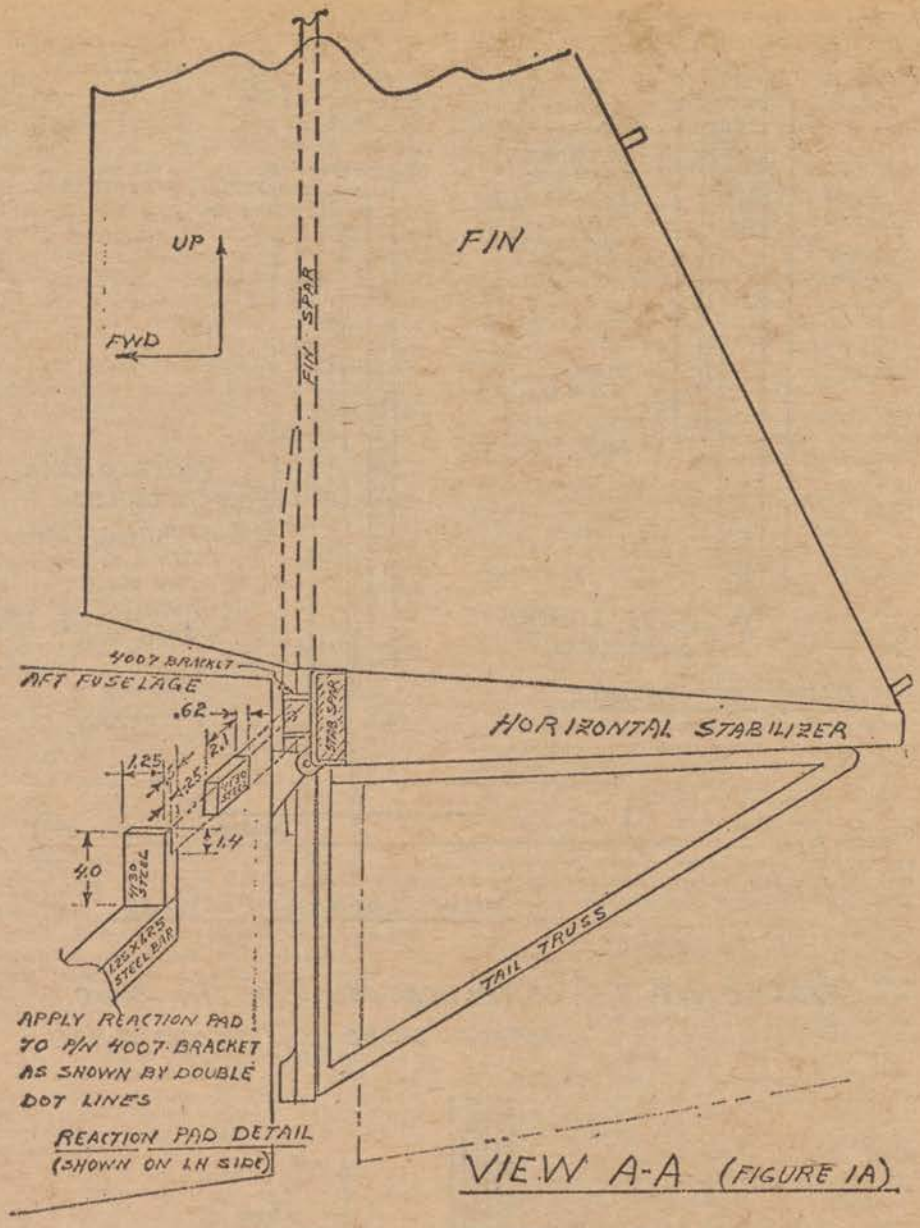
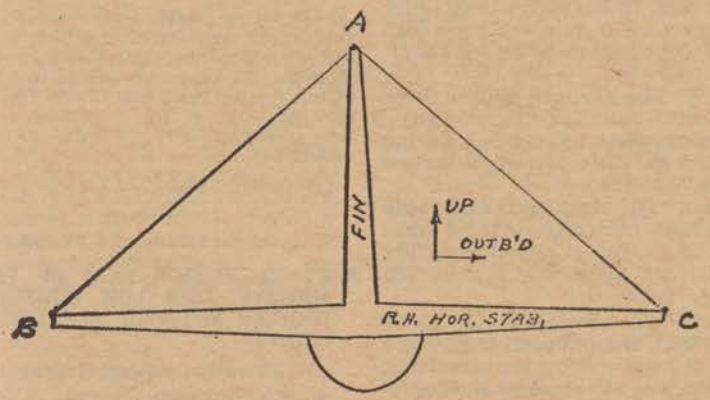


FIGURE 1A

RECOMMENDED FIN PROOF LOAD METHOD (INCLUDING LOWER RESTRAINT)


UP
FWD
FIN
FIN SPAR
4007 BRACKET
AFT FUSELAGE
.62
2.1
1.25
1.25
1.4
4.0
2130 STEEL
1.25 X 4.25 STEEL BAR
HORIZONTAL STABILIZER
TAIL TRUSS
APPLY REACTION PAD TO P/N 4007 BRACKET AS SHOWN BY DOUBLE DOT LINES
REACTION PAD DETAIL (SHOWN ON LH SIDE)
VIEW A-A (FIGURE 1A)

NOTES:
1. MARK A POINT 'A' ON THE FIN TIP
2. MARK POINTS 'B' AND 'C' ON THE HORIZONTAL STAB. TIPS
3. MEASURE THE DISTANCES 'AB' AND 'AC' BEFORE AND AFTER APPLICATION OF LOADS SHOWN BY FIG. NO. 1
4. IF THE DISTANCE 'AB' MEASURED AFTER LOAD APPLICATION VARIES BY MORE THAN 1/16 INCH FROM THE DISTANCE 'AB' MEASURED BEFORE LOAD APPLICATION, FAILURE IS CONSIDERED TO HAVE OCCURRED. A VARIATION OF MORE THAN 1/16 INCH IN THE TWO 'AC' MEASUREMENTS ALSO CONSTITUTES FAILURE.



VIEW LOOKING FORWARD

FIGURE NO. 2 - FIN PERMANENT DEFORMATION LIMITS

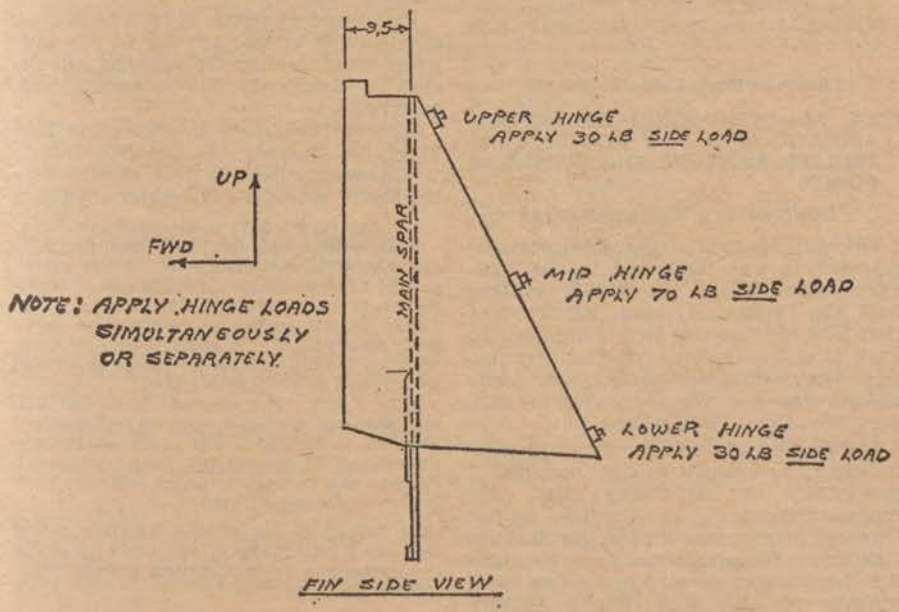


FIGURE NO. 3 - FIN-RUDDER HINGE SIDE PROOF LOAD APPLICATION

[FR Doc.76-21101 Filed 7-21-76;8:45 am]

[Docket No. 15957; Amdt. 39-2677]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman Islander Series Airplanes

There have been reports of a manufacturing defect that resulted in cracks and failures of the upper engine mounting brackets and that could result in possible physical separation of the engine from the airplane on Britten Norman Islander series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires periodic inspections for cracks radiating from bolt holes and rivet holes in the engine mounting bracket and repair or replacement of the bracket, if necessary, on all Britten Norman Islander series airplanes.

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

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

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

BRITTEN NORMAN LTD. Applies to Islander series airplanes, Models BN-2, BN-2A, BN-2A-6, BN-2A-8, BN-2A-2, BN-2A-9, BN-2A-3, BN-2A-20 and BN-2A-21, certificated in all categories.

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 1000 hours time in service from the last inspection.

To prevent failure of upper engine mounting brackets, accomplish the following:

(a) Visually inspect the upper engine mounting brackets for the minimum bolt hole landing dimension (edge distance), elongation of the bolt holes, and fretted bushes in accordance with paragraph 1 of the section titled "Inspection" of Britten Norman Mandatory Service Bulletin No. BN-2/SB.61, dated March 18, 1974, or an FAA-approved equivalent.

(b) Visually inspect the upper engine mounting brackets for cracks radiating from the bolt holes and rivet holes in accordance with paragraphs 1. and 2. of the section titled "Inspection" of Britten Norman Mandatory Service Bulletin No. BN-2/SB.61, dated March 18, 1974, or an FAA-approved equivalent.

(c) If fretted or loose bushes or elongated bolt holes are found as a result of the inspection required by paragraph (a) of this AD, within the next 100 hours time in service after the inspection, comply with paragraph 2. of the section titled "Rectification" of Britten Norman Mandatory Service Bulletin No. BN-2/SB.61, dated March 18, 1974, or an FAA-approved equivalent.

(d) If bolt hole landings (edge distances) less than the specified minimum dimension are found as a result of the inspection required by paragraph (a) of this AD:

(1) Visually inspect the defective upper engine mounting brackets prior to the first flight each day in accordance with Britten Norman Mandatory Service Bulletin No. BN-2/SB.61, dated March 18, 1974, or an FAA-approved equivalent, until the defective brackets are repaired or replaced, as required by paragraph (d)(2) of this AD; and

(2) Within the next 100 hours time in service after the inspection, repair or replace the defective upper edge mounting brackets in accordance with paragraph 3. of the section titled "Rectification" of Britten Norman Mandatory Service Bulletin No. BN-2/SB.61, dated March 18, 1974, or an FAA-approved equivalent.

(e) If a crack or cracks are found as a result of the inspection required by paragraph (b) of this AD, before further flight, replace the defective upper engine mounting bracket in accordance with paragraph 1. of section titled "Rectification" of Britten Norman Mandatory Service Bulletin No. BN-2/SB.61, dated March 18, 1974, or an FAA-approved equivalent.

This amendment becomes effective August 5, 1976.

Issued in Washington, D.C., on July 14, 1976.

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

[FR Doc.76-21167 Filed 7-21-76;8:45 am]

[Airspace Docket No 76-GL-10]

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

Alteration of Federal Airway

On May 17, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 20176) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would limit the upper extent of segments of several airways north of St. Louis, Mo., during the time that a Military Operations Area (MOA) is activated.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. The only comment received was from the Air Transport Association of America which stated that such action would require deviations of air carrier traffic an unacceptable number of miles.

Establishment of these military operations areas results in the charting and identifying of portions of airspace that have been assigned to the military for training activities for a number of years. The action herein does not change the use currently made of this airspace. Instrument traffic has in the past been separated procedurally from military operations within the area or excluded. This instrument traffic would continue to be separated procedurally from military operations within the MOA. Moreover, military use of the airspace is usually limited to less than two hour periods. One period in the morning and the other later in the afternoon. During these periods, instrument traffic could if necessary be vertically separated from military operations within the area without any mileage penalties being incurred.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 9, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307, 10418, 20650) is amended as follows:

1. In V-50 "The airspace at and above 10,000 feet MSL from Quincy to Capital is excluded during the time that the Howard MOA is activated by NOTAM." is added.

2. In V-63 "The airspace at and above 10,000 feet MSL from Quincy to 32 miles north, is excluded during the time that the Allen MOA is activated by NOTAM." is added.

3. In V-67 "The airspace at and above 10,000 feet MSL from Capital to 28 miles south of Burlington is excluded during the time that the Allen MOA is activated by NOTAM." is added.

4. In V-116 "The airspace at and above 10,000 feet MSL from Quincy to 26 miles southwest of Peoria is excluded during the time that the Allen MOA is activated by NOTAM." is added.

5. In V-129 "The airspace at and above 10,000 feet MSL from Capital to 25 miles north, is excluded during the time that the Allen MOA is activated by NOTAM." is added.

(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 15, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-21098 Filed 7-21-76;8:45 am]

[Airspace Docket No. 76-WE-12]

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

Designation of Transition Area

On May 24, 1976 a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 21202) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Woodland-Watts Airport, Woodland, California.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. The only comment received was submitted by the Director of Aeronautics for the State of California. His primary concern was that the designation of airspace allocated a priority for Woodland-Watts Airport. This is incorrect. The designation of transition area airspace is not an assignment of airspace to a particular airport but is provided to protect the aircraft executing the instrument approach procedure.

In consideration of the foregoing, the proposed amendment is hereby adopted effective 0901 G.m.t., September 9, 1976.

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

Issued in Los Angeles, Calif. on July 13, 1976.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.181 (41 F.R. 440) the following transition area is added:

WOODLAND, CALIFORNIA

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Woodland-Watts Airport (latitude 38°40'30" N., longitude 121°52'15" W.) and within 3 miles each side of the Sacramento VORTAC 313° radial, extending from the 3-mile radius area to the Sacramento VORTAC.

[FR Doc.76-21099 Filed 7-21-76;8:45 am]

[Airspace Docket No. 76-WE-6]

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

Alteration of Federal Airways

On April 15, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 15868) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish the upper vertical extent of segments of V-95, V-95W and V-327 north of Phoenix, Ariz.

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 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 9, 1976, as hereinafter set forth.

§ 71.123 (41 FR 307) is amended as follows:

1. In V-95, "The airspace 14,000 feet MSL and above is excluded from 23 NM northeast of Phoenix to 22 NM southwest of Winslow on V-95 and from 23 NM north of Phoenix to 26 NM southwest of Winslow on V-95W., from 1300 G.m.t. to 0200 G.m.t., Monday through Friday, and other times as advised by a Notice to Airmen" is added.

2. In V-327, "The airspace 14,000 feet MSL and above is excluded from 23 NM north of Phoenix to 29 NM south of Flagstaff, from 1300 G.m.t. to 0200 G.m.t., Monday through Friday, and other times as advised by a Notice to Airmen" is added.

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

Issued in Washington, D.C., on July 15, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-21166 Filed 7-21-76;8:45 am]

[Docket No. 15956; Amdt. No. 1030]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective September 9, 1976.

Cedar Rapids, IA—Cedar Rapids Muni. Arpt., VOR Rwy 8, Amdt. 12
Cedar Rapids, IA—Cedar Rapids Muni. Arpt., VOR Rwy 26, Amdt. 7
Sioux City, IA—Sioux City Muni. Arpt., VOR Rwy 31 (TAC), Amdt. 20
Sioux City, IA—Sioux City Muni. Arpt., VORTAC Rwy 13, Amdt. 12
Topeka, KS—Philip Billard Muni. Arpt., VOR Rwy 22, Amdt. 13
Springfield, MO—Springfield Muni. Arpt., VOR Rwy 19, Amdt. 13

* * * effective September 2, 1976.

Pompano, FL—Pompano Beach Airpark, VOR Rwy 14, Amdt. 4
Washington, GA—Washington-Wilkes County Arpt., VOR/DME Rwy 13, Amdt. 1

* * * effective July 12, 1976.

Aberdeen, SD—Aberdeen Muni. Arpt., VOR Rwy 31, Amdt. 13

* * * effective July 9, 1976.

Indianapolis, IN—Bob Shank Arpt., VOR-B, Amdt. 4, cancelled
London, KY—London-Corbin MaGee Field, VOR/DME Rwy 23, Amdt. 2
Franklin, VA—Franklin Muni.-John Beverly Rose Arpt., VOR Rwy 9, Amdt. 10
Franklin, VA—Franklin Muni-John Beverly Rose Arpt., VOR/DME Rwy 27, Amdt. 6

* * * effective July 7, 1976.

Tuscaloosa, AL—Tuscaloosa Muni. Arpt., VOR Rwy 4, Amdt. 5
Tuscaloosa, AL—Tuscaloosa Muni. Arpt., VOR Rwy 22, Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective September 9, 1976.

Cedar Rapids, IA—Cedar Rapids Muni. Arpt., LOC(BC) Rwy 26, Amdt. 3
Sioux City, IA—Sioux City Muni. Arpt., LOC (BC) Rwy 13, Amdt. 15
Topeka, KS—Philip Billard Muni. Arpt., LOC (BC) Rwy 31, Amdt. 13
Springfield, MO—Springfield Muni. Arpt., LOC(BC) Rwy 19, Amdt. 12

* * * effective July 29, 1976.

Carlsbad, CA—Palomar Arpt., LOC Rwy 24, Original

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective September 16, 1976.

Saipan Island, Mariana Islands—Saipan Int'l Arpt., NDB Rwy 7, Original
Saipan Island, Mariana Islands—Saipan Int'l Arpt., NDB-A, Original, cancelled

* * * effective September 9, 1976.

Cedar Rapids, IA—Cedar Rapids Muni. Arpt., NDB Rwy 8, Amdt. 5
Sioux City, IA—Sioux City Muni. Arpt., NDB Rwy 13, Amdt. 11
Sioux City, IA—Sioux City Muni. Arpt., NDB Rwy 31, Amdt. 18
Topeka, KS—Philip Billard Muni. Arpt., NDB Rwy 13, Amdt. 23
Springfield, MO—Springfield Muni. Arpt., NDB Rwy 1, Amdt. 11
Springfield, MO—Springfield Muni. Arpt., NDB Rwy 13, Amdt. 7

* * * effective September 2, 1976.

San Juan, PR—Puerto Rico Int'l Arpt., NDB Rwy 7, Amdt. 3
Luray, VA—Luray Caverns Arpt., NDB-A, Amdt. 1

* * * effective August 5, 1976.

Thomson, GA—Thomson-McDuffie County Arpt., NDB Rwy 27, Original
Carmi, IL—Carmi Muni. Arpt., NDB Rwy 36, Original
Kewanee, IL—Kewanee Muni. Arpt., NDB Rwy 1, Original
Kewanee, IL—Kewanee Muni. Arpt., NDB Rwy 9, Original
Paris, IL—Edgar County Arpt., NDB Rwy 27, Original
Pittsfield, IL—Pittsfield Penstone Muni. Arpt., NDB Rwy 31, Original
Shelbyville, IL—Shelby County Arpt., NDB Rwy 36, Original

* * * effective July 12, 1976.

Aberdeen, SD—Aberdeen Muni. Arpt., NDB Rwy 31, Amdt. 3

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective September 9, 1976.

Cedar Rapids, IA—Cedar Rapids Muni. Arpt., ILS Rwy 8, Amdt. 9
Sioux City, IA—Sioux City Muni. Arpt., ILS Rwy 31, Amdt. 18
Topeka, KS—Philip Billard Muni. Arpt., ILS Rwy 13, Amdt. 24
Springfield, MO—Springfield Muni. Arpt., ILS Rwy 1, Amdt. 11

* * * effective September 2, 1976.

San Juan, PR—Puerto Rico Int'l Arpt., ILS Rwy 7, Amdt. 9

* * * effective July 12, 1976.

Aberdeen, SD—Aberdeen Muni. Arpt., ILS Rwy 31, Amdt. 3
Charlottesville, VA—Charlottesville-Albermarle Arpt., ILS Rwy 3, Amdt. 4

* * * effective July 8, 1976.

Tulsa, OK—Tulsa Int'l Arpt., ILS Rwy 35R, Amdt. 23

* * * effective June 18, 1976.

San Francisco, CA—San Francisco Int'l Arpt., ILS Rwy 28R, Amdt. 1

* * * effective June 17, 1976.

Missoula, MT—Johnson-Bell Field, ILS 2 Rwy 11, Amdt. 1

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective September 9, 1976.

Cedar Rapids, IA—Cedar Rapids Muni. Arpt., RADAR-1, Amdt. 2
Sioux City, IA—Sioux City Muni. Arpt., RADAR-1, Amdt. 1

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective September 9, 1976.

Cedar Rapids, IA—Cedar Rapids Muni. Arpt., RNAV Rwy 13, Amdt. 3
Cedar Rapids, IA—Cedar Rapids Muni. Arpt., RNAV 26, Amdt. 2
RNAV Rwy 26, Amdt. 2
Cedar Rapids, IA—Cedar Rapids Muni. Arpt., RNAV Rwy 31, Amdt. 2
Sioux City, IA—Sioux City Muni. Arpt., RNAV Rwy 35, Amdt. 1
Topeka, KS—Philip Billard Muni. Arpt., RNAV Rwy 17, Amdt. 1
Springfield, MO—Springfield Muni. Arpt., RNAV Rwy 13, Amdt. 2

CORRECTION: In Docket Number 15800, Amendment Number 1026, to part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, June 24, 1976, on page 26008, under Section 97.29 . . . change effective date of Chicago, Il—Chicago O'Hare Intl Arpt., Ils Rwy 14L, Amdt. 22 from August 5, 1976, to July 29, 1976.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on July 15, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

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

[FR Doc.76-21168 Filed 7-21-76;8:45 am]

[Docket No. 15286; Amdt. Nos. 121-128 and 129-6]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

Aircraft Security

The purpose of these amendments to Part 129 of the Federal Aviation Regulations is to ensure that X-ray systems used by foreign air carriers for carry-on baggage inspection in the United States meet minimum guidelines and standards prescribed by the U.S. Food and Drug Administration and are operated in accordance with certain operating requirements. Parts 121 and 129 of those regulations are also amended to be consistent with certain provisions of the Air Transportation Security Act of 1974 (Public Law 93-366) that apply to air carriers and foreign air carriers in the conduct of operations governed by Parts 121 and 129.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a Notice of Proposed Rule Making (Notice No. 75-42) issued December 31, 1975, and published in the FEDERAL REGISTER on January 6, 1976 (41 FR 1085). The FAA received five public comments, all of which were generally in agreement with the proposal. Two commentators recommended changes to the proposal with respect to those sections that pertain to photographic film. The FAA is considering those proposals and will take whatever action is deemed appropriate. One of the two commentators also recommended changes to the standards set forth in both § 121.538a and proposed § 129.26. As explained in the preamble to Notice No. 75-42, and as more fully explained in Notice No. 74-22 (39 FR 22275; published June 21, 1974), the performance standards for X-ray systems that are proposed for new § 129.26, and that were adopted in § 121.538a by Amendment 121-117, are based on guidelines and standards that have been adopted by the U.S. Food and Drug Administration (FDA), Department of Health, Education, and Welfare, to ensure the protection of public health and safety. The FAA believes those guidelines and standards provide an appropriate level of safety and they are, therefore, adopted as proposed.

These amendments and the reasons therefor are the same as those contained in Notice No. 75-42. As was stated in Notice No. 75-42, the FAA considers the environmental analysis prepared in conjunction with the adoption of Amendment 121-117 to Part 121 to be appropriate support for its conclusion that the use of an X-ray system in accordance with the requirements prescribed in § 129.26 by this proposal will not have a significant impact on the human environment. A copy of the FAA's environmental analysis prepared in conjunction with rule making involving Amendment 121-117 is on file at the FAA. Copies may be obtained by writing to the Federal Aviation Administration, Civil Aviation Security Service, Attention: ACS-200, 800 Independence Avenue, S.W., Washington, D.C. 20591.

(Secs. 313(a), 315, 316, 601, and 1111 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357, 1421, and 1511), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, Parts 121 and 129 of the Federal Aviation Regulations are amended, effective August 23, 1976, as follows:

1. By amending § 121.538 by adding a new paragraph (k) to read as follows:

§ 121.538 Aircraft security.

* * * * *

(k) Each certificate holder shall refuse to transport—

(1) Any person who does not consent to a search of his person in accordance with the screening system prescribed by paragraph (b) of this section; and

(2) Any property of any person who does not consent to a search or inspection of that property in accordance with the screening system prescribed by paragraph (b) of this section.

2. By adding a new paragraph (e) to § 129.25 to read as follows:

§ 129.25 Aircraft security.

* * * * *

(e) Each foreign air carrier conducting operations governed by paragraph (a) of this section shall refuse to transport—

(1) Any person who does not consent to a search of his person in accordance with the security program prescribed by paragraphs (a) and (b) of this section; and

(2) Any property of any person who does not consent to a search or inspection of that property in accordance with the security program prescribed by paragraphs (a) and (b) of this section.

(3) By adding a new § 129.26 after § 129.25 to read as follows:

§ 129.26 Use of X-ray system.

(a) No foreign air carrier may use an X-ray system in the United States, to inspect carry-on baggage or items, unless:

(1) For a system manufactured prior to April 25, 1974, it meets either the guidelines issued by the Food and Drug Administration (FDA), Department of Health, Education, and Welfare and published in the FEDERAL REGISTER (38 FR 21442, August 8, 1973); or the performance standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage issued by the FDA and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974);

(2) For a system manufactured after April 24, 1974, it meets the standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage issued by the FDA and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974);

(3) A program for initial and recurrent training of operators of the system has been established, which includes training in radiation safety, the efficient ues of X-ray systems, and the identification of weapons and other dangerous articles;

(4) Procedures have been established to ensure that each operator of the system will be provided with a personnel dosimeter (such as a film badge or thermo luminescent dosimeter), each dosimeter used will be evaluated at the end of each calendar month, and records of operator duty time and the results of dosimeter evaluations will be maintained by the foreign air carrier; and

(5) The system has the capability of distinguishing an insulated 24-gauge, solid copper wire.

(b) No foreign air carrier may use an X-ray system as specified in paragraph (a) of this section—

(1) Unless within the preceding 6 calendar months a radiation survey has been conducted which shows that the system meets the applicable performance standards in 21 CFR 1020.40 or guidelines published by the Food and Drug Administration in the FEDERAL REGISTER of August 8, 1973 (38 FR 21442);

(2) After the system is initially installed or after it has been moved from one location to another, unless a radiation survey is conducted which shows that the system meets the applicable performance standards in 21 CFR 1020.40 or guidelines published by the Food and Drug Administration in the FEDERAL REGISTER on August 8, 1973 (39 FR 21442); except that a radiation survey is not required for an X-ray system that is moved to another location, if the foreign air carrier shows that the system is so designed that it can be moved without altering its performance;

(3) That is not in full compliance with any defect notice or modification order issued for that system by the Food and Drug Administration, Department of Health, Education, and Welfare, unless that Administration has advised the FAA that the defect or failure to comply is not such as to create a significant risk or injury, including genetic injury, to any person; and

(4) Unless a sign is posted in a conspicuous place which notifies passengers that carry-on baggage or items are being inspected by an X-ray system and advises them to remove all X-ray and scientific film from their carry-on baggage and items before inspection. If the X-ray system exposes any carry-on baggage or item to more than one milliroentgen of radiation during the inspection, the foreign air carrier shall post a sign which advises passengers to remove film of all kinds from their carry-on baggage and items before inspection. If requested by a passenger, his photographic equipment and film packages shall be physically inspected without exposure to an X-ray system.

4. By revising § 129.27 to read as follows:

§ 129.27 **Prohibition against carriage of weapons.**

(a) No person may, while on board an aircraft being operated by a foreign air carrier in the United States, carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed. This paragraph does not apply to—

(1) Officials or employees of the state of registry of the aircraft who are authorized by that state to carry arms; and

(2) Crewmembers and other persons authorized by the foreign air carrier to carry arms.

(b) No foreign air carrier may knowingly permit any passenger to carry, nor may any passenger carry, while aboard an aircraft being operated in the United States by that carrier, in checked baggage, a deadly or dangerous weapon, unless:

(1) The passenger has notified the foreign air carrier before checking the baggage that the weapon is in the baggage; and

(2) The baggage is carried in an area inaccessible to passengers.

Issued in Washington, D.C., on July 15, 1976.

J. W. COCHRAN,
Acting Administrator.

[FR Doc.76-21165 Filed 7-21-76;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-961; Docket No. 28460]

PART 253—COMMISSIONS FOR SALE OF AIR TRANSPORTATION

Adoption of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 16, 1976.

Effective: August 30, 1976.

Adopted: July 16, 1976.

By notice of proposed rulemaking, EDR-290/PSDR-44, November 3, 1975, Docket 28460, the Board gave notice that it had under consideration adoption of a new Part 253 of the regulations (14 CFR Part 253), which would require each air carrier and each foreign air carrier to file, and to maintain on file, a currently effective schedule showing the commissions and all other forms of compensation which it pays persons other than its own employees for the sale of air transportation. Notice was also given that the Board proposed to amend Part 399 of the regulations (14 CFR Part 399) to state that it will be the Board's policy to regard as an unfair practice and an unfair method of competition in air transportation, within the meaning of section 411 of the Federal Aviation Act (the Act), the payment by a carrier—or the solicitation or receipt by a ticket agent or by another carrier—of commissions or other forms of compensation which differ from those set forth in the paying carrier's current commission schedule on file with the Board, pursuant to Part 253. The views of all interested parties were requested on both of these proposals, as well as on (1) the advisability of a requirement for carrier reports of commissions and compensation paid in past periods and (2) the appropriate scope and contents of such reports. A list of the comments and reply comments received is attached hereto as an Appendix.

Of the comments filed in response to our Notice of Proposed rulemaking, only that of the Department of Justice (DOJ) opposes the rule in its entirety.[1] A few comments oppose the rule unless it is broadened or accompanied by a Board commitment to take further action.[2] The remainder of the comments support the general outline of the rule, although some of these comments make suggestions for its revision or clarification. On review of the comments and reply comments, we have decided to adopt Proposed Part 253, with certain modifications.[3] The tentative findings and conclusions set forth in EDR-290/PSDR-44 are incorporated herein and made final, except as modified. Other than those granted herein, all requests contained in the comments are denied.[4]

A. BACKGROUND

The conditions in the industry which led to the petitions for rulemaking of British Caledonian Airways, Ltd. (BCAL) and the Department of Transportation (DOT), and to the Board's Notice of Proposed Rulemaking were set forth in EDR-290/PSDR-44. In brief, at the time the petitions and answers were filed, most air carriers, as members of the International Air Transport Association (IATA) or of the Air Traffic Conference of America (ATC), were committed to payment of commission rates set forth in resolutions of those associations. The resolutions were incorporated in agreements approved by the Board under section 412 of the Act. It is, however, not disputed that the carriers had for some time been engaged in payment of undisclosed but substantial amounts of "excess" commissions or other forms of compensation to some intermediaries in order to obtain increased traffic.

On April 9, 1975, while the petitions of BCAL and DOT were before the Board, Pan American denounced the IATA commission resolutions; other carriers followed Pan American's lead and the resolutions were rescinded.[5] A period of sharply escalating announced commission rates followed. After an initial period of intense competition, publicly stated commission levels appear to have become relatively stable. Although the precise extent of undisclosed commissions and other compensation at the present time is unclear, the filed comments clearly indicate that it remains a serious problem for both carriers and intermediaries.

B. JURISDICTION

Only DOJ questions the Board's authority to require the filing of commission schedules and adherence to those schedules as filed. DOJ contends that our reliance on the statutory provisions cited in our Notice of Proposed Rulemaking,[6] is misplaced and that we are not empowered to adopt the proposed rule. In the alternative, it argues that if the Board does have such power, it must hold a hearing prior to the rule's adoption. More specifically, DOJ contends that sections 102, 204, 407, and 1102 do not confer independent substantive authority but must be combined with some other section of the Act, and that each of the substantive sections cited by the Board is for some reason inapplicable or insufficient. We are not persuaded by this restrictive reading of the statute. We believe that the Board has an obligation to act in the circumstances here presented and has ample statutory authority to act by promulgating rules in accordance with appropriate rulemaking procedures.

The circumstances were outlined in EDR-290/PSDR-44. We there found that undisclosed compensation paid by carriers for the sale of air transportation tends to be injurious to the majority of agents, to the industry as a whole, and to the public as users of air transportation. We further pointed out that such payments are apt to be unrelated to the value or costs of the agent's services, that they erode carrier revenues, aggravate any anticompetitive tendencies which may exist in the travel industry, and may well eventually result in increased fares and charges. These circumstances clearly involve matters which the Congress, by its Declaration of Policy in section 102 of the Act, directed the Board to consider as being in the public interest.[7]

With respect to the more specific sections of the Act which we cited, undis-

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[1] See pp. 3-6 *infra*.

[2] See p. 7, note 17, *infra*.

[3] We are contemporaneously, by regulation PS-70, amending Part 399, Statements of General Policy, as proposed in EDR-290/PSDR-44, with some modifications.

[4] Accordingly, Dockets 26990 and 27413, consolidated herein by EDR-290/PSDR-44, are hereby terminated.

[5] In December, 1975, the IATA Reconvened Composite Traffic Conference at Geneva adopted new resolutions which were incorporated in agreements submitted for Board approval. While maintaining other commission rates at their previous level, the new resolutions would raise the commission on international point-to-point passenger transportation from 7% to 8% and would include an incentive commission for IATA's passenger sales agents. By Order 76-7-56, issued simultaneously herewith, the Board is deferring action on these agreements, pending investigation of the relative public benefits of uniform conference-set commissions and commissions arrived at in the open market.

[6] Sections 102, 204, 401(e), 402(e), 403(b), 407, 411, 1002 and 1102 of the Federal Aviation Act of 1958, as amended, (72 Stat. 740, 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 757, 758 (as amended by 74 Stat. 445), 766) as amended by 83 Stat. 103), 769, 788, 797; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1381, 1482, 1502).

[7] Section 102 provides that the Board's consideration of the public interest shall include, among other things:

(b) The regulation of air transportation in such manner as to * * * foster sound economic conditions in, such transportation, and to improve the relations between * * * air carriers;

(c) The promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices;

closed compensation paid by carriers for the sale of air transportation facilities rebating, in violation of section 403(b). The relationship between undisclosed compensation and rebating is recognized by recent court decisions enjoining the air carrier parties from paying commissions which they have reason to know will result in violations of section 403.[8] Thus, while, as DOJ correctly notes, we do not treat commission rates themselves as tariff subjects, their relationship to the strict observance of tariff rates and fares seems clear, as does our obligation to prevent rebating. Moreover, our international responsibilities in this regard are underscored by section 1102 of the Act,[9] since bilateral agreements in effect with 16 countries impose an obligation to prevent rebating.[10]

In addition to facilitating rebates in violation of section 403, undisclosed compensation results in erosion of carrier revenues, a matter clearly within the Board's ratemaking jurisdiction under section 1002 of the Act. DOT attacks our citation of section 1002, arguing that a commission rate is not a "rate" or a "classification, rule, regulation or practice affecting such rate" within the meaning of section 1002(d). But we need not now consider any question of interpretation of section 1002(d), the subsection which deals with prescription of rates and practices, since we are not here prescribing any rates or practices, or even dealing with any particular level of commission rate. Our citation of section 1002, generally, recognizes only that commission expense affects a carrier's need for revenue and, as such, constitutes a factor which the Board may consider in its ratemaking capacity.

The payment of undisclosed compensation by the carriers, as well as its solicitation and receipt by a limited number of travel agents, obviously raises questions of unfair practices and methods of competition under section 411.[11] The fact that an investigation and hearing would be required prior to issuance of a particular cease and desist order does not detract from the Board's general jurisdiction over this type of transaction and its authority to adopt a rule designed to prevent unfair and deceptive practices.

Sections 401(e) and 402(e), which we also cited, make clear that the authority of all carriers, under certificates or permits, is subject to compliance with such reasonable terms, conditions, and limitations as the Board finds in the public interest. Certificates and permits issued by the Board incorporate an express reservation that exercise of the privilege granted is subject to "such other reasonsonable terms, conditions, or limitations required by the public interest as may from time to time be prescribed." They contain, in addition, a recital that the granted authority is held subject to the Act and to rules and regulations issued thereunder. We are here adopting a rule in accordance with established rulemaking practices and not conditioning or amending certificates and permits. We therefore do not reach the question raised by DOJ as to whether sections 401(g) and 402(f)[12] would require a hearing if we were amending certificates.

In summary, we think it clear that, taken together, the sections which we cited in our notice of proposed rulemaking[13] provide ample authority to adopt a schedule-filing requirement under the broad rulemaking authority granted by section 204.[14]

Apart from its jurisdictional contentions, DOJ advances policy arguments directed to what it regards as the advantage of free competition in the area of commissions and to the need for a hearing to resolve antitrust questions raised by carrier agreements. Basically, the question on which DOT seeks a hearing is the relative merits of the conference versus open-market process of establishing commission levels,[15] a matter which will be the subject of a hearing in Docket 28672. That question is not in issue here and our adoption of the present disclosure rule at this time in no way forecloses or limits examination of that question in Docket 28672.[16]

C. SCOPE OF THE RULEMAKING

EDR–290/PSDR–44 limited the scope of this proceeding to consideration of a full-disclosure rule. We specifically stated that we would not consider the merits of any particular commission level, the procedures by which commission levels are arrived at, or the voice given travel agents in those procedures. Our proposal was to require the filing of commission levels which are in fact paid—without regard to whether or not those levels are incorporated in carrier agreements. A few parties nonetheless either seek to expand the rulemaking to encompass these issues or condition their approval of the proposed rule on simultaneous or future Board action with respect to such issues.[17]

These matters are not properly a part of this rulemaking. As previously noted, the question of the relative merits of open-market versus conference-fixed commission rates, from the point of view of the public interest, will be investigated in connection with the IATA agreements submitted for Board approval. The rule that we proposed in this proceeding, and which we now adopt, is neutral with respect to the question of open versus fixed rates, requiring only that carriers file the commission rates which they actually pay and leaving them free to amend their filings at any time.[18]

Other comments raised additional matters which were not included in the Notice and are clearly outside the scope of this rulemaking.[19] We do not discuss these matters but turn instead to the comments which are directed to the rules as proposed.

D. SUGGESTED REVISIONS OR CLARIFICATIONS OF THE RULE

(1) *Definition of compensation.* Proposed Part 253 and the proposed amendment of Part 399 cover not only commissions but "all other forms of compensation" for the sale of air transportation. Comments on this aspect of the proposal vary, contending that its coverage is too broad, that "compensation" should be defined, or that we should specify inclusion, or exclusion, of a num-

[8] "U.S. v. Air France, et al.", E.D.N.Y. Civil Action No. 75 C 1578, Final Judgment (Injunction), and "U.S. v. Air New Zealand, Ltd., et al.", N.D. Cal. Civil Action No. C–76–0329 OJC, Final Judgment (Injunction); "CAB v. Braniff Airways, Inc.", CA 3–76–0590 (D.C. N.D. Tex., Dal. Div.).

[9] Section 1102 requires the Board to perform its duties consistently with international agreements.

[11] Section 411 empowers the Board to investigate whether any air carrier, foreign air carrier, or ticket agent has been or is engaged in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof.

[12] While DOJ's argument is made in terms of Section 401(g), it would necessarily apply to foreign air carrier permits under Section 402(f).

[13] In addition to the sections here discussed, we cited section 407, which empowers the Board to require from any air carrier reports and answers to all questions on which the Board deems information necessary.

[14] Section 204 empowers the Board to make such rules, pursuant to and consistent with the Act, as it deems necessary to carry out the Act and its powers and duties thereunder.

[15] This type of question was raised by a few other parties. See note 17, *infra*.

[16] Other policy arguments made by DOT are unpersuasive. We do not regard adoption of this regulatory requirement, which we have found to be reasonable and desirable, as contrary to, or inconsistent with, any general policy with respect to deregulation.

[17] The American Society of Travel Agents, Inc. (ASTA), for example, would have us set minimum commission rates. The Association of Retail Travel Agents (ARTA) asks that we adopt the rules only in conjunction with a parallel rule removing antitrust immunity from commission agreements. And the International Airfreight Agents Association (IAAA) states that it supports the rulemaking only if the Board commits itself to undertake overall reform of cargo commission practices and rates. See also note 16 *supra*, with respect to the question of hearing.

[18] In Docket 28672 as in this rulemaking, the Board has specifically declined to consider actual commission levels. We find no need for extended discussion of DOJ's concern that adoption of the instant rule is a precursor of Board-prescribed commission rates.

[19] For example, the American Express Company (AMEXCO) would have us extend application of the rule to payments by indirect air carriers and The Flying Tiger Line Inc. (Flying Tiger) would have us require indirect air carriers to report payments received from direct air carriers.

ber of practices. On the one hand, it is suggested that the rule should apply only to commissions, or at least that it should exclude from coverage "other forms of compensation" permitted by IATA or ATC resolutions. On the other hand, we are asked to identify as compensation such practices as the sharing of advertising costs, provision of free and reduced-rate transportation, and performance of maintenance and other services at less than cost.

The full disclosure purpose of the rules we here adopt would be defeated by limiting their application to payments strictly classifiable only as commissions. It is widely recognized, and the comments confirm, that intermediaries receive remuneration for the sale of air transportation through a wide variety of practices; to exclude these practices from coverage of a regulation designed to deal broadly with disclosure of compensation paid by carriers for such sales would be to ignore the realities of the market. The alternative suggestion—that we exclude from coverage those forms of compensation permitted by IATA conference rules—would also defeat our basic objective. Our purpose is to require full disclosure, in one document, of all forms of compensation for the sale of air transportation paid by each carrier; the question whether a particular form of compensation is or is not permissible under the rules of any association is irrelevant.

In view of the comments, we have determined to incorporate in the rule itself the definition of compensation which we included in the Explanatory Statements of the Notice of Proposed Rulemaking.[20] We remain persuaded, however, that there is no need to list or analyze the wide variety of specific practices which the rule would encompass. We have no doubt that, for example, the sharing of advertising expense, provision of undervalued services, and reduced-rate transportation can all serve as vehicles of "compensation for the sale of transportation."[21] But whether any particular practice amounts to such compensation is ultimately a question of fact in the specific circumstances. The word "compensation" is in itself generic and comprehensive, and we believe it will adequately cover all methods of rewarding the sale of air transportation which now exist or which may be developed. Our discussion here is therefore limited to those specific practices or payments which are apparently recognized as troublesome, or concerning coverage of which differing opinions are expressed in the comments.

(2) *Intercarrier arrangements.* Part 253 as proposed would cover compensation paid "to any person," thereby including payments to other carriers. Under its terms, the proposed rule would therefore apply to all arrangements which result in direct or indirect compensation of one carrier by another for the sale of air transportation. British Airways would have us revise the rules so as to exclude interline sales, which it contends have not been a part of the commission problems, or at least so as to exclude other types of intercarrier arrangements, on the grounds that carriers cannot isolate or identify "compensation for the sale of air transportation" and thus could not comply with the rule.

On consideration of the comments, we have determined to retain the proposed language. While intercarrier arrangements may not be the most critical area with respect to undisclosed compensation, they do appear to provide an obvious vehicle for hidden payments. We think it significant that a number of comments specifically indicated that payments between carriers should be covered. Thus, for example, Pan American and ASTA both request us to emphasize that compensation payable to other carriers on interline or other sales is encompassed by the proposed rules; and, indeed, ASTA recommends coverage of intercarrier arrangements generally. More specifically, with respect to promotional joint fares, American cites "special" proration agreements, by which one carrier may reduce its share of a prorated ticket as an inducement to other carriers to route over its segment. DOT refers to arrangements by which an international air carrier pays a domestic air carrier more than fair market value for maintenance and other service, and urges that the excess over fair market value should be treated as compensation for the sale of air transportation.

The comments thus fortify our tentative conclusion in EDR–290, that a variety of intercarrier transactions, whose ostensible subject is not related to our present concern, may in fact constitute compensation for the sale of air transportation, and must be disclosed if the schedules are to be fully informative. We cannot accept the argument that these intercarrier arrangements would present extraordinary difficulties of identification for the carriers since the carriers themselves determine whether their payments to each other are intended to compensate for such sales. We think it significant that no other carrier has raised this objection, and it is not readily apparent why compliance would present particular difficulties for British Airways.

(3) *Other questions of coverage.* Our proposed draft rule covers compensation paid by an air carrier or foreign air carrier (a) to any person other than its own bona fide employees (b) for the sale of air transportation. The comments contain several suggestions to extend, restrict, or confirm coverage in these respects.

a. "To any person (other than a bona fide employee)"

Japan Air Lines (JAL), LOT Polish Airlines, and "VARIG", S.A. (Viacao Aerea Rio-Grandense) (VARIG) all contend that this proposed language is too broad; they propose its amendment to cover only payments to IATA appointed travel agents. While this proposal would obviously reduce the reporting obligation imposed on IATA members, it would unduly limit the scope of reported information and frustrate the full-disclosure purposes of the rule. We have therefore determined to retain our proposed coverage of payments to "any person."

ASTA, DOT, and Philippine Air Lines have raised questions concerning the scope of the "bona fide employee" exception, pointing out possible "loopholes" with respect to part-time employees or employees paid on a commission basis, and possibly unequal application of the rule should payments to "in-house" tour operators be excepted from coverage while payments to outside tour operators are included. It is suggested that "bona fide employee" be so defined as to remove all three of these categories from the exception. On consideration of the comments, we find no justification for such a categorical determination of status.

The requirement of schedule filing is designed to make available information as to the compensation paid (or provided) any person in a position to direct traffic to the paying carrier. Payments to a "bona fide employee" making sales on behalf of a particular carrier are for this reason excepted. Whether a particular individual or tour operator is a bona fide employee of a carrier is—like the question of whether a particular payment is "for the sale of air transportation"—a question of fact. It depends in any given situation on a variety of factors, such as control and supervision, manner of remuneration, and responsibility or obligation to the carrier. The number of hours worked is not determinative, and the manner of compensation or the place of work may not, taken alone, sufficiently indicate the real nature of the work relationship. With respect to "in-house" tour operators as well as other payees, the whole range of factors bearing on the relationship are pertinent, particularly the factor of control by, and obligation to, the carrier. We believe that "bona fide employee" is a sufficiently flexible expression to permit limitation of the exception to those who occupy a genuine employee relationship to the carrier.

b. Payments "for the sale of air transportation."

[20] For purposes of this rule, therefore, compensation includes not only money but also labor, services, credit, goods, or other things of value.

[21] With respect to the sharing of advertising expense, AMEXCO has raised a question as to the meaning of "compensation" in this rule as compared with its meaning in sec. 378a.43, which prohibits payment of "commissions, fees, or other compensation" by a direct carrier to a One-stop-inclusive Tour Charter operator. We stated in SPDR–36A, December 5, 1975, that the Part 378a prohibition did not apply to the bona fide sharing of advertising costs as distinguished from "compensation." Here, as is the case of sec. 378a.43, it is the amount which represents an excess over the value of the advertising to the direct air carrier which constitutes "compensation."

BCAL suggests amendment of this language to include the words "or in consideration of" (the sale of air transportation). The stated purpose of this proposal is to include persons who may receive a payment although another person makes the sale and to include the furnishing of traffic, or other activities, which lead to the sale of air transportation. In the absence of a compelling showing of substantial problems which are not reached by the proposed text, we prefer to retain its more specific language. Whether a particular payment is intended as compensation "for" the sale of air transportation is of course always a question of fact. But enlargement of the rule in an effort to cover activities which lead to a sale, and persons engaging in these activities, would necessitate examination of a wide and amorphous area of operations, and raise additional, difficult questions of fact, complicating enforcement. Should there prove to be real problems in this area, the Board is always prepared to consider appropriate amendment of the rule.

The proposed draft encompasses "commissions and all other forms of compensation" which a carrier "pays" to any person for the sale of air transportation. BCAL is concerned that "pays" may be read as limited to transfers of money. It accordingly proposes that the language be amended to read "pays or provides," in order to stress the coverage of "all other forms of compensation." We believe the coverage of such compensation is clear in the proposed draft, but we are adopting BCAL's suggestion, since the word "provide" may give additional emphasis.[22]

ASTA has requested confirmation that the proposed rules relate only to the sale of air transportation and that the sale of lodging accommodations and other components of air-tour ground packages do not fall within their scope. We confirm ASTA's interpretation in this respect. We would note, however, that the provision of ground accommodations for the sale of air transportation may constitute "compensation."

In response to comments on the proposed amendment to Part 399 which we are contemporaneously adopting by Regulation PS–70, we have modified the language of § 399.85 to make clear that, while it prohibits the solicitation of compensation differing from that in the currently filed schedule, it does not prohibit the solicitation of different compensation to be paid in the future in accordance with a revised, filed schedule. Similarly and to incorporate a parallel provision, we revised the language of § 399.85 to make clear that, while the Board regards as an unfair practice and method of competition the payment or provision of—or agreement to pay or provide—compensation differing from that in the currently filed schedule, it does not so regard the agreement to pay or provide different compensation in the future, in accordance with a revised, filed schedule. We have revised the second sentence of § 253.3 to reflect this change and to conform the two rules.

Finally, we confirm, as requested by Seaboard, that the requirements of the rule apply to all types of "air transportation," including charter.[23]

E. ADVANCE NOTICE OF COMMISSION CHANGES; MINIMUM EFFECTIVE PERIOD

EDR–290/PSDR–44 specifically stated that the draft rule would not require a schedule to be on file for any specified period prior to effectiveness. With respect to British Airways' proposal of a short notice period where changes are made to meet competition, we also pointed out that the draft would prohibit nonconforming payments without regard to the reasons for which they are made. Many of the comments, however, suggest modification of Part 253 to provide for a fixed period of advance notice before a commission rate goes into effect (shorter where the purpose is to meet competition), and a fixed period during which commission rates must remain in effect. It is contended that advance notice is required for other carriers to have actual knowledge of the new rates. It is also urged that specified periods of notice and of effectiveness are required to avoid the instability which otherwise would be caused by rapid changes of schedules in response to particular situations or pressures. Suggested periods range from three to thirty days for advance notice, and from thirty to ninety days for minimum effective periods.

On consideration of the comments, we have determined to adopt this aspect of the rule as proposed. Advance notice is appropriate with respect to tariffs—since notice provides the necessary opportunity for challenge and suspension, permitting examination of the tariff's lawfulness. There is, however, no question of objection or suspension with respect to filed commission schedules. The only real effect of advance notice would be to enable a competitor more quickly to meet the revised rate (or form of compensation), and, for this purpose, it is requested that another and shorter notice period be applied. The Board could easily become involved in arbitrating questions of notice. More importantly, the prescription of such periods, and of a minimum effectiveness period, would involve the Board in at least limited control of commission levels. The rule we proposed is, as previously stated, not designed to regulate the level of commissions, but only to ensure their public disclosure. While as a practical matter, the required disclosure may itself be expected to result in increased stability of commission levels, the promotion of stability through prescription of arbitrary time limits would exceed the limited purpose of the regulation.[24]

F. TERRITORIAL APPLICATION

The rule proposed in the notice of rulemaking would apply to the sale of "air transportation" and would impose no geographical limitations. The comments diverge widely in their views on this matter. British Airways and JAL propose that the rule be limited in its application to compensation paid to travel intermediaries in the United States for transportation sold in the United States. Pan American would have the rule cover compensation paid to agents in the United States for all sales in the United States and, in addition, all foreign air transportation originating in the United States. Flying Tiger and Seaboard World Airlines, Inc. (Seaboard)—both U.S. cargo carriers—would have the rule apply to the sale of all air transportation originating or terminating in the United States.

On consideration of the comments, we have determined that the proposed rule should be modified to restrict its application to air transportation originating in the United States. We cannot accept the suggestion that it should apply only when both sale and payment should take place in the United States. The exclusion of compensation paid outside the United States with respect to sales in the United States would create a substantial and unnecessary loophole. Exclusion of all sales outside the United States would also offer a loophole, albeit less substantial. On the other hand, we do not believe that this rule should apply to all traffic terminating in the United States. While it is alleged that the rule would be ineffective without this basis of coverage, that allegation is not factually substantiated. We have determined, in the interest of comity, that—with respect to foreign air carriers—the rule should apply, at least

[22] BCAL and Pan American World Airways (Pan American) also propose amendment of pays "to any person" to read pays or provides "to or for the benefit of any person." Although we believe that the language which we had proposed would cover such payments as being "indirect," we are adopting this suggestion in order to dispel any doubt as to the rule's coverage. However, we are not adopting Pan American's suggestion that payments to an "affiliate" be specifically included in the rule, since such payments would obviously be covered as payments made "indirectly" and "for the benefit of" the person making the sale.

[23] We are not persuaded by United's contention that the rule we adopt is unenforceable without a definition of "sale" to be applied in the charter field. United's allegations that the practice of naming an agent after the charterer has been selected facilitates rebates go to the enforcement of section 403 generally, and not to the enforcement of this rule.

Similarly, the request of International Airfreight Agents Association (IAAA) that the rule cover payments for nonsales services by agents in the cargo charter field raises questions outside the scope of this rulemaking.

[24] It is also suggested that an advance-notice period is required so that the carrier filing a new rate will have time to inform its personnel and agents. This does not appear to be a substantial problem in view of modern communication facilities. Furthermore, there is nothing to prevent a carrier from giving its employees and agents advance notice of payments it plans to make in accordance with a schedule it plans to file.

initially, only to air transportation originating in the United States, so that it will apply only in those situations where the foreign carriers' commission practices most clearly warrant our attention. So that the burden of the rule will not fall unequally, its application to U.S. air carriers will be similarly limited. By the same token, should our experiences under the new rule demonstrate a need for extending its application to foreign carcarriers' commission transactions whose nexus to the United States is less immediate, we would of course also consider the need for extension to transactions involving U.S. carriers in the light of experience under the rule.

G. MISCELLANEOUS TECHNICAL OR PROCEDURAL MATTERS

Questions are raised as to the manner in which commissions and other forms of compensation should be shown on the schedules, the number of copies to be filed, and the procedures for making carrier schedules available to intermediates.

We are not prescribing a precise form for the schedules. Arrangements vary and we think the carriers themselves are in the best position to know and to describe the bases on which payments are made and compensation provided. The schedules should be fully informative, presenting—insofar as possible in tabular form—the bases or plans of payment. For example, the schedules should clearly disclose any distinctions based on specified factors such as category of transportation or recipient and, with respect to cargo, differences based on size of the shipment or nature of the commodity. Whatever the factors, bases, or plans of payment employed, the schedule must be sufficiently specific so that, if the facts of a particular transaction or group of transactions (including, e.g., group sales or cumulative sales over a period of time) are known, the commission or other compensation payable can be determined from the schedule. As previously noted, all commissions and other compensation should be shown without regard to whether they are already included in, or permitted by, any ATC or IATA resolutions.

VARIG inquires as to the value at which "other forms of compensation" are to be shown on the schedules. We expect each carrier fully to describe whatever goods, services, labor, credit arrangements, or other things of value it provides for the sale of air transportation, and to state as precisely as possible the monetary value which it attributes to those forms of compensation. Where, for example, a carrier provides compensation through maintenance service contracts under which it charges less than the fair market value of the services, its schedule should include the exact amount of that difference in value. Similarly, where a carrier purchases tour brochures at a price intended to exceed the price of the brochures alone, the carrier's schedule should reflect inclusion of that excess.

With respect to the number of copies, our final rule will require one original and two copies of the schedule to be filed with the Board. One of these copies will be available to the public in the Public Reference Room at the Board's offices in Washington, D.C. In addition to filing schedules with the Board, carriers shall furnish copies of their currently filed schedules to members of the public so requesting.

H. REPORTING REQUIREMENT

DOT's petition for rulemaking proposed, as an enforcement tool, a requirement of regular carrier reports which would show the revenues generated by intermediaries and the compensation paid on the basis of those revenues during past reporting periods. Our proposed rule contained no reporting requirement but requested comments on the desirability of such reports, and their appropriate scope and contents.

The comments reflect sharp differences of opinion. The majority of carriers strenuously oppose DOT's proposal, objecting to the burden its adoption would impose, and questioning its value as an enforcement tool. Concern is expressed that reports would result in disclosure of sensitive and proprietary information, and questions are raised with respect to the imposition of this type of reporting requirement on foreign air carriers. Several carriers nonetheless support the general concept of DOT's proposal; of these, two assert that further study and procedural steps are required prior to adoption of a rule.[25]

Only a few of the comments filed by air traffic intermediaries specifically address DOT's reporting proposal; of these, ASTA and the National Passenger Traffic Association, Inc. (NPTA) favor the proposal. ASTA recommends discussion among carriers, agent representatives, and the Board, so that a standard form can be designed. IAAA, although supporting reports if they are found necessary to enforcement, addresses at some length the problem of preserving the confidentiality of proprietary information.

Two carriers, Braniff Airways, Inc. (Braniff) and Flying Tiger in its original comment, suggested that in lieu of carrier reports as proposed by DOT, appropriate carrier officers be required to file periodic sworn statements of compliance with the rule. Flying Tiger's proposal was the more specific, suggesting a statement under oath as to whether there have been any nonconforming payments and, if so, to whom they have been made. This type of statement is advocated on the grounds that it would more effectively insure compliance by placing responsibility on individual corporate officers of foreign and U.S. carriers.

Upon consideration of all of the comments, we have determined to impose only a schedule-filing requirement at the present time. The purpose of the proposed reporting requirement is to aid in enforcement of the rule. However, the comments of the parties and our own consideration of the question lead us to conclude, at least tentatively, that if the reports are limited to aggregate totals and percentages—as many of the comments appear to assume—they will be of very questionable use from an enforcement standpoint. On the other hand, in view of the large number of traffic intermediaries and the volume and variety of sales transactions, the filing of detailed particular information would not only raise difficult questions with respect to proprietary information but would impose on the carriers a substantial burden which might not be justified in terms of value of the filed material. There are additional considerations of a practical nature. While the proposal for a reporting requirement is based on the assumption that the carriers would not otherwise comply with a Board regulation, the requirement itself is based on the assumption that noncompliance will be freely admitted in or ascertainable from reports. And even assuming the desirability of such reports, we think it clear that the task of drafting an appropriate form or forms would require additional and time-consuming procedural steps. Finally, we note that the alternative proposal which would require sworn statements as to violations from officials of air carriers and foreign air carriers raises questions outside the scope of the proceeding, as outlined in the Notice of Proposed Rulemaking.

On balance, we have determined that it would be preferable to put the proposed rules promptly into effect, and to monitor experience under them.[26] Of course, to the extent that the schedule itself sets forth factual representations, it constitutes a kind of report, and the rule prescribes the customary type of certification by a corporate officer.

In consideration of the foregoing, the Board hereby adopts Part 253 of its Economic Regulations (14 CFR Part 253) effective August 30, 1976, as follows:

Sec.
253.1 Definitions.
253.2 Applicability.
253.3 Required filing of schedules; prohibition of nonconforming commissions and compensation.
253.4 Number of copies and place of filing schedules; provision of requested copies.
253.5 Certification.

[25] American strongly supports reporting of commissions and compensation to travel agents and tour operators and Varig would not object to reporting, provided it is limited to payments to IATA appointed agents.

TWA is concerned that requirements be the same for foreign and U.S. air carriers and advocates circulation of any report form prior to adoption. Pan American, noting that many complex problems are involved, proposes government/industry discussions to determine appropriate report contents.

[26] We note in this connection that—in view of the pronounced differences of opinion on reporting, as contrasted with the almost unanimous support for schedule filing—DOT itself has suggested deferral of action on this aspect of its proposal.

AUTHORITY: Secs. 102, 204, 401(e), 402(e), 403(b), 407, 411, 1002 and 1102 of the Federal Aviation Act of 1958, as amended, (72 Stat. 740, 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 757, 758 (as amended by 74 Stat. 445), 766 (as amended by 83 Stat. 103), 769, 788, 797; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1381, 1482, 1502.

§ 253.1 Definitions.

For purposes of this part:

(a) "Carrier" means an air carrier directly engaged in the operation of aircraft pursuant to a certificate of public convenience and necessity issued under section 401 of the Act or a foreign air carrier directly engaged in the operation of aircraft pursuant to a permit issued under section 402 of the Act.

(b) "Compensation" means money, labor, services, credit, goods, or other things of value.

§ 253.2 Applicability.

This part applies to all commissions and other forms of compensation paid or provided by a carrier for the sale of air transportation originating in the United States.

§ 253.3 Required filing of schedules; prohibition of nonconforming commissions and compensation.

Each carrier shall within 30 days of the effective date of this rule file and maintain on file with the Board a currently effective schedule which sets forth the level or levels of commissions and all other forms of compensation which it in any manner or by any device directly or indirectly pays or provides to or for the benefit of any person (other than its own *bona fide* employees) for the sale of air transportation originating in the United States. The schedule shall be sufficiently specific so that, if the facts of a particular sale or group or category of sales (including, e.g., group sales or cumulative sales over a period of time) are known, the commission or other compensation to be paid or provided can be determined from the schedule. No carrier shall directly or indirectly in any manner or by any device pay or provide, or agree to pay or provide, to or for the benefit of any person (other than its own *bona fide* employees) for the sale of air transportation originating in the United States, any commissions or other forms of compensation which differ from those set forth in the schedule which the carrier currently has on file with the Board pursuant to this section, or which the carrier will have on file with the Board at the time the commission is paid or the other form of compensation provided.

§ 253.4 Number of copies and place of filing schedules; provision of requested copies.

(a) Each carrier shall submit an original and two copies of any schedule which it files under § 253.3 of this part, addressed to the Secretary, Civil Aeronautics Board, Washington, D.C. 20428.

(b) Each carrier shall provide a copy of its currently filed schedule to any person requesting it.

§ 253.5 Certification.

(a) The certification of all schedules filed pursuant to this part shall be signed by a corporate officer authorized by the carrier to sign the certification.

(b) The certification shall read as follows:

I, the undersigned _____ of
(Title)
_____, do certify that this
(Name of carrier)
schedule has been prepared by me or under my direction; that I have carefully examined it, and declare that it correctly reflects the accounts and records of the company and is, to the best of my knowledge and belief, a complete and accurate statement.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX

COMMENTS

Compagnie Nationale Air France
Air Siam
Alitalia
Aloha Airlines, Inc. and Hawaiian Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
British Airways
British Caledonian Airways, Ltd.
Eastern Air Lines, Inc.
Flying Tiger Line, Inc.
Japan Air Lines Company, Ltd.
Compania Mexicana de Aviacion, S.A.
National Airlines, Inc.
Northwest Airlines, Inc.
Overseas National Airways, Inc.
Pan American World Airways, Inc.
Philippine Air Lines, Inc.
Seaboard World Airlines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
"VARIG", S.A. (Viacao Aerea Rio-Grandense)
Western Air Lines, Inc.
American Automobile Association, Inc.
American Express Company
American Society of Travel Agents, Inc.
Association of Retail Travel Agents (ARTA, Ltd.)
Copeland Travel Service
Harle Consolidators International
International Airfreight Agents Association
Department of Justice
Department of Transportation

REPLY COMMENTS

Flying Tiger Line Inc.
Lot Polish Airlines
Lufthansa German Airlines
Northwest Airlines, Inc.
Pan American World Airways, Inc.
Seaboard World Airlines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
American Automobile Association, Inc.
American Society of Travel Agents, Inc.
Harle Consolidators International
International Airfreight Agents Association
National Passenger Traffic Association, Inc.
Department of Transportation

[FR Doc.76-21221 Filed 7-21-76;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-70, Amdt. 49; Docket No. 28460]

PART 399—STATEMENTS OF GENERAL POLICY

Unfair Practice and Unfair Method of Competition in Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 16, 1976.

Effective: August 30, 1976.

Adopted: July 16, 1976.

By notice of proposed rulemaking,[1] the Board invited comments, and responses to such comments, on a proposal to enact a new Part 253 of the Economic Regulations which would require each air carrier and each foreign air carrier to file and to maintain on file, a currently effective schedule showing the commissions and all other forms of compensation which it pays for the sale of air transportation. The notice also encompassed amendment of Part 399 of the Board's Policy Statements to state that it will be the Board's policy to regard as an unfair practice and an unfair method of competition in air transportation, within the meaning of section 411 of the Federal Aviation Act, the payment by a carrier—or the solicitation or receipt by a ticket agent or by another carrier—of commissions or other forms of compensation which differ from those set forth in the paying carrier's current commission schedule on file with the Board, pursuant to Part 253. Comments and reply comments received are listed in the Appendix.

By ER-961, issued contemporaneously herewith, the Board has made final its proposed new Part 253. For the reasons stated therein, the Board has also decided to adopt the proposed amendment to Part 399, as proposed in EDR-290/PSDR-44, but with some minor modification suggested by the filed comments.

It was suggested that the "solicitation" language of proposed § 399.85 would prohibit negotiations in which agents seek a change in the rate of compensation currently on file with the Board. The policy statement was intended to apply only to solicitation of compensation varying from the rate disclosed in the carrier's filed schedule which is in effect—or is to be in effect—at the time the compensation is to be provided. We have modified section 399.85 to make this clear. In addition, to incorporate a parallel provision, we have revised the rule to apply to the carrier's agreement to pay, as well as the agent's solicitation of, nonconforming compensation.[2]

---

[1] EDR-290/PSDR-44, November 3, 1975, 40 FR 54007. Docket 28460.

[2] For the reasons stated in ER-961 we have also added a definition of "compensation" identical to that in the Explanatory Statement of the Notice of Proposed Rulemaking.

Seaboard World Airlines, Inc. has asked that we amend proposed section 399.85 specifically to include cargo sales agents on the grounds that field personnel may not realize that cargo agents are encompassed in the term "ticket agent." Such an amendment might, however, give rise to misunderstanding by singling out for attention one category of "ticket agent." It would also be inconsistent with Board practice of omitting from its regulations definitions of those expressions defined in section 102 of the Act, unless a different meaning is intended.[3] Seaboard should assume the responsibility for making sure that its field personnel understand the application of the rules.

Accordingly, the Civil Aeronautics Board hereby amends Part 399 of its Statements of General Policy (14 CFR Part 399) effective August 30, 1976, as follows:

1. Amend the Table of Contents by adding § 399.85 to the table, to read in pertinent part as follows:

Subpart G—Policies Relating to Enforcement

* * * * *

Sec.

399.85 Unfair practice and unfair method of competition of carrier in paying or providing or agreeing to pay or provide, or of a ticket agent or another carrier in soliciting or receiving, commissions or other forms of compensation differing from those set forth in the commission schedule currently on file with the Board under Part 253.

2. Add a new § 399.85 to read as follows:

§ 399.85 Unfair practice and unfair method of competition of carrier in paying or providing or agreeing to pay or provide, or of a ticket agent or another carrier in soliciting or receiving, commissions or other forms of compensation differing from those set forth in the commission schedule currently on file with the Board under Part 253.

(a) It is the policy of the Board to consider that the payment or provision or the agreement to pay or provide by any carrier, or the solicitation or receipt by any ticket agent or by any other carrier, of commissions or other forms of compensation for the sale of air transportation originating in the United States, which differ from those set forth in the commission schedule currently on file with the Board, under Part 253 of the Economic Regulations, constitutes an unfair practice and an unfair method of competition in air transportation or the sale thereof, within the meaning of section 411 of the Act: *Provided, however,* That this policy shall not preclude a carrier from agreeing to pay or provide, or a ticket agent or another carrier from soliciting, the future payment or provision of different commissions or different other forms of compensation in accordance with a revised schedule to be filed and effective at the time the commission is paid, or the compensation provided.

(b) For purposes of this part:

(1) "Carrier" means an air carrier directly engaged in the operation of aircraft pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, or a foreign air carrier directly engaged in the operation of aircraft pursuant to a permit issued under section 402 of the Act.

(2) "Compensation" means money, labor, services, credit, goods, or other things of value.

(Secs. 102, 204, 401(e), 402(e), 403(b), 407, 411, 1002 1102, Federal Aviation Act of 1958, as amended, (72 Stat. 740, 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 757, 758 (as amended by 74 Stat. 445), 766 (as amended by 83 Stat. 103), 769, 788, 797; (49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1381, 1482, 1502))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX

COMMENTS

Compagnie Nationale Air France
Air Siam
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Aloha Airlines, Inc. and Hawaiian Airlines, Inc.
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Flying Tiger Line, Inc.
Japan Air Lines Company, Ltd.
Compania Mexicana de Aviacion, S.A.
National Airlines, Inc.
Northwest Airlines, Inc.
Overseas National Airways, Inc.
Pan American World Airways, Inc.
Philippine Air Lines, Inc.
Seaboard World Airlines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
"VARIG", S.A. (Viacao Aerea Rio-Grandense)
Western Air Lines, Inc.
American Automobile Association, Inc.
American Express Company
American Society of Travel Agents, Inc.
Association of Retail Travel Agents (ARTA, Ltd.)
Copeland Travel Service
Harle Consolidators International
International Airfreight Agents Association
Department of Justice
Department of Transportation

REPLY COMMENTS

Flying Tiger Line Inc.
Lot Polish Airlines
Lufthansa German Airlines
Northwest Airlines, Inc.
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Seaboard World Airlines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
American Automobile Association, Inc
American Society of Travel Agents, Inc.
Harle Consolidators International
International Airfreight Agents Association
National Passenger Traffic Association, Inc.
Department of Transportation

[FR Doc 76-21222 Filed 7-21-76;8:45 am]

[3] See Part 200, § 200.6 of the Board's Economic Regulations.

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 10]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969—)

Administrative Actions That Are Initial Determinations

On February 6, 1976, there was published in the FEDERAL REGISTER (41 FR 5405) a notice of proposed rulemaking with proposed amendments to Regulations No. 10 (20 CFR Part 410) which would classify the decision regarding who is designated to serve or continue to serve as representative payee as an initial determination. This action would provide the parties to that decision the right to appeal the decision. The public was given until March 8, 1976, to comment on the proposed amendments.

In administering the black lung program under Part B of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, (30 U.S.C. 921–925), the matter of who is selected or continued as representative payee is of considerable interest and importance to a beneficiary. Hence, the decision regarding who is designated to serve or continue to serve as payee should be an initial determination. These amendments reflect that position and accord the same appeal rights with respect to that decision as are now accorded with respect to the decision as to whether representative payment shall serve the interest of an individual by reason of his incapacity to manage his benefit payments, except decisions involving beneficiaries under age 18 or legally incompetent.

Under § 410.610(l) relating to representative payees for black lung beneficiaries, only the beneficiary or the person appointed or continued as representative payee will have the right to appeal the determination as to who shall be the representative payee. The determination that a payee applicant (other than the beneficiary) does not qualify as a payee will not be considered an initial determination, and no administrative appeal rights will flow therefrom. This position is reflected in § 410.615(b).

These amendments conform to the policies implementing Title II of the Social Security Act which were reflected in regulations published in the FEDERAL REGISTER of November 18, 1975 at 40 FR 53384. The provisions of sections 205(b), 205(j), and 205(k) (in Title II of the Social Security Act) are incorporated by reference in section 413(b) of the Federal Coal Mine Health and Safety Act of 1969, as amended. Section 413(b) also indicates that the same procedures which are applicable under title II apply to the black lung program.

Interested persons were given the opportunity to submit, within 30 days, data,

views, or arguments with regard to the proposed changes. The comment period has expired and no comments were received. However, the wording and format of § 410.610 has been rearranged to conform with that used in § 404.905(n) as published on November 18, 1975. As a result of this change the proposed revisions to § 410.623 are no longer necessary, and § 410.623 remains in effect unchanged. Accordingly, the proposed amendments are hereby adopted as set forth below.

(Secs. 411(a), 413(b), 426(a), and 508 of the Federal Coal Mine Health and Safety Act of 1969, as amended, 83 Stat. 793, as amended; 83 Stat. 794, as amended, 83 Stat. 798; 83 Stat. 803, (30 U.S.C. 921(a), 923(b), 936(a), 957))

Effective date: These amendments shall be effective on July 22, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.806, Special Benefits for Disabled Coal Miners.)

Dated: June 18, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: July 16, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Paragraph (l) of § 410.610 is revised to read as follows:

§ 410.610 Administrative actions that are initial determinations.

* * * * *

(l) *Need for representative payment.* The Social Security Administration shall make findings, setting forth the pertinent facts and conclusions and an initial determination in accordance with section 205(j) of the Social Security Act (42 U.S.C. 405(j)), as to:

(1) Whether representative payment shall serve the interests of an individual by reason of his incapacity to manage his benefit payments (see § 410.581) except that findings as to incapacity with respect to an individual under age 18 or with respect to an individual adjudged legally incompetent shall not be considered initial determinations; and,

(2) Who shall be appointed or continued as representative payee on behalf of a beneficiary under this Part.

* * * * *

2. Paragraph (b) of § 410.615 is revised to read as follows:

§ 410.615 Administrative actions which are not initial determinations.

* * * * *

(b) The denial of an application to be made representative payee for and on behalf of a beneficiary under Part B of title IV of the Act (see § 410.581).

[FR Doc.76-21215 Filed 7-21-76;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.725]

PART 6a—PRIVACY ACT POLICIES AND PROCEDURES

Amendment of Fee Schedule

On March 24, 1976 the Department of State published a notice of proposed rulemaking in the FEDERAL REGISTER, (41 FR 12229) setting proposed regulations to implement the Privacy Act of 1974 (Pub. L. 93-579). Interested persons were given until April 23, 1976 to submit comments regarding the proposed regulations.

Since no comments were received, § 6a.10 is hereby adopted by imposing a free for copies of personnel records as set forth below.

Effective date: Part 6a.10 shall be deemed to have been effective on April 24, 1976.

(22 U.S.C. 2658; 5 U.S.C. 552a.)

Dated: June 16, 1976.

For the Secretary of State,

LAWRENCE S. EAGLEBURGER,
Deputy Under Secretary for Management.

§ 6a.10 Fees.

(a) The Department will charge a fee of $.10 per page for copies of documents which are identified by an individual and reproduced at the individual's request for retention, except that there will be no charge for requests involving costs of $1.00 or less.

(b) Remittances shall be in the form of either a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasury of the United States and delivered or mailed to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street, NW., Washington, D.C. 20520. The Department will assume no responsibility for cash sent by mail.

(c) A receipt for fees paid will be given only upon request.

[FR Doc.76-21174 Filed 7-21-76;8:45 am]

SUBCHAPTER G—INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE

[Departmental Regulation 108.724]

PART 61—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

Per Diem and Maintenance Allowances

The regulations governing International Educational and Cultural Exchange are revised to provide increased per diem or maintenance allowance to participants who come to the United States to observe, consult with colleagues, demonstrate special skills or engage in specialized programs, or to study. Accordingly, §§ 61.3(c), and 61.5(d) are revised as follows:

1. In Section 61.3, paragraph (c) is revised to read as follows:

§ 61.3 Grants to foreign participants to observe, consult, demonstrate special skills, or engage in specialized programs.

* * * * *

(c) *Per diem allowances.* Per diem allowance not to exceed $45 in lieu of subsistence expenses while participating in the program in the United States, its territories or possessions and while traveling within or between the United States, its territories or possessions: *Provided, however,* That, in accordance with standards and procedures prescribed from time to time by the Assistant Secretary of State for Educational and Cultural Affairs, a per diem allowance of not to exceed $55 may be established in the case of participants whose status and position require special treatment; *And provided further,* That the Assistant Secretary of State for Educational and Cultural Affairs may in the case of any particular participant authorize a per diem allowance in excess of $55. The participant shall be considered as remaining in a travel status during the entire period covered by his grant unless otherwise designated.

* * * * *

2. In § 61.5, paragraph (d)(1) is revised to read as follows:

§ 61.5 Grants to foreign participants to study.

* * * * *

(d) *Allowances.* (1) A maintenance allowance of not to exceed $425 per month while present and in attendance at an educational institution, facility or organization.

* * * * *

Since these revisions relate solely to per diem and maintenance allowances for foreign participants in the international educational and cultural exchange program of the Department of State, who will receive actual notice in each instance of the allowances to be received, notice of proposed rulemaking and delayed effective date under 5 U.S.C. 553 is considered to be unnecessary in this instance.

Effective date: These revisions will become effective July 19, 1976.

AUTHORITY: Sec. 4, 63 Stat. 111, as amended, 75 Stat. 527-538; 22 U.S.C. 2658, 2451 note.

For the Secretary of State,

LAWRENCE S. EAGLEBURGER,
Deputy Under Secretary for Management.

[FR Doc.76-21184 Filed 7-21-76;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 765—RULES APPLICABLE TO THE PUBLIC

Revision

Pursuant to the authority conferred under 5 U.S.C. 301, 10 U.S.C. 133, 5031, and 6011, and 32 CFR § 700.1202, the Chief of Naval Personnel amends 32 CFR Part 765 by revising § 765.9. § 765.9 is a codification of article 6210140 of the Bureau of Naval Personnel Manual, entitled "Indebtedness and financial responsibility of members." This revision relates to internal naval management and personnel practices and largely reflects nonsubstantive changes adopted in the current article 6210140. It has been determined that invitation of public comment on these changes prior to adoption would be impracticable and unnecessary, and is therefore not required under the public rule-making provisions in Parts 296 and 701 of 32 CFR.

3 CFR Part 765 is therefore amended by revising § 765.9 as follows:

§ 765.9 Policy and procedure concerning indebtedness and responsibility of naval personnel for personal financial transactions.

(a) *General.* Members of the naval service are expected to pay their just financial obligations in a proper and timely manner. A "just financial obligation" means one acknowledged by the military member, in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment which conforms to the Soldiers' and Sailors' Civil Relief Act, 50 U.S.C. Appendix 501–590, if applicable. "In a proper and timely manner" means in a manner which does not reflect discredit upon the naval service. The Navy is without legal authority to require a member to pay a private debt, or to divert any part of his/her pay for the satisfaction thereof even though the indebtedness has been reduced to judgment by a civil court. The enforcement of the private obligations of a service member is a matter for the civil authorities. A commanding officer is without authority to adjudicate claims or to arbitrate controversies concerning asserted default in fulfillment of private obligations of naval members, or to act as an agent or collector for the creditor, claimant, or complainant involved. The Soldiers' and Sailors' Civil Relief Act, as amended, provides for certain privileges and benefits for members in the naval service. A member of the naval service is not by virtue of his/her military status relieved from his continuing obligation to obey pertinent civil laws or to comply with the terms of applicable civil court orders, decrees, or judgments.

(b) *Policy.* The policy of the Department of the Navy is to promote habits of thrift and to encourage all members of the naval service to conduct their financial affairs in such a manner as to reflect credit upon the naval service. From inception to final settlement, the responsibility for an obligation rests solely with the creditor and the debtor. The extent to which commanding officers may cooperate with creditors is limited to administrative referral of correspondence to the member. The commanding officer shall ensure that the member concerned communicates his/her intentions in the matter to the creditor.

(c) *Indoctrination.* The commanding officer shall ensure that members of the command have been instructed in the provisions of this section. Disinterested third party counseling should be made available by each command to assist members with financial problems. The following points should be emphasized to the member when discussing credit practices:

(1) Thrift is not only a virtue but, for most people, a necessity.

(2) The way in which one handles his/her private financial affairs provides a reliable indication of his/her general character and trustworthiness.

(3) Prior to acceptance of any credit plan, members should evaluate their financial capabilities and establish a budget which will preclude hopeless entrapment in overburdening and ever increasing debts.

(4) Consultation with a Legal Assistance Officer when contemplating large purchases on credit will assist members to avoid commitments which may be difficult or impossible to carry out.

(5) Be wary of the "high-pressure" salesperson. Think carefully and seek advice before signing an agreement or contract. Never sign a blank contract and always multiply the number of payments by the amount to determine the total payment. Note particularly the penalty clauses.

(6) Failure to pay just debts or repeatedly incurring debts beyond a member's ability to pay is evidence of irresponsibility and may jeopardize the member's security clearance status, advancement status, duty assignment, qualification for reenlistment or extension of enlistment, and in aggravated circumstances may become grounds for disciplinary action or administrative discharge.

(7) A saving may be realized by setting funds aside to provide for cash purchases through civilian or military stores.

(8) Take advantage of the saving, counseling, and lending services provided by credit unions organized by and for Department of the Navy civilian and military personnel.

(9) The use of the statement of Full Disclosure forms as set forth below will be included in this indoctrination and each service member desiring to obtain credit or execute a loan will be encouraged and advised to require the creditor or lender to complete the Full Disclosure form to be signed by both parties to the transaction.

(10) Members who did not seek or heed advice beforehand or who otherwise encounter difficulties in paying their debts should be encouraged to consult with a Legal Assistance Officer in accordance with the provisions of the Manual of the Judge Advocate General.

(11) Bankruptcy is not an easy way out of indebtedness. The Navy neither encourages nor discourages the filing of a petition in bankruptcy. The circumstances prompting bankruptcy proceedings are considered officially since they may reflect adversely on the military character of the petitioner. A discharge in bankruptcy does not give a member immunity from prosecution for offenses of dishonorable failure to pay just debts committed prior to a petition of bankruptcy.

(d) *Policy where state law prohibits creditors from contacting a debtor's employer.* Massachusetts and Maryland have enacted laws which prohibit creditors from contacting a debtor's employer with respect to indebtedness or communicating facts on indebtedness to an employer unless certain conditions are met. The conditions which must be met to remove this prohibition are generally such things as reduction of a debt to judgment or obtaining written permission of the debtor. In states having such laws, the processing of debt complaints will not be extended to those creditors who are in violation of the state law. Commanders may advise creditors that this policy has been established to avoid inadvertent violation by a creditor of the state law. This policy will govern even though a creditor is not licensed to do business in the state where the debtor is located. A similar practice will be inaugurated in any state enacting a similar law with respect to debt collection.

(e) *Requirements.* The following requirements should be met by creditors prior to assistance in collecting debts.

(1) Creditors subject to Federal Reserve Board Regulation Z, 12 CFR 226, and assignees claiming thereunder shall submit, with their request for debt processing assistance, an executed copy of the Certificate of Compliance and a true copy of the general and specific disclosures provided the military member as quired by the Truth-in-Lending Act, 15 U.S.C. 1601.

(2) A creditor not subject to Regulation Z, such as a public utility company, shall submit with the request a certification that no interest, finance charge, or other fee is in excess of that permitted by the law of the state in which the obligation was incurred in accordance with § 226.3 of Regulation Z.

(3) A foreign-owned company having debt complaints shall submit with their request a true copy in English of the terms of the debt and shall certify that they have subscribed to the Standards of Fairness.

(4) Credit unions chartered to serve DOD personnel but operating off military installations; banks and credit unions operating on military installations; and banks, wherever located, which have branches operating on military installations shall conform to the Standards of Fairness.

(5) Relative to the above requirements, the Truth-in-Lending Act, 15 U.S.C. 1601, prescribes the general disclosure requirements which must be met by those offering or extending consumer credit and Federal Reserve Board Regulation Z, 12 CFR 226, prescribes the specific disclosure requirements for open-end and installment credit transactions. In lieu of federal requirements, state regulations apply to credit transactions when the Federal Reserve Board has determined that state regulations impose substantially similar requirements and provide adequate enforcement measures. Regulations of the Federal Reserve Board should be checked to determine whether federal or state laws and regulations govern.

(f) *Determinations.* Upon receipt of an indebtedness complaint, the commanding officer shall determine if the creditor is one of the following types:

(1) A nonjudgment creditor who has complied with the Standards of Fairness, made a full disclosure of the terms of the obligation, and executed the Certificate of Compliance before consummating the loan or credit contract, and has submitted a copy of the statement of Full Disclosure and the Certificate of Compliance with the signatures of both parties and the date of its execution.

(2) A nonjudgment creditor who has certified that the Standards of Fairness are complied with and that the unpaid balance is adjusted accordingly or needs no adjustment, including a statement of Full Disclosure reflecting compliance. This paragraph applies only to those cases in which the creditor has not executed a Certificate of Compliance prior to the consummation of the contract or is unable to produce it.

(3) A creditor who has procured a judgment in a civil court of competent jurisdiction.

(g) *Procedure.* If the creditor is one of the types listed above, the commanding officer shall refer the correspondence to the member concerned, have the member communicate in a proper and timely manner with the creditor regarding his/her intentions in the matter, and forward a letter similar to letter No. 2, illustrated below in paragraph (m)(2), to the creditor. In the event the creditor is not one of the types listed above, the commanding officer shall forward to the creditor a letter similar to Letter (format) (No. 1), illustrated below in paragraph (m)(1). Official letters utilizing format shown may be reproduced locally. Upon receipt of the completed forms for a statement of Full Disclosure and a Certificate of Compliance, the commanding officer shall determine whether the creditor has fully complied with these requirements. If the creditor has done so, the commanding officer shall refer the correspondence to the member concerned, have him/her communicate in a proper and timely manner with the creditor regarding his/her intentions in the matter, and forward to the creditor a letter similar to Letter No. 2, illustrated below in paragraph (m)(2). If the creditor has not satisfactorily met the requirements for full disclosure or signed the Certificate of Compliance, the commanding officer shall forward to the creditor a letter similar to Letter No. 3, illustrated below in paragraph (m)(3) with a copy to the Chief of Naval Personnel. The creditor's correspondence shall be returned and no further action shall be taken by the commanding officer or other officials of the Navy Department until the Standards of Fairness are met and the creditor forwards to the commanding officer a complete statement of Full Disclosure and a signed Certificate of Compliance. Claims in which compliance with these requirements is questionable, or in which the total cost of the loan or credit, including all finance charges, although stated, appear excessive, shall be referred to the officer designated by the command as responsible for such consideration and disposition as may be appropriate. Before deciding on the proper course of action, the officer shall give the creditor an opportunity to demonstrate that the finance charges conform to the law of the state governing the contract and the extent to which the finance charges and rates conform to the prevailing rates and charges for similar consumer credit transactions.

(h) *Exclusions.* The above requirements of certification of compliance with the Standards of Fairness and a Full Disclosure do not extend to:

(1) Claims of companies furnishing such services as milk, laundry, and similar delivery services in which credit is extended solely to facilitate the service, as distinguished from inducing the purchase of the product or service.

(2) Claims by accommodation endorsers, co-makers, or lenders against the party primarily liable on obligations not intended to benefit the accommodating party through payment of interest or otherwise; contracts for the purchase, sale, or rental of real estate; claims in which the total unpaid amount does not exceed $50; claims for support of dependents; claims based on a revolving or open-end credit account if the account shows the periodic rate and its annual rate equivalent and the balance to which it is applied to compute the charge; or purchase money liens on real property (this does not include other liens on real property and related obligations such as those which represent obligations for improvement or repair).

(i) If the claims are the type listed above, the correspondence shall be referred to the member concerned for reply to the writer. Such referral and the nonapplicability of certification and full disclosure requirements do not foreclose any right of the debtor to question service charges and other finance charges and to negotiate a fair and reasonable settlement. When referring such correspondence to the member and urging payments on acknowledged debts, the commanding officer in appropriate cases may indicate that the referral does not foreclose any right the member might have. The commanding officer shall also forward to the creditor Letter No. 2 of the sample letters illustrated below in paragraph (m)(2). Where the creditor's letter is received via a member of Congress, a letter similar to Letter No. 4, illustrated below in paragraph (m)(4) should be forwarded.

(j) Requests to furnish information concerning the personal credit rating of a member of the naval service should be courteously refused. It is the policy of the Department of the Navy to require that replies to such inquiries be limited to a verification that the member is in the naval service and to a statement of the member's duty station address and basic pay. A letter similar to Letter No. 5, illustrated below in paragraph (m)(5) is applicable to this situation. The requester should be further informed that information concerning a member's credit rating may be obtained from civilian agencies which have been established for this purpose. The commanding officer may furnish the member with a statement of service including a statement of pay and allowances. This information should be sufficiently complete to meet the needs of the member, such as those in connection with home mortgage or purchase applications.

(k) The Chief of Naval Personnel receives letters from various sources in foreign territories and countries regarding alleged indebtedness or related matters concerning naval members. In the interest of maintaining harmonious relationships with citizens of other nations, these letters are forwarded to the commanding officer who should expeditiously dispose of these cases and ensure satisfactory and positive conclusion of the matter. If the situation cannot be disposed of satisfactorily or permanently before the member's departure from the foreign port or station in question, a report setting forth all pertinent facts should be made to the Senior Officer Present Afloat or other authority, as appropriate.

(l) Action is to be taken in aggravated situations of nonpayment of legal debts as follows:

(1) A commanding officer's action in the case of an officer should be governed by the provisions of the article on performance of officer members.

(2) Enlisted members should be counseled in accordance with the provisions for discharges of enlisted members for reasons of unfitness. When considered to be in the interest of systematizing the management of the members financial affairs, it may be suggested that the member submit to the commanding officer a statement of monthly finances and outstanding obligations (a sample of which is contained in paragraph 13 of the Bureau of Naval Personnel Manual).

(3) Commanding officers shall submit to the Chief of Naval Personnel (Pers 8) a full report of circumstances in connection with any petition in bankruptcy, discharge in bankruptcy, or approved Wage Earners' Plan concerning any member of their command.

(m) *Sample letters.* Sample letters provided below shall be placed in proper format. (These sample letters are not appropriate for use in responding to Navy Relief Society letters to commanding officer, which are neither indebtedness complaints nor "collection letters." Responses to the Navy Relief Society concerning repayment of funds advanced to a member are discussed elsewhere in this section.)

(1) *Sample letter No. 1.*

DEAR MR. (surname): This is in reply to your letter of (date) concerning the alleged indebtedness of (grade/rate name).

It is the policy of the Department of the Navy that members of the naval service shall honorably discharge their just and fair debts. The Department of the Navy has no authority to enforce settlement of any private claims made against members in the naval service, nor is adjudication of disputed claims a matter under the cognizance of the Department of the Navy.

Department of Defense directives require that as a condition precedent to forwarding complaints of indebtedness to a service member the enclosed forms must be completed and the Standards of Fairness complied with. If, after review, it appears that the provisions of the Department of Defense directives have been fully satisfied, the matter will be referred to the service member for reply directly to you.

Sincerely yours,

Encl: (1) Standards of Fairness and forms for a statement of Full Disclosure and a Certificate of Compliance.

(2) *Sample Letter No. 2.*

DEAR (fill in): This is in reply to your letter of (date) concerning the alleged indebtedness of (grade/rate name.)

In view of your letter, the service member has been advised to communicate directly with you regarding his/her intention in the matter.

It is hoped that the above action will result in the matter being satisfactorily resolved.

Sincerely yours,

(3) *Sample Letter No. 3.*

DEAR MR. (surname): This is in reply to your letter of (date) concerning the alleged indebtedness of (grade/rate name).

After a careful review of the contents of your correspondence, it does not appear that the Full Disclosure test and the Standards of Fairness requirement have as yet been met. (Specify particulars to the extent appropriate.) This command is not permitted to assist you until the Standards of Fairness have been complied with or until such time as you have obtained a civil judgment in a court of competent jurisdiction which complies with the provisions of the Soldiers' and Sailors' Civil Relief Act.

By copy of this letter the Chief of Naval Personnel is being advised of the foregoing.

Sincerely yours,

Encl: (1) Correspondence in this case.
Copy to: CHNAVPERS.

(4) *Sample Letter No. 4.*

MY DEAR MR. (Congressman): This is in reply to your letter of (date) concerning the alleged indebtedness of (grade/rate name), United States Navy.

Navy personnel are well indoctrinated in the Department of the Navy's policy of expecting all members of the naval service to discharge their acknowledged debts and just obligations. The Department desires to cooperate and be of assistance to persons who are experiencing difficulty in collecting from naval personnel acknowledged personal debts. There is no legal authority to exercise control or direction over federal pay in matters of personal indebtedness. Cooperation is restricted to bringing the matter of delinquency in indebtedness to the attention of the member concerned, with the request that he communicate with the creditor regarding his/her intentions in the matter.

Department of Defense directives require that as a condition precedent to forwarding complaints of indebtedness to a service member the enclosed forms must be completed and the Standards of Fairness complied with. Your constituent should be advised to forward the forms to the Commanding Officer, (fill-in).

Sincerely yours,

Encl: (1) Standards of Fairness and forms for a statement of Full Disclosures and a Certificate of Compliance.

(5) *Sample Letter No. 5.*

DEAR SIR: This is in reply to your letter of (date) requesting certain information relative to the credit rating of (grade/rate name), United States Navy.

(Grade/rate name) is currently a member of the naval service on active duty. His/her official address is (fill-in). His/her basic rate of pay is (fill-in) per month.

Current policy of the Department of the Navy precludes furnishing further information in this regard. If more detailed data is required, it is suggested that it be requested directly from (grade/rate name) or from credit bureaus or other commercial rating agencies.

It is hoped that the foregoing information satisfactorily answers your inquiry.

Sincerely yours,

(n) Service members desiring to use these safeguards when executing a loan or credit contract should receive beforehand, from the Legal Assistance Officer or other source of supply, two copies of the Certificate of Compliance and Standards of Fairness (one copy for each party to the contract). It should be noted that a seller or lender may present the information provided for in the statement of Full Disclosure form through any different form as most convenient to him as long as all the information is disclosed and a copy provided to the borrower or purchaser. The Personal Transaction Standard Form NAVPERS 1740/1, is available through the Navy Supply System.

(o) When commands receive letters from creditors desiring to contact a service member about his/her indebtedness and the service member is not or is no longer attached to the command, the creditor should, unless a different course of action is clearly indicated, be advised of the member's new duty station address or that the member is not with the command and that the creditor might obtain the service member's duty station address by writing to the locator service of the Chief of Naval Personnel, enclosing $2.00 as a fee for the service. Home address will not be released.

(p) The Navy Relief Society's close affiliation with the Navy and Marine Corps is described elsewhere in the Bureau of Naval Personnel Manual. Communications from the Navy Relief Society to the commanding officer concerning funds advanced to a service member are made only after repeated unsuccessful attempts have been made to communicate with the member. The Society requests commanding officers to have the member interviewed, to ask the member to reply to the Society's correspondence, and to submit a recommendation concerning the member's ability to repay the funds advanced. Such Society letter to commanding officers shall be answered in terms of the action and information requested and not in terms of typical indebtedness letters.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy Assistant Judge Advocate General (Civil Law).

[FR Doc.76-21175 Filed 7-21-76;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 51—GRANTS TO STATES FOR COMPREHENSIVE HEALTH PLANNING AND PUBLIC HEALTH SERVICES

State Allotments for Hypertension Programs

In the FEDERAL REGISTER of April 29, 1976 (41 FR 17931), the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposed to amend Part 51, Subpart B, of Title 42, Code of Federal Regulations by adding a new paragraph (b) to § 51.103 and revising § 51.104(a). The purpose of the new paragraph (b) of § 51.103 is to provide the basis for allotting to the States the sums appropriated under section 314(d)(7)(B) of the Public Health Service Act (42 U.S.C. section 246(d)(7)(B)) for establishing and maintaining programs for screening, detection, diagnosis, prevention, and referral for treatment of hypertension; the revision of § 51.104 clarifies that the allocation of funds under this section only applies to the allotment under § 51.103 (a).

Four comments were received, only one of which recommended modification of the proposed regulation. The comment stated that the weighting factor based on per capita income penalizes the large industrial States with higher per capita income but overlooks other relevant factors, such as cost-of-living levels in such States, the proportion of their population receiving public assistance, their unemployment rate, their fiscal situation, and other economic indicators. It was suggested that either (1) such additional factors be added to the need formula to more adequately reflect economic need, or (2) that the weighting factor be removed altogether. However, the comment was not accepted for several reasons. Inclusion of the specific economic factors suggested was not considered practical or advisable because (1) cost-of-living indices and reliable and comparable data on the fiscal situation of

States are not available on a State-by-State basis; (2) State public assistance rolls are the result of State policies and practices which vary and hence would not provide a uniformly developed index; and (3) the State unemployment rate is reflected in State per capita income. State per capita income, on the other hand, was considered to be a reasonable measure of financial need and one which is practical, in view of the availability of such data. Inclusion of the State's estimated hypertensive population was also retained as appropriate as a factor contributing to relative financial need in this area.

Therefore, having considered the comments received, the proposed regulation is hereby adopted without change, as set forth below, effective on July 22, 1976.

Dated: June 23, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: July 16, 1976.

MARJORIE LYNCH,
Acting Secretary.

Part 51, Subpart B, is amended as follows:

1. By adding a new paragraph (b) to § 51.103 as follows:

§ 51.103 State allotments.

* * * * *

(b) *Hypertension.* The sums appropriated each fiscal year under section 314(d)(7)(B) of the Act for hypertension programs shall be allotted among the State health authorities in the following manner:

(1) A portion of the amount available shall be allotted on the basis of population (as determined from the latest available estimate from the Department of Commerce) as follows: Each State shall receive $1 per person of its population, up to a maximum of 10,000 persons.

(2) The remainder of the amount available shall be allotted on the basis of financial need, as follows: Each State shall receive a portion of such remainder which bears the same ratio to the total of such remainder as the product of its hypertensive population (as determined from findings of the Health Examination Survey conducted by the National Center for Health Statistics, or from other appropriate sources, utilizing such indicators as age, race, and sex), weighted by the latest available estimates of State per capita personal income from the Department of Commerce, bears to the sum of the products so obtained for all States.

2. By revising paragraph (a) of § 51.104 to read as follows:

§ 51.104 Allocation of allotments for mental health.

(a) *General.* The Secretary shall allocate 15 percent of each State's allotment for each fiscal year under section 51.103(a) of this subpart or $60,000 of such allotment, whichever is greater, to the State mental health authority and the remainder of such allotment to the State health authority.

* * * * *

(Secs. 215, 314(d), Public Health Service Act, 58 Stat. 690, as amended, 89 Stat. 304 (42 U.S.C. 216, 246(d)))

[FR Doc.76-21213 Filed 7-21-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Third Rev. S.O. No. 1234]

PART 1033—CAR SERVICE

Distribution of Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of July 1976.

It appearing, that there is an acute shortage of freight cars for transporting shipments of fertilizer, grain, grain products, and soybeans; that certain tariff provisions require the use of cars of specified cubic or weight carrying capacities; that the carriers are unable to furnish sufficient such cars to transport shipments of such weights; that cars of lesser capacity are available; that such cars cannot be used because of certain tariff provisions; that there is immediate need to use every available car for transportation of fertilizer and grain; that the inability of the carriers to furnish sufficient fertilizer and grain cars results in great economic loss; and that present regulations and practices with respect to the use, supply, control, movement, and distribution of fertilizer and grain cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1234 Third Revised Service Order.

(a) *Distribution of grain cars.* Subject to the concurrence of the shipper, carriers may substitute a sufficient number of smaller cars for larger cars ordered to transport shipments of fertilizer, grain, grain products or soybeans regardless of tariff requirements specifying minimum cubic or weight carrying capacity. (See paragraphs (b) and (c) of this section.)

(b) *Exception.* This order shall not apply to shipments subject to tariff provisions requiring the use of twenty-five or more cars per shipment.

(c) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(d) *Rates and minimum weights applicable.* The rates to be applied and the minimum weights applicable to shipments for which cars smaller than those ordered have been furnished and loaded as authorized by paragraph (a) of this order shall be the rates and minimum weights applicable to the larger cars ordered.

(e) *Billing to be endorsed.* The carrier substituting smaller cars for larger cars as authorized by paragraph (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

Car of (____) cu. ft. and of (____) lbs. or greater capacity ordered. Smaller cars furnished authority Third Revised ICC Service Order No. 1234.

(f) *Concurrence of shipper required.* Smaller cars shall not be furnished in lieu of cars of greater capacity without the consent of the shipper.

(g) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C. 20423. Requests for such exception must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(h) *Rules and regulations suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(j) Effective date: This order shall become effective at 12:01 a.m., July 19, 1976.

(k) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-21238 Filed 7-21-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Hunting Seasons, Bag and Possession Limits, and Shooting Hours for Puerto Rico and the Virgin Islands—1976–77

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

This final rulemaking notice is the fifth in a series of proposed and final rulemaking documents published during the annual regulatory process for establishing migratory game bird hunting seasons in the United States. It deals specifically with amending 50 CFR 20.101 to set open hunting seasons, certain closed areas, shooting hours and bag and possession limits for certain doves and pigeons, ducks, coots, common gallinules and common (Wilson's) snipe in Puerto Rico, and for Zenaida doves and scaly-naped pigeons in the Virgin Islands. Other notices of proposed and final rulemaking in the series to amend Part 20 of Title 50 CFR published in the FEDERAL REGISTER include: (1) Proposed rulemaking on March 3, 1975 (41 FR 9177) dealing with the establishment of open hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in the contiguous United States, Alaska, and Hawaii, with a 60-day comment period ending May 1, 1976; (2) proposed rulemaking on May 12, 1976 (41 FR 19341), including proposed frameworks for selecting open season dates for hunting migratory birds in Puerto Rico and the Virgin Islands, during the 1976–77 season, dealing with the establishment of hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in Puerto Rico and the Virgin Islands, with a 45-day comment period ending June 26, 1976; (3) supplemental proposed rulemaking on July 2, 1976 (41 FR 27382) dealing with proposed early season regulations frameworks and proposed Canada goose hunting regulations in Wisconsin, with a 15-day comment ending July 17, 1976; (4) final rulemaking on July 16, 1976 (41 FR 29387) consisting of final frameworks from which officials of the Puerto Rico Department of Natural Resources and the Virgin Islands Department of Conservation and Cultural Affairs would select open season dates for hunting migratory birds in Puerto Rico and the Virgin Islands during the 1976–77 season.

After due consideration of all comments received on the proposed rulemaking and proposed frameworks for the 1976–77 hunting season in Puerto Rico and the Virgin Islands (41 FR 19341; May 12, 1976) the Service published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29387) final frameworks for selecting open season dates for hunting migratory birds in Puerto Rico and the Virgin Islands for the 1976–77 season. Copies of the final frameworks were also sent to officials in Puerto Rico and the Virgin Islands who were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, and season lengths specified in the frameworks of opening and closing dates.

The taking of the designated species of migratory birds is presently prohibited. The amendments will permit taking of the designated species within the specified periods of time beginning as early as September 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

The Fish and Wildlife Service is of the view that, although the rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints, every attempt should be made to give the public the greatest possible opportunity to comment on the regulations; thus, when the above-mentioned proposed rulemaking was published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the printing and distribution of Federal and State regulatory announcements would be delayed to the extent that hunters would not have these regulatory announcements in time for the beginning of the hunting seasons. The Service therefore finds "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act; and these regulations will, therefore, take effect immediately upon publication.

Accordingly, the Puerto Rico Department of Natural Resources and the Virgin Islands Department of Conservation and Cultural Affairs having had an opportunity to participate in selecting the hunting seasons desired for their Commonwealth or Territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, it is determined that 50 CFR 20.101 be amended as indicated below.

Section 20.101 is amended to read as follows:

§ 20.101 Seasons, limits and shooting hours for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Puerto Rico.*

	Doves	Pigeons
Daily bag limit.	10 singly or in the aggregate of all permitted species.	5 singly or in the aggregate of all permitted species.
Possession limit.	10 singly or in the aggregate of all permitted species.	5 singly or in the aggregate of all permitted species.
Open season dates.	Sept. 4 to Nov. 2, 1976.	
Shooting hours.	½ h before sunrise to sunset daily.	

Restrictions: Only the following species of doves and pigeons may be hunted during the open season: Zenaida dove (*Tortola cardosantera*); White-winged dove (*Tortola aliblanca o cubanita*); Mourning dove (*Tortola rabilarga o rabiche*); Scaly-naped pigeon (*Paloma turca o torcaz*); White-crowned pigeon (*Paloma cabeciblanca*).

No open season is prescribed for doves and pigeons on Culebra Island and in those areas of the Municipalites of Rio Grande and Loiza delineated as follows: (1) All lands lying east of Route 186 (from the town of El Verde in the north to the southermost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and Route 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest property line whether private or public lands; nor is there an open season prescribed for doves and pigeons of any species in the Municipality of Cidra, Puerto Rico, said Municipality being composed of the following Wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Ceiba, Rio Abajo, Rincon, Toita, Honduras, Rabanel, and Salto.

Check Commonwealth regulations for additional restrictions.

(b) *Puerto Rico.*

	Ducks	Coots	Common Gallinules	Common (Wilson's) Snipe
Daily bag limits.	4	6	6	6
Possession limit.	8	12	12	12
Open season dates.	Dec. 4, 1976, through Jan. 27, 1977.			
Shooting hours.	½ h before sunrise until sunset daily.			

Restrictions: No open season for waterfowl on Culebra Island. The season is closed for ruddy ducks and purple gallinules. The season on Bahama pintail (*Anas bahamensis*) is closed by Commonwealth law.

Check Commonwealth regulations for additional restrictions.

NOTE.—Local names for game birds: Ruddy duck (*Oxyura jamaicensis*)—Pato rojo (protected); Purple gallinule (*Porphyrula martinica*)—Gallareta azul (protected).

(c) *Virgin Islands.*

	Zenaida Doves (entire Virgin Islands)	Scaly-naped Pigeons (St. Thomas Island only)
Daily bag limits.	10	5
Possession limits.	10	5
Open season dates.	Sept. 1 through Oct. 30, 1976.	
Shooting hours.	½ hr before sunrise until sunset daily.	

Restrictions: No open season is prescribed for waterfowl, ground or quail doves, or pigeons (except scaly-naped pigeons on St. Thomas Island) in the Virgin Islands.

Check Territorial regulations for additional restrictions.

NOTE.—Local names for game birds: Zenaida dove (*Zenaida aurita*)—mountain dove; Bridled quail dove (*Geotrygon mystacea*)—Perdiz, Barbary dove (protected); Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected); Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaly pigeon.

(Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711))

Effective date: July 23, 1976.

HARVEY K. NELSON,
Acting Director,
U.S. Fish and Wildlife Service.

JULY 19, 1976.

[FR Doc.76-21218 Filed 7-21-76;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on July 22, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the Kirwin National Wildlife Refuge, Kansas, is permitted from October 1, through November 30, 1976, inclusive, and from December 18, through December 31, 1976, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Hunting shall be in accordance with all applicable State regulations governing the archery hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

KEITH S. HANSEN,
Refuge Manager,
Kirwin National Wildlife Refuge.

JULY 9, 1976.

[FR Doc.76-21180 Filed 7-21-76;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Hawaiian Monk Seal, Designation as Depleted Species

On June 16, 1976, notice was published in the FEDERAL REGISTER (41 FR 24393) of proposed rulemaking under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), to establish a list of depleted species of marine mammals, to designate the Hawaiian monk seal (*Monachus schauinslandi*) to be a depleted species, and to prohibit the issuance of permits to take or import marine mammals of a depleted species for the purpose of public display. Interested parties were given the opportunity to submit, not later than July 16, 1976, comments, views or objections regarding the proposed regulations.

No unfavorable comments have been received regarding the proposed designation. It has been suggested that the proposed prohibition on issuing permits to take depleted species for public display should be deleted. This suggestion has not been adopted, since the prohibition on issuing such permits is specifically stated in the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371). Accordingly, the proposed regulations designating the Hawaiian monk seal to be a depleted species are hereby adopted without change and are set forth below.

Effective date: These regulations shall be effective on September 1, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

JULY 19, 1976.

1. Subpart A of this part is amended by adding a new § 216.15, as follows:

§ 216.15 Depleted species.

The following listed species have been designated by the Director as depleted pursuant to the provisions of the Act.

(a) Hawaiian monk seal (*Monachus schauinslandi*).

2. In § 216.31, the first sentence of paragraph (a) is revised to read as follows:

§ 216.31 Scientific research permits and public display permits.

(a) The Director may issue permits authorizing the taking and importing of marine mammals for scientific research and public display except that no display permits will be issued for marine mammals from a species listed as depleted under § 216.15 of this part.

* * * * *

3. In § 216.31, the third sentence of paragraph (c) is revised to read as follows;

§ 216.31 Scientific research permits and public display permits.

* * * * *

(c) * * * In determining whether to issue a public display permit, the Secretary shall, among other criteria, consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; whether the marine mammal in question is from a species listed as depleted under § 216.15 of this part; whether 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 importation on the population stocks of the marine mammal in question and the marine ecosystem on the other; and the applicant's qualifications for the proper care and maintenance of the marine mammal or the marine mammal product, and the adequacy of his facilities.

[FR Doc.76-21304 Filed 7-21-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2136]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 F.R. 57210–212 and 41 F.R. 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
*	*	*	*	*	*
Kansas	Trego	Wakeeney, city of	June 21, 1976, emergency.	July 25, 1975	200553
Missouri	Monroe	Madison, city of	do	Feb. 14, 1975	290084
Vermont	Washington	Woodbury, town of	do	Jan. 17, 1975	500314
*	*	*	*	*	*
Missouri	Clinton	Lathrop, city of	June 22, 1976, emergency	Feb. 7, 1975	290704
Nebraska	Holt	Stuart, village of	do	May 2, 1975	310400
New York	Washington	Argyle, village of	do	July 18, 1975	361559
Pennsylvania	do	Robinson, township of	do	Jan. 17, 1975	422562
Idaho	Idaho	Ferdinand, city of	June 23, 1976, emergency	Sept. 6, 1974 Apr. 9, 1976	160068A
Massachusetts	Bristol	Fairhaven, town of	June 9, 1976, suspension withdrawn.	May 31, 1974	250054A
Minnesota	Anoka	Andover, city of	June 23, 1976, emergency		270689
Missouri	Pemiscot	Holland, city of	do	June 27, 1975	290574
New York	Nassau	Roslyn Harbor, village of.	do	June 28, 1974 Dec. 19, 1975	361035A
Ohio	Wayne	Unincorporated areas	do	Jan. 3, 1975	390574
*	*	*	*	*	*
Arkansas	Craighead	Cash, city of	June 24, 1976, emergency	Apr. 18, 1975	050336
Kansas	Washington	Washington, city of	do	Aug. 15, 1975	200555
Maine	Oxford	Greenwood, town of	do	Feb. 21, 1975	230332
Michigan	Ingham	Webberville, village of	do	Oct. 17, 1975	260416
Ohio	Richland	Butler, village of	do	July 25, 1975	390605
Oklahoma	Muskogee	Boynton, town of	do	Apr. 23, 1976	400120
Do	do	Taft, town of	do	June 28, 1974 Dec. 12, 1975	400128A
Pennsylvania	Berks	Jefferson, township of	do		421071
*	*	*	*	*	*
Idaho	Bingham	Aberdeen, city of	June 25, 1976, emergency	June 27, 1975	160158
Do	Bear Lake	Georgetown, city of	do	Mar. 26, 1976	160138
Iowa	Linn	Palo, town of	do	Sept. 19, 1975	190442
New Hampshire	Strafford	Barrington, town of	do	Feb. 21, 1975	330178
Oklahoma	Garfield	Garber, city of	do	Apr. 25, 1975	400380
Do	Pittsburg	Haileyville, city of	do	July 26, 1974	400167
Texas	Wood	Alba, city of	do	May 2, 1975	481090
Do	Fort Bend	Fort Bend County Municipal Utility District No. 2.	do	July 9, 1976	481272
Do	Travis	Pflugerville, city of	do	May 2, 1975	481028
*	*	*	*	*	*
Arkansas	Ashley	Crossett, city of	May 29, 1975, emergency; June 11, 1976, regular.		050471
Do	Mississippi	Gosnell, city of	Dec. 17, 1974, emergency; June 11, 1976, regular.		050144A
Illinois	McLean	Cooksville, village of	July 1, 1975, emergency; June 11, 1976, regular.		170494A
Do	do	Chenoa, city of	Mar. 27, 1975, emergency; June 11, 1976, regular.		170492A
Do	Cook	Hillside, village of	July 21, 1975, emergency; June 11, 1976, regular.		170104A
Do	McLean	Hudson, village of	May 12, 1975, emergency; June 11, 1976, regular.		170498A
Do	Pike	Hull, village of	Apr. 30, 1974, emergency; June 11, 1976, regular.		170553
Indiana	Vermillion	Dana, town of	Aug. 25, 1975, emergency; June 11, 1976, regular.		180260A
Do	Clinton	Frankfort, city of	June 18, 1975, emergency; June 11, 1976, regular.		180030
Iowa	Cedar, Muscatine, and Scott.	Durant, city of	Nov. 5, 1975, emergency; June 11, 1976, regular.		190922
Kansas	Sedgwick	Andale, city of	Aug. 15, 1975, emergency; June 11, 1976, regular.		200322A
Do	Kearny	Lakin, city of	May 20, 1975, emergency; June 11, 1976, regular.		200182
South Dakota	Davison	Mount Vernon, city of	July 16, 1975, emergency; June 11, 1976, regular.		460022

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Idaho	Minidoka	Paul, city of	July 1, 1975, emergency; June 20, 1976, regular.		160100A
Louisiana	Avoyelles	Cottonport, town of	May 4, 1973, emergency; June 19, 1976, regular.		220021
Do	Assumption	Napoleonville, town of	Apr. 30, 1973, emergency; June 20, 1976, regular.		220018
Michigan	Oakland	Clawson, city of	July 25, 1975, emergency; June 19, 1976, regular.		260170A
Do	do	Lathrup Village, city of	June 6, 1974, emergency; June 19, 1976, regular.		260297A
Missouri	St. Louis	Woodson Terrace, city of	May 14, 1974, emergency; June 20, 1976, regular.		290398A

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

Issued: June 18, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–20888 Filed 7–21–76;8:45 am]

[Docket No. FI–2144]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood hazards for the communities listed below, under Section 1917.8 of Title 24 of the Code of Federal Regulations.

Accordingly, the Administrator has determined that no 100-year flood frequency elevation is known to exist in the following communities:

Community	County	State
City of Crossett	Ashley	Arkansas.
City of Gosnell	Mississippi	Do.
City of Blythe	Riverside	California.
City of Imperial	Imperial	Do.
Town of Walsh	Baca	Colorado.
City of Paul	Minidoka	Idaho.
City of Chenoa	McLean	Illinois.
Village of Cooksville	McLean	Do.
Village of Hillside	Cook	Do.
Village of Hudson	McLean	Do.
Village of Hull	Pike	Do.
Town of Dana	Vermillion	Indiana.
City of Frankfort	Clinton	Do.
City of Durant	Cedar, Muscatine, Scott.	Iowa.
City of Andale	Sedgwick	Kansas.
City of Lakin	Kearny	Do.
Town of Cottonport	Avoyelles Parish.	Louisiana.
Town of Napoleonville.	Assumption Parish.	Do.
City of Clawson	Oakland	Michigan.
City of Lathrup Village.	Oakland	Do.
City of Woodson Terrace.	St. Louis	Missouri.
City of Cozad	Dawson	Nebraska.
Town of Morrison	Noble	Oklahoma.
City of Mount Vernon.	Davison	South Dakota.

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

Issued: June 11, 1976.

R. W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76–21014 Filed 7–21–76;8:45 am]

[Docket No. FI–2145]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood hazards for the communities listed below, under Section 1917.8 of Title 24 of the Code of Federal Regulations.

Accordingly, the Administrator has determined that no 100-year flood frequency elevation is known to exist in the following communities:

Community	County	State
City of Chino	San Bernardino.	California.
City of Westmorland	Imperial	Do.
Town of La Jara	Conejos	Colorado.
Town of Manzanola	Otero	Do.
City of Ammon	Bonneville	Idaho.
City of Iona	do	Do.
Village of Dalton City	Moultrie	Illinois.
Village of Ipava	Fulton	Do.
Village of Lemont	Cook	Do.
Village of Symerton	Will	Do.
Town of Amite City	Tangipahoa Parish.	Louisiana.
Town of Jeanerette	Iberia Parish.	Do.
City of Powers Lake	Burke	North Dakota.
City of Hot Springs	Fall River	South Dakota.

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

Issued: June 28, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–21015 Filed 7–21–76;8:45 am]

[Docket No. FI–878]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Texarkana, Miller County, Ark.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Texarkana, Miller County, Arkansas under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information

showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 3rd and Walnut Streets, Texarkana, Arkansas.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Nix Creek	East 48th St	336	200	170
	East 47th St	331	230	190
	East 42d St	325	315	225
	East 42d St. (East Pennsylvania)	322	370	120
	Arkansas Blvd	319	270	240
	37th St. (extended)	316	300	700
	East 35th St	314	155	315
	East 24th St	306	690	220
	East 18th St	302	770	280
	East 12th St	300	280	760
	East 9th St	297	845	430
	East Broad St	297	700	730
	Preston Ave	296	1,260	455
	U.S. Highway Route 71	291	735	110
	College St	289	420	855
	Missouri-Pacific RR	287	700	660
	Texas-Arkansas State line	281	180	1,330
Oak Creek	East 24th St	309	420	210
	Pinson Rd. (extended)	304	100	220
	Pineview (extended)	304	160	175
	Franklin	304	440	280

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

Issued: June 15, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-21016 Filed 7-21-76;8:45 am]

[Docket No. FI-2146]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Town of Elsmere, Del.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of the final determinations of flood elevations for the Town of Elsmere, Delaware under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, 1202 New Road, Elsmere, Delaware 19805.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Little Mill Creek	Race Street Bridge	59		60
	Park Road Bridge	65		460
	B. & O. RR Bridge	69		40
Chestnut Run	Forest Ave	80		[1] 400
	Kirkwood Highway Bridge	81		180
	Jefferson Avenue Bridge	87		50
Derrickson Run	B. & O. RR Bridge	64	380	350
	Baltimore Avenue Bridge	71	280	180
	Wilmington Avenue Bridge	75	150	190
	New Road Bridge	78	90	270
	Junction Street Bridge	83	260	140
Derrickson Run (West Fork).	Richard St	79	60	40
	Rigdon St	84	100	50
	Olga St	88	50	50
Silverbrook Run	Taylor Road Bridge	55	70	140
	Reading RR Bridge	79	80	100
	Wilmington Avenue Bridge	85	140	100

[1] Measured parallel to Second Ave.

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

Issued: June 30, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-21017 Filed 7-21-76;8:45 am]

[Docket No. FI-2143]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Tallahassee, Fla.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Tallahassee, Florida under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Tallahassee, Florida 32304.

Accordingly, the Administrator has determinated the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
West Ditch	Roberts Ave	50	750	200
	Yulee St	54	1,000	100
	Pensacola St	57	140	40
Middle Ditch	Orange Ave	45	490	290
	Springhill Rd	48	1,320	800
	Kissimmee St	55	80	840
	Seaboard Coast Line RR	62	120	2,450
	Wahnish Way	75	290	90
	Boulevard St	80	320	330
	Monroe St	85	290	1,800
	Seaboard Coast Line RR	89	660	140
	Appalache Parkway	98	30	90
	Park Ave	102	110	140
	Tennessee St	107	80	90
South Ditch	Seaboard Coast Line RR	45	690	560
	Orange Ave	50	200	240
	Monroe St	56	100	[1] 130
	Brighton Rd	63	1,150	[2] 80

[1] Plus a section 530 ft. wide beginning 60 ft. south of Orange Ave.
[2] To junction with Orange Ave.

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

Issued: June 14, 1976.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76–21018 Filed 7–21–76;8:45 am]

[Docket No. FI–876]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Westwego, Jefferson Parish, La.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Westwego, Jefferson Parish, Louisiana under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 419 Avenue A, Westwego, Louisiana.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Flooded area
Flooding in Westwego is caused mainly by intense rainstorms and insufficient pumping capacity and sump storage. Also due to insufficient levee grade, tidal overflow of the levee south of Westwego during large severe hurricanes or tropical storms adds significantly to the flooding threat.	Southern portion of the city of Westwego.	1.9–4.1	The A zone, boundaries north of Westbank Expressway are for the most part, west of Louisiana St., south of 6th St., and west of West Dr. South of Westbank Expressway, most of the city of Westwego is in A zones. However, a small area west of Hickory St. and north of the intersection of Kenny Dr. and LeCompte Dr. is in the B zone.

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

Issued: June 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–21019 Filed 7–21–76;8:45 am]

[Docket No. FI–871]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Randolph, Morris County, N.J.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Randolph, Morris County, New Jersey under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or

through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Randolph Municipal Building, Millsbrook Avenue, Randolph.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Rockaway River	Upstream corporate limits	549	----------	0
	Dover-Rockaway Rd	546	----------	0
	Downstream corporate limits	541	----------	300
Mill Brook	Center Grove Rd	815	60	30
	Mill Brook Ave	695	70	200
	South Morris St	566	80	180
	Route 10	550	700	200
Den Brook	Radtke Rd	709	70	50
	Shongum Lake Dam	702	150	120

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

Issued: June 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–21022 Filed 7–21–76;8:45 am]

[Docket No. FI–2142]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Mott, North Dakota

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Mott, North Dakota under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Mott, North Dakota 58646.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Cannonball River	State Highway 8 Bridge (concrete arch bridge).	2,380	(1)	1,000

[1] To corporate limits.

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

Issued: June 14, 1976.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76–21021 Filed 7–21–76;8:45 am]

[Docket No. FI-869]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Village of Mayfield, Cuyahoga County, Ohio

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Village of Mayfield, Cuyahoga County, Ohio under Section 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Village must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Town Hall, 6621 Wilson Mills Road, Mayfield Village.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Beeches Brook	50 ft west of S.O.M. Center Rd		100	60
	Beta Rd		[1] 1,700	[2] 1,440
	Wilson Mills Rd		120	805
Tributary 1	I-271 culver exit	921	300	140
	0.2 mile north of I-271 culvertt exit	914	340	25
	1.78 miles south of S.O.M. Center Rd	907	90	45
	Culvert entrance west of S.O.M. Center Rd.	900	220	160
Tributary 1A	Culvert north of Highland Rd		20	25
	80 ft southwest of S.O.M. Center Rd		200	100
Tributary 4	S.O.M. Center Rd	928	180	200
	0.22 mile east of S.O.M. Center Rd	920	120	400
Tributary 5A	Culvert west of Robley Lane		60	15
Tributary 5Aa	50 ft east of Echo Rd		30	35
Tributary 5D	Ridgeburt Rd	1,044	35	25
	South Woodlane Dr	1,042	115	165
	North Woodlane Dr	1,035	170	125
	Worton Park Dr	1,033	75	210
Tributary 5E	Southern village limits	1,034	350	135
	West of I-290 and I-271	1,031	475	260
Tributary 6	Eastern village limits		35	20
	Final southern village limits		40	200
Tributary 6A	North of Glenview Rd		15	30
	50 ft east of Beech Hill Rd		20	30
Tributary 6B	50 ft east of Beech Hill Rd		10	35
Tributary 7	I-290 and I-271		115	130
	Midvale Ave		90	150
	Northern village limits		100	90

[1] Along Beta Dr. to Wilson Mills Rd.
[2] Along Beta Dr.

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

Issued: June 21, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-21022 Filed 7-21-76;8:45 am]

[Docket No. FI-743]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Rittman, Wayne and Medina Counties, Ohio

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Rittman, Wayne and Medina Counties, Ohio under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood

plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 30 North Main Street, Rittman.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Chippewa and Little Chippewa Creek.	State Route 57	956	110	1,460
	State Route 57A	957	730	1,200
	Corporate limits	958	(1)	3,180
Tommy Run	Blough Rd	970	160	(1)
Landis Ditch	East Sunset Dr	966	600	500
	Main St	969	720	(1)
	Corporate limits	979	1,400	70
River Styx	Salt Street	959	2,630	2,810
	State Route 57A	960	120	2,200
	Corporate limits	960	(1)	550

[1] Corporate limits.

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

Issued: June 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-21023 Filed 7-21-76;8:45 am]

[Docket No. FI-549]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Chalfont, Bucks County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Chalfont, Bucks County, Pennsylvania under Section 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, 101 North Main Street, Chalfont, Pennsylvania 18914.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Neshaminy Creek	Corporate limits	242	460	110
	Forrest Dr	240	320	(1)
West Branch	Corporate limits	253	20	950
Neshaminy Creek	Skyline Dr. (extended)	252	310	350
	Butler Ave	248	200	280
North Branch	Corporate limits	255	560	140
Neshaminy Creek	Park Ave	248	110	70
	Butler Ave	247	150	20
Pine Run	Corporate limits	248	425	260
	Dam	248	110	250
Tributary No. 1	Corporate limits	268	25	40
	Meadowbrook Lane	259	20	40

[1] Corporate limits.

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

Issued: June 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-21024 Filed 7-21-76;8:45 am]

[Docket No. FI-865]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Pennsbury, Chester County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Pennsbury, Chester County, Pennsylvania under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Pennsbury Township Building, R. D. 1, Chaed Ford, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Brandywine Creek	Confluence with Pocopson Creek	176		350
	Dam No. 2	174		400
	Dam No. 1	170		100
	Penn Central RR	167		670
	Route 100	161		80
	South corporate limits	152		300
Pocopson Creek	North corporate limits	181		90
Bennetts Run	Reading RR	176	120	280
	Chandler Rd	200	50	200
	Pocopson Rd	210	150	
	Parkers Ville Rd	150	180	40
Ring Run	Baltimore Pike	190	80	50
Pennsbury Run	Fairville Rd	185	150	130
Cossort Run	Route 100	157	650	20

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

Issued: June 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-21025 Filed 7-21-76;8:45 am]

(Docket No. FI-881)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Renovo, Clinton County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Renovo, Clinton County, Pennsylvania under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Fire Building, 5th Street, Renovo.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Branch Susquehanna River.	Eastern corporate limit	656.5	220	(1)
	Route 144	659.5	580	(1)
	Western corporate limit	665	60	(1)
Paddy Run	Penn Central R R	656.5	0	0
	Route 120	656.5	0	0

[1] Outside corporate limit.

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

Issued: June 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-21026 Filed 7-21-76;8:45 am]

(Docket No. FI-864)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Middletown, Dauphin County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Middletown, Dauphin County, Pennsylvania under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator or, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Sec-

retary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the office of the Borough Manager in the Community Building.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Swatara Creek	Corporate limits at Pennsylvania Turnpike.	308	(1)	1,020
	At Maple Rd.	307	(1)	1,660
	At Main Street Bridge	306	(1)	500
	At Adella St. (south)	302	(1)	700
	At Grubb Street Bridge	300	(1)	20
	At Ann Street Bridge	300	(1)	40
	Pike St.	299	(1)	2,360
Susquehanna River	Wood St.	300	1,460	(1)
	Cathe St.	300	2,120	(1)

[1] Corporate limits.

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

Issued: June 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-21027 Filed 7-21-76;8:45 am]

[Docket No. FI-872]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Shickshinny, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Shickshinny, Luzerne County, Pennsylvania under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Lobby of the Borough Hall, 39 North Second Street, St. Clair, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	North corporate limits	525		240
	McClintock St.	524		1,000
	Butler St.	523		880
	Route 29	522		780
	South corporate limits	521		300
Shickshinny Creek	Bartoll Lane	524	270	100
	Glen Ave.	536	20	10
	Corporate limits	549	5	80

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

Issued: June 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–21028 Filed 7–21–76;8:45 am]

[Docket No. FI–891]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Porter, Lycoming County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Porter, Lycoming County, Pennsylvania under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the main office, Municipal Building, Jersey Shore.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Branch Susquehanna River.	Marion St. extended	550	2,160	(1)
	Unimproved road extended (approximately 1,800 ft from southwest corporate limit).	554	3,680	(1)
	Unimproved road (approximately 4,800 ft from southwest corporate limit).	553	3,120	(1)
Pine Creek	Tiadaughton Dr.	554	266	(1)
	Penn Central R.R.	555	48	(1)
	Confluence with Nichols Run	556	360	(1)
	U.S. 220 Highway	558	264	(1)
	Unimproved Road at Island extended	561	640	(1)
	Northwestern corporate limit	563	880	(1)
Nichols Run	Corning Ave. extended	603	200	200
	U.S. 220	598	25	25
	Staver St.	587		240
	Algonquin Trail	556	345	880

[1] Corporate limits.

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

Issued: June 30, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–21029 Filed 7–21–76;8:45 am]

[Docket No. FI–882]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Stroudsburg, Monroe County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Stroudsburg, Monroe County, Pennsylvania under Section 1917.8 of

Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Borough Manager's Office, 7th and Farrah Streets, Stroudsburg, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Brodhead Creek	North corporate limits	398		140
	Main St.	396		80
	Interstate 80	394		80
	South corporate limits	392		70
McMichaels Creek	7th St.	411	5	280
	5th St.	409	10	10
	Interstate 80	414	80	10
Pocono Creek	West corporate limits	456		20
	Main St.	422	10	10

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

Issued: July 1, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc. 76-21030 Filed 7-21-76;8:45 am]

(Docket No. FI-870)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Palmer, Northampton County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Palmer, Northampton County, Pennsylvania under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the lobby of the Municipal Building, 3245 Freemansburg Avenue, Palmer.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Lehigh River	Corporate limits (downstream)	202	600	(1)
	Dam No. 1	205	50	(1)
	Corporate limits (upstream)	209	0	(1)
Bushkill Creek	Edgewood Ave	244	(1)	160
	Dam No. 2	245	(1)	200
	Lehigh Valley RR downstream crossing	248	(1)	30
	Bushkill Dr west	254	(1)	90
	Lehigh Valley RR upstream crossing	259	(1)	0
	Dam No. 3	255	(1)	110
	Northwood Ave	262	(1)	150
	Dam No. 4	267	(1)	30
	Stocker Mill Rd	273	(1)	200
	Dam No. 5	277	(1)	360
	Newlins Rd	296	(1)	190
	Eighth St	343	(1)	50
	Pa. Route 33	345	(1)	230
	Center St	362	(1)	320
Shoeneck Creek	Lehigh Valley RR	283	350	500
	Tatamy Rd	306	90	150
	Dam No. 8	317	140	70
	Van Buren Rd	325	50	240
	Hollo Rd	339	180	140
	Nazarath Rd	359	180	50

[1] Corporate limits.

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

Issued: June 30, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-21031 Filed 7-21-76;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Federal Law Enforcement Training Center

[31 CFR Part 700]

STANDARDS OF CONDUCT

Conduct on Training Center Grounds

On September 12, 1975, the Federal Law Enforcement Training Center officially moved from an office building at 1310 L Street in Washington, D.C. to the recently decommissioned Glynco Naval Air Station near Brunswick, Georgia. Because the Center is now the custodian of numerous buildings and approximately 1500 acres of land on what is now a campus-like facility, the Director has determined that regulations governing conduct in or on the buildings and grounds are necessary to protect persons and property.

On January 29, 1976, the Administrator of General Services, pursuant to the authority vested in him by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), delegated authority to the Secretary of the Treasury to appoint uniformed guards as United States special policemen and to make regulations to protect persons and property at the Federal Law Enforcement Training Center, Glynco, Georgia (41 FR 5869). Further, the Administrator delegated authority to the Secretary to annex to such regulations reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318c) as will ensure their enforcement. On February 25, 1976, Assistant Secretary of the Treasury David R. Macdonald redelegated this authority to the Acting Director of the Federal Law Enforcement Training Center (41 FR 9398). On March 15, 1976, the Acting Director appointed all members of the Federal Law Enforcement Training Center uniformed guard force as special policemen (41 FR 10932).

At this time, the proposed regulations set forth below are being published so that interested persons may provide comments or suggestions. Comments and suggestions should be addressed to the Director, Symbol LC, Building 94, Glynco, Georgia 31520. Written submissions must be received by August 20, 1976, in order to be considered before the regulations are issued in final form.

Dated: June 3, 1976.

ARNOLD J. LAU,
Acting Director, Federal Law Enforcement Training Center.

Approved:

DAVID R. MACDONALD,
Assistant Secretary (Enforcement Operations, and Tariff Affairs).

Accordingly, it is proposed to establish a new 31 CFR Chapter VII, Federal Law Enforcement Training Center, Department of the Treasury, consisting of the following Part 700:

PART 700—REGULATIONS GOVERNING CONDUCT IN OR ON THE FEDERAL LAW ENFORCEMENT TRAINING CENTER BUILDINGS AND GROUNDS

Sec.

700.1 Authority.
700.2 Applicability.
700.3 Recording presence.
700.4 Preservation of property.
700.5 Compliance with signs and directions.
700.6 Nuisances.
700.7 Alcoholic beverages, narcotics, and drugs.
700.8 Soliciting, vending, debt collection, and distribution of handbills.
700.9 Photographs for news, advertising, or commercial purposes.
700.10 Vehicular and pedestrian traffic.
700.11 Weapons and explosives.
700.12 Penalties and other law.

AUTHORITY: 5 U.S.C. 301; FPMR Tem. Reg. D-54, 41 FR 5869; Treasury Dept. Order No. 217-1, 41 FR 9398.

§ 700.1 Authority.

The regulations in this part are promulgated pursuant to the authority vested in the Secretary of the Treasury, including 5 U.S.C. 301, and that vested in him by delegation from the Administrator of General Services, 41 FR 5869, February 10, 1976, and in accordance with the authority vested in the Director, Federal Law Enforcement Training Center, by Treasury Department Order No. 217-1, 41 FR 9398, March 4, 1976.

§ 700.2 Applicability.

The regulations in this part apply to the buildings and surrounding property of the Federal Law Enforcement Training Center, Glynco, Georgia, and to all persons entering on to such property.

§ 700.3 Recording presence.

Except as otherwise ordered, the property shall be closed to the general public. Admission to the property will be limited to authorized individuals who will be required to obtain a visitor's pass and/or display identification documents when requested by the policeman at the entrance of the facility.

§ 700.4 Preservation of property.

It shall be unlawful for any person without proper authority to willfully destroy, damage, deface, or remove property or any part thereof or any furnishing therein.

§ 700.5 Compliance with signs and directions.

Persons in and on the property shall comply with the instructions of uniformed Federal Law Enforcement Training Center policemen, other authorized officials, and official signs of a prohibitory or directory nature.

§ 700.6 Nuisances.

The use of loud, abusive, or profane language, unwarranted loitering, unauthorized assembly, the creation of any hazard to persons or things, improper disposal of rubbish, or the commission of any disorderly conduct on the property is prohibited. The throwing of any articles of any kind in, upon, or from the property, except as a part of athletic activity, and climbing upon any part thereof, is prohibited. The entry, without specific permission, upon any part of the property to which authorized visitors do not customarily have access, is prohibited.

§ 700.7 Alcoholic beverages, narcotics, and drugs.

Entering or being on the property, or operating a motor vehicle thereon, by a person under the influence of alcoholic beverages, narcotics, hallucinogenic or dangerous drugs, or marijuana is prohibited. The use of any narcotic or dangerous drug or marijuana contrary to the provisions of Federal, State, or local law in or on the property is prohibited.

§ 700.8 Soliciting, vending, debt collection and distribution of handbills.

The unauthorized soliciting of alms and contributions, the commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on the property, is prohibited. This prohibition does not apply to Federal Law Enforcement Training Center concessions or notices posted by authorized employees on the bulletin boards. Distribution of material such as pamphlets, handbills, and flyers is prohibited without prior approval from the Director or the delegate of the Director.

§ 700.9 Photographs for news, advertising, or commercial purposes.

Photographs for news, advertising, or commercial purposes may be taken on the property only with the prior permission of the Director, or the delegate of the Director.

§ 700.10 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles in or on the property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of policemen and all posted traffic signs. In the absence of signals, directions of policemen, and posted traffic signs, drivers of vehicles shall comply with the motor vehicle regulations of the State of Georgia.

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on the property is prohibited.

(c) Parking in unauthorized locations, or in locations reserved for other persons, or contrary to the directions of a policeman or posted signs, is prohibited.

(d) This paragraph may be supplemented from time to time with approval of the Director or his delegate by the issuance and posting of such specific traffic directives as may be required. When so issued and posted, such directives shall have the same force and effect as if made a part hereof.

§ 700.11 Weapons and explosives.

No person, while on the property, shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for authorized training or official purposes.

§ 700.12 Penalties and other laws.

Whoever shall be found guilty of violating any of the regulations of this part while on the property is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in these regulations shall be construed to abrogate any other Federal laws, or laws of the State of Georgia, or laws of Glynn County, which are applicable to the property referred to in § 700.2.

[FR Doc.76-21207 Filed 7-21-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN STRAWBERRIES

Revision of Standards for Grades

Correction

In FR Doc. 76-19861 appearing at page 28291 in the issue for Friday, July 9, 1976, in TABLE IV—*Grade compliance, whole lot inspection,* on page 28294, in the column titled Grade C, under the heading in the "Critical", the numbers now reading:

17
22
32
43
54
77
80

should be corrected to read as follows:

7
12
22
33
44
57
70
86

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 2]

[Docket No. 76N-0006]

ENFORCEMENT POLICY, PRACTICES AND PROCEDURES

Recall Policy and Procedures; Extension of Comment Period

The Food and Drug Administration (FDA) is extending to September 29, 1976 the time for filing comments on the proposed regulations describing policies and procedures that FDA follows, and that regulated firms should follow, in the conduct of product recall. The proposal was published in the FEDERAL REGISTER of June 30, 1976 (41 FR 26924), and comments were to be submitted by August 30, 1976.

The Commissioner of Food and Drugs has received a letter from the American Bakers Association (ABA), 1700 Pennsylvania Ave. NW., Washington, D.C. 20006, requesting an extension of time for filing comments. The letter is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. In its letter, ABA asserts that the extension is needed because the press of business, their concentrated efforts working on the good manufacturing practices proposal, and complications caused by the summer vacation season combine to delay the preparation of reasoned and helpful comment.

Good reason therefor appearing, the Commissioner hereby extends the period for filing comments in this matter to September 29, 1976. Written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) may be submitted to the Hearing Clerk, Food and Drug Administration, address given above, and may be seen in that office during working hours, Monday through Friday.

(Federal Food, Drug, and Cosmetic Act (sec. 1 et seq., 52 Stat. 1040-1059 as amended (21 U.S.C. 301 et seq.)), the Public Health Service Act (secs. 301, 351, and 361, 58 Stat. 691-703 as amended (42 U.S.C. 241, 262, and 264)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

Dated: July 15, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-21306 Filed 7-21-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-WE-11-AD]

AIRWORTHINESS DIRECTIVES

Lockheed-California Company L-1011-385 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain flight attendant seats on Lockheed Model L-1011-385 series airplanes using certain Pacific Scientific Company seat belts. It has been determined that it is possible to incorrectly engage the seat belt on certain flight attendant seats that would result in the occupant being improperly restrained by the seat belt. This determination was made during an investigation resulting from National Transportation Safety Board (NTSB) Safety Recommendation A-76-16, dated March 8, 1976, resulting from two DC-10 accidents. While there have been no reported in-service occurrences of the circumstance noted by the NTSB, the FAA is issuing an NPRM to receive the benefit of the available expertise and comments relative to the merits of the NTSB recommendation. Since this possible condition is likely to exist or develop in other products of the same design, the proposed airworthiness directive would prohibit the use of certain flight attendant seats, incorporating certain Pacific Scientific Company seat belts until the belts are modified or replaced.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before August 30, 1976 will be considered by the agency before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockheed-California Company L-1011-385 series airplanes certificated in all categories equipped with Pacific Scientific Company seat belt model numbers 1107006, 1107008, 1107018, 1107031, 1107036, 1107040, 110768, 1107069, and 1107072 installed on flight attendant seats.

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

To prevent unsafe buckle position of flight attendant seat belts, prohibit, in a manner acceptable to the assigned FAA Principal Operations Inspector, the use of those flight attendant seats equipped with Pacific Scientific Company seat belt model numbers 1107006, 1107008, 1107018, 1107031, 1107036, 1107040, 1107068, 1107069, and 1107072 until the seat belt installation is modified or replaced in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region. The affected seats must be secured in a normally stowed position or removed.

Issued in Los Angeles, California on July 12, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.76-21104 Filed 7-21-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-WE-10-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to aft-facing flight attendant seats on McDonnell Douglas Model DC-10 series airplanes using American Safety Flight Systems, Inc. seat belt model number 443440. It has been determined by the National Transportation Safety Board (NTSB) that it is possible to incorrectly engage the seat belt on certain aft-facing flight attendant seats on DC-10 airplanes that would result in the occupant being improperly restrained by the seat belt. This possibility was made the subject of NTSB Safety Recommendation A-76-16, dated March 8, 1976 resulting from their investigation of Overseas National Airways, Inc., (ONA) DC-10 accidents at John F. Kennedy Airport on November 12, 1975 and Istanbul, Turkey. While there have been no reported in-service occurrences of the circumstance noted by the NTSB, the FAA is issuing an NPRM to receive the benefit of the available expertise and comments relative to the merits of the NTSB recommendation. Since this possible condition is likely to exist or develop in other products of the same type design, the proposed airworthiness directive would prohibit the use of aft-facing flight attendant seats on DC-10 airplanes incorporating American Safety Flight Systems, Inc. seat belt model number 443440 until the belts are modified or replaced.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before August 30, 1976 will be considered by the agency before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MCDONNELL DOUGLAS CORPORATION. Applies to McDonnell Douglas Corporation model DC-10 -10, -10F, -30, -30F, and -40 series airplanes certificated in all categories equipped with American Safety Flight Systems, Inc. seat belt model 443440 installed on aft facing flight attendant seats.

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

To prevent possible unsafe buckle position of flight attendant seat belts, prohibit, in a manner acceptable to the assigned FAA Principal Operations Inspector, the use of those flight attendant seats equipped with American Safety Flight Systems, Inc., seat belt model number 443440 until the seat belt installation is modified or replaced in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region. The affected seats must be secured in normally stowed position or removed.

Issued in Los Angeles, California on July 12, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.76-21103 Filed 7-21-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-40]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the transition area at Big Sandy, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 23, 1976 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 (41 FR 440), the Big Sandy, Te., transition area is amended as follows:

BIG SANDY, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Ambassador Field (latitude 32°35' 00'' N., longitude 95°03'45'' W.), and within 2.5 miles each side of the Big Sandy, Tex., Ambassador Field NDB 271° bearing extending from the 8.5-mile-radius area to a point 11.5 miles west of the NDB; within an 8.5-mile radius of Upshur County Airport, Gilmer, Tex. (latitude 32°41'57'' N., longitude 94°56'55'' W.) and an 8.5-mile radius of Holly Lake Ranch Airport, Hawkins, Tex. (latitude 32°41'46'' N., longitude 95°12'36'' W.).

The proposed alteration of the Big Sandy transition area will provide controlled airspace for aircraft executing the proposed VOR/DME-A approach to Gilmer-Upshur County Airport and the proposed VOR/DME-A approach to the Holly Lake Branch Airport. It will also provide additional controlled airspace for higher performance aircraft executing the instrument approach to Ambassador Field, Big Sandy, Tex.[1]

This notice will also apprise airspace users of a proposal to change the Gilmer-Upshur County and the Holly Lake Ranch Airports from VFR to IFR operation.

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

Issued in Fort Worth, TX., on July 13, 1976.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.76-21105 Filed 7-21-76;8:45 am]

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[1] Map and form filed as part of the original document.

[14 CFR Part 71]

[Airspace Docket No. 76-SO-65]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Waverly, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 23, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Waverly transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Humphreys County Airport (lat. 36°07'02" N., long. 87°44'17" W.); within 3 miles each side of the 034° bearing from the Waverly RBN (lat. 36°07'00" N., long. 87°44'25" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Humphreys County Airport. A prescribed instrument approach procedure to this airport, utilizing the Waverly (Private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on July 13, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-21169 Filed 7-21-76;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 76-RM-10]

RESTRICTED AREAS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would redesignate the upper altitude limits of R-6402 and R-6407 at Dugway Proving Ground, Dugway, Utah, to FL 580.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before August 23, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

On official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591.

An official docket will be available for for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would increase the designated maximum use altitudes of R-6402 and R-6407 from FL 400 to FL 580.

This increase in maximum use altitude is necessary in order to better accommodate the proposed increased military aircraft and gunnery activity above FL 400 in these restricted areas.[1]

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

Issued in Washington, D.C., on July 15, 1976.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-21102 Filed 7-21-76;8:45 am]

[1] Map filed as part of the original document.

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 76-05; Notice 1]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Maximum Permissible Candle Power

The purpose of this notice is to propose an amendment of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, that would increase the maximum permissible candlepower of motorcycle headlamps at two test points.

Standard No. 108 incorporates by reference SAE Standard J584, Headlamps for Motorcycles and Motor Driven Cycles, April 1964. This standard prohibits more than 10,000 candlepower at test point ½ D-1R to R on the lower beam, and 5,000 candlepower at test point 4 D-V on the upper beam. The corresponding maximum permissible values for Type 2 (7 inch) passenger car headlamps at these test points are 15,000 and 5,000 candlepower respectively. Mr. L. A. MacEachern of Walnut Creek, California, wishes to market a motorcycle headlamp system consisting of a single Type 2A rectangular headlamp but is currently precluded from doing so because of the candlepower limitation imposed by Standard No. 108. Accordingly, he has petitioned the NHTSA for appropriate amendments. In addition to the increase in candlepower at the two test points, he has asked that the lamp be allowed to be aimed on low beam, at the time of photometric testing as it is designed to be aimed in this manner when installed in passenger cars. This amendment is also required because, in his design, the high beam mode includes both headlamp filaments, and he argues that the existence of two high-intensity zones makes it impossible for different persons to obtain a consistent aim on high beam. Finally, he states that the California Highway Patrol has indicated its acceptance of the light, conditional upon appropriate amendments to Standard No. 108.

The NHTSA has decided that Mr. MacEachern's petition merits initiation of rulemaking. It has tentatively determined that an increase in the maximum allowable candlepower at the test points in question will enhance motorcycle safety since it allows usage of a headlamp of improved performance on one of the smallest categories of motor vehicle. The question of beam aim is primarily important for the photometric test, which is conducted in a laboratory. Aiming on either beam should be permissible, according to the type of lamp and the manufacturer's specifications.

In accordance with the Secretary's directive to improve analysis and review of regulations (41 FR 16200), implementing the President's policy of regulatory reform, the NHTSA has evaluated the benefits and other impacts of the proposal. Since no manufacturer is required to meet maximum photometrics, an increase in that maximum imposes no additional cost burden upon any regulated person. The amendment, by relaxing a restriction, would allow all manufacturers to offer a headlamp of increased safety performance, would allow a new product of distinctive design to enter the market place, and would afford the consumer a wider choice of motorcycle headlamps and headlamp performance.

In consideration of the foregoing, it is proposed that 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, be amended by adding new paragraphs S4.1.1.34 and S4.1.1.35 to read as follows:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

* * * * *

S4.1.1.34 The maximum luminous intensity of a motorcycle headlamp shall not exceed 8,000 candlepower at photometric test point 4 D–V, or 15,000 candlepower at photometric test point ½ D–1R to right.

S4.1.1.35 A motorcycle headlamp with a multiple beam may, if its manufacturer so specifies, be aimed for the photometrics test on the lower beam. The top of the high intensity area of the lower beam shall be at horizontal ±1½ inches, and the left edge straight ahead at vertical to 4 inches right.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: September 6, 1976.

Proposed effective date: Date of publication of final rule in the FEDERAL REGISTER.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 501.8 and 1.50.)

Issued on July 16, 1976.

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

[FR Doc.76–21155 Filed 7–21–76;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z; Docket No. R–0048]

TRUTH IN LENDING

Hearing on Proposed Amendments to Regulation Z To Implement the Consumer Leasing Act

On July 9, 1976, the Board of Governors published for comment in the FEDERAL REGISTER (41 FR 28313) proposed amendments to Regulation Z to implement the Consumer Leasing Act of 1976 (Pub. L. 94–240). To aid in its consideration of this proposal, the Board has scheduled an informal hearing on issues presented by the proposed amendments on Tuesday, August 3, 1976.

The purpose of the hearing is to solicit comment on the proposed amendments generally. In addition, the Board specifically requests comments on the following issues of interest: (1) disclosure requirements (§ 226.15), (2) residual liability disclosures (§ 226.15(b)(15)), (3) any unique concerns of multiple item lessors, and (4) the integration of the proposal into Regulation Z.

The scheduled hearing will be held before available members of the Board on the Terrace level of the Martin Building at 20th and C Streets, N.W., Washington, D.C., on August 3, 1976, beginning at 10 a.m. The proceeding will consist of presentations of statements in oral and written form.

Any persons desiring to give testimony, present evidence, or otherwise participate in the hearing should file with the Secretary of the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received by July 28, 1976, a written request containing the names and affiliation of witnesses who propose to appear, the amount of time desired for testimony, and a summary of the matters concerning which petitioner wishes to give testimony or submit evidence. If possible, prepared statements in writing should be presented at the time of the hearing. All such communications will be made available for inspection and copying in Room 1118 of the Board Building.

All parties will be given until August 16, 1976, to submit such additional material related to the issues raised at the hearing, or any other issues in the proposed regulations, as they desire. Interested persons need not participate in the oral presentation to have their views considered but may submit their views in writing to be received by the Secretary no later than August 16, 1976. Written comments, as they are received, will be made available for inspection and copying in Room 1118 in the Board Building.

(5 U.S.C. § 553(b) and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 C.F.R. § 262.2 (a)).)

By order of the Board of Governors, July 14, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76–21315 Filed 7–21–76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Army

DREDGING FOR MILITARY OCEAN TERMINAL, KINGS BAY CUMBERLAND SOUND, CAMDEN COUNTY, GEORGIA

Filing of Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army, on 16 July 1976, provided the Council on Environmental Quality, a Final Environmental Impact Statement (FEIS) concerning the Dredging for Military Ocean Terminal, Kings Bay Cumberland Sound, Camden County, Georgia.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from the Military Traffic Management Command, Washington, DC 20315 (phone 765–1115).

In the Washington area, inspection copies may be seen, during normal duty hours, in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310 (phone (202) 694–1163).

CHARLES R. FORD,
Deputy Assistant Secretary of the Army (Civil Works).

[FR Doc.76–21173 Filed 7–21–76;8:45 am]

Department of the Navy

NAVAL PETROLEUM RESERVES

Naval Petroleum Reserve No. 4, South Barrow Gas Rates; Public Hearing

The Office of Naval Petroleum and Oil Shale Reserves hereby announces that it will conduct public hearings on August 19, 1976, in Barrow, Alaska, in preparation for the establishment of reasonable and equitable natural gas rates for the supply of natural gas from the South Barrow Gas Field. The establishment of these rates is required by Title I of the Naval Petroleum Reserves Production Act of 1976 (Pub. L. No. 94–258). Section 104(e) of the Act provides as follows:

"Until the reserve is transferred to the jurisdiction of the Secretary of the Interior, the Secretary of the Navy is authorized to develop and continue operation of the South Barrow gas field, or such other fields as may be necessary, to supply gas at reasonable and equitable rates to the native village of Barrow, and other communities and installations at or near Point Barrow, Alaska, and to installations of the Department of Defense and other agencies of the United States located at or near Point Barrow, Alaska. After such transfer, the Secretary of the Interior shall take such actions as may be necessary to continue such service to such village, communities, installations, and agencies at reasonable and equitable rates."

Pertinent to the establishment of these rates is that portion of the Joint Statement of the Committee of Conference as follows:

The legislation specifically authorizes the Secretary of the Navy to develop and continue the operation of the South Barrow gas field in order to supply gas at reasonable and equitable rates to the nearby villages and facilities near Point Barrow. Once the transfer of the reserve is effected, the Secretary of the Interior is authorized to take all necessary actions to continue such service, including the development of additional fields, if necessary. The Secretary is not expected to amortize the investment in this field, on the contrary he is expected to set the rates for this service at a level which is reasonable from the point of view of the Federal Government and equitable from the point of view of the users.

The equitable rate should take into consideration the special conditions which exists in this area. The Committee recognizes that this is an isolated area in an Arctic environment where the source and supply of energy is critically important. Certainly, the village of Barrow should never be charged a rate exceeding the rate charged other users. On the contrary, the Secretary should take into consideration the average disposable income of the residents of the village and other factors in determining what the "equitable rate" might be and could, in fact, determine that a rate lower than the rate for other users should be charged on the basis of equity.

It is apparent from the requirements of the Act that two separate rates are to be established. The first is an equitable rate for the native community at Point Barrow, and the second, a reasonable rate to installations of the Department of Defense and other agencies of the United States, located at or near Point Barrow. The reasonable rate to Government installations may include amortization of the investment in the South Barrow Gas Field and, therefore, is expected to be higher than the rate established for the native village of Barrow. The present operating cost for the South Barrow Gas Field is a factor to be considered in computing equitable and reasonable rates.

In order to obtain sufficient data to ensure a proper decision, and to afford maximum protection to the interests of the Barrow natives and the various agencies involved, the Office of Naval Petroleum and Oil Shale Reserves intends to augment existing information by seeking written comments from interested parties before the hearings, and collecting views and arguments presented either orally or in writing at the hearing.

PUBLIC HEARING

The public hearing will be held at Barrow, Alaska, commencing at 9:30 a.m., Thursday, August 19, 1976, at the North Slope Borrough Building Conference Room. The hearing will include an evening session to permit those who work during the day to attend. If necessary, the hearing will continue on Friday, August 20, at 9:30 a.m.

Any person who has an interest in this proceeding, or who represents a group or class of persons that has an interest, may make a written request for an opportunity to make an oral presentation at the hearing. Such requests must be delivered before 4:30 p.m., local time, August 12, 1976, to the Officer in Charge, Naval Petroleum Reserve No. 4, Calais Office Center, 3201 C Street, Anchorage, Alaska 99503, with a copy to the Director, Naval Petroleum and Oil Shale Reserves, Crystal Plaza No. 6, Room 550, Washington, D.C. 20360. Requests to make an oral presentation should be submitted in accordance with the Request Procedures set forth below:

REQUEST PROCEDURES

The following request procedures are applicable to the hearings:

1. Persons requesting an opportunity to make an oral presentation must do so to the appropriate address given above. Written requests should be labeled both on the document and the envelope, "NPR–4 Hearing."

2. The person making the request should briefly describe the interest concerned, submit a concise summary of the proposed oral presentation and list a phone number where he or she may be contacted through August 12, 1976. Each person selected to be heard will be so notified by the Officer in Charge, Naval Petroleum Reserve No. 4, for Alaska requesters, or the Director, Naval Petroleum and Oil Shale Reserves, for other requesters, before 4:30 p.m., Monday, August 16, 1976.

3. The Director, Naval Petroleum and Oil Shale Reserves 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 hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

4. All those who are selected to testify must submit ten (10) copies of their statements on the day of the hearing.

5. An official not attached to the Office of Naval Petroleum and Oil Shale Reserves 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.

6. Any person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit him to present it for answer.

7. Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

8. A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the Office of Naval Petroleum and Oil Shale Reserves and made available for inspection between the hours of 8:00 a.m. and 4:30 p.m. daily (local time) at the following locations:

a. Director, Naval Petroleum and Oil Shale Reserves, Crystal Plaza #6, Room 550, Washington, D.C. 20360.

b. Officer in Charge, Naval Petroleum Reserve No. 4, Calais Officer Center, 3201 C Street, Anchorage, Alaska 99503.

c. Naval Arctic Research Lab, Point Barrow, Alaska 99723.

9. Any person may purchase a copy of the transcript from the Office of Naval Petroleum and Oil Shale Reserves at rates prescribed by the Navy Department under the provisions of the Freedom of Information Act.

10. Any questions concerning the hearings should be directed to the Director, Naval Petroleum and Oil Shale Reserves, Crystal Plaza #6, Room 550, Washington, D.C. 20360.

WRITTEN COMMENTS

Interested persons who do not intend to participate in the hearings, or who wish to submit additional information, are invited to submit written data, views, or arguments with respect to the subject matter set forth in this notice to the Director, Naval Petroluem and Oil Shale Reserves, Crystal Plaza #6, Room 550, Washington, D.C. 20360.

Ten copies should be submitted. All comments received by August 12, 1976, and all relevant information will be considered by the Director, Naval Petroleum and Oil Shale Reserves. 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 Director, Naval Petroleum and Oil Shale Reserves reserves the right to determine the confidential status of the information or data and to treat it according to the determination.

Issued in Washington, D.C., July 20, 1976.

GEORGE G. DOWD,
Captain, JAGC, USN,
Director.

[FR Doc.76-21338 Filed 7-21-76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the National Advisory Committee on Criminal Justice Standards and Goals.

The National Advisory Committee will be meeting at the Hotel del Coronado, Coronado, California on August 19 and 20, 1976. The meeting will be open to the public.

Discussion will focus on reviewing the entire reports of the individual task forces, which are:

1. Disorders and Terrorism.
2. Juvenile Justice and Delinquency Prevention.
3. Organized Crime.
4. Private Security.
5. Research and Development.

Meeting Times: August 19, 2 p.m. to 6 p.m., August 20, 9 a.m. to 6 p.m.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, NW., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-21204 Filed 7-21-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Termination of Proposed Withdrawal and Reservation of Lands

JULY 15, 1976.

Notice of an application by the Forest Service, U.S. Department of Agriculture, serial No. AA-3128, for withdrawal of lands within the South Tongass National Forest from location or entry under the mining laws, was published in the FEDERAL REGISTER on November 14, 1969 (34 FR 18255 as FR Doc. No. 69-13538). The purpose of the proposed withdrawal was to protect a 14-acre tract, known as the New Kasaan Totem Park, for use as a recreation area for the general public. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2351.4, such lands, at 10 a.m., July 28, 1976, will be relieved of the segregative effect of the above-mentioned application. The lands involved in this notice of termination are located within the S½NE¼ of section 13, T. 73 S., R. 85 E., Copper River Meridian.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-21202 Filed 7-21-76;8:45 am]

ALASKA

Termination of Segregative Effect Lands Made Available for State Selection

JULY 15, 1976.

The withdrawal of lands for the Department of the Army made by the act of September 26, 1961 (75 Stat. 682) having expired on September 26, 1971 in accordance with section (a) of said act, and pursuant to section 1.5(c) of Bureau Order No. 701 of July 23, 1964, it is ordered as follows:

1. The lands described below were withdrawn for the use of the Department of the Army as a Nike range for a period of 10 years, by the act of September 26, 1961 (75 Stat. 682). The pertinent BLM case file has been assigned serial number F-022929. The withdrawal expired on September 26, 1971, in accordance with section (a) of said act. At 10 a.m. on July 28, 1976, the segregative effect of the expired military withdrawal will be terminated as to the following described lands:

A tract of land located approximately 40 miles east of Fairbanks, Alaska, known as the Yukon Command Training Site, more specifically described as follows:

Beginning at a point identical with the approximate intersection of latitude 64°47'-10'' N., and longitude 146°10'24'' W.; thence west 9 miles, more or less, to approximate latitude 64°47'00'' N., longitude 146°28'17'' W.; thence northeasterly 63 miles, more or less, to approximately latitude 65°11'34'' N., longitude 144°29'12'' W., thence southeasterly 20 miles, more or less, to approximately latitude 64°50'10'' N., longitude 144°14'00'' W.; thence southwesterly 58 miles, more or less, to approximate latitude 64°39'45'' N., longitude 146°10'24'' W.; thence north 9 miles, more or less, to the point of beginning.

Containing approximately 607,800 acres.

2. Until 10 a.m. on October 26, 1976, the State of Alaska shall have a preferred right to select those portions of the following townships that are within the lands described in paragraph 1:

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 8 through 10 E.
T. 2 N., R. 10 E.
T. 1 S., Rs. 6 through 8 E.
T. 3 S., Rs. 8 through 11 E.

After that time, any of the above-identified lands that are not selected by the State will be subject to Public Land Order No. 5180 of March 9, 1972, as amended by Public Land Order No. 5418 of March 25, 1974, which withdrew the the lands for classification and protection of the public interest.

3. At 10 a.m. on July 28, 1976, the lands described in paragraph 1, excluding that portion described in paragraph 2, shall be subject to Public Land Order No. 5180, as amended by Public Land Order No. 5418.

CURTIS V. MCVEE,
State Director.

[FR Doc.76-21203 Filed 7-21-76;8:45 am]

Geological Survey

OIL AND GAS DRILLING

Eastern Region

On July 12, 1976 (41 FR 28553), OCS Orders for the Mid-Atlantic Area were published. These OCS Orders provide requirements for oil and gas drilling activity on any oil and gas leases to be issued as a result of the lease sale scheduled to be held on August 17, 1976. The following OCS Orders for the Mid-Atlantic Area were effective July 1, 1976.

Order No. 1—"Marking of Wells, Platforms, and Structures"
Order No. 2—"Drilling Procedures"
Order No. 3—"Plugging and Abandonment of Wells"
Order No. 4—"Suspensions and Determination of Well Producibility"
Order No. 5—"Subsea Safety Devices"
Order No. 7—"Pollution and Waste Disposal"
Order No. 12—"Public Inspection of Records"

The current lease sale schedule shows a tentative lease sale to be held in the North Atlantic in the Spring of 1977. The Geological Survey is in the process of developing final OCS Orders to cover drilling activities in this area should this lease sale be held.

Interested parties are requested to provide comments on the content of the North Atlantic OCS Orders. The newly issued Mid-Atlantic OCS Orders are being considered as draft OCS Orders for this Area. Commenters are requested to indicate operational changes that may be necessary due to different conditions to be encountered in the North Atlantic Area. For the purpose of these OCS Orders, the North Atlantic Area includes OCS lands between 40° N latitude and 42° N latitude. Comments will be accepted until September 1, 1976, and should be sent to:

Acting Chief, Conservation Division, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

V. E. McKELVEY,
Director.

[FR Doc.76-21186 Filed 7-21-76;8:45 am]

Office of the Secretary

FEDERAL METAL AND NONMETAL MINE SAFETY ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Federal Metal and Nonmetal Mine Safety Advisory Committee, established under section 7(a) of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721) will meet on Monday, August 23, 1976, and Tuesday, August 24, 1976, commencing at 8:30 a.m. each day until the Advisory Committee concludes its business. The meeting will be held at the Pioneer Inn, 221 South Virginia Street, Reno, Nevada 89501—Telephone: Area Code 702-329-9781.

The matters to be discussed at this public meeting are suggested new and revised health and safety standards and revocation of certain standards which remained on the agenda and which had not been considered by the Advisory Committee by the conclusion of the meeting of the Advisory Committee in Birmingham, Alabama, on June 29 through July 1, 1976. The matters which remain to be discussed concern drilling; rotary jet piercing; loading, hauling, and dumping; personal protection; safety programs; man hoisting; posting of communication instructions; and suggested mandatory standards 55/56/57.16-2 which relate to safeguards against entrapment in bins, surge piles, ore passes, silos, and other similar locations. Copies of the agenda and the suggested new and revised standards are available for the public and may be obtained from or may be examined in the office of the Executive Secretary to the Advisory Committee.

The meeting of the Advisory Committee is open to the public. Persons who expect to attend are requested to notify the Executive Secretary in writing by Thursday, August 19, 1976, as public attendance will be limited to seating available in the meeting room.

Any member of the public may file a written statement with the Advisory Committee be before, during or within 30 days after the meeting.

The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting.

All written statements, notices, and requests should be addressed to the Executive Secretary as follows:

Mr. Herbert P. Levan, Executive Secretary, Federal Metal and Nonmetal Mine Safety Advisory Committee, Room 702, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203. Telephone: Area Code 703-235-8685.

Dated: July 16, 1976.

RAYMOND A. PECK, Jr.,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-21208 Filed 7-21-76;8:45 am]

[INT FES 76-38]

MASTER PLAN FOR ZION NATIONAL PARK, UTAH

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Zion National Park master plan. The Department of the Interior has prepared a final environmental statement for the proposals of the master plan relate to continued operation of overnight lodging facilities in the park, expanded resources management, coordinated visitor use, expanded interpretation and education, immediate development needs and boundary adjustments.

The environmental statement considers the social, economic, and ecological effects of the master plan recommendations for future management activity, visitor use, and land acquisition for the park.

Copies of the final environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225.
Utah State Office, National Park Service, 125 South State Street, Room 2208, Salt Lake City, Utah 84138.
Superintendent, Zion National Park, Springdale, Utah 84767.

Dated: July 7, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-21209 Filed 7-21-76;8:45 am]

[INT DES 76-27]

OFF-ROAD VEHICLES ON THE PUBLIC LANDS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environment Policy Act of 1969, the Department of the Interior has prepared a revised draft environmental statement for the proposed implementation of Executive Order 11644, which pertains to the use of off-road vehicles on public lands, and invites written comment by October 7, 1976.

The environmental statement considers the effects of implementing the order on lands administered by the Department of the Interior. The environmental statement recognizes the need for a unified Federal policy toward the use of off-road vehicles (ORVs) and the importance of protecting environmental values and other recreational activities through wise policies which will ensure proper and compatible use of ORVs on public lands.

Copies of the draft statement are available for inspection at the following locations:

Office of Communications, Bureau of Outdoor Recreation, Room 237, Interior South Building, Department of the Interior, Washington, D.C. 20240, 202-343-5726.
Regional Director, Bureau of Outdoor Recreation, Northwest Region, 915 Second Avenue, Room 990, Seattle, Washington 98174, 206-442-4706.
Regional Director, Bureau of Outdoor Recreation, Pacific Southwest Region, Box 36062, 450 Golden Gate Avenue, San Francisco, California 94102, 415-556-0182.
Regional Director, Bureau of Outdoor Recreation, Mid-Continent Region, Building 41, PO Box 25387, Denver Federal Building, Denver, Colorado 80225, 303-234-2634.
Regional Director, Bureau of Outdoor Recreation, Lake Central Region, 3853 Research Park Drive, Ann Arbor, Michigan 48104, 313-769-3100.
Regional Director, Bureau of Outdoor Recreation, Southeast Region, 148 Cain Street, Atlanta, Georgia 30303, 404-526-4405.
Regional Director, Bureau of Outdoor Recreation, Northeast Region, Federal Office Bldg. Rm. 9510, 600 Arch Street, Philadelphia, Pa. 19106, 215-597-7990.
Regional Director, Bureau of Outdoor Recreation, South Central Region, 5000 Marble Avenue, NE, Albuquerque, New Mexico 87110, 505-766-3514.

A limited number of single copies is available and may be obtained by writing

to the Director, Bureau of Outdoor Recreation, Room 233, Interior South Building, Department of the Interior, Washington, D.C. 20240.

Dated July 19, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-21197 Filed 7-21-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF JUNE 15, 1976

List

A list of environmental statements is here published to provide timely public information on the status of Forest Service environmental statements under preparation as of June 15, 1976. Persons interested in a particular action and environmental statement should contact the responsible official directly.

For ease in use of this list, statements are grouped by Forest Service organizational units proposing the action. Statements marked with an asterisk indicate, in total or in part, land use planning, developments, or activities within inventoried roadless areas. National Forest inventoried roadless areas are defined as roadless and undeveloped areas 5,000 acres or larger, except that smaller areas adjoining existing Wilderness and Primitive Areas could be included. Existing Wilderness and Primitive Areas are excluded from this definition.

Forest Service field addresses are given at the end of the listing of environmental statements.

R. W. FEUCHTER,
Acting Deputy Chief, Forest Service.

JULY 14, 1976.

Forest Service environmental statements under preparation as of June 15, 1976

[Forest Service addresses at end of table]

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
WASHINGTON OFFICE					
*Flathead Wild and Scenic River proposal.	Flathead National Forest, Mont.	Legislation	Chief	September 1973.	
North Fork American River Wilderness study.	Tahoe National Forest, Calif.	do	do	January 1979	June 1979.
Sheep Mountain and Cucamonga Wilderness.	Angeles and San Bernardino National Forests, Calif.	do	do	October 1978	October 1979.
North Fork American River Wild and Scenic.	Tahoe National Forest, Calif.	do	do	December 1977.	December 1978.
Wilderness study area report.	Ouachita National Forest, Ark.	do	do	February 1977.	August 1977.
*Cougar Lake	Gifford Pinchot and Wenatchee National Forest, Wash.	Wilderness study.	do	November 1976.	July 1977.
*Skagit Wild and Scenic River study.	Mount Baker-Snoqualmie National Forest, Wash.	Legislative	do	June 1975	December 1976.
*Bull Run planning unit	Mount Hood National Forest, Oreg.	do	do	August 1976	March 1977.
*Illinois River study	Siskiyou National Forest, Oreg.	do	do	June 1976	Do.
Cascade Head Scenic Research Area.	Siuslaw National Forest, Oreg.	Management plan.	do	March 1976	October 1976.
Oregon Dunes NRA	do	do	do	September 1974.	June 1976.
Do	do	Wilderness study.	do	October 1974	Do.
Lower Minam	Wallowa-Whitman National Forest, Oreg.	do	do	July 1976	July 1977.
Pere Marquette National Scenic River.	Manistee National Forest, Mich.	Legislation	do	February 1974.	July 1976.
Land exchange with Lake Forest enterprises.	Superior National Forest, Minn.	Land exchange	do	July 1976	January 1977.
Flaming Gorge national recreation area.	Ashley National Forest, Utah-Wyoming.	Management plan.	do	June 1976	September 1976.
Salmon River Wild and Scenic River.	Idaho	Legislation	do	June 1975	Do.
*Teton Corridor Wilderness study-proposal.	Bridger-Teton National Forest, Wyo.	do	do	June 1976	December 1976.
Phelps Dodge (Copper Basin).	Prescott National Forest, Ariz.	Land exchange	do	March 1976	September 1976.
*Granite	Tongass National Forest, Alaska.	Resource plan	do	November 1976.	July 1977.
*Alaska lumber and pulp 1981-86 operating period.	do	do	do	June 1979	March 1980.
REGIONAL OFFICE; MISSOULA, MONT.—REGION 1					
*Beaverhead National Forest.	Beaverhead National Forest, Mont.	Land use plan	Forest supervisor.	July 1976	October 1976.
Sapphires	Bitterroot National Forest, Mont.	do	do	August 1976	May 1977.
*Lower West Fork	do	do	do	November 1975.	July 1976.
*Warm Springs-Medicine Tree.	do	do	do	July 1976	December 1976.
Timber management plan	do	Resource plan	Regional forester.	October 1976	March 1977.
Elk River	Clearwater National Forest, Idaho.	Land use plan	Forest supervisor.	September 1976.	February 1977.

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
Lowell	do	do	do	do	Do.
Pryor Mountain complex	Custer National Forest, Mont.	do	do	May 1976	
Beartooth Plateau [1]	Custer, Gallatin, Shoshone National Forests, Mont. and Wyo.	do	Forest supervisors.	July 1976	December 1976.
Sioux District	Custer National Forest, Mont. and S. Dak.	do	Forest supervisor.	April 1976	October 1976.
Ashland	Custer National Forest, Mont.	do	do	October 1976	March 1977.
Beartooth Face [2]	Custer, Gallatin National Forests, Mont.	do	Forest supervisors.	January 1977	June 1977.
North End	Deerlodge National Forest, Mont.	do	Forest supervisor.	June 1975	June 1976.
Hungry Horse West	Flathead National Forest, Mont.	do	do	February 1977.	August 1977.
Ski Yellowstone	Gallatin National Forest, Mont.	Winter sports	do	August 1976	November 1976.
West Half Yellowstone	do	Land use plan	do	March 1977	December 1977.
Hilgard Taylor	do	do	do	October 1977	May 1978.
Buck Creek-Yellow Mule	do	do	do	June 1976	October 1976.
Ophir-Dog-McDonald Pass	Helena National Forest, Mont.	do	do	do	November 1976.
Mike Horse	do	do	do	September 1976.	February 1977.
Magpie Confederate	do	do	do	July 1976	March 1977.
Colorado-Unionville-Travis	do	do	do	do	April 1977.
East Belt	do	do	do	October 1976	July 1977.
Nevada - Stemple - Lake Prickley Pear.	do	do	do	October 1977	
Coeur d'Alene	St. Joe National Forest, Idaho.	do	do	July 1976	
Emerald Creek	do	do	do	June 1975	August 1976.
Quartz	do	do	do	September 1976.	
Siwash	do	do	do	March 1976	June 1976.
Lakeview	Kaniksu National Forest, Idaho.	do	do	June 1975	July 1976.
Smith Creek	do	do	do	July 1975	Do.
Blacktail	do	do	do	March 1976	August 1976.
Boulder	do	do	do	July 1976	
Lamb Upper West Branch	do	do	do	March 1976	September 1976.
Napoleon	Kaniksu, Kootenai National Forests, Idaho and Mont.	do	Forest supervisors.	July 1976	
*West Kootenai	Kootenai National Forest, Mont.	do	Forest supr-visor.	September 1975.	Do.
*O'Brien-Cross Mountain-Seventeenmile.	do	do	do	October 1975	August 1976.
*Big Swede-Pipe	do	do	do	November 1975.	October 1976.
Keeler	do	do	do	August 1976	May 1977.
*Hornet	do	do	do	December 1976.	July 1977.
Pinkham-Alkali-Fortine	do	do	do	September 1976.	June 1977.
*Vermilion-Beaver-Marten	do	do	do	December 1976.	August 1977.
Rocky Mountain Front	Lewis and Clark National Forest, Mont.	do	do	June 1976	December 1976.
Smith River and Logging Pilgrim.	do	do	do	December 1976.	March 1977.
Yogo-Bear and Dry Wolf	do	do	do	June 1977	February 1978.
*Ward-Eagle	Lolo National Forest, Mont.	do	do	July 1974	July 1976.
Placid-Blanchard	do	do	do	August 1976	March 1977.
*Ninemile	do	do	do	July 1976	April 1977.
*Big Hole	do	do	do	May 1976	Do.
*Prospect Creek	do	do	do	August 1976	March 1977.
*Blue Ridge	Nezperce National Forest, Idaho.	do	do	November 1976.	April 1977.
*Crooked Creek-Orogrande	do	do	do	January 1977	May 1977.
Timber management plan	do	do	Regional forester.	August 1976	December 1976.
Meadow Creek	do	do	Forest supervisor.	September 1977.	February 1978.
Upper Rock Creek	Deerlodge National Forest, Mont.	do	do	July 1976	November 1976.
Little Boulder-Whitetail	do	do	do	May 1977	September 1977.
Eastside-Lockhart-Browns Gulch.	do	do	do	October 1977	February 1978.
Anaconda-Hamilton transmission line.	Deerlodge, Bitterroot, Lolo National Forests, Mont.	Powerline	Forest supervisors.	November 1976.	April 1977.
Big Mountain master plan	Flathead National Forest, Mont.	Winter sports site.	Forest supervisor.	May 1975	August 1976.
East Shore Flathead Lake	do	Land use plan	do	December 1976.	June 1977.
Island	do	do	do	November 1976.	May 1977.
Logan	do	do	do	September 1976.	March 1977.

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REGIONAL OFFICE; DENVER, COLO.—REGION 2					
Boulder Grand Divide	Arapaho and Roosevelt National Forests, Colo.	do	do	July 1976	November 1976.
East Grand County	Arapaho National Forest, Colo.	do	do	April 1977	August 1977.
Norbeck wildlife preserve	Black Hills National Forest, S. Dak. and Wyo.	do	do	February 1977.	July 1977.
Timber management	do	Resource plan	Regional forester.	April 1976	September 1976.
*East River	Gunnison and White River National Forests, Colo.	Land use plan	Forest supervisors.	December 1975.	October 1976.
*Grand Mesa-Muddy Creek	Gunnison and Grand Mesa National Forests, Colo.	do	Forest supervisor.	Deferred—pending USDI decision growing out of *Sierra Club et al.*, v. *Rogers C. B. Morton et al.*, C.A. No. 1182-73 C.A.-D.C.	
*Savage Run	Medicine Bow National Forest, Wyo.	do	do	April 1976	October 1976.
*Kennaday Peak	do	do	do	January 1977	July 1977.
Guanella Pass management	Arapaho and Pike National Forests, Colo.	do	do	September 1976.	December 1976.
*Southern San Juan	Rio Grande and San Juan National Forests, Colo.; Carson National Forest, N. Mex.	do	do	Deferred—pending coordination with Public Law 93-621 report.	
*South Fork	Rio Grande National Forest, Colo.	do	do	July 1976	November 1976.
*Bears Ears unit	Routt National Forest, Colo.	do	do	June 1976	December 1976.
*Blacktail	do	do	do	December 1975.	October 1976.
Arkansas planning unit	San Isabel National Forest, Colo.	do	do	June 1977	September 1977.
*Dolores	San Juan National Forest, Colo.	do	do	June 1976	October 1976.
South Animas	do	do	do	October 1976	February 1977.
Beartooth Plateau unit (with region 1).	Shoshone, Gallatin, and Custer National Forests, Mont. and Wyo.	do	do	June 1976	December 1976.
*Thompson Creek unit	White River National Forest, Colo.	do	do	do	October 1976.
*Upper Eagle unit	do	do	do	July 1976	November 1976.
Timber management	do	Resource plan	Regional forester.	February 1976.	July 1976.
Eagle-Aspen	do	Land use plan	Forest supervisor.	September 1976.	March 1977.
REGIONAL OFFICE; ALBUQUERQUE, N. MEX.—REGION 3					
Black River	Apache-Sitgreaves National Forest, Ariz.	do	do	August 1976	December 1976.
Sitgreaves timber management plan.	do	Resource plan	Regional forester.	April 1977	November 1977.
Red River ski area expansion.	Carson National Forest, N. Mex.	Winter sports	do	October 1976	May 1977.
Taos ski valley expansion	do	do	do	April 1974	December 1979.
Manzano Mountain	Cibola National Forest, N. Mex.	Land use plan	Forest supervisor.	September 1976.	December 1976.
Woods	Coconino National Forest, Ariz.	do	do	March 1976	June 1976.
Cinder Hills	do	do	do	March 1977	June 1977.
Huachuca land use plan	Coronado National Forest, Ariz.	Land use	do	January 1977	Do.
Santa Catalina land use plan.	do	do	do	March 1975	September 1976.
Swift trail	do	Road	Regional forester.	September 1975.	December 1976.
Gila timber management plan.	Gila National Forest, N. Mex.	Timber management.	do	September 1976.	Do.
Gilita unit plan	do	Land use	Forest supervisor.	October 1976	February 1977.
Blue algae control	do	Weed control	do	September 1976.	January 1977.
Eagle Creek Dam and Reservoir.	Lincoln National Forest, N. Mex.	City water storage.	do	do	December 1976.
Ruidoso land use plan	do	Land use	do	January 1977	April 1977.
White Mountain wilderness additions.	do	Wilderness addition.	do	March 1977	June 1977.
Cloudcroft land use plan	do	Land use	do	March 1978	June 1978.
Supplement to Clarksdale-Williams highway.	Prescott National Forest, Ariz.	Road construction.	Regional forester.	August 1975	August 1976.
Timber management plan	do	Resource plan	do	January 1976	July 1976.
Gallina unit plan	Santa Fe National Forest, N. Mex.	Land use	Forest supervisor.	March 1976	September 1976.

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Pecos unit plan	do	do	do	September 1976.	December 1976.
Santa Fe unit plan	do	do	do	December 1976.	March 1977.
Coronado project	Tonto National Forest, Ariz.	Land use, powerline easement.	Regional forester.	January 1979	June 1979.
Williams land use plan	Kaibab National Forest, Ariz.	Land use plan	do	June 1977	December 1977.
South Kaibab timber management plan.	do	10 yr timber management plan.	do	September 1976.	March 1977.
REGIONAL OFFICE; OGDEN, UTAH—REGION 4					
Timber management plan	Ashley National Forest, Utah.	Resource plan	do	do	Do.
Long Park Reservoir	do	Reservoir construction.	Forest supervisor.	April 1976	September 1976.
High Uintas south slope	do	Land use plan	do	August 1976	December 1976.
Timber management plan	Boise National Forest, Idaho.	Resource plan	Regional forester.	May 1976	September 1976.
*Union Pass planning unit	Bridger-Teton National Forest, Wyo.	Land use plan	Forest supervisor.	July 1976	Do.
*Greys River planning unit	do	do	do	August 1976	October 1976.
*Timber management plan	do	Resource plan	Regional forester.	October 1976	December 1976.
*Diamond Creek planning unit.	Caribou National Forest, Idaho.	Land use plan	Forest supervisor.	May 1976	Do.
*Bear River planning unit	do	do	do	March 1977	July 1977.
*Pioneer Mountains planning unit.	Challis National Forest and Sawtooth National Forest, Idaho.	do	Forest supervisors.	June 1975	July 1976.
Challis-Squaw Creek planning unit.	Challis National Forest, Idaho.	do	Forest supervisor.	October 1976	April 1977.
*Markagunt Plateau planning unit.	Dixie National Forest, Utah.	do	do	June 1976	October 1976.
*Paunsaugunt-Sevier planning unit.	do	do	do	September 1976.	December 1976.
*Salina planning unit	Fishlake National Forest, Utah.	do	do	December 1975.	July 1976.
Fremont planning unit	do	do	do	December	June 1977.
*Mount Moriah planning unit.	Humboldt National Forest, Nev.	do	do	October 1976 1976.	February 1977.
*Santa Rosa planning unit	do	do	do	June 1976	September 1976.
*Salt Lake land use plan	Wasatch National Forest, Utah.	do	do	August 1976	January 1977.
*Island Park Planning Unit	Targhee National Forest, Idaho.	do	do	September 1976.	February 1977.
*Big Hole Mountains planning unit.	do	do	do	September 1977.	January 1978.
*Timber management plan	do	Resource plan	Regional forester.	January 1977.	June 1977.
*Mt. Charleston planning unit.	Toiyabe National Forest, Nev.	Land use plan	Forest supervisor.	March 1976	August 1976.
*Alpine planning unit	Toiyabe National Forest, Nev.-Calif.	do	do	June 1976	October 1976.
*Four Seasons ski area	Uinta National Forest, Utah.	Winter sports site.	do	April 1976	August 1976.
Hobble-Diamond planning unit.	do	Land use plan	do	May 1977	October 1977.
Strawberry Mountain planning unit.	do	do	do	July 1976	November 1976.
*Lone Peak	Wasatch and Uinta National Forest's, Utah.	Wilderness study area.	Regional forester.	July 1975	Do.
*North slope planning unit	Wasatch National Forest, Utah.	Land use plan	Forest supervisor.	March 1976	September 1976.
*Moab planning unit	Manti-LaSal National Forest, Colo.-Utah.	do	do	June 1976	Do.
*Ferron planning unit	Manti-LaSal National Forest, Utah.	do	do	July 1977	October 1977.
Boulder planning unit	do	do	do	December 1976.	February 1977.
*McCall planning unit	Payette National Forest, Idaho.	do	do	October 1976.	March 1977.
*Beartrap-Dutchler	Salmon National Forest, Idaho.	do	do	December 1975.	August 1976.
*Twelvemile planning unit	do	do	do	January 1976	July 1976.
*Timber management plan	do	Resource plan	Regional forester.	December 1976.	April 1977.
*Leesburg planning unit	do	Land use plan	Forest supervisor.	September 1976.	February 1977.
*Leadore planning unit	do	do	do	December 1976.	April 1977.
*Albion planning unit	Sawtooth National Forest, Idaho.	do	do	November 1976.	Do.

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REGIONAL OFFICE; SAN FRANCISCO, CALIF.—REGION 5					
*San Gabriel	Angeles National Forest, Calif.	do	do	March 1977	October 1977.
*Valencia	do	do	do	January 1979	October 1977.
Bouquet Canyon	do	Recreation plan	Regional forester.	December 1976.	June 1977.
*Trabuco district	Cleveland National Forest, Calif.	do	do	March 1977	January 1978.
*Descanso	do	do	do	January 1979	December 1979.
Timber management plan	Tahoe National Forest, Calif.	Resource plan	do	February 1977.	June 1977.
Nevada City	do	Land use plan	Forest supervisor.	January 1982	July 1982.
*Middle Eel planning unit	Mendocino National Forest, Calif.	do	do	December 1976.	May 1977.
Mendocino National Forest timber management plan.	do	Resource plan	Regional forester.	July 1975	December 1976.
*Main Eel planning unit	do	Land use plan	Forest supervisor.	September 1977.	February 1978.
*Medicine Lake	Modoc National Forest, Calif.	do	do	September 1976.	December 1976.
Warner Mountain	do	do	do	December 1977.	May 1978.
*Mohawk	Plumas National Forest, Calif.	do	do	July 1976	February 1977.
Feather River	do	do	do	June 1978	December 1978.
Twin Valleys	do	do	do	October 1979	April 1980.
Tuolumne Wild and Scenic River.	Stanislaus National Forest, Calif.	Wild and scenic river study.	do	October 1976	October 1977.
Volcanoville	Eldorado National Forest, Calif.	Land use plan	do	June 1976	October 1976.
Timber management plan	do	Resource plan	Regional forester.	September 1976.	February 1977.
Sierra ski ranch	do	Winter sports	Forest supervisor.	August 1976	November 1976.
NRA (Shasta Clair Engle-Lewistown).	Shasta-Trinity National Forest, Calif.	Land use plan	do	do	May 1977.
*Upper Trinity	do	do	do	November 1974.	July 1976.
*Girard-McCloud	do	do	do	August 1976	January 1977.
*South Fork Mountain	do	do	do	December 1976.	May 1977.
*King	Klamath National Forest, Calif.	do	do	March 1976	August 1976.
*Grider	do	do	do	July 1976	December 1976.
*Almanor	Lassen National Forest, Calif.	do	do	October 1976	May 1977.
Big Sur coastal	Los Padres National Forest, Calif.	do	do	July 1976	November 1976.
*Mount Pinos	do	do	do	December 1977.	March 1978.
Foresthill-Hell Hole	Tahoe and Eldorado National Forest, Calif.	do	do	January 1980	July 1980.
Downieville	Tahoe National Forest, Calif.	do	do	January 1983	July 1983.
Timber management plan	Angeles, Cleveland, Los Padres, and San Bernardino National Forests, Calif.	Resource plan	Regional forester.	October 1976	January 1977.
Big Bear Basin	San Bernardino National Forest, Calif.	Land use plan	Forest supervisor.	August 1976	November 1976.
Little Kern	Sequoia National Forest.	do	do	do	January 1977.
Plateau	do	do	do	July 1976	October 1976.
Hume	do	do	do	September 1976.	December 1976.
Tule	do	do	do	July 1977	October 1977.
Kern River	do	do	do	do	Do.
Timber management plan	do	Resource plan	Regional forester.	April 1977	July 1977.
Rancheria	Sierra National Forest, Calif.	Land use plan	Forest supervisor.	June 1976	September 1976.
*Kings River	do	do	do	December 1976.	June 1977.
*Pineridge-Kaiser	do	do	do	do	Do.
*Chiquito-Bass Lake	do	do	do	do	Do.
*Mariposa	do	do	do	do	Do.
*Upper San Joaquin	do	do	do	do	Do.
Timber management plan	do	Resource plan	Regional forester.	do	Do.
Orleans-Red Cap Bridge	Six Rivers National Forest, Calif.	Bridge construction.	Forest supervisor.	August 1976	December 1976.
*Fox unit plan supplement	do	Land use plan	do	October 1976	February 1977.

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*Mammoth	Inyo National Forest, Calif.	do	do	September 1976.	January 1977.
Mono Basin	do	do	do	February 1977.	June 1977.
Biship Creek	do	do	do	August 1976	December 1976.
Timber management plan	do	Resource plan	Regional forester.	April 1977	August 1977.
Long Valley KGRA	Inyo National Forest and associated national resource lands.	Geothermal leasing, exploration, and development.	Forest supervisor, Inyo National Forest, and Bakersfield district manager, Bureau of Land Management.	March 1977	September 1977.
REGIONAL OFFICE; PORTLAND, OREG.—REGION 6					
*East Deer Creek	Colville National Forest, Wash.	Land use plan	Forest supervisor.	September 1975.	July 1976.
*Harvey Creek	do	do	do	September 1976.	March 1977.
*Kettle Crest	do	do	do	July 1976	January 1977.
*Sullivan-Salmo planning unit.	do	do	do	September 1976.	March 1977.
10-yr timber management plan.	do	Resource plan	Regional forester.	March 1977	October 1977.
*Deschutes	Deschutes National Forest, Oreg.	Land use plan	Forest supervisor.	January 1977.	July 1977.
Coffeepot Reservoir	Fremont National Forest, Oreg.	Dam construction.	Regional forester.	May 1977	September 1977.
*Lakeview	do	Land use plan	Forest supervisor.	September 1976.	February 1977.
*Bear Creek	Gifford Pinchot National Forest, Wash.	do	Forest supervisor.	July 1976	December 1976.
*Clear Creek	do	do	do	January 1975	July 1976.
Trapper Slouxon	do	do	do	April 1976	December 1976.
*Upper Lewis	do	do	do	October 1975	August 1976.
*Naches-Tieton-White River	Gifford Pinchot, Mount Baker-Snoqualmie Wenatchee National Forest's Wash.	do	Regional forester.	September 1976.	April 1977.
*Desolation	Malheur, Umatilla, and Wallowa-Whitman National Forests, Oreg.	do	do	January 1977	June 1977.
*John Day	Malheur and Umatilla National Forest's Oreg.	do	do	February 1976.	July 1976.
*Silvies-Malheur	Malheur, Ochoco, and Wallowa-Whitman National Forest's, Oreg.	do	do	October 1976	February 1977.
*South Fork	Malheur and Ochoco National Front's, Oreg.	do	do	May 1976	October 1976.
10-yr timber management plan.	Malheur, Umatilla, and Wallowa-Whitman National Forest, Oreg.	Resource plan	do	September 1976.	March 1977.
Bren Mac Mines	Mount Baker-Snoqualmie National Forest, Wash.	Access road and Mining.	Forest supervisor.	do	Do.
*Mount Baker	do	Land use plan	do	do	June 1977.
*Badger-Jordan	Mount Hood National Forest, Oreg.	do	do	do	May 1977.
*Mount Hood	do	do	do	March 1976	November 1976.
*10-yr timber management plan.	do	Resource plan	Regional forester.	August 1976	March 1977.
*Crooked River	Ochoco National Forest, Oreg.	Land use plan	Forest supervisor.	do	December 1976.
Grassland	do	do	do	March 1977	July 1977.
10-yr timber management plan.	do	Resource plan	Regional forester.	September 1976.	January 1977.
*Twisp-Winthrop Conconully.	Okanogan National Forest, Wash.	Land use plan	Forest supervisor.	January 1976.	September 1976.

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Olympic ORV plan	Olympic National Forest Wash.	Off-road vehicle regulations.	Forest supervisor.	June 1976	August 1976.
*Quinsult	do	Land use plan	do	July 1976	Do.
*Canal front	do	do	do	January 1977	October 1977.
*McLoughlin-Klamath	Rogue River and Winema National Forest's, Oreg.	do	Regional forester.	July 1976	February 1977.
*North Siskiyou	Rogue River and Siskiyou National Forest's, Oreg.; Klamath National Forest, Calif.	do	do.[3]	March 1978	December 1978.
*Chetco-Grayback	Siskiyou National Forest, Oreg.	do	Forest supervisor.	December 1976.	June 1977
Coquille	do	do	do	January 1978	December 1978.
*Rogue-Illinois	do	do	do	June 1976	June 1977.
*Hebo	Siuslaw National Forest, Oreg.	Management plan.	do	September 1976.	January 1977.
Mary's Peak	do	do	do	March 1976	October 1976.
10-yr timber management plan.	do	Resource plan	Regional forester.	October 1976	April 1977.
*Alsea	do	Management plan.	Forest supervisor.	August 1977	January 1978.
Siuslaw	do	do	do	January 1978	October 1978.
*Elgin	Umatilla National Forest, Oreg.	Land use plan	do	October 1976	April 1977.
*Oregon Butte	do	do	do	June 1976	December 1976.
*Grande Ronde	Umatilla and Wallowa-Whitman National Forests Oreg.	do	Regional forester.	do	October 1976.
10-yr timber management plan.	Umpqua National Forest, Oreg.	Resource plan	do	September 1976.	March 1977.
*Umpqua	do	Land use plan	Forest supervisor.	February 1977	August 1977.
Burnt Powder	Wallowa-Whitman National Forest, Oreg.	do	do	April 1977	Do.
Kittitas	Wenatchee National Forest, Wash.	do	do	December 1976.	Do.
*Off-road vehicle plan	do	Off-road vehicle use and policy.	do	May 1976	December 1976.
*Bellnap Springs	Willamette National Forest, Oreg.	Geothermal development.	Regional forester.	December 1976.	June 1977.
Breitenbush	do	do	do	June 1976	December 1976.
*Chemult	Winema National Forest, Oreg.	Land use plan	do	January 1976	September 1976.
REGIONAL OFFICE: ATLANTA, GA.—REGION 8					
Timber management plan	Bankhead National Forest, Ala.	Resource plan	do	September 1976.	January 1977.
Conecuh unit plan and timber management plan.	Conecuh National Forest, Ala.	Land use and resource plan.	Forest supervisor and regional forester.	July 1976	October 1976.
South slope	Chattahoochee National Forest, Ga.	Land use plan	Forest supervisor.	April 1976	Do.
Lake Russell unit	do	do	do	June 1976	December 1976.
Timber management plan	do	Resource plan	Regional forester.	February 1977.	August 1977.
Do	Cherokee National Forest, Tenn.	do	do	March 1976	October 1976.
Unka unit	do	Land use plan	Forest supervisor.	August 1976	January 1977.
French Broad	do	do	do	October 1976	March 1977.
Management of Laurel River unit.	Daniel Boone National Forest, Ky.	do	do	February 1976.	December 1976.
Management Licking River unit.	do	do	do	October 1976	May 1977.
Big Scrub	Ocala National Forest, Fla.	do	do	August 1976	February 1977.
Chauga unit	Francis Marion and Sumter National Forest, S.C.	do	do	August 1974	August 1976
Massanutten unit	George Washington National Forest, Va.	do	do	July 1976	December 1976.
Lower Jackson unit	do	do	do	August 1977	January 1977.
Cave Mountain Lake unit plan.	Jefferson National Forest, Va.	do	do	February 1974.	October 1976.
Mount Rogers national recreation area.	do	do	do	September 1976.	September 1977.
High Knob unit	do	do	do	December 1976.	June 1977.
Revised 10-yr timber management plan.	do	Resource plan	Regional forester.	July 1976	December 1976.
North Catahoula/South Winn unit.	Kisatchie National Forest, La.	Land use plan	Forest supervisor.	November 1975.	July 1976.
Caney planning unit	do	do	do	January 1976.	August 1976.
Vernon planning unit	do	do	do	August 1976	January 1977.
Kisatchie unit	do	do	do	March 1977	August 1977.
Porter Creek unit	Homochitto National Forest, Miss.	do	do	January 1976.	August 1976.

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Whiskey Creek unit	DeSoto National Forest, Miss.	do	do	September 1976.	January 1977.
Timber management plan	Homochitto National Forest, Miss.	Resource plan	Regional forester.	March 1976	July 1976.
Do	Bienville National Forest, Miss.	do	do	May 1976	August 1976.
Curtis Creek unit	Pisgah National Forest, N.C.	Land use plan	Forest supervisor.	February 1976.	July 1976.
South Toe River and Big Ivy units.	do	do	do	August 1976	February 1977.
Timber management plan	Croatan National Forest, N.C.	Resource plan	Regional forester.	do	April 1977.
Cossatot-Little Missouri unit.	Ouachita National Forest, Ark.	Land use plan	Forest supervisor.	April 1976	August 1976.
South Fourche unit	do	do	do	July 1976	November 1976.
Manumelle-Saline unit	do	do	do	October 1976.	March 1977.
Tiak unit	do	do	do	November 1976.	Do.
Timber management plan	Ozark National Forest, Ark.	Resource plan	Regional forester.	July 1976	December 1976.
Ozone unit	do	Land use plan	Forest supervisor.	July 1975	June 1976.
St. Francis unit and timber management plan.	St. Francis National Forest, Ark.	Land use and resource plan.	Forest supervisor and regional forester.	April 1976	October 1976.
Wedington unit	Ozark National Forest, Ark.	Land use plan	Forest supervisor.	July 1976	March 1977.
Lee Creek unit	do	do	do	August 1976	April 1977.
Mulberry unit	do	do	do	December 1976.	October 1977.
Conroe unit	Sam Houston National Forest, Tex.	do	do	August 1975	August 1976.
Sabine unit and timber management plan.	Sabine National Forest, Tex.	Land use and resource plan.	Forest supervisor and regional forester.	August 1976	December 1976.
Timber management plan	Angelina National Forest, Tex.	Resource plan	Regional forester.	May 1976	January 1977.
Caribbean unit	Caribbean National Forest, P.R.	Land use plan	Forest supervisor.	June 1976	February 1977.
REGIONAL OFFICE; MILWAUKEE, WIS.—REGION 9					
Buzzard Swamp unit	Allegheny National Forest, Pa.	do	do	July 1976	October 1976.
Mill Creek unit	do	do	do	October 1976	February 1977.
Timber management plan	do	Resource plan	Regional forester.	August 1976	January 1977.
Off-road vehicle use	do	Regulations	Forest supervisor.	April 1976	December 1976.
Timber management plan	Chequamegon National Forest, Wis.	Resource plan	Regional forester.	August 1976	November 1976.
Deerfield River area	Green Mountain National Forest, Vt.	Land use plan	do	January 1976.	December 1976.
Timber management plan	do	Resource plan	do	July 1976	Do.
Willow Spring	Mark Twain National Forest, Mo.	Land use plan	Forest supervisor.	do	February 1977.
Off-road vehicle use	Shawnee National Forest, Ill.	Regulations	do	August 1976	December 1976.
Fluorspar activities in Lusk Creek.	do	Mining related	do	July 1976	Do.
Waterville unit	White Mountain National Forest, N.H.	Land use plan	do	October 1976	January 1977.
Evans Notch unit	do	do	do	June 1976	October 1976.
Monongahela	Monongahela National Forest, W. Va.	do	Regional forester.	July 1976	December 1976.
Timber management plan	Ottawa National Forest, Mich.	Resource plan	do	February 1976.	July 1976.
Do	Superior National Forest, Minn.	do	do	February 1977	August 1977.
REGIONAL OFFICE, JUNEAU, ALASKA—REGION 10					
*Karta land use plan	Tongass National Forest, Alaska.	Land use plan	Forest supervisor.	July 1976	December 1976.
*South Lindenberg Peninsula.	do	do	do	December 1975.	June 1976.
*U.S. Borax mineral development.	do	Road construction.	do	July 1976	January 1977.
*Revilla land use plan	do	Land use plan	do	July 1977	December 1977.
*1976-86 timber management plan revision.	Chugach National Forest, Alaska.	Resource plan	do	October 1976.	March 1977.
*Phase II Upper Prince William Sound.	do	Land use plan	do	September 1976.	December 1976.
*Passage Canal	do	Resource plan	do	January 1976.	July 1976.
*Shelter Bay	do	do	do	September 1976.	February 1977.
*Kadashan	Tongass National Forest, Alaska.	do	Regional forester.	January 1977.	April 1977.
*Gravina Island	do	Land use plan	Forest supervisor.	January 1978.	August 1978.

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed with CEQ (or estimated date)	Estimated date of final
*Seal Creek	do	Resource plan	do	August 1976	October 1976.
*Dangerous River	do	do	do	October 1976	February 1977.
*North Irish	do	do	Regional forester.	June 1976	December 1976.
*Valley timber sale	Chugach National Forest, Alaska.	do	Forest supervisor.	September 1976.	Do.
*Yakutat	Tongass National Forest, Alaska.	Land use plan	do	February 1977.	June 1977.
*Fish hatcheries (programmetric EIS).	do	Aquaculture	do	September 1976.	March 1977.
*Burnett fish hatchery	do	do	do	July 1976	December 1976.
*TODAHL	do	Resource plan	Regional forester.	December 1976.	August 1977.
*Patterson River	do	do	Forest supervisor.	June 1977	December 1977.
*Soda Bay salvage	do	do	do	May 1977	Do.
*Dall Island	do	Land use plan	do	September 1978.	February 1979.

[1] Shoshone National Forest, region 2 is lead forest.
[2] Custer National Forest is the lead forest.
[3] Decision as to who is responsible official has not been made as yet.

FOREST SERVICE ADDRESSES

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 12th & Independence Ave., SW, Washington, DC 20250.
USDA, Forest Service, Northern Region (R1), Federal Bldg., Missoula, MT 59801.
USDA, Forest Service, Rocky Mountain Region (R2), 11177 West 8th Ave., P.O.B. 25127, Lakewood, CO 80225.
USDA, Forest Service, Southwestern Region (R3), Federal Bldg., 517 Gold Ave., SW, Albuquerque, NM 87102.
USDA, Forest Service, Intermountain Region (R4), 324 25th Street, Ogden, UT 84401.
USDA, Forest Service, California Region (R5), 630 Sansome Street, San Francisco, CA 94111.
USDA, Forest Service, Pacific Northwest Region (R6), 319 SW Pine Street, P.O.B. 3623, Portland, OR 97208.
USDA, Forest Service, Southern Region (R8), 1720 Peachtree Road, NW, Room 901, Atlanta, GA 30309.
USDA, Forest Service, Eastern Region (R9), 633 W. Wisconsin Ave., Greyhound Bldg., Milwaukee, WI 53203.
USDA, Forest Service, Alaska Region (R10), Federal Office Bldg., P.O.B. 1628, Juneau, AK 99802.
USDA, Forest Service, Northeastern Area—S&PF, 6816 Market Street, Upper Darby, PA 19082.
USDA, Forest Service, Southeastern Area—S&PF, 1720 Peachtree Road, NW, Room 901, Atlanta, GA 30309.
Intermountain Forest & Range Experiment Station, Forest Service Bldg., 507 25th Street, Ogden, UT 84401.
North Central Forest Experiment Station, Folwell Ave., St. Paul Campus, University of Minnesota, St. Paul, MN 55101.
Northeastern Forest Experiment Station, 6816 Market Street, Upper Darby, PA 19082.
Pacific Northwest Forest and Range, Experiment Station, 809 NE Sixth Ave., P.O.B. 3141, Portland, OR 97208.
Pacific Southwest Forest and Range, Experiment Station, 1960 Addison Street, P.O.B. 245, Berkeley, CA 94701.
Rocky Mountain Forest and Range, Experiment Station, 240 W. Prospect Street, Fort Collins, CO 80521.
Southeastern Forest Experiment Station, Post Office Bldg., P.O.B. 2570, Asheville, NC 28802.
Southern Forest Experiment Station, T-10210 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.
Forest Products Laboratory, P.O.B. 5130, North Walnut Street, Madison, WI 53705.
Institute of Tropical Forestry, USDA, Forest Service, P.O.B. 577 AQ, Rio Piedras, PR 00928.
Institute of Northern Forestry, Fairbanks, AK 99701.
Institute of Pacific Islands Forestry, 1170 Punchbowl Street, Honolulu, HI 96813.

[FR Doc.76-20865 Filed 7-21-76;8:45 am]

Forest Service

GEOTHERMAL LEASING

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Geothermal Leasing on the Santa Fe National Forest, New Mexico, USDA-FS-DES R3-76-05.

The environmental statement considers probable environmental effects of the proposed project.

The draft environmental statement was transmitted to CEQ on July 15, 1976.

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

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 14th & Independence Ave., SW, Washington, D.C. 20250.
USDA, Forest Service, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, NM 87102.
Santa Fa National Forest, P.O. Box 1689, Santa Fe, NM 87501.

Single copies are available upon request to Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, Santa Fe, NM 87501. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, State, and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to the Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, Santa Fe, NM 87501. Comments must be received within 60 days from the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

THOMAS G. SCHMECKPEPPER,
Acting Regional Forester, Region 3.

JULY 15, 1976.

[FR Doc.76-21172 Filed 7-21-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON THE ASIAN AND PACIFIC AMERICANS POPULATION FOR THE 1980 CENSUS

Public Meeting

The Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 Census will convene on August 12 and 13, 1976 at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This is the first meeting of the Committee which consists of 21 members appointed by the Secretary of Commerce, and constitutes a broad spectrum of community leaders, scholars, and other appropriate persons.

The Committee was established in June 1976 to advise the Director, Bureau of the Census, during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, developing definitions and terminology for improved identification and classification of the Asian and Pacific Americans population, suggesting areas of research, recommending subject content and tabulations of particular use to the Asian and Pacific Americans population, and expanding the dissemination of census results among present and potential users of census data in the Asian and Pacific Americans community.

The agenda for the August 12 session is: (1) Introductory remarks by the Director of the Bureau of the Census, (2) current status of 1980 census planning, (3) minority statistics program, and (4) plans for improvement of coverage in the 1980 census.

The agenda for the August 13 meeting will be: (1) An overview of census subject content—population and housing, and (2) a discussion on race, ethnic origin, and language. The meetings will be open to the public, and a brief period will be set aside for public comment and questions at the August 13 meeting. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning

this meeting should contact the Committee Control Officer, Mr. Clifton S. Jordan, Deputy Chief, Demographic Census Staff Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233) Telephone: (301) 763-5169.

Dated: July 19, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.76-21199 Filed 7-21-76;8:45 am]

National Oceanic and Atmospheric Administration

BLAIR IRVINE, UNIVERSITY OF FLORIDA

Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit issued to Mr. Blair Irvine, Department of Zoology, University of Florida, Gainesville, Florida 32601, on December 17, 1974, as modified on August 12, 1975, (40 FR 33850), is further modified, by means of Modification No. 2 in the following manner:

The number of Atlantic bottlenosed dolphins (*Tursiops truncatus*) to be radio-tagged is increased from thirteen (13) to twenty five (25), and the number of dolphins to be visually tagged is correspondingly reduced from two hundred-thirty seven (237) to two hundred-twenty five (225). Animals taken in accordance with the Permit may be lavaged by the means described in the application and supplemental information.

This modification is effective July 22, 1976.

The Permit, as modified, and documentation pertaining to the modification, are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Gandy Boulevard, Duval Building, St. Petersburg, Florida 33702.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

JULY 8, 1976.

[FR Doc.76-21305 Filed 7-21-76;8:45 am]

MARINE MAMMALS

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 April 1, 1975, to March 31, 1976, on the administration of the Act with regard to those mammals.

Issued at Washington, D.C.

Dated: June 21, 1976.

ELLIOT L. RICHARDSON,
Secretary of Commerce.

ADMINISTRATION OF THE MARINE MAMMAL PROTECTION ACT OF 1972, APRIL 1, 1975, THROUGH MARCH 31, 1976

REPORT OF THE SECRETARY OF COMMERCE

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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 called the "Act"). The Act, with certain exceptions, placed 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 of the National Marine Fisheries Service (NMFS).

Program Activities

The principal NMFS activities related to administering the Act include: decisions and activities regarding the waiver of the moratorium, issuance of permits for scientific research and public display, enforcement of the provisions of the Act, promulgation of regulations to control the taking of marine mammals, research and surveys to determine the status of marine mammal population stocks, cooperation with the States, and international activities and agreements to conserve and manage marine mammals. A close working relationship has been fostered with the Marine Mammal Commission (established under Title II of the Act) and its authorized Committee of Scientific Advisors to facilitate interchange and consultation on substantive program matters.

In addition meetings were held periodically with interested national conservation groups, fishing industry representatives, zoo and aquarium operators, and individual researchers, to discuss the problems as well as proposed solutions involved in the implementation of the Act.

Two major issues during the past year have occupied much of the program's attention: the incidental take of porpoise by the yellowfin tuna purse seine fishery, and the request by the Fouke Company for a waiver of the moratorium on the importation of marine mammal products to allow the importation of sealskins from South Africa.

Porpoise mortality incidental to the U.S. tuna purse seine fishery remains one of the most significant problems NMFS continues to face in the administration of the Act.

The Marine Mammal Protection Act of 1972 and the legislative history, taken together, direct that the mortality and serious injury of marine mammals be reduced to insignificant levels approaching a zero mortality and serious injury rate, without shutting down or seriously curtailing the fishing industry. While there has been progress in reducing porpoise mortality through improved technology and fishing practices, the time required to attain the statutory goal to reduce porpoise mortality to insignificant levels approaching zero cannot be predicted.

The request by the Fouke Company for a waiver of the moratorium to allow importation of fur sealskins from South Africa was exceptionally difficult to deal with because the request involved several major precedent-setting policy considerations such as: management programs for commercial harvest, importation, humaneness, and the age at which marine mammals are taken. In addition the waiver request raised foreign policy considerations.

Summary of Major Activities

PUBLIC DISPLAY AND SCIENTIFIC RESEARCH PERMITS

At the beginning of this report period (April 1, 1975), 24 permit applications were pending action. During the period of this report, 37 permit applications were submitted. Of these 61 applications, 42 have been approved, 1 denied, 1 inactivated due to insufficiency, 1 withdrawn, and 16 remain under consideration.

PERMIT ISSUANCE POLICY

The following policy determinations were made: (1) Prohibitions contained in Section 102(b) would be considered in connection with permit applications, waivers of the moratorium, and foreign programs with respect to taking marine mammals that are pregnant or nursing at the time of taking or are less than 8 months old, whichever occurs later; for the following purposes: (a) public display; (b) resource management; or (c) scientific research; and (2) a standardized procedure was established for processing applications for permits and the suspension of activities, pursuant to existing permits issued under the Act.

REGULATIONS PROMULGATED

Regulations covering administrative hearings in cases of proposed civil assessments for violations of the Act were amended to simplify procedures and to afford alleged violators a prompt hearing on the charges.

GENERAL PERMITS ISSUED TO COMMERCIAL FISHERIES

The Act allowed the taking of marine mammals incidental to commercial fishing without a permit during the first 24 months following the date of enactment of the Act. The Act provides that after October 20, 1974, no marine mammals may be taken in the course of commercial fishing operations unless the taking is done under permits. Under the regulations promulgated on September 5, 1974, as amended on December 5, 1975, five General Permits were reissued for the 1976 fishing season, for the following classes of gear: (a) encircling gear, yellowfin tuna purse seining; (b) encircling gear, seining other than yellowfin tuna; (c) stationary gear; (d) other gear; and (e) towed or dragged gear.

WAIVER OF THE MORATORIUM

The Fouke Company applied for a waiver of the moratorium to allow the importation of raw sealskins from South Africa and Southwest Africa for the purpose of processing. A public hearing was held, and the Director adopted the Administrative Law Judge's conclusion on several issues, deciding to waive the moratorium on skins from South Africa under certain specific conditions. Due to foreign policy considerations, the Director denied importation from Southwest Africa (Namibia). The Director's decision has been challenged in two civil actions filed in U.S. District Court, Washington, D.C.

The State of Alaska applied in January 1973 to have the moratorium waived and State laws and regulations certified so as to return management of nine species of marine mammals to the State. A draft environmental impact statement and appropriate proposed regulations under which management could be returned to the State were issued on March 5, 1976. Hearings are expected to be held in July 1976.

LAW ENFORCEMENT

The first criminal indictments under the Act were returned by a Federal grand jury.

An investigation into a large-scale illegal commercial fur seal importation operation was concluded with the seizure of 500 fur sealskins from South America.

Contracts were renegotiated with Alaska, California, Washington, Oregon, and Florida that provide Federal funds to these States for enforcement of the provisions of the Act.

INTERNATIONAL PROGRAMS

At the International Whaling Commission (IWC) meeting held in June 1975, the United States indicated continuing support for a 10-year moratorium on all commercial whaling. Such a moratorium was not adopted by the IWC but rather a "New Management Procedure" was established and subsequently all member nations of IWC, including Japan and the Soviet Union, have agreed to abide by all of the conservation measures, that include initially a moratorium on the harvest of any stock of whales which falls into the category of Protection Stocks.

The Marine Mammal Project of the U.S.-U.S.S.R. Environmental Protection Agreement, coordinated by NMFS, has promoted collaborative research programs conducted by scientists of both countries.

Delegations from U.S., U.S.S.R., Canada, and Japan met to renegotiate the Interim Convention on Conservation of North Pacific Fur Seals in December 1975. The Delegations agreed to recommend to their respective Governments that they approve a draft protocol agreed upon at the December Conference. In view of the lack of agreement on optimum sustainable population the United States supported an amended 4-year extension of the Convention.

RESEARCH AND DEVELOPMENT

A promising gear development being tested in the tuna-porpoise research program is the Bold Contender system which incorporates a porpoise apronchute complex consisting of small-mesh webbing added to the net along the top of the required porpoise safety panel, and the "porpoise grabber," a specifically fitted pole used by men in a small liferaft to remove porpoise from the net. In testing of the Bold Contender system the porpoise kill rate was substantially reduced when compared to the kill of a commercial fishing trip early in 1975 on the same vessel.

A joint cooperative program of research has been developed by the tuna industry, the Marine Mammal Commission, and NMFS, which will provide $750,000 for an additional new research effort in FY 1976.

Based on the latest porpoise stock assessment data available, NMFS believes that the affected porpoise stocks are stable and are not considered to be threatened.

In FY 1976 the Marine Mammal Program received a program increase of 3 positions and $600,000 to provide for additional research effort.

PART I.—NATIONAL FISHERIES SERVICE ACTIONS TAKEN PURSUANT TO THE PROVISIONS OF THE ACT

Public Display and Scientific Research Permits

Section 101(a)(1) of the Act and Section 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.

Although the Act declares a moratorium on the taking or importing of marine mammals and marine mammal products, the Act included exceptions that allow continuing research on marine mammals and taking of marine mammals for public display, providing that the health and well-being of the marine mammal species and populations involved as well as the marine ecosystem are not adversely affected. Permits may, however, be granted only after a review of the application by the Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals.

One of the major considerations in issuing permits, which involve captive marine mammals for either scientific research or public display, is the quality of care provided. Following enactment of the Act, the National Marine Fisheries Service developed requirements for marine mammal care and maintenance, which have since been used as criteria for all permits involving captive marine mammals. These requirements appeared as Appendix C to the July 1973, Report of the Secretary of Commerce on Administration of the Marine Mammal Protection Act of 1972. Since enactment of the Act, the National Marine Fisheries Service has worked in close cooperation with the Marine Mammal Commission, the U.S. Fish and Wildlife Service (FWS) of the Department of Interior, and the Animal and Plant Health Inspection Service (APHIS) of the Department of Agriculture, as well as representatives of the display industry and concerned public groups, to develop more comprehensive standards for the care and maintenance of captive marine mammals. In October 1975, these efforts resulted in a set of standards and guidelines, prepared by the Marine Mammal Commission. The NMFS, FWS, and APHIS under the authority of the Animal Welfare Act of 1970 have been developing the means by which these standards and guidelines will be implemented by the involved Federal agencies.

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. Other factors in such decisions are 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.

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.

Appendix A provides an overview of the scientific research and public display permit program, both for the period of this report and for the cumulative period since enactment of the Act. Table I of Appendix A provides a listing of the common and scientific names of the marine mammal species which may be involved in permit applications. Table II provides a summary of the applications received, the number of marine mammals requested, the various actions taken on applications, and the number of marine mammals authorized to be taken and/or imported. Tables III and IV provide analysis of the number of each species of marine mammals requested in permit applications. Tables 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.

Scientific research permit applications have involved the following:

(1) Activities requiring the removal of living marine mammals from the ecosystem, which include: (a) Killing wild animals for the collection of biological specimen materials and measurement data; and (b) Holding animals in captivity for laboratory-oriented research.

(2) Activities requiring the removal of dead marine mammals from the ecosystem, which include:

(a) Collecting 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) Importing biological specimen materials taken from previously killed animals.

3. Activities not requiring the removal of marine mammals from the ecosystem, nor involving any significant probability of accidental injury or death, which include: (a) Capturing, tagging, and/or marking, followed by release of the animals; (b) Marking and/or tagging by means of a remote technique, not involving capture and release; (c) Taking skin samples from cetaceans to determine sex; (d) Collecting measurement data and limited biological specimen material from living, restrained animals (i.e., blood samples, toenails, teeth), followed by release of the animals; and (e) 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 April 1, 1975, through March 31, 1976, 37 permit applications have been received, in addition to 141 permit applications previously received (Table II). Of these 178 permit applications, 111 had been forwarded to the Marine Mammal Commission as of March 31, 1975, and 44 were forwarded to the Commission during the period of this report. As of March 31, 1976, the Commission had reviewed and submitted recommendations on 146 of the 155 applications referred to the Commission.

As of March 31, 1975, 117 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 45 applications have been resolved in the following manner: 1 application has been withdrawn; 1 application has been inactivated due to insufficient response from the applicant to request for additional information necessary to certify an application complete; 1 application has been denied; and 42 applications have been approved. The 16 remaining applications of the 178 received to date are pending.

One of the 42 permits was issued to National Zoological Gardens of Sri Lanka, (Ceylon). This was the first permit issued to take marine mammals to be maintained in areas outside the jurisdiction of the United States. The permit was issued in accordance with NMFS policy published in the Federal Register March 12, 1975 (40 F.R. 11619) (Appendix B).

The Regulations provide that a permit may be modified, with sufficient prior notification to the permit holder, followed by publication of notice of the modification in the FEDERAL REGISTER. During the period of this Report, 22 permit modifications have been proposed and 18 made effective by publication in the FEDERAL REGISTER, in addition to 21 modifications previously proposed and made effective.

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, semiannual 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, 136 reports have been submitted: 43 on the taking of marine mammals: 2 on imports; 58 on the health and condition of marine mammals held in captivity; 15 on mortality; 17 on research activities; and 1 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 $5,200 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 and NMFS Regulations provide for public hearings for several types of actions including: scientific research and public display permit applications, permit modification, regulations, and waiver applications. In addition, meetings are held periodically with interested national conservation groups, fishing industry representatives, public display facility operators, State and Federal agencies, and individuals to discuss the problems as well as proposed solutions involved in the implementation of the Act.

In determining whether to hold a public hearing on an application for public display or scientific research, it is the policy of the Director to 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 require a major policy decision prior to making a determination on the permit application.

Three public hearings were held during the reporting period: two informal public hearings on proposed 1976 regulations governing the issuance of permits for the incidental take of marine mammals in the course of commercial fishing operations; and a formal hearing, presided over by an Administrative Law Judge, dealt with the consideration of waiver of the moratorium on the importation of South African sealskins.

PERMIT ISSUANCE POLICY

Notices of all policy determinations and final actions taken thereon were published in the FEDERAL REGISTER (Appendix B).

On April 23, 1975, after receipt of public comments and consultation with the Marine Mammal Commission, the NMFS published in the FEDERAL REGISTER (40 F.R. 17845) a policy under which, with certain exceptions, the prohibitions contained in Section 102(b) would be considered in connection with the international taking of marine mammals on the high seas and in waters or on lands subject to the jurisdiction of the United States. This policy is used in considering, where appropriate, permit applications, applications for a waiver of the moratorium, and foreign programs with respect to taking marine mammals which are 1) pregnant at the time of taking, or 2) nursing at the time of taking, or less than 8 months old, whichever occurs later in the following cases:

1. 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

2. 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 sets forth in Section 2 of the Act; or

3. Such taking is for approved scientific purposes.

For purposes of this policy "nursing" means nursing which is obligatory for the physical health and survival of the nursing animal.

A second policy established a standardized procedure concerning the processing of application for permits and the suspension of activities pursuant to existing permits issued under the Marine Mammal Protection Act and/or the Endangered Species Act (Appendix B). The policy states that "No permit shall be issued under either Act to any person who is under investigation for or officially charged with a violation until the matter is resolved.

The provisions of this policy also apply to all permittees who have been issued permits under the Act where a permittee is under investigation for or has been formally charged criminally or administratively with an alleged violation of either Act, the regulations promulgated thereunder or permits issued pursuant to the Act and regulations. In such cases, action will be initiated to suspend, in accordance with applicable regulations, the permit of any person under investigation or officially charged with a violation. In addition, the policy applies to all permittees or applicants who have been convicted of or administratively assessed a penalty for such violations or have disposed of charges by a civil compromise acceptable to the NMFS. If a person, who has been found guilty of a violation (either through administrative or criminal proceedings) or has disposed of a Notice of Violation in a manner acceptable to the National Marine Fisheries Service, should (i) apply for a permit; (ii) be working under a permit, issued by the National Marine Fisheries Service, or (iii) be included as a participant in activities authorized by a permit or activities set forth in a permit application, the National Marine Fisheries Service will consider each such case on its merits, taking into consideration the circumstances surrounding the violation and severity of the penalty imposed.

STATUS OF GENERAL PERMIT ISSUANCE TO THE FISHING INDUSTRY

The Act provided, 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 to the course of commercial fishing operations was permitted. Therefore after October 20, 1974, no marine mammals may be taken in the course of commercial fishing operations unless the taking is done under a General Permit and Certificate of Inclusion as specified in regulations. All five General Permits which were designed to reduce marine mammal mortality and serious injury were established by regulations promulgated on September 5, 1974. The five general permits were issued to allow marine mammals to be taken in the course of commercial fishing operations during the period from October 21, 1974, through December 31, 1975 (Appendix C): (a) encircling gear, yellowfin tuna purse seining; (b) encircling gear, seining other than yellowfin tuna; (c) stationary gear; (d) other gear; and (e) towed or dragged gear.

In January 1975, NMFS announced a goal of a 50-percent reduction in the number of porpoise killed per ton of tuna taken in association with porpoise in 1975, compared with 1974. This was a goal, and not a quota. In setting the kill rate of one porpoise per 2 tons of tuna as a goal, it was assumed that fishing conditions in 1975 would be comparable to those in 1974. Conditions were not comparable, and the goal was not achieved. The kill per ton rate increased from 1.1 in 1974 to 1.2 in 1975. The final estimate of porpoise mortality for 1975 was 134,200, an increase of 36,400 animals over 1974. The 37-percent increase in porpoise mortality was due to differences in fishing conditions such as: an increase in porpoise school size, species composition of the porpoise schools, and because a greater portion of the total yellowfin tuna catch was caught in association with porpoise in 1975, compared with 1974.

When the data were adjusted for comparable conditions of fishing, the rate of

porpoise killed per set apparently decreased between 1974 and 1975 by 22 percent, with an overall decrease of 44 percent between 1973 and 1975. The apparent improved U.S. fleet performance in 1975 was most likely due to the increased use of rescuers at the corkline to remove live porpoises by hand as required by regulations.

In the course of developing 1976 incidental take regulations, NMFS proposed several modifications to the 1975 regulations which were designed to further reduce the incidental mortality. These proposed modifications were published in the FEDERAL REGISTER on September 5, 1975. The modification included gear and fishing techniques which have been proven effective in reducing porpoise mortality as well as a 100-percent observer effort. Following public hearings on October 9 and 10, in Washington, D.C., and on October 24 and 25, 1975, in San Diego, California, Congressional hearings on October 21, 1975, and the National Environmental Policy Act requirements, NMFS promulgated the new regulations on December 5, 1975 (Appendix D).

All the proposed modifications announced in September 1975 were not adopted. Although the training of fishermen and gear inspection programs have been continued, the proposed 100-percent observer program and the immediate imposition of a quota were not adopted. NMFS had announced in the FEDERAL REGISTER that it was considering placing observers aboard all U.S. purse seine tuna vessels operating under a general permit. It was decided not to implement the 100-percent observer program after it was determined that the scientific data to be collected and the benefit to be gained from such a program could be achieved, to a large degree, at a substantial cost reduction by placing observers on a scientifically acceptable 10-percent sample trips by tuna vessels. The Marine Mammal Commission, the Agency designated by Congress in the Act to oversee marine mammal protection activities, stated that a 100-percent observer program was "not worth the expenditure of time, effort, and money."

The regulations for the 1976 fishing season included fishing gear and technique requirements that have been proven to be effective in reducing the causes of porpoise mortalities. They include the use of sections of small-mesh webbing to reduce entanglement, the closure of small openings to reduce entrapment, backdown procedures to release encircled porpoises, and hand-release procedures when necessary, among other things. The regulations also require that vessels take observers when selected.

Each year since 1971, U.S. tuna seiners have carried increasing numbers of NMFS field technicians to collect biological and mortality data. These observers are placed on vessels selected by a random drawing. Vessels are stratified into three vessel-category groups in order to obtain a representative sample of the total fleet performance. In 1975, 36 vessels carried observers, and, in 1976, 45 have been selected to carry observers. The field observers generally are biologists, hired and trained by NMFS, and preferably have had some sea experience.

In addition to the observers, 20 NMFS gear technicians are planned to accompany U.S. purse seiners to record data concerning experimental net modifications and gear being voluntarily tested by the vessels.

To ensure continued progress toward reduced porpoise mortality, a quota would be established if the total mortality for 1976 were projected to exceed 70 percent of the 1975 mortality, based on a comparison of the 1975 and 1976 observer data through April 14. A decision as to whether a quota will be established in 1976 will be announced at a public meeting in late May 1976. The level of the quota if required will be established following the initial decision as to whether a quota is to be imposed.

There is no reason to believe that a quota on incidental taking, if established at the commencement of the fishing season, would have been any more effective than the action taken. A quota imposed at the beginning of the year could have undermined the observer-crew relationships, hindering cooperation with carrying out needed scientific research. There has been a marked increase, during the past several months, in the degree of cooperation and good faith by the fisherman and the tuna fishing industry. Since the immediate imposition of a quota might have tended to stifle this cooperative attitude, it was preferred to allow an interval in which to evaluate the industry's willingness and ability to produce significant results. This approach seems to have been borne out by the fact that preliminary, unedited data from the observer trips early in 1976, indicate a significant reduction in porpoise kill of up to 50 to 60 percent as compared to a similar time period in 1975. The reduction in mortality appears to result from fewer sets being made on porpoise due to the availability of "non-porpoise fish" as well as improved performance of the fleet (lower kill per set).

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 taken by an Indian, Aleut, or Eskimo resident of the coast of the North Pacific or Arctic Ocean, 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 Alaska Natives for subsistence may be sent to a registered tannery for processing and subsequent return to an Alaska 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. Prior to April 1, 1975, six tanneries and five agents had been granted Certificates of Registration as Tannery or Agent in accordance with Section 216.23 of the Regulations. Two of these registered tanneries had surrendered their Certificates prior to April 1975. During the period of this report, one additional Certificate has been granted to a tannery, and four to agents.

Waiver of the Moratorium

Two waiver applications were under consideration: The Fouke Company application relating to the importation of Cape fur sealskins and the State of Alaska request for return of management authority for nine species of marine mammals (6 under NMFS jurisdiction and 3 under Fish and Wildlife Service jurisdictions).

The Fouke Company of Greenville, S.C., is the sole processor of fur sealskins in the United States and the largest fur sealskin processor in the world. The Company has processed fur sealskins almost continuously under contract with the United States Government for over a half century, and has imported raw sealskins from South Africa for 50 years. Its primary sources of raw product have been Northern fur sealskins from the Pribilof Islands, Alaska, and Cape fur sealskins from South Africa.

The Fouke Company, on March 17, 1975, applied for a waiver of the moratorium to allow the importation of 70,000 Cape fur sealskins from the 1975 harvest to be conducted in South Africa and Namibia. A similar waiver request, for the 1974 harvest, was denied by the Director due to a determination by two independent veterinarians that the harvest was conducted in an inhumane manner. Proposed regulations to govern the proposed waiver, information required by Section 103(d) of the Act, and a notice of hearing were published on July 7, 1975 (40 FR 28469) (Appendix F). In considering the 1975 waiver request NMFS contracted the same two veterinarians whose reports were the basis for the 1974 denial. They determined that sufficient improvement had taken place in the 1975 harvest to conclude that the harvest was conducted in a humane manner. A pre-hearing conference was held on September 8, 1975, and thereafter a public hearing was held on September 18 through 24, 1975. On December 16, 1975, the Administrative Law Judge issued a recommended decision based on the record that a waiver should be granted.

The Director adopted the recommended decision of the Administrative Law Judge with some modifications and waived the moratorium to permit the importation of up to 19,180 skins of Cape fur seals harvested within the Republic of South Africa and harvested by or under the auspices of the Republic of South Africa and under the following conditions: (1) no more than 70,000 Cape fur seals are harvested in any one annual harvest conducted by or under the auspices of the Republic of South Africa commencing with the 1975 harvest. This

level of harvest will be adjusted to reflect the results of an annual review which may indicate that a different harvest level is appropriate to allow the populations to remain within the range of optimum sustainable population. (2) The skins were taken from Cape fur seals which at the time of taking were not: (a) nursing; (b) pregnant; or (c) less than 8 months old. (3) The skins are from Cape fur seals not taken in a manner deemed inhumane by the Director. (4) Skins from Cape fur seals harvested subsequent to 1975 may be imported; provided, the Director upon annual review determines that conditions warrant continuation of the waiver. This review will include, among other things, an assessment of whether efforts have been made, in good faith, to: (a) develop a program which will provide additional information regarding age, sex, mortality rate, and fecundity rate of Cape fur seals; (b) expand the program of tagging, aerial photographs and other methods of collecting data, in order to provide an accurate and systematic monitoring of the Cape fur seal population; (c) develop a program which will provide additional information on the interrelationship of the Cape fur seal and its ecosystem; and (d) expand upon programs to ensure the continuation of acceptable standards of humane taking.

The State of Alaska has applied to the Secretray to waive the moratorium with respect to northern sea lions, harbor and spotted seals, ringed seals, bearded seals, ribbon seals, and beluga whales, and return management of these species 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 have issued a draft environmental impact statement (DEIS) covering all species requested. This DEIS was filed with the Council on Environmental Quality on March 5, 1976. Consideration of the waiver will involve an agency hearing before an Administrative Law Judge regarding the extent of a waiver that may be granted and 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.

A major problem in preparing the DEIS related to application of the terms "optimum sustainable population" (OSP) and "optimum carrying capacity" as used in the Act. The major objective of the Act in the management of marine mammals is to not permit such species and population stocks "to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part," and, consistent with this major objective, they should not be permitted to diminish below their OSP. There is not yet wide agreement within the scientific community as to exactly what OSP means or its relationship to maximum sustainable yield. Another problem in preparing the DEIS was the lack of published scientific information on some species of marine mammals involved in the Alaska request for a waiver.

Legal Actions Brought Against the Department of Commerce

During this reporting period there were further developments in several legal actions discussed in the last annual report, as well as several new actions initiated. These actions related to the administration of the Act by NMFS. These cases are:

Committee for Humane Legislation v. *Dent, et al.*—Civil Action No. 74-1465 (D.C. D.C. 1974)—This suit, discussed in an earlier report, was filed October 4, 1974, for preliminary and permanent injunctions forbidding the issuance of general permits that will allow commercial fishermen to take marine mammals. The case was merged with a suit filed in February 1975, *Fund for Animals, et al.* v. *Dent. et al.*—Civil Action No. 75-0227 (D.C. D.C. 1975). Plaintiffs filed a motion for summary judgment on January 23, 1976; Defendant DOC, along with Defendant—Intervenors American Tunaboat Association, filed cross-motions for summary judgment on February 20, 1976. On March 9, 1976, a hearing was held before Judge Richey of the U.S. District Court for the District of Columbia, concerning the motions. There being no facts in dispute, both parties claim judgment as a matter of law. A decision with respect to the motions for summary judgment is pending.

Loesche v. *Department of Commerce*—Civil Action No. C-75-10-(E.D. Washington 1975). This case, also discussed in the previous report, challenged the constitutionality of the Marine Mammal Protection Act on the grounds that there were no facts to warrant the imposition of a moratorium on the taking of all marine mammals, and that the plaintiff was denied due process because the Act made his occupation illegal. Government's motion to dismiss granted in February 1975.

State of Washington, et al. v. *Elliot Richardson, et al.*, No. C76-57T (W.D. Washington, 1976). This action arose out of the capture on March 6 and 7, 1976, of a small pod of killer whales (*Orcinus orca*) in Budd Inlet, Olympia, Washington, by an employee of Sea World, Inc. Sea World operates marine aquaria and is the holder of a valid permit issued by the National Marine Fisheries Service which authorizes the capture of up to four killer whales for purposes of public display. The capture took place within view of several hundred persons and was the subject of considerable public interest. The State sought the release of the whales. The case was dismissed with stipulations by the parties that: Sea World was to deliver the two killer whales taken to the holder of a valid research permit who would release the animals within 60 days; and that the two whales taken would not count against the four Sea World is authorized to take. Additionally it was agreed that Sea World would not exercise its right under the current permit or subsequent permits to take killer whales within the waters of the State of Washington.

Animal Welfare Institute v. *Elliot Richardson, Robert W. Schoning*—Civil Action No. 76-0483 (D.C. D.C. 1976); and *Committee for Humane Legislation Inc., et al.*, v. *Elliot L. Richardson*—Civil Action No. 76-0484 (D.C. D.C. 1976). These actions seek 1) a declaratory judgment that the decision of the Director, NMFS, to waive the moratorium to allow the importation of Cape fur seals from the Republic of South Africa contravenes the Marine Mammal Protection Act and is invalid, void and of no effect; and 2) an injunction restraining defendants from taking any steps which give effect to the aforementioned decision.

Save the Dolphins v. *U.S. Department of Commerce*—Civil Action No. 74-0026 (ND California 1974)—Suit, discussed in previous reports, concerned status of research film on the incidental take of porpoise in commercial fishing operations. Film was ordered released by the Judge following deletion of portions containing information subject to Freedom of information Act (b)(4) (5 U.S.C. 552(b)(4)) exemption and requirement that film be released to public only after subtitles are added which state that film did not depict typical fishing operations but rather research operations. No appeal was filed, and the case was dismissed December 22, 1975.

Legal actions brought against the Department are indicative of problems being encountered in the administration of the Act. As pointed out in other portions of this report, significant problems have been encountered in implementing some of the provisions of the Act.

For example, the concept of optimum sustainable population as defined by the Act is subject to multiple interpretations. Scientists continue to have difficulty in making this concept operational in practice.

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.

Efforts are continuing to resolve the very difficult management and protection issues involved. Until such time that clearer understanding can be reached, problems in administering the provisions of the Act can be expected to continue.

Discussions have been held with the Marine Mammal Commission and the Council on Environmental Quality regarding these definitional problems. Because of their complexity, no final solutions have been reached. Discussions will continue, and depending on the outcome modifications of the Act may be in order.

Law Enforcement

The activities of the NMFS Law Enforcement Division remained at a high level during the period of this report as public awareness of the Act's provisions continued to increase. The five NMFS regional law enforcement offices recorded a

total of 20,174 man-hours in responding to requirements of the Marine Mammal Protection Act during the reporting period.

Enforcement activity of the Northeast, Northwest, Southeast, and Alaska Regions of NMFS centered around illegal taking of marine mammals, monitoring of ports of entry to detect importation violations, and illegal sale of marine mammal products, including scrimshaw. Tuna-porpoise responsibilities continued to receive emphasis in the Southwest Region.

Special agents initiated 218 investigations into alleged violations of the Act, resulting in the documentation of 116 violations. Seventy-two cases were closed through the assessment of civil penalties, in addition to forfeiture of the seized contraband. Sixteen cases involving insufficient documentation accompanying the items at time of importation were resolved through substantiation of their pre-Act status or subsequent compliance with necessary certification requirements, and 37 cases were closed as unfounded. At present there are approximately 93 cases pending, which includes 7 cases in which hearings have been requested. Of the 116 documented violations for this period, a total of 81 seizures involving 629 illegal items was made. The remaining 35 violations involved illegal takings, such as harassment, which generally do not concern a tangible, seizable object.

Two U.S. citizens were indicted by a Federal grand jury in Miami, Florida, on November 13, 1975, on 32 counts involving alleged violations of the NMPA, including conspiracy to violate the Act. Charges against the men resulted from an intensive investigation by NMFS special agents, in cooperation with Bahamian authorities, which disclosed that the defendants were engaged in the illegal capture of 21 Atlantic bottlenosed dolphins (*Tursiops truncatus*) on the high seas from an operations base in the Bahamas. The animals were sold commercially to Canadian and European marine mammal public display attractions. Trial is scheduled for May 1976.

The Regulations Governing the Taking and Importing of Marine Mammals were amended on November 24, 1975, (Appendix G) in order to: (1) simplify the procedures for hearings authorized by Section 105 of the Act; (2) facilitate the holding of hearings in areas where administrative law judges are not readily available; and (3) provide those persons alleged to have violated the Act with a prompt hearing with respect to such violations. The amendment, specifically, deleted the term "administrative law judge" from Sections 216.53 through 216.60 of the Regulations, and substituted the term "presiding officer." Since the Act does not require the use of an administrative law judge, the regulatory change does not conflict with the Act's mandate.

Recently, NMFS special agents seized 500 fur sealskins which were illegally imported into the United States from South America. The investigation of the principal is continuing at this time.

In addition to direct involvement in enforcement of the Act, NMFS law enforcement personnel conducted many training and familiarization presentations with various industry and fishermen's groups, State and Federal law enforcement agencies, and civic and student groups. As public knowledge of the existence and purposes of the Act continues to increase, interest on the part of nonfisheries-related groups and individual citizens has shown a notable increase.

The NMFS continued to work closely with State agencies to attain nationwide compliance with the provisions of the Act and to ensure that State efforts in marine mammal enforcement activities, as provided for in several cooperative enforcement agreements, were continuing to be effective and commensurate with contract requirements during FY 1976. Contracts, which provide funds for enforcement of the Marine Mammal Protection Act of 1972, were renegotiated with Alaska, California, Washington, Oregon, and Florida, at a total cost of approximately $445,000.

International Program

The International Marine Mammal Program, as carried out by the National Marine Fisheries Service, is continuing its efforts to achieve the objectives of the Marine Mammal Protection Act through international cooperation. The following details the principal thrusts of the international program during this past year.

INTERNATIONAL WHALING COMMISSION (IWC)

At the 27th Session of the International Whaling Commission (IWC), June 23–27, 1975, the United States indicated continuing support for a 10-year moratorium on all commercial whaling. Such a moratorium was not adopted by IWC but rather a "New Management Procedure" was established and subsequently all member nations of the IWC, including Japan and the Soviet Union, have agreed to abide by all the conservation measures. This procedure calls for a moratorium on the taking of any stock of whales which is not at or near maximum sustainable yield (MSY) and later, when such can be determined, at optimum levels. Although the basis for the "New Management Procedure" continues to be maximum sustainable yield with the addition of safety factors, the goal of the IWC and its scientific Committee is to establish catch limits on the basis of "optimum levels"—taking into consideration the "interactions within marine ecosystem." This is clearly recognized in the agreed language in the Schedule of the IWC Convention.

While the new management approach is a recognized compromise for the United States, it shows significant progress and is a desirable basis from which to achieve greater forward motion in the conservation of the world's whales. The new approach has resulted in a moratorium on the taking of fin whales worldwide with two minor exceptions, one in the Antarctic and one in the North Atlantic. Moratoria are also in effect on the taking of sei whales in the North Pacific and in one area of the Antarctic and on populations of male sperm whales of Eastern Australia. Most of these moratoria are expected to last longer than 10 years.

The total of the 1975–76 season catch limits approved utilizing the new approach resulted in a reduction of about 8,500 whales from the catch limits adopted for the 1974–75 seasons. In addition, coverage of whaling operations previously not regulated by the IWC was achieved, i.e., North Atlantic fin and minke whales and land station catches of minke, sei, and Bryde's whales in the Southern Hemisphere.

Other major activities connected with the IWC have been (1) efforts to encourage both whaling and certain nonwhaling nations currently not members of the IWC to become members, and (2) special scientific meetings to examine the status of stocks of sperm whales and whales of the North Atlantic to determine if additional protective measures are indicated.

FOOD AND AGRICULTURE ORGANIZATION (FAO)

The task before the Advisory Committee on Marine Resources Research (ACMRR) Working Party on Marine Mammals to objectively examine all data available on the status of all marine mammals is close to completion by the experts. All four groups of experts—Group I (Large Whales), Group II (Small Cetaceans and Sirenians), Group III (Pinnipeds and Sea Otters), and Group IV (Ecological Aspects)—have met, and reports are in varying stages of completion. Reports of the first three groups will describe (1) the status of marine mammal populations and (2) research priorities in each of the three marine mammal groupings. Research priorities are designed to provide information needed for proper conservation of all species. The review of status of marine mammal populations was conducted through specifically prepared scientific papers which are part of the reports of the first three groups.

The Scientific Consultation on the Conservation and Management of Marine Mammals and Their Environment to be held in Bergen, Norway, August 31 to September 9, 1976, is the final step in ACMRR's responsibility to provide an objective report on status of marine mammals to FAO. The Consultation will be attended by a large number of scientists from around the world. These scientists will critically review and discuss the reports of Groups I, II, and III on status of all species. Other major discussions of the Consultation will involve consideration of the ecological relationships of marine mammals. Research proposals concerning marine mammals will be reviewed and assembled into a single worldwide program. The final report and recommendations of the Consultation will be published.

INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC)

At the 1975 Annual Meeting of the IATTC, the United States continued its efforts to achieve international action to reduce the incidental take of marine mammals. As in past years, the United States stressed the importance of the problem of the incidental kill of porpoises during tuna purse seine operations, explained and made available copies of the 1976 domestic regulations affecting U.S. fishermen, and urged the countries in attendance to adopt comparable measures.

The United States again asked the Director of Investigations to comment on the possibility of making recommendations to member countries regarding the use of fishing methods and gear which available research indicates is effective in reducing the incidental marine mammal mortality and serious injury rate. The Director indicated that the IATTC Convention could be interpreted as authorizing the scientific staff to be involved in research concerning the tuna-porpoise relationship; however, under the current budget the Commission does not have the resources to embark on a significant porpoise research program.

Noting the limitations of the present budget and not desiring to divert funds from the present program of tuna research, the Commission instructed the Director of Investigations to develop a program of tuna-porpoise research with estimates of the fiscal and personnel resources necessary to carry out the program.

The United States also asked for a discussion of the possibility of arranging for a mutual observer program at some point in the future. Responses from various countries indicated a willingness to transmit to their governments any information on such a program.

The United States described the U.S. gear research made possible in 1975 through the Commission's approval of a 1,000-ton allocation of the IATTC quota to the United States for this purpose. Emphasizing the need for the continuation of such research, the United States requested and was granted an additional 1,000-ton allocation for gear research in the Commission Yellowfin Regulatory Area during 1976.

Culminating the discussions, Mexico proposed a resolution which was passed by the Commission supporting joint agreements between the Commission and any country to conduct research concerning the tuna-porpoise problem.

U.S.-U.S.S.R. MARINE MAMMAL PROJECT, ENVIRONMENTAL PROTECTION AGREEMENT

The objective of the international marine mammal project is to develop collaborative research on the biology, ecology, and population dynamics of marine mammals of mutual interest to both nations that will contribute toward sound management and conservation of these animals.

Two Soviet scientists worked on porpoise morphology and taxonomy with the porpoise research program at the National Marine Fisheries Service, Southwest Fisheries Center, from mid-April to mid-May 1975.

A project meeting was held in Leningrad, U.S.S.R., on June 2–12, 1975. Principal accomplishments were: final agreement for coordinated aerial surveys of bowhead whales and walrus in the Bering and Chukchi Seas in the fall of 1975; final agreement for participation of at least two and possibly four U.S. scientists in the spring of 1976, walrus-ice seal cruise in the Bering Sea (final arrangements were concluded in January 1976, with three U.S. scientists participating in the ice edge studies aboard the Soviet vessel *Zagoriani* from mid-March to early May 1976), and agreement to hold the walrus-ice seal biology meeting in January 1976 in Moscow.

The special Conference on Walrus and Ice Seal Biology convened by the U.S.–U.S.S.R. Marine Mammal Project was held in Moscow, U.S.S.R., January 12–20, 1976.

The Protocol summarized the direction of a long-range research plan for walrus and ice seals. The Protocol calls for increased emphasis on studies at the community and ecosystem levels, evaluation of current aerial survey techniques, and development of joint studies in Alaska and the Chukotka region of Siberia Special attention was drawn to the Bering Strait region as an important location for studying migratory species such as bearded seals.

The Conference reached agreement on a system of standard measurements for pinnipeds that would be used by both U.S. and Soviet scientists and agreed to take up standardization of cetacean measurements at the next Project meeting.

The need for a conservation convention on walrus and ice seals was discussed at length. The Soviets pointed out that national protective measures by both nations during the past decade had reversed the declining population trends of walrus and ribbon seals and that the populations of all five species dealt with were either increasing or already high and stable. The United States discussed the need for international management of these pinniped species, particularly in view of potential environmental degradation. The Soviets wanted additional time to consider the issues involved. Therefore, it was agreed that the question would be reconsidered at the next Project meeting.

NORTH PACIFIC FUR SEAL CONVENTION (NPFSC)

In accordance with the terms of the present Interim Convention on Conservation of North Pacific Fur Seals, the United States continued to share the harvest of fur sealskins from the Pribilof Islands with Canada and Japan. The United States also continued land research and the analysis of pelagic research data collected in previous years. The moratorium on the commercial harvest of fur seals on St. George Island, for the purpose of facilitating intensive study of the factors which govern the survival of fur seals, remained in effect.

The first North Pacific Fur Seal Conference called to renegotiate the Interim Convention took place in Washington, D.C., in March 1975. No general agreements regarding alternatives to the present Convention were reached at that time. In the succeeding months, further discussions were held by NMFS with the Marine Mammal Commission, Congressional staff, and with representatives of various private organizations. One result of these discussions was a jointly prepared document explaining the optimum sustainable population concept which the United States proposed at the March Conference be included in a renegotiated Convention.

At the December 1975 Conference, the delegates resolved to recommend to the respective Party governments that they amend the Interim Convention by concluding a Protocol conforming to a draft agreed to at the Conference by the representatives of the Parties. The Interim Convention will terminate in October 1976 under its present terms. The Protocol, if approved, will extend the Convention for 4 years and make certain revisions. Recommended revisions relate to the use of humane methods of marking and harvesting seals, meeting subsistence needs of the native population, research on the relationship between fur seals and other living marine resources, as well as research on the effects of man-caused environmental changes on the fur seal populations. An additional recommended revision would provide for a reduction or suspension of the fur seal harvest on any island or group of islands if the total number of seals on an island or group of islands falls below the level of maximum sustainable productivity.

The United States was unable to obtain unanimous agreement on the inclusion of an optimum sustainable population management concept in a revised Convention. Because of the lack of agreement on this issue, the United States supported an extension of the agreement for only 4 years. Furthermore, in consideration of the need for flexibility in view of possible changes in fisheries jurisdiction in the future, the United States supported the inclusion of language allowing a Party to call for a meeting of representatives of the Parties within 90 days of such request to consider modifications of the Convention, and, if necessary, terminate the Convention with 1 year written notice to the other Parties. These provisions are included in the draft Protocol approved by the December Conference.

The 19th Annual meeting of the NPFSC held in Moscow, U.S.S.R., March 22–26, 1976. The meeting was preceded by a meeting of the standing scientific committee, March 15–19, 1976. Research plans for 1975 and 1976 were reviewed. The prohibition on pelagic sealing for commercial purposes was continued. Recommendations were made on the 1976 commercial harvest, and discussion carried out on the problems of

fur seal entanglement in debris discarded at sea. The United States noted its intentions to harvest up to 200 fur seals on St. George Island in 1976 for subsistence purposes. This harvest will be taken under close supervision with a view to obtaining the best biological information and will not interfere with the ongoing St. George research programs and commercial harvest moratorium.

INTERNATIONAL COMMISSION FOR THE NORTHWEST ATLANTIC FISHERIES (ICNAF)

At a special meeting of the ICNAF in January 1976, the Commission approved a 1976 hood seal quota of 15,100 seals and a 1976 quota of 127,100 harp seals, reduced from 150,500 in 1975. Harp seal quotas were allocated to Canada and Norway and indigenous nonmobile fisheries. Hood seal quotas were allocated to Canada and Norway. The Commission also agreed on seasons and open times for the taking of harp and hood seals. Furthermore, the Commission agreed to prohibit the killing of adult harp seals in whelping patches in designated Convention areas off the coast of Canada and the killing of whelping hood seals in the Davis Strait from vessels of over 50 gross tons. In view of the fact that the harp and hood seal proposals would not have entered into force during the open season under normal approval procedures of the Convention, the Commission approved a recommendation that the regulations enter into effect on March 12, 1976, the beginning of the open season for harp seals in one area. Although a member of ICNAF, the United States does not participate in any Atlantic sealing. The United States is not a member of the special ICNAF panel which deals with harp and hood seals, although a U.S. observer has attended panel meetings.

CONVENTION ON THE CONSERVATION OF ANTARCTIC SEALS

The final Environmental Impact Statement (EIS) on the Convention was forwarded to the Council on Environmental Quality. Since the EIS, concurred in by all Government agencies, concluded that the Convention is consistent with the Act, the Department of State sent the Convention to the White House on November 12, 1975, for transmittal to the Senate. The White House subsequently sent the Convention to the Senate recommending ratification on December 17, 1975. As of the end of the reporting period it had not been ratified.

INTERNATIONAL INQUIRIES TUNA-PORPOISE

In July 1975 the United States transmitted inquiries to governments whose vessels fish for yellow fin tuna in the Atlantic and Pacific Oceans, requesting information from those countries believed to have experience with tuna fishing on porpoise populations. Specifically, the United States asked: 1) whether the vessels of certain countries fish for tuna by setting on schools of porpoise in the Atlantic and, if so, to what extent this fishing method has been employed and in what areas; 2) what research programs are underway or under consideration on specialized gear technology intended to reduce or eliminate the incidental take of porpoise in the tuna fishery; 3) what mechanics are in effect at this time to regulate the incidental take of marine mammals by vessels in the Atlantic and Pacific yellowfin tuna fishery; and 4) whether it might prove useful to hold future discussions on the possibility of arranging a mutual observer program in connection with the incidental take of porpoise by vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

Responses to the transmittal were received from Mexico, Nicaragua, Canada, Ivory Coast, and Korea. Nicaragua and Korea noted that they have no purse seine vessels fishing for tuna and thus the incidental take of porpoise is not a problem. The Ivory Coast pointed out that the incidental capture of porpoises by fishing vessels is unusual in the Gulf of Guinea and certainly does not endanger the local population of porpoises. Information received from Mexico emphasized that the mechanisms in effect on Mexican vessels to reduce the incidental take of porpoises include the porpoise safety panel and the use of the backdown procedure. No research programs are underway or under consideration on specialized gear technology. Canada noted that Canadian vessels also use the Medina panel and the backdown procedure, but Canada is not in a position to undertake research programs on specialized gear technology. With regard to observers, Canada pointed out that observers were aboard two of its five vessels and the operations were considered satisfactory.

UNITED STATES-MEXICO SCIENTIFIC MEETING

Scientists of the United States and Mexico met in La Paz, Mexico, January 19–21, 1976, to discuss research needs for a better understanding of marine mammal issues of mutual concern to both countries. Subjects discussed at the meeting included the status of marine mammal stocks of mutual concern, particularly the gray whale and their calving in the lagoons of Baja California, the Gulf of California harbor porpoise, and the manatee. Other subjects discussed were porpoise mortality incidental to the tuna fishery, the merits of introducing set otters along the coast of lower California, and the possibility of cooperation between U.S. institutions and the Centro de Investigacones Biologicos de la Paz, Mexico.

LAW OF THE SEA

NOAA/NMFS continued to support the inclusion of language expressing the intent of the Marine Mammal Protection Act in economic zone articles which might result from the third United Nations Conference on the Law of the Sea. Since the last Report on the Administration of the Act, an informal Single Negotiating Text, intended to provide a basis for negotiations, has been prepared by the Main Committee of the Conference dealing with the economic zone. This text includes language concerning marine mammals.

Enactment of Fishery Conservation and Management legislation which would extend the U.S. boundary of the fishery conservation zone to 200 nautical miles is expected in April of 1976. The legislation would amend the Marine Mammal Protection Act of 1972 to encompass the waters within 200 miles. The effect of the amendment will be that incidental or deliberate take of marine mammals by foreign fishermen permitted to fish inside the fishery conservation zone must be in conformance with the Marine Mammal Protection Act.

Research Program

TUNA-PORPOISE 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 under the Marine Mammal Protection Act of 1972, especially in respect to Sections 101(a)(2), 103 (b) and (d), and 111.

The research program has been developed along 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 priority 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.

It is generally accepted that the ultimate solution of the tuna-porpoise problem is a technological one. Toward that end NMFS has been successful in securing increased funding in FY 1976 to strengthen the research effort. In addition a joint program of research has been developed by the tuna industry, the Marine Mammal Commission and NMFS, which provided for an immediate expansion of research into porpoise mortality reduction, relating primarily to gear testing and behavioral studies. This cooperative research effort will result in an overall expanded, better coordinated, and effective research program on ways to reduce porpoise mortality.

Gear Dynamics and Development.— Several significant advances have been made in gear research during the report-

ing period. Perhaps the most important experiment involves what has come to be called the Bold Contender system. This system is designed to reduce backdown and postbackdown related mortality. The system consists of the porpoise apron-chute complex, the porpoise grabber, and a one-man life-raft for use as a porpoise rescue platform.

The apron-chute complex has evolved from the porpoise apron—a long trapezoidal-shaped strip of small-mesh webbing added to the net along the top of the required porpoise safety panel. The basic apron was developed in the fall of 1974 and placed aboard nine volunteer vessels in the spring and summer of 1975 for testing. The apron provided a shallow area at the backdown apex where the porpoise were released. This shallow area prevented:

(1) fish from "boiling" directly beneath the porpoise which drives the porpoise away from the opening and (2) fish from escaping over the corkline, because the porpoise physically block the exit. There was general agreement among the participating captains that the porpoise apron aided the release of porpoise but that a learning or familiarization period was required on the part of the captains for its proper deployment. All of the participants have kept the apron in their nets after the test cruises.

To maximize the positive aspects of the porpoise apron idea, an additional, more sharply tapered trapezoidal strip of small-mesh (1¼" stretch mesh) webbing was laced to the top of the porpoise apron thus producing the apron-chute complex. The apron-chute complex was placed aton a double depth 1¼" stretch mesh webbing safety panel and taken to sea for testing in September–November of 1975 aboard the tuna vessel *Bold Contender*. After a suitable learning and adjustment period this net, in combination with a small liferaft as a platform for hand release of the porpoise, produced an extremely low kill rate. In 25 sets involving porpoise there were 15 sets where no porpoise were killed.

At the same time, another vessel was equipped with one strip of small-mesh safety panel and an apron without the chute. Although a variety of operational problems encountered during this cruise complicated the evaluation of the apron performance, the kill was substantially reduced when compared to that for a commercial fishing trip early in 1975 on the same vessel. Both of the fall 1975 cruises showed conclusively that porpoise only rarely become entangled in webbing of 1¼" stretch mesh size.

The NMFS, Marine Mammal Commission and the Tuna Industry concluded a cooperative research agreement whereby the Government agreed to match industry funds on a two-to-one basis. The Tuna Industry contributed $250,000, NMFS $450,000, and the Marine Mammal Commission $50,000. The Industry and NMFS funds are being used primarily for field testing of gear including the Bold Contender system and a Small-mesh Safety Panel System. Marine Mammal Commission and a portion of the NMFS funds will be used for porpoise behavioral research studies.

The joint NMFS/Industry test of the Bold Contender system versus nets with only double depth small-mesh safety panels, involving 16 to 20 volunteer vessels, began in February 1976. Each vessel carries a small liferaft to be used as a porpoise rescue platform before, during and after the backdown procedure. Field technicians will be aboard to gather data on the performance of all gear and methods used.

During the summer of 1975, the "large volume" net designed to alleviate porpoise mortality caused by crowding was lengthened and taken to sea under competitive fishing conditions in the nonregulated yellowfin tun area of the Central Pacific. After some initial problems with net canopies, the incidental mortality rate for porpoises fell to encouraging levels. The three strips of 1½" stretch mesh porpoise safety panel in the large-volume net were reported to have prevented large kills in at least two net sets in very rough weather. The net is now engaged in exploratory fishing in the Western Pacific with excellent success reported. Although this latest trip is not associated with "porpoise fishing," its success in "school fishing" (nonporpoise) is an important prerequisite to acceptance of the net by industry.

The antitorque purse cable that was designed to reduce net roll-ups, which delay fishing operations and endanger captured porpoises, is continuing to be used aboard two seiners. Also, during the reporting period, gear experts have briefed tuna vessel captains at required formal training sessions on the latest developments in techniques and gear that will enable them to implement the provisions of the Act.

As evidenced earlier, industry representatives and fishermen are showing increasing awareness and cooperation in creating and evaluating the several promising approaches to resolving the incidental porpoise mortality problem. Research and development in porpoise mortality reduction technology is progressing steadily toward practical solutions to this most urgent problem.

Biology and Stock Assessment.—Both the biological and stock assessment activities of the SWFC's tuna-porpoise program rely heavily on specimens and information collected by the scientific observers who, since the fall of 1975, have operated under the Southwest Regional Office at Terminal Island, California. In addition to their management duties they collect specimens and samples aboard U.S. tuna seiners for life history studies and stock assessment, and make certain other observations on cetaceans and birds. They also record data on numbers and species of porpoise encountered, set upon, and killed, and make detailed observations of the capture and rescue operations.

Biological reserach during the period concentrated on estimation of important life history parameters of the major porpoise species involved in the tuna fishery. Using specimens and data collected aboard commercial tuna seiners and standard techniques and analyses, the biological studies staff at Southwest Fisheries Center completed estimates of parameters of growth and reproduction of the spotted dolphin, *Stenella attenuata*, the most important species in the tuna fishery, and produced a manuscript for publication. The parameter estimates were used in the assessment of the impact of the tuna fishery on the stock of spotted dolphins. The biological studies staff also completed processing of data and specimens collected from spinner dolphins, *Stenella longirostris*, killed during fishing operations and produced preliminary estimates of life history paramcters for that species. Two forms of the spinner dolphin are involved in the tuna fishery, the eastern spinner and the whitebelly spinner, and the preliminary studies indicate that the two forms differ in growth and reproductive characteristics.

The limits of the ranges of the stocks of *Stenella* spp. in the eastern Pacific and the oceanographic or ecological bases for these limits are still poorly known. For this reason, SWFC fielded two research vessels, R/V *Townsend Cromwell*, based in Hawaii, and R/V *David Starr Jordan*, based in San Diego, for 2 months, January and February 1976, to skirt and transect the known limits of the historical ranges of the species, to collect data on (1) limits of concurrence and estimates of school density, for possible use in new population estimates, and (2) physical oceanographic and faunistic correlations of the occurrences of dolphins and of the cooccurrences of dolphins and tuna, which data may lead to construction of models predicting distribution based on oceanographic data.

Porpoise stock assessment studies undertaken by NMFS are designed to determine the current status of spotted dolphin stocks, projections of the status of these stocks given present technology employed in the tuna fishery, and projections of the status of stocks under alternative management strategies and proposed changes in gear technology. Similar studies will extend these considerations to the spinner dolphin and the common dolphin.

Combined information from a 1974 aerial survey and data collected by NMFS observers used to make preliminary estimates of the density and abundances of the stocks of the two major species involved, the spotted and spinner dolphin. The estimates required assumptions which were not investigated in 1974 regarding: (1) the average number of porpoises per school, and (2) the density of porpoise schools in unsurveyed areas. The studies of the present year examined the critical assumptions and improved the quality of the estimates. Survey data were also obtained from operations of the 1975 tuna fleet. The results of these surveys are now being used to refine assumptions of the previous

year's analysis to further improve the estimates of density and abundance made for 1974. Results also are being used to make new estimates of density and abundance and search for any trends that might exist.

Provisional estimates of the impact of incidental mortality upon the spotted dolphin have been made with the Leslie matrix model. The model requires age specific mortality and fertility rates which are obtained from the results of the biological investigations. In conjunction with the impact analysis, assumptions concerning the composition (sex, age, etc.) of the observed kill in relation to the total kill and to the population were examined. Preliminary estimates of the impact of incidental mortality on the spotted dolphin indicate that the rate of change in abundance was small or zero, but several critical points must be analyzed. Using cursory data, the rate of change in abundance of the spinner dolphin was provisionally found to be small or zero, as well. However, age-specific biological data must be employed before the analysis can be conclusive. Impact analyses for both spinner and spotted dolphins rely on presently unverifiable assumptions that the incidental kill rate of foreign fleets is the same as that for the U.S. fleet.

NORTHERN FUR SEAL, PINNIPED, AND CETACEAN RESEARCH

The Marine Mammal Division of the NMFS, Northwest Fisheries Center, conducts three principal research programs. The northern fur seal program consists of monitoring studies on the status of the fur seal herds, basic population dynamics studies, as well as behavioral and ecological research in accordance with the provisions of the interim convention for the Convention of Northern Fur Seals. St. George Island has been established for an indefinite period as a no-harvest research control area for comparative studies with the harvested fur seal population on St. Paul Island.

The pinniped and cetacean programs are aimed primarily at assessing the status of the stocks and obtaining life history information about such species as the bowhead, killer, and humpback whales; commercially harvested species of large whales; and California sea lions. Although the primary geographic area of concern is the North Pacific Ocean including the Bering and Chukchi Seas and the Arctic Ocean, the Marine Mammal Division maintains an interest in marine mammal research throughout the world.

Northern Fur Seal Program.—Long-term objectives of the northern fur seal program are to determine what measures may be necessary to make possible maximum sustainable productivity and to determine the relationship between fur seals and other living marine resources.

Monitoring activities are designed to build a data base on population structure essential to management of the resource. Included are counts of living adult males and of dead pups on land, and determination of the number of pups born and the age composition of harvested seals.

Behavioral research (concentrated in the St. George Island Research Control Area Study) involves the identification and quantification of behavioral components that may act to control population size. Studies include experiments on the length and regularity of female feeding cycles and on the female estrus cycle. The program also conducted research on the male and female ratio in the herd, and on predation by northern sea lions on fur seal young. Radio telemetry was used to define the movement patterns of subadult males on hauling grounds. Through a contract with Scripps Institution of Oceanography the diving and feeding effort of female fur seals on normal feeding excursions was measured using a new depth-time recorder.

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 has placed initial emphasis 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 a determination of causes of death among pups, development of new methods of marking fur seals, and research on the infectious diseases of fur seals. Research on the latter was contracted to the Naval Biomedical Research Laboratory, Oakland, California.

Pinnipeds of the U.S. Pacific Coast.—Biological and population studies are being carried out on the six species of 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. The number of fur seal pups counted in Adams Cove, San Miguel Island, increased to 329, an increase of 109 over 1974. On Castle Rock, 396 pups were counted which was an increase of 95 over the 1974 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, Bering Sea, Chukchi Sea, and Beaufort Sea is being collected under the Outer Continental Shelf Energy Program sponsored by the Bureau of Land Management.

Cetaceans.—Population studies of protected and exploited whales such as sei, minke, 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 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, the cooperative killer whale survey in Puget Sound, Washington, and humpback whale surveys in southeastern Alaska and Hawaii are conducted under this program.

Funding

The FY 1976 Marine Mammal Conservation total budget is 76 positions and $3,392,000 (Appendix H). The FY–1976 totals include: in Marine Mammal Protection Act appropriations, 62 positions and $2,797,000 for Research, Administration and Enforcement, in accordance with the provisions of the Act; and in Fur Seal Act appropriations, 14 positions and $595,000 for research and management associated with the North Pacific Fur Seal herds.

The FY 1977 totals include: Marine Mammal Protection Act appropriations, 60 positions and $3,533,000, of which 4 positions and $1,030,000 is requested increase funding; Endangered Species Act appropriations of 6 positions and $294,000 for enforcement and research associated with the Great whales; and Fur Seal Act appropriations of 14 positions and $595,000. The FY 1977 total will be 80 positions and $4,422,000 should the requested increase be approved.

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 69 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 ex-

isting 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 this 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 phillipi (Juan Fernandez 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)
Ommatophoca rossi (Ross seal)
Hydrurga leptonyx (leopard seal)
Leptonychotes weddelli (Weddell 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)
Platanista gangetica (Ganges dolphin)
Platanista minor (Indus River dolphin)
Lagenodelphis hosei (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)
Lissodelphis borealis (northern right whale dolphin)
Peponocephala electra (melon-headed whale)
Feresa attenuata (pygmy killer whale)
Pseudorca crassidens (false killer whale)
Globicephala melaena (long-finned pilot whale, pothead, black fish)
Globicephala macrorhynchus (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)
Masoplodon 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)

Status Reports

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 of 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 zoons, 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 fish 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; Naval Undersea Center, San Diego, California; Navy Biomedical Research Laboratory, Oakland, California.

REFERENCES

Banfield, A. W. F. 1974. The Mammals of Canada. Univ. Toronto Press, 438 pp.

Bigg, Michael A. 1973. Census of California sea lions on southern Vancouver Island, British Columbia. J. Mammal. 54:285–287.

Bonnot, P. 1951. The sea lions, seals, and sea otters of the California coast. Calif. Fish Game, 37:371–389.

Brownell, Robert L., Jr., R. L. DeLong, and R. W. Schreiber. 1974. Pinniped populations at Islas de Guadalupe, San Benito, Cedros, and Natividad, Baja, California, in 1968. Jour. Mammal., 55(2):469–472.

California Department of Fish and Game. 1971. California's living marine resources and their utilization, Herbert W. Frey (ed.). Calif. Dept. Fish Game, 148 p.

Carlisle, J. G., and J. A. Aplin. 1966. Sea lions census for 1965 including counts of other California pinnipeds. Calif. Fish Game, 52:119–120.

——— 1971. Sea lion census for 1970, including counts of other California pinnipeds. Calif. Fish Game, 57:124–126.

Daugherty, Anita E. 1972. Marine mammals of California, 2d rev. Calif. Dept. Fish Game, Sacramento, 90 p.

DeLong, R. L., W. G. Gilmartin, and J. G. Simpson. 1973. Environmental pollutant residues in parturient California sea lions: premature vs normal. Science. Vol. 181, p. 1168–1170.

Gilmartin, W. G., R. L. DeLong, A. W. Smith, J. C. Sweeney, B. W. deLappa, R. W. Risebrough, L. A. Griner, M. D. Dailey, and D. E. Peakall. Premature Pupping in the California Sea Lion. J. Wildl. Disease. 12(1).

LeBoeuf, B. J., and M. L. Bonnell. 1971. DDT in California sea lions. Nature 234:108–110.

Mate, Bruce R. 1975. Annual migrations of the sea lions *Eumetopias jubatus* and *Zalophus californianus* along the Oregon coast. In K. Ronald and A. W. Mansfield (eds.), Biology of the seal. Rapports et Proces-Verbaux, 169.

Odell, D. K. 1971. Censuses of pinniped breeding on the California Channel Islands. J. Mammal. 52:187–190.

——— 1972. Studies on the biology of the California sea lion and the northern elephant seal on San Nicolas Island, California, Ph.D. thesis, Univ. Calif., Los Angeles, 168 p.

Orr, R. T., J. Schoenwald, and K. W. Kenyon. 1970. The California sea lion: skull growth and a comparison of two populations. Proc. Calif. Acad. Sci., 4th Series, 37(11):380–394.

Peterson, R. S., and G. A. Bartholomew. 1967. The natural history and behavior of the California sea lion. Amer. Soc. Mammal Spec. Publi. No. 1, 79 p.

Peterson, R. S., and B. J. LeBoeuf. 1969. Population studies of seals and sea lions. Trans. 34th N. Amer. Wildl. Nat. Res. Conf., p. 74–79.

Rice, D. W., K. W. Kenyon and D. L-l-uch-B. 1935. Pinniped populations at Islas Guadalupe, San Benito, and Cedros, Baja California in 1935. Trans. San Diego Soc. Nat. His. 14(7):73–84.

Ripley, W. E., K. W. Cox, and J. L. Baxter. 1932. California sea lion census for 1958, 1930, and 1961. Calif. Fish Game, 48:228–231.

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 word 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. Mate (pers. comm., 1975) estimated the Oregon breeding population to number approximately 2,000 animals. 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 1975, 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 became 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 dark 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 282 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 operations on rookery populations. A marking program began in 1975, and an aerial survey program in 1976. The University of California, Santa Cruz, is also conducting research on the species off California.

REFERENCES

Alaska Deparmtent of Fish and Game. 1973. Alaska's wildlife and habitat. Van Cleve Printing, Anchorage, 143 p.

Banfield, A. W. F. 1974. The Mammals of Canada. University of Toronto Press, 438 pp.

Bartholomew, G. A. 1967. Seal and sea lion populations of the California islands. P. 229–244 In Philbrick, R. N. (ed.), Proc. Symp. on the biology of the California islands. Santa Barbara Botanic Garden.

Bonnot, Paul. 1929. Report on the seals and sea lions of California, 1928. Calif. Fish Game, Fish Bull. 14, 62 pp.

Carlisle, John G., and J. A. Aplin. 1971 Sea lion census for 1970, including counts of other California pinnipeds. Calif. Fish Game, 57(2):124–126.

Fiscus, C. H., and G. A. Baines. 1966. Food and feeding behavior of Steller and California sea lions. J. Mammal. 47:195–200.

Gentry, R. L. 1968. Censuses of Steller sea lions Ano Nuevo Island during 1967–1968. P. 23–25 In Peterson, R. L. (ed.) Ano Nuevo Reports, 2, Univ. of Calif., Santa Cruz.

Gentry, R. L. 1970. Social behavior of the Steller sea lion. Ph.D. thesis, Univ. Calif., Santa Cruz, 113 p.

Kenyon, K. W., and D. W. Rice. 1961. Abundance and distribution of the Steller sea lion. J. Mammal. 43:223–234.

Kenyon, K. W., and V. B. Scheffer. 1962. Wildlife surveys along the northwest coast of Washington. Murrelet, 42:1–9.

Mate, B. R. 1973. Population kinetics and related ecology of pinnipeds along the Oregon coast. Ph.D. thesis, Univ. Oreg. Eugene, 92 p.

——— 1975. Annual migrations of the sea lions *Eumetopias jubatus* and *Zalophus californiaus* along the Oregon coast. K. Ronald and A. W. Mansfield (eds.), Biology of the Seal. Rapports et Proces-Verboux, 169.

Mathisen, O. A., R. T. Baade, and R. J. Lopp. 1962. Breeding habits, growth and stomach contents of the Steller sea lion in Alaska. J. Mammal. 43:469–477.

Nishiwaki, M., and F. Nagasaki. 1960. Seals of the Japanese coastal waters. Mammalia, 24:459–467.

Orr, R. T., and T. C. Poulter. 1965. The pinniped population of Ano Nuevo Island, California. Proc. Calif. Acad. Sci. 32:377–404.

Pearson, J. P., and B. J. Verts. 1970. Abundance and distribution of harbor seals and northern sea lions in Oregon. Murrelet, 51: 1–5.

Pike, G. C., and I. B. MacAskie. 1969. Marine mammals of British Columbia. Fish. Res. Bd. Can. Bull. 171, 54 p.

Sandegren, F. E. 1970. Breeding and maternal behavior of the Steller sea lion (*Eumetopias jubata*) in Alaska. MS thesis, Univ. Alaska, Fairbanks, 138 p.

Smith, I. D. 1972. Sea lions wintering along the outer coast of Vancouver Island. J. Fish. Res. Bd. Can. 29:1764–1766.

Spalding, D. J. 1964. Comparative feeding habits of the fur seal, sea lion, and harbour seal on the British Columbia coast. Fish. Res. Bd. Can., Bull. 146, 52 p.

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 weight 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 National History Museum of Montevideo and the Smithsonian Institution.

REFERENCES

Peso Blanco, J. del. 1911. Focos de la Republica o del Uruguay. Granada, Spain, 27 p.

Perez-Fontana, H. 1943. Informe sobre la industralia lobera (Ciento diez anos de explotacion de la industria lobera en nuestro pais). Informe sobre la industria pesquera nacional, 1943, publicado por el Servicio Oceanografico y de Pesca.

Smith, Hugh M. 1927. The Uruguayan fur seal islands. Zoologica 9(5):271–294.

Vaz Ferreira, Raul. 1950. Observaciones sobre la Isla de Lobos. Revista de la Facultad de Humanidades y Ciencias. Montevideo, Uruguay, 5:145–176.

——— 1956. Etologia terrestre de *Arctocephalus australis* (Zimmermann) ("lobo fino") en las Islas Uruguayas. Servicio Oceanografico de Pesca, Trabajos sobre de Lobos y lobos marinos, 2:1–22.

Vaz Ferreira Raul, and Blanca Sierra de Soriano. 1961. Division funcional del habitat terrestre y estructura de las agregaciones sociales de *Arctocephalus australis* (Zimmerman), estudio grafico. Rev. Fac. Hum. Cienc. 19:253–260.

Ximenez, Isaias. 1963. Frecuencia y fluctuaciones estacionales en la poblacion de *Arctocephalus australis* en algunas zonas de la Isla de Lobos. Rev. Inst. Invest. Pesq. 1(2):141–158.

——— 1973. Nota preliminar sobre la repoblacio de *Arctocephalus australis* en la Isla Rasa. Trab. V Congs. Latinoam. Zool., Montevideo, 1:281–288.

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. Shaughnessy (1975) has reviewed the estimates of Best (1973) and revised them downward to between 211,000 and 213,000 pups. 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 90.7–122.0 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, than 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 occasionally feed on fish protruding through the meshes of otter trawl nets or taken by line fisheries.

Current Research.—A recently expanded research program is carried out by the South African government to measure herd size, production, annual recruitment, natural and harvest mortality, and movements.

REFERENCES

Best, Peter B. 1973. Seals and sealing in South Africa and South West Africa. 14 processed pp. plus appendix. Statement at the application of the Fouke Company for exemption from the Marine Mammal Protection Act.

Franca, Pedro da. 1967. Sur la Presence d'*Arctocephalus pusillus* (Schreber) (Otaridae) et de *Mirouga leonina* (Linne) (Phocidae) au sud de l'Angola. Mammalia 31(1):50–54.

King, Judith E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.

Laws, R. M. 1973. The current status of seals in the Southern Hemisphere. IUCN. New Pub. Ser., Supple. Pap. No. 39:144–161.

Rand, R. W. 1955. Reproduction in the female cape fur seal, *Arctocephalus pusillus* (Schreber). Proc. Zool. Soc. London, 124: 717–740.

——— 1956. The Cape fur seal (*Arctocephalus pusillus*). Its general characteristics and moult. Investigational Report. Division of Fisheries, South Africa 21:1–52.

——— 1959. The Cape fur-seal (*Arctocephalus pusillus*). Distribution, abundance and feeding habits off the southwestern coast of the Cape Province. Div. Sea Fish. Invest. Rep. 34, p. 1–75.

——— 1967. The Cape fur-seal (*Arctocephalus pusillus*). 3. General behaviour on land and at sea. Div. Sea Fish. Invest. Rep. 60, 39 p.

——— 1972a. Conservation of Cape fur-seals. Text of a lecture delivered to Wildlife Society, Transvaal Branch, 7 Nov. 1972 at Johannesburg.

——— 1972b. The Cape fur-seal (*Arctocephalus pusillus*). 4. Estimates of population size. Div. Sea Fish. Invest. Rep. 89, 28p.

Rand, Robert W. 1973. Management of the South African fur seals. Jour. South African Wildl. Management Assoc., 3(2): 85–87.

Shaugnessy, P. D. 1975. The status of seals in South Africa and South West Africa. Report to Working Group III, Advisory Committee on Marine Resource Research, Food and Agriculture Organization of the United Nations. Seattle, Washington, Sept. 1–6. 63 p. processed.

Visser, John. 1967. Catching South African fur seals, Zoonooz, 40(2)15–19.

JUAN FERNANDEZ FUR SEAL

(*Arctocephalus philippi*)

Distribution and Migration.—This seal occurs on islands of the Islas Juan Fernandez (360 and 440 miles west of Valparaiso, Chili) and Islas San Felix (500 miles west of Caldera, Chili). The two groups are 500 miles apart. It is not known elsewhere, and migratory movements are unknown.

Abundance and Trends.—In the late 18th and early 19th centuries the population may have numbered 3 to 3½ million but was reduced to the point of commercial extinction. Although occasional reports of its existence occurred, the species had been regarded as probably extinct since the early 19th century. In 1965 its existence was confirmed (Aguayo 1971). Aguayo (1973) estimates 7 to 8 hundred seals now occur in the Islas Juan Fernandez. The trend in numbers is increasing.

General Biology.—The biology of this species is little known. Field specimens have been taken and no studies made. Presently known to breed only on the Islas Juan Fernandez. Pupping occurs in December. The Juan Fernandez Seal has a similar habitat to that utilized by the Guadalupe Seal.

Species Statistics.—In comparing skull size, this species is second in size to *A. pusillus*. One specimen (male), taken in November 1968, measured 200.6 cm in length, weighed as estimated 159 kg and the condylobasal length 150 cm in length, no weight was given, and the condylobasal length of the skull was 227 mm. In the Guadalupe fur seal (*A. townsendi*, long considered a subspecies of *A. philippi*) the male measures about 180 cm in length and weighs about 136 kg. In the South American fur seal (*A. australis*), males reach a maximum length of 188.5 cm, females 142.5 cm and a weight of 159 kg in males and 48.5 kg in females.

Reproductive Data.—No study has been made.

Age Growth Date.—No study has been made.

Ecological Problems.—None known.

Allocation Problems.—Although the species has been given complete protection by Chilean law since 1965, local fishermen may still kill some seals to bait lobster traps.

Current Research.—None known.

REFERENCES

Aguayo, L. A. 1971. The present status of the Juan Fernandez fur seal. K. Norske Vidensk. Selsk. Skr. 1: 1–4. Figs. 1–2.

Aguayko, L. A. 1973. The Juan Fernandez fur seal. In Seals, Proceedings of a working meeting of seal specialists on threatened and depleted seals of the world held under the auspices of the Survival Services Commission of IUNCH, pp. 140–143.

Hubbs, C. L., and K. S. Norris. 1971. Original teeming abundance, supposed extinction and survival of the Juan Fernandez Fur Sea. Antarctic Res. Ser. 18: 35–52.

Repenning, C. A., R. S. Peterson, and C. L. Hubbs. 1971. Contributions to the systematics of the southern fur seals, with particular reference to the Juan Fernandez and Guadalupe, species. Antarctic Pinnipedia, Antarctic. Res. Ser. 18: 1–34.

Rice, D. W. 1976. A list of Marine Mammals of the World (third edition). Special Scientific Report Fisheries (in press).

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 adult and immature males 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. Peterson, et al. (1968) counted 372 animals in April 1966. In June 1968, 314 individuals including pups were observed on Isla de Guadalupe. (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, July. Although breeding has not been observed, a postpartum 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; most sightings of males on other islands have occurred during the nonbreeding season, but since 1973 males have observed at San Miguel Island during the 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. 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. In 1976, the University of Washington and NMFS, Marine Mammal Division, will begin a study of the species.

REFERENCES

Brownell, Robert L., Jr., R. L. DeLong, and R. W. Schreiber. 1974. Pinniped populations at Islas de Guadalupe, San Benito, Cedros, and Natividad, Baja California, in 1968. Journal Mammalogy, 55(2): 469–472.

Hubbs, Carl L. 1956. Back from oblivion; Guadalupe fur seal: still a living species. Pac. Disc. 9(6):14–21.

Peterson, R. S., C. L. Hubbs, R. L. Gentry, and R. L. DeLong. 1968. The Guadalupe fur seal; habitat, behavior, population size, and field identification. J. Mammal. 49:665–675.

Peterson, R. S., and Donald H. Ramsey. 1969. Reproductive behavior of the Guadalupe fur seal. Proc. Biol. Sonar and Diving Mammal Conf., Stanford Res. Inst., p. 35–42.

Repenning, Charles A., R. S. Peterson, and C. L. Hubbs. 1971. Contributions to the systematics of the southern fur seal with particular reference to the Juan Fernandez and Guadalupe species. Antarctic Pinnipedia, Antarctic Res. Ser. 18:1–34.

Rice, D. W., K. W. Kenyon, and D. Lluch-B. 1965. Pinniped populations at Islas Guadalupe, San Benito, and Cedros, Baja California, in 1965. Trans. San Diego Soc. Nat. Hist. 14(7): 73–84.

Scheffer, V. B. 1958. Seals, sea lions, and walruses; a review of the Pinnipedia. Stanford Univ. Press, 179 p. plus 32 pls.

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 of eastern and western Pacific populations occurs at sea and on land, primarily among males younger than age 6 years.

Abundance and Trends.—A program of reducing the population of Pribilof Islands fur seals was begun in 1956 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 been harvested commercially 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.[1] In 1975 the number of pups born was estimated to be 362,000 and in the past the maximum yield of furs was produced when about 400,000 pups were born.

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:

ESTIMATED NUMBER OF NORTHERN FUR SEALS

Location of fur seal rookeries:	*Thousands*
Pribilof Islands	1,300
San Miguel Island	2
Commander Islands	265
Robben Island	165
Kuril Islands	33
Total	1,765

General Biology:

Species Statistics.—The adult male weighs 227–318 kg, and the female 36–59 kg., newborn pups averaged 4.5 (female) and 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 females 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, leptospirosis (perinatal hemorrhagic syndrome), and injuries. Pathogenic bacteria thus far isolated include: *Clostridium perfringens, Proteus mirabilis, Salmonella enteriditis,* and *Leptospira* sp. A psittacosis group chlamydia has been reported, but the clinical syndrome caused by the agent has not been described. A calcivirus, indistinguishable from Vesicula Exanthema of Swine virus has been found associated with vesicles on the flippers and may be related to emaciation syndrome.

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 protection 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 would take place for some period of years. An expanded research program on St. George Island was begun in 1973.

REFERENCES

Anas, R. 1970. Mercury found in fur seals. Comm. Fish. Rev. 32(12):3.

Anas, R. E., and A. J. Wilson, Jr. 1970. Organochlorine pesticides in nursing fur seal pups. Pest. Monit. J. 4(3):114–115.

Chapman, D. G. 1964. A critical study of Pribilof fur seal population estimates. U.S. Fish Wildl. Serv., Fish. Bul. 63(3):657–669.

Johnson, A. M. In Press. The status of northern fur seal populations. In Symposium on the Biology of the Seal, Guelph, Ontario, August 14–17, 1972.

[1] An average of 48,000 males were available annually for harvest in 1956–72, while the average was 65,000 annually from 1939–55.

Kenyon, K. W., V. B. Scheffer, and D. G. Chapman. 1954. A population study of the Alaska fur seal herd. U.S. Fish Wildl. Serv., Spec. Sci. Rep. Wildl. 12, 77 p.
Keyes, M. C. 1965. Pathology of the northern fur seal. J. Amer. Vet. Med. Ass. 147(10): 1090–1095.
Lander, R.H. and H. Kajimura. 1975. Status of northern fur seals. FAO working party of Advisory Committee on Marine Resource Research (Group III—Seals and marine otters) Seattle, Washington, 1975, processed report.
North Pacific Fur Seal Commission. 1965. North Pacific Fur Seal Commission Report on Investigations from 1958 to 1961. Kenkyusha Co., Tokoyo, 183 p.
——— 1969. North Pacific Fur Seal Commission Report on Investigations from 1964 to 1966. Kenkyusha Co., Tokoyo, 161 p.
Roppel, A. Y., A. M. Johnson, R. D. Bauer, D. G. Chapman, and F. Wilke. 1963. Fur seal investigations, Pribilof Islands, Alaska. U.S. Fish. Wildl. Serv., Spec. Sci. Rep. Fish. 454, 6+101 p.

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 the 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 April 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 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 about 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 anopluran 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.

REFERENCES

Alaska Department of Fish and Game, 1972. Testimony presented to Senate Sub-committee on Oceans and Atmosphere. Nome, Alaska, May 11, 12, and 13, 1972. Seriol No. 92-56, U.S. Gov. Print. Off., Wash., D.C.
——— 1973. Marine Mammal status reports. Unpublished, Juneau, Alaska.
Banfield, A. W. F. 1974. The mammals of Canada. Univ. Toronto Press, 438 pp.
Bigg, M. A. 1969. The harbor seal in British Columbia. Fish. Res. Bd. Can., Bull. 172, 33 p.
Bishop, R. H. 1967. Reproduction, age determination, and behavior of the harbor seal, *Phoca vitulina* L., in the Gulf of Alaska. MS thesis, Univ. Alaska, 121 p.
Bonner, W. N. 1972. The grey seal and common seal in European waters. Oceanogr. Mar. Biol. Ann. Rev., 10: 461–507.
Burns, J. J. 1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51: 445–454.
Burns, J. J., and F. H. Fay. 1972. Comparative biology of Bering Sea harbor seal populations. Paper presented at 23d Alaska Sci. Conf., Fairbanks AK, Aug. 1972.
Bychkov, V. A. 1971. Pinnipeds of the U.S.S.R. P. 59–74 In Shaposhnikov, L. K. (ed.), Review of the status of U.S.S.R. Pinnipedia conservation. Min. Sel. Khoz. S.S.S.R., Tsent. Lab. Okhr. Prir, Moscow. Transl. IPST 650946.
Chapskii, K. K. 1966. Sovremennoe sostoyanie i zadachi vos stanovleniya resursov morskogo zveroboinogo promysla (Present state and tasks of the restoration of resources of marine trapping). Tezisy 3-go Vses. Soveshch. po Izuch. Morsk. Mlek., Moskva-Leningrad, "Nauka."
Galster, W., and J. Burns, 1972. Accumulation of pesticides in Alaskan marine mammals. Paper presented at 23d Alaska Sci. Conf., Fairbanks, AK, August, 1972.
Mansfield, A. W. 1967. Distribution of the harbor seal, *Phoca vitulina* Linnaeus, in Canadian arctic waters. J. Mammal. 48:249–257.
Naito, Y., and M. Nishiwaki. 1972. The growth of two species of the harbor seal in the adjacent waters of Hokkaido Sci. Rep. Whales Res. Inst., 24:127–145.
Wilson, Susan. 1973. Mother-young interactions in the common seal *Phoca vitulina vitulina*. Behavior, 48 (1–2): 23–26.

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 land-fast 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 U.S. harvest is presently limited to an aboriginal harvest of 9,000–13,000 animals. Soviet pelagic sealing is now prohibited in the Bering Sea, and limited to a quota of 18,000 pelagic and 7,000 shore in the Okhotsk Sea; harvest in the Bering and Chukchi areas is 2,000–3,000 animals annually.

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.

REFERENCES

Alaska Department of Fish and Game. 1973. Marine mammal status reports. Unpublished report, Juneau, AK.

Burns, J. J. 1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51:445–454.

Burns, J. J., and S. J. Harbo, Jr. 1972. An aerial census of ringed seals, northern coast of Alaska. Arctic, 25:279–290.

Bychkov, V. A. 1971. Pinnipeds of the USSR. P. 59–74 In Shaposhnikov, L. I. (ed.), Review of the status of the USSR Pinnipedja conservation. Min. Sel. Kohoz. SSSR, Tsent. Lab. Okhar. Prir, Moscow. Transl. IPST 650946.

Chapskii, K.K. 1966. (Present state and tasks of the restoration of resources of marine trapping.) Tezisy 3-Go Vsesoyuznogo Soveshchaniya po izucheniyu morskikh mlekop tayushchikh. Moscow, "Nauka."

Fay, F. H. 1973. The role of ice in the ecology of marine mammals of the Bering Sea. Paper presented at International Symposium for Bering Sea Study, 30 Jan.–4 Feb. 1972, Hokodate, Japan. (In press.)

Johnson, M. L., C. H. Fiscus, B. T. Ostenson, and M. L. Barbour. 1966. Marine mammals. P. 877–924 In Wilimovsky, N. J., and J. N. Wolfe (eds.), Environment of the Cape Thompson Region, Alaska. U.S. Atomic Energy Comm., Oak Ridge, Tenn.

McLaren, I. A. 1958. The biology of the ringed seal (*Phoca hispida* Schreber) in the Eastern Canadian arctic. Fish. Res. Bd. Can. Bull. 118, 97 p.

Popov, L. A. 1975. Status of Main Ice Forms of Seals inhabiting waters of the USSR and adjacent to the Country Marine Areas. Reporting of Working Group III, Advisory Committee on Marine Research, Food and Agriculture Organization, United Nations, Sept. 1975, Seattle, Washington.

Smith, Thomas G. 1973. Population dynamics of the ringed seal in the Canadian eastern Arctic. Fish Res. Bd. Can. Bull 181, 55 pp.

Tikhomirov, E. A. 1966. On the reproduction of the seals belonging to the family Phocidae in the North Pacific. Zool Zhur. 45(2):275–281. (Transl. by George Tschulkow-Roux, Auke Bay Biol. Lab., Juneau, AK.)

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 was 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 Islands, 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 pop 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.

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.

REFERENCES

Andrews, J. C., and P. R. Mott. 1967. Gray seals at Nantucket, Massachusetts. J. Mammal. 48:657–658.

Backhouse, K. M., and H. R. Hewer. 1957. A note on spring pupping in the gray seal (*Halichoerus grypus* Fab). Proc. Zool. Soc. London, 128(4): 593–594, 1 pl.

Banfield, A. W. F. 1974. The mammals of Canada. Univ. Toronto Press, 438 pp.

Bonner, W. N. 1972. The gray seal and common seal in European waters. Oceanogr. Mar. Biol. Ann. Rev., 10:461–507.

Bonner, W. N. 1973. Grey seals in the Baltic. IUCN, Sur. Serv. Comm., Suppl. Pap. No. 39:164–174.

Bonner, W. N., and G. Hicklin. 1974. Seals of the Farne Islands, 1971–73. Trans. of the Nat. Hist. Soc. of North Umbria, 42(2):65–84.

Cameron, A. W. 1967. Breeding behavior in a colony of western Atlantic gray seals. Can. J. Zool., 45:161–173.

Dubrovskii, A. N. 1937. On the biology of the grey seal (*Halichoerus grypus* Fabr.). Priroda, Leningrad, No. 2, p. 107, Feb.

Mansfield, A. W. 1963, Seals of arctic and eastern Canada. Fish. Res. Bd. Can. Bull. No. 137.

——— 1966. The grey seal in eastern Canada waters. Can. Audubon, 28:161–166.

Platt, N. E., J. H. Prime, and Susan R. Witthames. 1974. The age of the grey seal at the Farne Islands. International Council for the Exploration of the Sea, C. M. 1974/N:3, Preliminary Report, 7 pp plus 3 figs.

Smith, E. A. 1966. A review of the world's grey seal population. J. Zool., 150:463–489.

RIBBON SEAL

(*Histriophoca fasciata*)

Distribution and Migration.—Geographically, the ribbon seal is separable into the Okhotsk and Bearing-Chukchi Seas populations, and interchanges between these two groups are not known to occur. In the latter group, the center of aboundance 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 relative low having been markedly reduced by commercial sealers of the Soviet Union during the 1960s. In recent years the species has been afforded increased protection by Soviet sealing regulations and its numbers may be increasing again. 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 90,00. Soviet sealers took less than 3,000 ribbon seals in 1973 from Bering and Okhotsk Seas. In Alaska, the native 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.

REFERENCES

Alaska Department of Fish and Game. 1973. Marine mammals status report. Unpublished report, Juneau, AK.

Burns, J. J. 1969. Marine mammal report. Fed. Aid Segment Report, vol. X. Unpublished, Alaska Dept. Fish Game, Juneau, AK. 25 p.

——— 1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51:445–454.

Bychkov, V. A. 1971. Pinnipeds of the USSR. P. 59–74 In Shaposhnikov, L. K. (ed.), Review of the status of USSR Pinnipedia conservation, Min. Sel. Khoz. SSSR, Tsent. Lab. Okhr. Prir, Moscow, Transl. IPST 650946.

Fay, F. H. 1973. The role of ice in the ecology of marine mammals of the Bering Sea. Paper presented at International Symposium for Bering Sea Study, 30 Jan.–4 Feb. 1972, Hakodate, Japan. (In press.)

Popov, L. A. 1975 of Main Ice Forms of seals inhabiting waters of the USSR and adjacent to the Country Marine Areas, Report of Working Group III, Advisory Committee on Marine Research, Food and Agriculture Organization, United Nations, Sept. 1975, Seattle, Washington.

Tikhomirov, E. A. 1966. On the reproduction of the seals belonging to the family Phocidae in the North Pacific. Zool. Zhur. 45(2): 275–281. (Transl. by George Tschiukow-Roux, Auke Bay Biol. Lab., Juneau, AK.)

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 breedstocks 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.

REFERENCES

Bychkov, V. A. 1971. Pinnipeds of the USSR. p. 59–74 In Shaposhnikov, L. K. (ed.), Review of the status of USSR Pinnipedia conservation. Min. Sel. Khoz. SSR, Tsent. Lab. Okh. Prir., Moscow. 129 p. IPST 650946, 1972.

Fisher, H. D. 1952. Harp seals of the Northwest Atlantic. Fish. Res. Bd. Can. Gen. Ser. No. 20

——— 1954. Studies on reproduction in the harp seal *Phoca groenlandica* Erxleben in the northwest Atlantic. Ph.D. thesis. 133 p.

Sergeant, D. E. 1973. Feedingfi(growth, and productivity of Northwest Atlantic harp seal (*Pagophilus, groenlandicus*), J. Fish. Res. Bd. Can. 30:17–29.

Silvertsen, E. 1941. On the biology of the harp seal. Hvalrad. Skr. 26:10+166 p., 11 pls.

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 formally 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. native and Soviet harvest in the Bering, Okhotsk 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.). Soviet pelagic sealing has been prohibited since 1970. Land quotas are 5,000 for Okhotsk Sea and 3,000 for Bering Sea. U.S. subsistence catch has been less than 3,000 animals.

General Biology:

Species Statistics.—The bearded seal is the largest phocid of the western arctic and subartic. Large adults attain a winter weight in excess of 340 kg. From June through September the adults weight 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 demersal 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.

REFERENCES

Alaska Department of Fish and Game. 1973. Marine mammal status reports. Unpublished report, Juneau, AK.

Benjaminsen, Terje. 1973. Age determination and the growth and age distribution from cementum growth layers of bearded seals at Svalbard. Fisk Dir. Ser. Havunders., 16: 159–170.

Burns, J. J. 1976. The Pacific bearded seal. Alaska Dept. Fish Game, Juneau, 66 p.

——— 1970. Remarks on the distribution and natural history of pagophilic pinnipeds in the Bering and Chukchi Seas. J. Mammal. 51:445–454.

Bychkov, V. A. 1971. Pinnipeds of the USSR. P. 59–74 In Shaposhnikov, L. K. (ed.), Review of the status of USSR Pinnipeds conservation. Min. Sel. Khoz. SSSR, Tsent. Lab. Okhr. Prir, Moscow. Transl. IPST 650946.

Fay, F. H. 1973. The role of ice in the ecology of marine mammals of the Bering Sea. Paper presented at International Symposium for Bering Sea Study, 30 Jan.–4 Feb. 1972, Hokodate, Japan. (In press.)

McLaren, I. A. 1958. Some aspects of growth and reproduction of the bearded seal, *Erignathus barbatus* (Erxleben). J. Fish. Res. Bd. Can., 15:219–227.

Popov, L. A. 1975. Status of Main Ice Forms of seals inhabitting waters of the USSR and adjacent to the Country Marine Areas. Report of Working Group III, Advisory Committee on Marine Research, Food and Agriculture Organization, United Nations, Sept. 1975, Seattle, Washington.

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 is that the Caribbean monk seal is now extinct. (Kenyon, In press.)

From the 1973 survey and from other field observations, it formerly inhabited shores and islands of the Greater Antilles, Bahamas, Yucatan Peninsula, and Florida Keys. It was reported at Serannilla Bank 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.

REFERENCES

Allen, G. M. 1942. Extinct and vanishing mammals of the western hemisphere with the marine species of all the oceans. New York, Amer. Comm. Int. Wild Life Prot., Spec. Publ. 11, 620 p.

Elliot, H. W. 1884. The monk seal of the West Indies (*Monachus tropicalis*, Gray). Science, iii, p. 752.

Gilmore, R. M. 1959. Is the West Indian seal extinct? Sea Frontier, 5(4):225–236.

Gunter, G. 1947. Sight records of the West Indian seal, *Monachus tropicalis* (Gray), from the Texas coast. J. Mammal. 28:289–290.

Kenyon, K. W. The Caribbean Monk Seal: Extinct. J. Mammal. In press.

King, Judith. 1956. The monk seals (genus *Monachus*). Bull. Brit. Mus. (Nat. Hist.) Zool. 3(5):201–256.
Rice, Dale W. 1973. Caribbean monk seal (*Monachus tropicalis*). *IUCN*, Survival Service Commission, IUCN Pub. New Series, Suppl. Pap. No. 39:99–112.
Ward, L. 1887. (*Monachus tropicalis*). Notes of its life history. Amer. Natur. xxi, p. 254–264.

HAWAIIAN MONK SEAL

(*Monachus schauinslandi*)

Distribution and Migration.—The Hawiian monk seals 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 not yet classified as endangered by the Office of Endangered species. All work seals are considered endangered by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed 3 March 1973. The International Union for Conservation of Nature and Natural Resources lists this species as vulnerable (i.e., likely to move to endangered status in the near future). Counts in the 1960's and 1970's suggest that the population is declining (Kenyon, 1973) due to human disturbance on pupping and nursing areas.

General Biology:

Species Statistics.—An adult female measures 2.3 m and her estimated weight is 273 kg. On the average, females outweigh adult males. A typical male is about 2.1 m long and weighs 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 indicate an annual reproductive rate of 15 living pups per 100 adults. About 19% of the adult females breed in successive years, and only 56% of the adult females had pups in either of two seasons.

The age at which Hawaiian monks 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. A cooperative study under direction of the NMFS will begin in 1976, and include the small populations on Midway and Kure Islands.

REFERENCES

Kenyon, K. W. 1972. Man versus the monk seal. J. Mammal. 53:687–696.
——— 1973. Hawaiian monk seal (*Monachus schauinslandi*). IUGN, Survival Service Commission, IUCN Pub. New Series, Supple. paper No. 39:88–97.
Kenyon, Karl W., and Clifford H. Fiscus. 1963. Age determination in the Hawaiian monk seal. J. Mammal., 44(2):280–282.
Kenyon, K. W., and D. W. Rice. 1959. Life history of the Hawaiian monk seal. Pac. Sci. 13:215–252.
King, J. E. 1956. The monk seals (genus *Monachus*). Bull. Brit. Mus. (Nat. Hist.), 3(5):210–256, 8 pls.
Rice, D. W. 1960. Population dynamics of the Hawaiian monk seal. J. Mammal. 41:376–385.
——— 1964. The Hawaiian monk seal, rare mammal surveys in Leeward Islands. Natur. Hist. 73(2):48–55.
Scheffer, V. B. 1958. Seals, Sea lions, and walruses; a review of the Pinnipedia. Stanford Univ. Press, 179 p. + 32 pls.
Tomich, P. Quentin. 1969. Mammals in Hawaii. Bernice P. Bishop Museum Spec. Pub. 57, Bishop Museum Press, Honolulu, Hawaii, 238 pp.
Wirtz, W. O., II. 1968. Reproduction, growth and development, and juvenile mortality in the Hawaiian monk seal. J. Mammal., 49:229–238.

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. Part of the population 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. Gilbert (1974) is in general agreement with Laws and provides an estimate of 15,000,000.

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 indicate 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.

REFERENCES

Bertram, G. C. L. 1940. The biology of the Weddell and crabeater seal. Sci. Rep. Brit. Graham Land Exped. 1934–37, 1:1–39.
Ecklund, C., and E. A. Atwood. 1961. A population study of Antarctic seals. J. Mammal. 43:229–238.
Erickson, Albert W., and Robert J. Hofman. 1974. Antarctic seals. In Antarctic Mammals, Antarctic map folio series, Folio 18, Amer. Geogr. Soc., pp. 4–13.
Erickson, A. W., D. B. Siniff, D. R. Cline, and R. J. Hofman. 1971. Distributional ecology of Antarctic seals. P. 55–75 In Symposim on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).
Gilbert, J. R. 1974. Abundance and distribution of seals in Antarctic pack ice. Ph.D. Dissertation, University of Idaho.
Laws, R. M. 1972. Seals and birds killed and captured in the Antarctic Treaty area, 1964–1969. The Polar Record, 16(101):303–364.
——— 1973. The current status of seals in the Southern Hemisphere. IUNC, Survival Service Commission, IUNC Pub. New Series, Supple. Pap. No. 39:141–161.
Laws, R. M., and R. J. F. Taylor. 1957. A mass dying of crabeater seals, *Lobodon carcinophagus* (Gray) Proc. Zool. Soc. London, 129:315–324.
Oritsland, Torger. 1970. Biology and population dynamics of Antarctic seals. P. 361–366 In Holdgate, M. W. (ed.), Antarctic Ecology 1:1–604.

——— 1970. Sealing and seal research in the southwest Atlantic, September–October 1964. P. 367–367 In Holdgate, M. W. (ed.), Antarctic Ecology 1:1–604.
Scheffer, V. B. 1958. Seals, sea lions, and walrus; a review of the Pinnipedia. Stanford Univ. Press, 179 p. plus 32 pls.
Seals, U. S., A. W. Erickson, D. B. Siniff, and R. J. Hofman, 1971. Biochemical, population genetic, phylogenetic and cytological studies of Antarctic seal species. P. 77–95 In Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).
Siniff, D. B., D. R. Cline, and A. W. Erickson, 1970. Population densities of seals in the Weddell Sea, Antarctic, in 1968. P. 377–394 In Holdgate, M. W. (ed.), Antarctic Ecology, 1, Academic Press, London.

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 population 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 weigh 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 (Gronlands Fishkeriundersogelser), Norway (Fishkeridirektoratets Havforsknings Institutt), and the Soviet Union (VNIRO).

REFERENCES

King, J. E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.) London, 154 p.
Mansfield, A. W. 1967. Seals of arctic and eastern Canada, 2d ed. (revised). Fish. Res. Bd. Can. Bull. 137, 30 p.
Popov, L. A. 1967. Modern marine animal hunting industry of the North Atlantic Seas. Problemy Severa (11):160–165.
Rasmussen, B. 1960. Om Klappmyssbestanden i det nordlige Atlanterhav (On the stock of hood seals in the North Atlantic). Fisken og Havet (Bergen), No. 1, 23 p. Fish Res. Bd. Can. Transl. Series No. 387.
——— 1962. Klappmyssen aldersfordeling i Danmarkstredet. Fiskets Gang (Bergen), No. 5.
Scheffer, V. B. Seals, sea lions, and walruses; a review of the Pinnipedia. Stanford Univ. Press, Stanford, Calif.
Sergeant, D. E. 1965. Exploitation and conservation of harp and hood seals. Polar Record 12(80):541–551.
——— 1974. A rediscovered whelping population of hooded seals, *Cystophora cristata* Erxleben and its possible relationship to other populations. Polarforschung, 44, Nv. 1:1–7.

LEOPARD SEAL

(*Hydrurga leptonyx*)

Distribution and Migration.—Leopard seals are circumpolar in Antarctic pack ice and in southern temperature 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 100–300,000. 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 Antarctic 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 500kg 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 other seals, euphausids, penguins, whale carcasses, fish and squid.

Parasites and Diseases.—Leopard seals suffer from diseased teeth, tumors, bony nodules in nasal passages, and stomach carcinomas.

Ecological Problems.—Kill harvest could have deleterous effect upon population size.

Allocation Problems.—None known.

Current Research.—The University of Minnesota is studying population dynamics of Antarctic seals.

REFERENCES

Bonner, W. N., and R. M. Laws. 1964. Seals and sealing. In Antarctic Research: a review of British scientific achievement in Antarctica: 163–190. R. Priestly, R. S. Adie, and G. de Q. Robin (eds.), London, Butterworths.
Brown, K. G. 1957. The leopard seal at Heard Island, 1951–54. A.N.A.R.E. Interim Rep. No. 16:1–34.
Erickson, Albert W., and Robert J. Hofman. 1974. Antarctic seals. In Antarctic Mammals, Antarctic map folio series, Folio 18, Amer. Geogr. Soc., pp. 4–13.
Erickson, A. W., D. B. Siniff, D. R. Cline, and P. J. Hofman. 1971. Distributional ecology of Antarctic seals. P. 55–75 In Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).
Laws, R. M. 1964. Comparative biology of Antarctic seals. P. 445–457. In Carrick, R., M. Holdgate, and J. Prevost (eds.), Biologie Antarctique-Antarctic Biology, Herman, Paris.
——— 1972. Seals and birds killed and captured in the Antarctic Treaty Area, 1964–1969. The Polar Record 16(101):343–364.
——— 1973. The current status of seals in the Southern Hemisphere. IUCN, Survival Service Commission, IUCN Pub. New Series, Supple. Pap. No. 39:144–161.
Oritsland, Torger. 1970. Biology and population dynamics of Antarctic seals. P. 361–366. In Holdgate, M. W. (ed), Antarctic ecology, 1.
Scheffer, V. B. 1958. Seals, sea lions, and walruses; a review of the Pinnipedia. Stanford Univ. Press, 179 p. +32 pls.
Seal, U. S., A. W. Erickson, D. B. Siniff, and R. J. Hofman. 1971. Biochemical, population genetic, phylogenetic and cytological studies of Antarctic seal species. P. 77–95. In Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

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 lit-

toral 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, by Laws (1973). Recent investigations (Erickson and Hofman, 1974) suggest a total population in excess of 756,000. Gilbert (1974) estimated 730,000 in pack ice alone (excluding animals in shore fast ice).

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; 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.—Local populations are discrete breeding units which could be eliminated by oil slicks.

Allocation Problems.—None known.

Current Research.—The University of Minnesota is studying population dynamics of Antarctic seals.

REFERENCES

Bertram, G. C. L. 1940. The biology of the Weddell and crabeater seals. Sci. Rep. Brit. Graham Land Exped. 1934–37, 1:1–319.

Dearborn, J. H. 1965. Food and Weddell seals at McMurdo Sound, Antarctica. J. Mammal. 46:37–43.

Eklund, C., and E. A. Atwood. 1962. A population study of Antarctic seals. J. Mammal. 43:229–238.

Erickson, A. W., D. B. Siniff, D. R. Cline, and R. J. Hofman. 1971. Distributional ecology of Antarctic seals. P. 55–75 In Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

Erickson, Albert W., and Robert J. Hofman. 1974. Antarctic seals In Antarctic Mammals, Antarctic map folio series, Folio 18, Amer. Geogr. Soc., pp. 4–13.

Gilbert, J. R. 1974. The biology and distribution of seals in Antarctic pack ice. Ph.D. Dissertation, University of Idaho.

Kaufmann, G. D., D. B. Siniff, and R. Reichle. 1972. Colony behavior of Weddell seals, *Leptonychotes weddelli*, at Hutton Cliffs, Antarctic. In Symposium on the biology of the seal, Guelph, Ontario, August 14–17, 1972.

Laws, R. M. 1972. Seals and birds killed and captured in the Antarctic Treaty area, 1964–60. The Polar Record, 16(101):343–364.

Laws, R. M. 1973. The current status of seals in the Southern Hemisphere. IUCN/SSC Working Group on Threatened and Depleted Seals of the World. Guelph, Ontario, August 1972.

Mansfield, A. W. 1958. The breeding behavior and reproductive cycle of the Weddell seal (*Leptonychotes weddelli* Lesson). Falkland Islands Dep. Surv., Sci. Rep. 18:1–41.

Scheffer, V. B. 1958. Seals, sea lions and walruses; a review of the Pinnipedia. Stanford Univ. Press, 179 p. +32 pls.

Siniff, D. B., D. R. Cline, and A. W. Erickson. 1970. Population densities of seals in the Weddell Sea, Antarctica, in 1968. p. 377–394 In Holdgate, M. W. (ed.), Antarctic Ecology, 1:1–604.

Siniff, D. B., J. R. Tester, and V. B. Kuechle. 1971. Some observations on the activity patterns of Weddell seals as recorded by telemetry. P. 173–180 In Burt., W. H. (ed.), Antarctic Pinnipedia, Antarctic Research Series, 18.

Stirling, I. 1971. Population dynamics of the Weddell seal (*Leptonychotes weddelli*) in McMurdo Sound, Antarctica, 1966–68. P. 141–167 In Burt, W. H. (ed.), Antarctic Pinnipedia, Antarctic Research Series, 18.

SOUTHERN ELEPHANT SEAL

(Mirounga leonina)

Distribution and Migration.—The southern elephant seal is circumpolar on subantarctic islands, south to the ice edge of 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.

REFERENCES

Carrick, R., and S. E. Ingham. 1962. Studies on the southern elephant seal. Pt. 5, Population dynamics and utilization. Commonwealth Sci. Ind. Res. Org. (CSIRO) Wildl. Res., 7:161–197.

Cline, D. R., A. W. Erickson, and R. J. Hofman. 1970. Elephant seal in the Weddell Sea. J. Mammal., 51:204.

Erickson, Albert W., and Robert J. Hofman. 1974. Antarctic seals. In Antarctic Mammals, Antarctic Map Folio Series, Folio 18, Amer. Geog. Soc., pp. 4–13.

King, J. E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.

Laws, R. M. 1953. The elephant seal (*Mirounga leonina*, Linn.). I. Age and growth. Falkland Islands Dep. Surv. Sci. Rep. 8, 62 p.

——— 1956. The elephant seal (*Mirounga leonina, Linn.*). II. General social, reproductive behavior. Falkland Islands Dep. Surv. Sci. Rep. 13, 88 p.

——— 1956. The elephant seal (*Mirounga leonina*, Linn.). III. The physiology of reproduction. Falkland Islands Dep. Surv., Sci. Rep. 15, 66 p.
——— 1960. The southern elephant seal (*Mirounga leonina*, Linn.) at South Georgia. Norsk Hvalfangst-Tid. 49)10; 11):466–476, 520–542.
——— 1972. Seals and birds killed and captured in the Antarctic Treaty area, 1964–69. The Polar Record, 16(101):343–364.
——— 1973. The current status of seals in the Southern Hemisphere. IUCN, Survival Service Commission, IUCN, New Pub. Ser., Supple. Pap. No. 39:144–161.

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 Ano 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 (Bartholomew 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 in San Miguel Island, where Johnson and DeLong (pers. comm.) suggest the population is increasing. 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 adults 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 reutrn.

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 at 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.—Not known.

Current Research.—Scientists from the University of California at Santa Cruz, California, are studying this species.

REFERENCES

Anthony, A. W. 1925. Expedition to Guadalupe Island, Mexico in 1922. Calif. Acad. Sci., fourth series, 4(13):277–320.
Bartholomew, G. A. 1952. Reproductive and social behavior of the northern elephant seal. Univ. Calif. Publ. Zool. 47(15):369–471, pls. 38–57, 2 figs.
——— 1967. Seal and sea lion populations of the California Islands. P. 229–244 In Philbrick, R. N. (ed.) Proceedings of the Symposium on the Biology of the California Islands. Santa Barbara Botanic Garden.
Bartholomew, G. A., and C. L. Hubbs. 1960. Population growth and seasonal movements of the northern elephant seal, *Mirounga angustirostris* Mammalia 24:313–324.
Brownell, Robert L., Jr., R. L. DeLong, and R. W. Schreiber. 1974. Pinniped populations at Islas de Guadalupe, San Benito, Cedros, and Natividad, Baja California, in 1968. Jour. Mammal., 55(2):469–472.
Carlisle, John G., Jr. 1973. The census of northern elephant seals on San Miguel Island, 1965–73. Calif. Fish Games, 50(4): 311–313.
Carlisle, John G., and J. A. Aplin. 1971. Sea lion census for 1970, including counts of other California pinnipeds. Calif. Fish Game, 57:124–126.
Daugherty, Anita E. 1965. Marine Mammals of California. Calif. Dept. Fish Game, Sacramento, Calif. 86 p.
Huey, L. M. 1930. Capture of an elephant seal off San Diego, Calif., with notes on stomach contents. J. Mammal. 11: 229–230.
King, J. E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.
LeBoeuf, Burney J. 1972. Sexual behavior in the northern elephant seal, *Mirounga angustirostris*. Behavior 41(1–2):1–26.
Morejohn, G. Victor, and Donald M. Baltz. 1970. Contents of the stomach of an elephant seal. Jour. Mammal., 51(1):173–174.
Odell, Daniel K. 1974. Seasonal occurrence of the northern elephant seal, *Mirounga angustirostris*, on San Nicolas Island, California. Jour. Mammal. 55(1): 81–95.
——— 1972. Studies on the biology of the California sea lion and the northern elephant seal on San Nicolas Island, Calif. Ph.D. thesis, Univ. Calif., Los Angeles, 168 p.
Peterson, R. S., and B. J. LeBoeuf, 1969. Population study of seals and sea lions. Trans. 34th N. Amer. Wildl. Nat. Res. Conf., p. 74–79.
Radford, K. W., R. T. Orr, and C. L. Hubbs. 1965. Reestablishment of the northern elephant seal (*Mirounga angustirostris*) off central California. Proc. Calif. Acad. Sci. 4th series, 31(22): 601–612, 6 figs.
Rice, D. W., K. W. Kenyon, and D. Lluch-B. 1965. Pinniped populations at Islas Guadalupe, San Benito, and Cedros, Baja California, in 1965. Trans. San Diego Soc. Nat. Hist. 14(7): 73–84.
Scammon, C. M. 1874. The marine mammals of the northwestern coast of North America. John H. Carmany and Co., San Francisco, California. 319 p.
Scheffer, V. B. 1965. Deep diving of elephant seals. Murrelet 45(1): 9.
Townsend, C. H. 1912. The northern elephant seal. Zool. 1:159–173.

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 recent estimates of population size are: greater than 100,000 (Hofman et al., 1973) and 220,000 (Gilbert, 1974).

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.

REFERENCES

Eklund, D., and E. A. Atwood. 1962. A population study of Antarctic seals. J. Mammal. 43:229–238.

Erickson, Albert W., and Robert J. Hofman. 1974. Antarctic Seals. *In* Antarctic mammals, Antarctic map folio series, Folio 18, Amer. Geogr. Soc., pp. 4–13.

Erickson, A. W., D. B. Siniff, D. R. Cline, and R. J. Hofman. 1971. Distributional ecology of Antarctic seals. P. 55–75. In Symposium on Antarctic Ice and Water Masses, Tokyo, Japan, 19 Sept. 1970, Sir George Deacon (ed.).

Gilbert, J. R. 1974. The biology and distribution of seals in Antarctic pack ice. Ph.D. Dissertation, University of Idaho.

Hofman, R., A. Erickson, and D. Siniff. 1973. The Ross seal (*Ommatophoca rossi*). IUCN, Survival Service Commission, IUCN Pub. New. Serv., Supple. Pap. No. 39:129–139.

King, J. E. 1964. Seals of the world. Brit. Mus. (Nat. Hist.), London, 154 p.

Laws, R. M. 1964. Comparative biology of Antarctic seals. P. 445–457. In Carrick, R., M. Holdgate, and J. Prevost (eds.), Biologie Antarctique-Antarctic Biology, Hermann, Paris.

Laws, R. M. 1972. Seals and birds killed and captured in the Antarctic Treaty area, 1964–69. The Polar Record, 16(101):343–364.

Oritsland, T. 1970. Biology and population dynamics of Antarctic seals. P. 361–366 In Holdgate, M. W. (ed.), Antarctic ecology, 1.

Scheffer, V. B. 1958. Seals, sea lions, and walrus; a review of the Pinnipedia. Stanford Univ. Press, 179 p. +32 pls.

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 220 (Wada, 1975). North Atlantic Ocean—no estimate; Southern Hemisphere—about 3,200 (Masaki, 1975).

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. Observers aboard whaling and research vessels record sightings of right whales and routinely report them to the International Whaling Commission.

REFERENCES

Best, P. B. 1970. Exploitation and recovery of right whales *Eubalaena australis* off the Cape Province. S. Afr. Div. Sea Fish., Invest. Rep. 80:1–20.

Cummings, W. C., J. F. Fish, and P. O. Thompson, 1972. Sound production and other behavior of southern right whales, *Eubalaena glacialis*. Trans. San Diego Soc. Nat. Hist. 17(1):1–13.

Masaki, Y. 1975. Japanese pelagic whaling and sighting in the Antarctic, 1974/75. Unpublished report submitted to Scientific Committee, International Whaling Commission.

Omura, H. S. Ohsumi, T. Nemoto, K. Nasu, and T. Kasuya. 1969. Black right whales in the North Pacific Sci. Rep. Whales Res. Inst. 21:1–78.

Wada, S. 1975. Indices of abundance of large-sized whales in the North Pacific in 1974 whaling season. Unpublished report submitted to Scientific Committee, International Whaling Commission.

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.

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 Wilimovsky, 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.). The stocks in the Spitzbergen area and the Okhotsk Sea are nearly extinct, but there have been a few sightings in these areas in recent years.

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 euphausiids 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.

REFERENCES

Breummer, Fred. 1971. Whalers of the North. Beaver, 302(3):44–45.

Davidson, Art. No date. Eskimo hunting of bowhead whales. Rural Alaska Comm. Action Program, Anchorage, AK. 37 p.
Fiscus, Clifford H., and William M. Marquette. 1975. National Marine Fisheries Service field studies relating to the bowhead whale harvest in Alaska, 1974. National Marine Fisheries Service, Northwest Fisheries Center, Seattle, Washington, 98112, 23 pp. (Processed.)
Mansfield, A. W. 1971. Occurrence of the bowhead or Greenland right whale (*Balaena mysticetus*) in Canadian arctic waters. J. Fish. Res. Bd. Can. 28:1873–1875.
Mansfield, A. W., D. E. Sergeant, and T. G. Smith. 1975. Marine mammal research in the Canadian Arctic. Dept. of the Environ., Fish. and Mar. Serv., Tech. Rep. No. 507:23 pp.
Maher, W. J., and N. J. Willimovsky. 1963. Annual catch of bowhead whales by Eskimos at Pt. Barrow, Alaska, 1928–1960. J. Mammal. 44:16–20.
Ross, W. G., 1974. Distribution, migration, and depletion of bowhead whales in Hudson Bay, 1860–1915. Arct. Alp. Res. 6(1): 85–98.
Scammon, C. M. 1874. Marine mammals of the northwestern coast of North America: together with an account of the American whale fishery, J. H. Carmany and Co., San Francisco, 319 p.
Sonnefeld, J. 1960. Changes in an Eskimo hunting technology, an introduction to implement geography. Ass. Amer. Geogr. Ann. 50(2):172.
Tomilin, A. G. 1957. Zverii SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the USSR and adjacent countries. Vol. IX Cetacea.) Moscow, Akad. Nauk. SSSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii plus 717 p.)

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). An average of about 160 gray whales are killed each year in a subsistence fishery on the Chukotski Peninsula of Siberia. In Alaska, no more than 5 per year have been taken by Eskimos in recent years.

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, but it appears to be nearly extinct.

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 11.3 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 Scammons Lagoon.

These activities have generated a problem of increasing harassment of the whales. In 1972, the Mexican Government declared Scammons Lagoon a whale refuge, so the activities of the cruise boats are now partly regulated.

Allocation problems.—None known.

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.

REFERENCES

Evans, W. E. (ed.). 1974. The California gray whale. Mar. Fish Rev., 36(4):1–64.
Henderson, D. A. 1972. Men and whales at Scammon's Lagoon. Dawson's Book Shop, Los Angeles, 313 p.
Rice, D. W., and A. A. Wolman. 1971. Life history and ecology of the gray whale (*Eschrichtius robustus*). Amer. Soc. Mammal. Spec. Publ. 3:1–142.
Wolman, A. A., and A. J. Wilson, Jr. 1970. Occurrence of pesticides in whales. Pest. Monit. J., 4(1):8–10.

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 within 2 degrees of the equator 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 south at least to the Bahamas during the winter.

Abundance and Trends.—The exploitable population in the Southern Hemisphere originally numbered about 140 thousand, and currently numbers about 122 thousand. For the North Atlantic there is no estimate of the original population, but the present population is about 80 thousand. No estimates are available for the North Pacific.

The minke whale has long been an important species in the "small whale" fisheries of the world. In 1974, catches were over 10,875, distributed as follows:

North Atlantic	1,906
Japan	372
Korea	(1)
Brazil	765
West Africa	2
South Africa	117
Antarctic	7,713

[1] No data.

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 euphausiids, but also takes some small fishes. In the Northern Hemisphere, it attains sexual 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.

REFERENCES

Jonsgard, A. 1951. Studies on the little piked whale or minke whale (*Balaenoptera acutorostrata*, Lacepede). Norsk Hvalfangst-Tid. 40(5): 209–232.
——— 1962. Population studies on the minke whale, *Balaenoptera acutorostrata* Lacepede, p. 158–167 In LeCren, E. D., and M. W. Holdgate (eds.). The exploitation of natural animal populations. Blackwell Sci. Publ., Oxford.
Mitchell, E., and V. M. Koziki. 1975. Supplementary information on minke whale (*Balaenoptera acutorostrata*) from Newfoundland fishery. J. Fish. Res. Bd. Can. 32: 985–994.
Ohsumi, S., and Y. Masaki. 1975. Biological parameters of the Antarctic minke whale at the virginal population level. J. Fish. Res. Bd. Can. 32: 995–1004.

Ohsumi, S., Y. Masaki, and A. Kawamura. 1970. Stocks of the Antarctic minke whale. Sci. Rep. Whales Res. Inst. 22: 75–126.
Omura, H., and H. Sakiura. 1956. Studies on the little piked whale from the coast of Japan. Sci. Rep. Whales Res. Inst., 11: 1–39.
Sergeant, D. 1963. Minke whales, *Balaenoptera acutorostrata* Lacepede, of the western North Atlantic. J. Fish. Res. Bd. Can. 20: 1489–1504.
Williamson, G. R. 1975. Minke whales off Brazil. Sci. Rep. Whales Res. Inst. 27:37–59.

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 Persion 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 population in the western Pacific, north of 30° lat., numbers between 20,000 and 30,000, and has not yet been significantly reduced by whaling (Ohsumi, 1974). No estimates are available of population sizes elsewhere in the world. The Bryde's whale has been 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 pelagic expenditions in the western North Pacific Ocean, as these expeditions have shifted operations more to the south.

In 1974, 1,363 were killed there—1,176 by Japanese and Soviet pelagic expeditions, and 187 by Japanese shore stations. The only ones reported taken in the Southern Hemisphere were nine taken by the shore station at Durban, South Africa. However, it is believed that most of the 449 "sei" whales taken by the combination catcher-boat/factory-ship *Sierra* (registered in Somalia) off Angola were actually Bryde's whales.

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 than 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.

REFERENCES

Mead, J. G. 1974. Record of sei and Bryde's whale from the Atlantic coast of the United States, the Gulf of Mexico, and the Caribbean. Unpublished report submitted to Scientific Committee, International Whaling Commission.
Ohsumi, S. 1974. Bryde's whale in the pelagic whaling ground of the North Pacific. Unpublished report submitted to Scientific Committee, International Whaling Commission.
Ohsumi, S., Y. Shimadzu, and T. Doi. 1971. The seventh memorandum on the results of Japanese stock assessment of whales in the North Pacific. Rep. Int. Comm. Whaling, 21:76–89.
Omura, H. 1959. Bryde's whale from the coast of Japan. Sci. Rep. Whales Res. Inst. 14:1–33.
——— 1962. Further information on Bryde's whale from the coast of Japan. Sci. Rep. Whales Res. Inst. 16:7–18.
——— 1966. Bryde's whale in the northwest Pacific, p. 70–78. In K. S. Norris (editor), Whales, dolphins, and porpoises. Univ. of California Press, Berkeley and Los Angeles.

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. It winters at low altitudes. 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. The number of sexually mature animals originally numbered about 204 thousand (excluding the North Atlantic, for which no estimates are available), and has now been reduced to about 98 thousand, distributed my major ocean areas as follows:

Ocean	Original population	Current population
North Atlantic	[1]	[1]
North Pacific	42,000	9,000
Southern Ocean	162,000	89,000

[1] No data.

Inclusion of sexually immature whales would increase these estimates by roughly 50 percent. 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 2]	Southern land stations
1969	5,158	222	5,857	[3] 824
1970	4,504	551	6,153	138
1971	2,993	475	5,452	446
1972	2,327	315	3,864	9
1973	1,856	139	4,392	30
1974	1,280	[4] 9	3,859	[5] 7

[1] Southern oceans catches are for the seasons 1969–70, 1970–71, 1971–72, 1972–73, respectively.
[2] Does not include 490 taken in South Atlantic Ocean by a pirate combined catcher/factory vessel.
[3] No information from Brazil and Chile in 1969.
[4] No data from Spain, Azores, or Madeira.
[5] No data from Chile.

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.

REFERENCES

Bannister, J. L., and R. Gambell. 1965. The succession and abundance of fin, sei, and other whales off Durban Norsk Hvalfangst Tid., 54(3):45–60.

Gambell, R. 1968. Seasonal cycles and reproduction in sei whales of the Southern Hemisphere. Disc. Rep. 35:31–134.

International Commission on Whaling. 1973. Twenty-third report of the Commission. 1972. Twenty-second report of the Comm.

Klumov, S. K. 1961. Plankton and the feeding of the whalebone whales (Mystacoceti). Geiken Tsushin, 129(1962):1–12.

Matthews, L. H. 1938. The sei whale, *Balaenoptera borealis*. Disc. Rep. 17:183–290.

Omura, H., and T. Nemoto. 1955. Sei whales in the adjacent waters of Japan. Sci. Rep. Whales Res. Inst. 10:79–87.

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 within 8 degrees of the equator during the winter.

In the western North Atlantic Ocean, they range from Davis Strait south to the Gulf of St. Lawrence during the summer and spend the winter in the waters east of the West Indies.

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 1,700 individuals (Wada, 1975). This species apparently has been slowly increasing since 1956, the year it was first given complete protection.

The population in the western North Atlantic (off eastern Canada), which originally numbered about 1,100 (Allen, 1970), now numbers only a few hundred. 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. The present population is estimated at about 9,000, half of which are pygmy blue whales (Masaki, 1975).

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 back 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 averages 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 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.

REFERENCES

Allen, K. R. 1970. A note on baleen whale stocks of the northwest Atlantic. Rep. Int. Comm. Whaling, 20:112–113.

Chapman, D. G., K. R. Allen, and S. J. Holt. 1964. Reports of the Committee of Three Scientists on the special scientific investigation of the Antarctic whale stocks. Rep. Int. Comm. Whaling, 14:32–106.

Gulland, John. 1972. Future of the blue whale. New Scientist, 27 April, p. 198–199.

Jonsgard, A. 1955. The stocks of blue whales (*Balaenoptera musculus*) in the North Atlantic Ocean and adjacent Arctic waters. Norsk Hvalfanst-Tid. 44(9):505–519.

Mackintosh, N. A., and J. F. G. Wheeler. 1929. Southern blue and fin whales. Disc. Rep. 1:257–540. 15 pls, 157 figs.

Masaki, Y. 1975. Japanese pelagic whaling and sighting in the Antarctic, 1974/75. Unpublished report submitted to Scientific Committee, International Whaling Commission.

Ohsumi, S., and S. Wada. 1972. Stock assessment of blue whales in the North Pacific Unpublished report submitted to Scientific Committee, International Whaling Commission.

Wada, S. 1975. Indices of abundance of large-sized whales in the North Pacific in 1974 whaling season. Unpublished report submitted to Scientific Committee, International Whaling Commission.

FIN WHALE

(Balaenoptera physalus)

Distribution and Migration.—The fin whale is worldwide in distribution. In the eastern North Pacific it summers from California into the Chukchi Sea, and in the North Atlantic from Cape 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. The stocks available for commercial harvest originally numbered about 470 thousand, but have now been reduced to about 107 thousand. These are distributed by major ocean areas as follows:

Ocean	Original population	Current population
North Atlantic	25,000	10,000
North Pacific	44,000	17,000
Southern Ocean	400,000	80,000

Inclusion of immature whales shorter than the legal length limit would increase these estimates by roughly 50 percent. 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	132
1971	802	663	2,683	40
1972	758	598	1,761	51
1973	460	342	1,288	52
1974	413	[3] 285	979	21

[1] Southern ocean catches are for the seasons 1969–70, through 1974–75.
[2] No information from Brazil and Chile.
[3] No data from Spain, Azores, or Madeira.

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 claves 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).

REFERENCES

International Commission on Whaling. 1973. Twenty-third report of the Commission. ——— 1972. Twenty-second report of the Commission.
Jonsgard, A. 1966. Biology of the North Atlantic fin whale *Balaenoptera physalus* (L.): taxonomy, distribution, migration and food. Hvalradets Skr. 49:1–62.
Laws, R. M. 1961. Reproduction, growth and age of southern fin whales. Disc. Rep. 31:327–486.
Mackintosh, N. A., and J. F. G. Wheeler. 1929. Southern blue and fin whales. Disc. Rep. 1:257–540.
Mitchell, Edward. 1975. Present status of Northwest Atlantic fin and other whale stocks, pp. 108–169. In W. E. Schevill (editor) The Whale Problem. Harvard Univ. Press, Cambridge, Mass.
Ohsumi, S., M. Nishiwaki, and T. Hibiya. 1958. Growth of fin whale in the northern Pacific. Sci. Rep. Whales Res. Inst. 13:97–133.

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 2,500 individuals (Wada, 1975). A summer resident population of about 60 animals occupies the inside waters of Southeastern Alaska. 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 about 1,000 animals (Winn, Edel, and Taruski, 1975). 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 2,500 individuals (Masaki, 1975). 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. The National Marine Fisheries Service is conducting research on the summer grounds in southeastern Alaska and the winter grounds around the Hawaiian Islands.

REFERENCES

Allen, K. R. 1970. A note on baleen whale stocks of the Northwest Atlantic. Rep. Int. Comm. Whaling, 20:112–113.
Chapman, D. G. In press. Status of research and baleen whale stocks in the Antarctic. Presented at IBP Conference on the Biology of Whales, Luray, Virginia, June 1971.
Chittleborough, R. G. 1965. Dynamics of two populations of the humpback whale, *Megaptera novaeangliae* (Borowski). Austr. J. Mar. Freshw. Res. 16: 33–128.
Masaki, Y. 1975. Japanese pelagic whaling and sighting in the Antarctic, 1974/75. Unpublished report submitted to Scientific Committee, International Commission.
Nishiwaki, M. 1959. Humpback whales in Ryukyuan waters. Sci. Rep. Whales Res. Inst. 14:49–87.
Wada, S. 1975. Indices of abundance of large-sized whales in the North Pacific in 1974 whaling season. Unpublished report submitted to Scientific Committee, International Whaling Commission.
Winn, H. E., R. K. Edel, and A. G. Taruski. 1975. Population estimate of the humpback whale (*Megaptera novaeangliae*) in the West Indies by visual and acoustic means. J. Fish. Res. Bd. Can. 32:499–506.

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 in the eastern Pacific from standings 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 had 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.

REFERENCES

Dohl, T. P., K. S. Norris, and I King. 1974. A porpoise hybrid: *Tursiops x Steno*. J. Mamm. 55(1):217–221.
NOAA. 1972. Observation on the status of stocks and a recommended program to reduce the incidental kill of porpoise taken in the eastern tropical Pacific tuna seine fishery. Report of the NOAA Tuna-Porpoise Review Committee, 63 p.
Norris, K. S., and J. H. Prescott. 1961. Observations on Pacific cetaceans of California and Mexican waters. Univ. of Calif. Publications in Zoology. Univ. of Calif. Press, Berkeley and Los Angeles. 63:4,291–402, pl. 27–41, 12 figs. in text.
Ohsumi, S. 1972. Catch of marine mammals, mainly of small cetaceans by local fisheries along the coast of Japan. Bull. of Far Seas Fish. Res. Lab. No. 7:137–166.
Perrin, W. F., and W. A. Walker. (In press). The rough-toothed porpoise, *Steno bredanensis*, in the eastern tropical Pacific. J. Mammalogy.
Pryor, K. W., R. Haag, and J. O'Reilly. 1969. The creative porpoise: training for novel behavior. J. Exp. Anal. Behav. 12(4):653–661.

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 North Atlantic, it ranges at least as far north as Nova Scotia and southern Greenland but is best known from New England southward to Florida, westward throughout the Gulf of Mexico and thence throughout the West Indies and Caribbean to Venezuela. From about North Carolina northward this species begins to distribute offshore, and southward its members are nearshore, riverine and estuarine with far fewer distributed to the edge of the Continental Shelf. In the eastern Atlantic, it is found from the northeast Scandinavian coast to South Africa. In the eastern north Pacific it infrequently occurs in offshore currents, perhaps as far north as southern Oregon, but is far more common south of Point Conception, where individuals may be encountered primarily within the coastal zone but also less frequently on the continental slope and beyond. The species is probably continuous to central 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." Subjective impressions and limited data from regional surveys and radio and static tagging programs suggest that populations are localized within about a 100-mile radius and that this species does not make long migrations. 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 and pilot whales off the southern California coast are almost always accompanied by bottlenosed dolphins. Gray whales along southern and Baja California are also frequently accompanied by one or more *Tursiops*.

Abundance and Trends.—In 1974–1975 populations from Mobile Bay to western Louisiana alone were estimated from aerial surveys to number 3,500–10,000 animals (Leatherwood and Evans, 1976). Population estimates currently are not available for other areas.

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. Based on subjective data it is believed that local populations of the southwestern United States are not now being significantly affected by these activities (D.K. Caldwell, pers. comm.).

Small numbers are taken for food off Baja, California, and mainland Mexico, in the nets of tuna fishermen in the eastern tropical Pacific, and for aquarium display in southern California and Hawaii.

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 breedin , 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. In many areas they are catholic in their food selection, seasonally capitalizing upon the most abundant or accessible food species. They frequently feed on the by-products of human activity.

Ecological Problems.—None known.

Allocation Problems.—Some fishermen state that bottlenosed dolphins 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. As indicated in the *Tursiops truncatus* Assessment Workshop (Odell, *et. al.*, 1975), 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 communication, and ecological studies. The U.S. Fish and Wildlife Service is conducting similar detailed studies of the life history of the animals near Tampa Bay, Florida. 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. These laboratories are also assessing numbers and viability of regional stocks. Texas A&M University is conducting a detailed population study of Aransas Bay, Texas. 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.

REFERENCES

Anderson, Harald T. (ed.). 1969. The biology of marine mammals. Academic Press, New York, 511 p.

Caldwell, David K., and Melba C. Caldwell. 1972. The world of the bottlenosed dolphin. J. B. Lippincott Co., Philadelphia, 157 p.

Leatherwood, Stephen. 1975. Aerial assessment of bottlenosed dolphins off Mississippi and western Louisiana, p. 49–86. In Odell, D. K., D. B. Siniff, and G. H. Waring (ed.). Final report *Tursiops truncatus* assessment Workshop. Univ. Miami Contract Rep. UM–RSMAS–75042.

Leatherwood, Stephen. 1975. Some observations of feeding behavior of bottlenosed dolphins (*Tursiops truncatus*) in the northern Gulf of Mexico and (*Tursiops* cf *T. gilli*) off southern California, Baja California, and Nayarit, Mexico. Mar. Fish. Rev. 37(9) 10–16.

Leatherwood, Stephen, and W. E. Evans. 1976. The bottlenosed dolphin, *Tursiops truncatus:* a synoptic account of the species. In S. H. Ridgeway, Sam H. and R. Harrisson (ed.). A handbook of marine mammals of the world. New York, Academic Press (in preparation).

Leatherwood, Stephen, D. K. Caldwell, and H. E. Winn. 1976. Whales, dolphins, and porpoises of the western North Atlantic: a guide to their identification. NOAA Tech. Rep. NMFS circ. (in press).

Norris, Kenneth S. (ed.). 1966. Whales, dolphins, and porpoises. Univ. California Press. Berkeley, 789 p.

Odell, D. K., D. B. Siniff, and G. H. Waring (ed.). 1975. Final report *Tursiops truncatus* assessment workshop. Univ. Miami Contract Rep. UM–RSMAS–75041 141 p.

Ridgway, Sam H. (ed.). 1972. Mammals of the sea: biology and medicine. Charles C. Thomas, Springfield, Ill. 812 p.

Sergeant, D. E., D. K. Caldwell, and M. C. Caldwell. 1973. Age, growth, and maturity of bottlenosed dolphin (*Tursiops truncatus*) from northeast Florida. J. Fish. Res. Bd. Canada 30(7):1009–1011.

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 dur-

ing 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.—Studies of distribution and abundance in the eastern Pacific are currently underway by K. S. Norris and a group of co-workers at Univ. of Calif., Santa Cruz, and by J. S. Leatherwood of the Naval Undersea Center, C. S. Hubbs of Scripps Institution of Oceanography and the Southwest Fisheries Center.

REFERENCES

Daugherty, Anita, E. 1972. Marine mammals of California. State of Calif. Res. Agency, Dept. Fish and Game. 91 pp.

Orr, R. T. 1966. Risso's dolphin on the Pacific coast of North America. J. Mammal 47:341–343.

Tomilin, A. G. 1957. Zverii SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the USSR and adjacent countries. Vol. IX. Cetacea.) Moscow, Adak. Nauk. SSSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii plus 717 p.)

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. Mitchell (1975) summarized a small direct exploitation in Newfoundland.

General Biology.—This gregarious species grows to 3.0 m and matures at 2.0 m or larger; 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 mollusks such as 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.

REFERENCES

Fraser, F. C. 1949. Whales and dolphins. Part II In J. R. Norman and F. C. Fraser, Field book of giant fishes. P. 201–349, pls. 6–8. G. Putnam's Sons, New York.

Mitchell, E. 1975. Porpoise, dolphin and small whale fisheries of the world status and problems. Int. Union Conserv. Nat. Resour., Morges Monogr., 3:1–129.

Morzer Bruyns, Capt. W. F. J. 1971. Field Guide of Whales and Dolphins. Amsterdam, Uitgeverij tor/N. V. Uitgeverij v.h.c.a. mees. p. 258.

Nishiwaki, M. 1972. General Biology Chap. 1., p. 1–204. In: Mammals of the sea, Biology and medicine. Ed. S. H. Ridgeway. Charles Thomas, Springfield, Ill.

Tomilin, A. G. 1957. Zverii SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the USSR and adjacent countries, Vol. IX. Cetacea.) Moscow, Adak. Nauk, SSSR, 756 pp. (Transl. by IPST, Jerusalem, 1967, xxii + 717 pp.)

Van Bree, P. J. H. 1970. Uber Weisschnauzdelphine (*Lagenorhynchus albirostris*) von den deutschen Nordseekusten. Natur. and Museum 100(6):264–268.

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." It is sometimes taken in association with pilot whales in Newfoundland drive fisheries (Sergeant and Fisher, 1957).

General Biology.—This species grows to 3.0 m. Gestation is 10 months. The young are born mostly in midsummer and are about 1.0 m in length. The age of a 1.5 m animal was estimated at 3 years (Sergeant and Fisher, 1957). It feeds mostly on squid, 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.

REFERENCES

Sergeant, D. E., and H. D. Fisher. 1957. The smaller cetacea of eastern Canadian waters. J. Fish. Res. Board Can., 14:83–115.

Tomilin, A. G. 1957. Zverii SSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the USSR and adjacent countries. Vol. IX Cetacea.) Moscow, Akad. Nauk. SSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii + 717 p.)

Utrecht, W. L. van and A. M. Husson. 1968. Strandingen van Cetacea in het Voorjaar van 1967 op de Nederlandse Kusten. Lutra 10:7–17, pl. 2–4.

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 Islands 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. Small numbers, which are "resident" from Point Conception south to Cedros Island, appear to be morphologically different from northern forms (being larger and more robust). These resident stocks are supplemented in southern California and Baja California by migrants coming south and inshore migrations into Monterey Bay and the central California continental shelf also apparently occur during mid-winter.

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 files of the National Marine Fisheries Service, Seattle, the University of California, Santa Cruz, and the Naval Undersea Center, San Diego, as reported 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-side 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 dolphins and less frequently with *Grampus*. It is active day and night, frolics, follows ships, dashes across ships' bows, and oc-

casionally jumps clear of the surface. It adapts well to captivity. This dolphin feeds primarily on cephalopods and small fish such as herring, sardine, anchovy, and saury.

Ecological Problems.—None known.

Allocation Problems.—None known.

Current Research.—A study of the natural history and behavior has been fu ded by the Marine Mammal Commission.

REFERENCES

Klumov, S. K. 1959. Commercial dolphins of the far east. Pac. Sci. Res. Inst. of Fish. Scon. Oceanogr. (TINRO) Izv. Vol. LXVII. Transl. by L. V. Sagen, 1962.

Nishiwaki, N. 1972. General Biology. Chap. I pp. 1–204. In Mammals of the seal, biology and Medicine (ed.) S. H. Ridgeway.

Norris. K. S., and J. H. Prescott. 1961. Observations of Pacific cetaceans of California and Mexican waters. U. of Calif. Publ. Zool. 63(4):291–402.

Pike, G. C., and I. B. MacAskie, 1969. Marine mammals of British Columbia. Fish. Res. Bd. of Can. Bull. 171. 54 p.

Scheffer, V. B. 1950. The striped dolphin, *Lagenorhynchus obliquidens* Gill, 1865, on the coast of North America. Am. Midl. Nat. 44:750–758.

Tomilin, A. G. 1957. Zvērii SSSR i prilezhaschchikh stran. Tom 9. Kitoobraznye. (Mammals of the USSR and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk. SSSR, 756 p. Transl. by IPST, Jerusalem, 1967, xxii plus 717 p.)

GANGES RIVER DOLPHIN

(*Platanista gangetica*)

Distribution and Migration.—This species (with which the Indus dolphin, *P. minor*, was formerly thought to be identical) is confined to the Ganges-Brahmaputra river system of Inida and Bangladesh, from tidal limits to the foothills, and the Karnaphuli River, a small river that empties into the Bay of Bengal east of the mouth of the Ganges. During the summer monsoon season, these dolphins extend their distribution up stream into the smaller tributaries; during the winter dry season they retreat into the larger main streams.

Abundance and Trends.—No data are available on population size, but the species is still fairly numerous, and there is no indication that it is currently endangered. A few are captured incidentally in seines by fishermen, who attempt to release the dolphins alive.

General Biology.—Sexual maturity is attained at an average age (estimated from growth layers in the teeth) of 10 years, when females have attained a body length of 170–200 cm, and males a length of 170 cm. Physical maturity is attained at an age of about 20 years, and a body length of 250 cm for females and 200-210 cm for males. Mating is said to occur from July to September, and the single calf, 70–75 cm long, is born between April and July after an apparent gestation period of 8 to 9 months. Such a short gestation period is highly questionable, and Pilleri (1971) suggests evidence for mating in April. The calves are weaned by the beginning of the next winter. The mean interval between successive calves is at least two years. These dolphins, which are blind, feed on shrimps and mud-frequenting fishes which they apparently catch by probing about in the bottom of the rivers.

Ecological Problems.—None known.

Allocation Problems.—None at present.

Current Research.—Several field studies have recently been made by biologists from the University of Tokyo, the Bangladesh Agricultural University, and the University of Berne.

REFERENCES

Anderson, J. 1878. A monograph of the two cetacean genera *Platanista* and *Orcella*, pp 355–550. In Anatomical and Zoological Researches, Vol. 1. Bernard Quaritch, London.

Harrison, R. J. 1972. Reproduction and reproductive organs in *Platanista indi* and *Platanista gangetica*. Cetacea 4: 71–82.

Kasuya, T. 1972. Some informations on the growth of the Ganges dolphins with a comment on the Indus dolphin. Sci. Rep. Whales Res. Inst. 24: 87–108, plus 3 plates.

Kasuya, T., and A.K.M.A. Haque. 1972. Some informations on distribution and seasonal movement of the Ganges dolphin Sci. Rep. Whales. Res. Inst. 24: 109–115, plus 1 plate.

Pilleri, G. 1970. Observations on the behavior of *Platanista gangetica* in the Indus and Brahmaputra rivers. Invest. Cetacea 2: 27–60.

———1971. Observation on the copulatory behavior of the Gangetic dolphin, *Platanista gangetica*. Invest. Cetacea 3: 21–33.

INDUS RIVER DOLPHIN

(*Platanista minor*)

Distribution and Migration.—The species (which until recently was thought to be the same as the Ganges dophin, *P. gangetica*) is confined to the Indus River system of Pakistan and India. It originally occurred throughout the system from tidal limits to the foothills, but is now absent from any sectors. Its movements have been restricted by the construction of many dams ("barrages"), which have split it into several separate populations.

Abundance and Trends.—In 1974 the total population was estimated to be between 450 and 500 animals, the majority (350–400) of which inhabited the 100-mile (160 km) sector of the lower Indus between the Sukkur Barrage and Gaddu Barrage. The population appears to be decreasing at a rate of about 10 percent per year (Kasuya and Nishiwaki, 1975). These dolphins are captured with hoop nets by the local people who eat the meat and use the oil for its alleged medicinal properties.

General Biology.—Almost nothing is known of the life history and ecology of this species, but it is presumably similar to the Ganges dophin. The gestation period is said to be one year, with mating and calving occurring in March and April. The annual reproductive rate has been roughly estimated at 0.05, and the annual mortality rate at 0.16.

Ecological Problems.—The habitat has been greatly altered by the construction of barrages as part of the extensive irrigation systems in Pakistan.

Allocation Problems.—The marked lowering of the water during the dry season greatly limits the area available to the dolphins. A more economical utilization of the water for irrigation, so as to maintain water levels above a certain minimum in the reservoirs and main river channels, would benefit the dolphins.

Current Research.—Several field studies have recently been made by biologists from the University of Tokyo, the University of Berne, the California Academy of Sciences, and the International Union for the Conservation of Nature and Natural Resources.

REFERENCES

Harrison, R. J. 1972. Reproduction and reproductive organs in *Platanista indi* and *Platanista gangetica*. Invest. Cetacea 4: 71–82.

Herald, E. S., R. L. Brownell, Jr., F. L. Frye, E. J. Morris, W. E. Evans, and A. B. Scott. 1969. Blind river dolphins: first side-swimming Cetacean. Science 166(3911): 1408–1410.

Kasuya, T. 1972. Some informations on the growth of the Ganges dolphin with a comment on the Indus dolphin. Sci. Rep. Whales Res. Inst. 24:87–108, plus 3 plates.

Kasuya, T., and M. Nishiwaki. 1975. Recent status of the population of Indus dolphin. Sci. Rep. Whales Res. Inst. 27:81–94.

Pilleri, G. 1970. Observations on the behavior of *Platanista gangetica* in the Indus and Bramuputra rivers. Invest. Cetacea 2:27–60.

——— 1972. Observations carried out on the Indus dolphin *Plantanista indi* in the winter of 1972. Invest. Cetacea 4:23–29.

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.

Feed 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.

REFERENCES

Fraser, F. C. 1956. A new Sarawak dolphin. Sarawak Mus. J. 7:478–503.

Perrin, W. F., P. B. Best, W. H. Dawbin, K. C. Balcomb, R. Gambel, and G. J. B. Ross. 1973. Rediscovery of Fraser's dolphin. Sarawak Mus. J. 478–503. 241(5388):345–350.

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. Pacific 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 rages 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.—Revised extrapolation 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 3.1 and 3.5 million animals in early 1974. The final estimate of incidental kill in the international tuna fishery during 1974 was 72,000 animals, resulting in a first approximation of the annual rate of incidental mortality for the spotted dolphins available to the fishery to be between 2.1 and 2.3 percent. Revised estimates of incidental kill in previous years are 185,000 animals in 1971, 270,300 animals in 1972 and 114,000 animals in 1973. First-order estimates of the annual capacity for increase (total births minus natural deaths) are 1.4 to 4.0 percent. Another estimate of sustainable yield at present population size was calculated from the incidental kill rate, an estimate of gross annual reproduction (14.4%), and an estimate of average natural mortality in the western Pacific of the same species (8.7%), yielding an estimate of 4.4 percent. The range of estimates of incidental kill rate falls within the range of estimated sustainable yield, leading to the conclusion that the offshore stock of spotted dolphin is probably stable or increasing or decreasing at a low rate.

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) that the geographical boundaries are known and (2) that school size estimates are unbiased. 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. The preliminary estimate of predicted incidental kill in 1975 of all species is 93,000 to 214,000 animals.

General Biology.—Average length at birth is 82.5 cm. Gestation is 11.5 months. Average length at 1 year is 138 cm. Age is estimated from dentinal layers in thin sections of teeth. A two-phase Laird-Gompertz growth model has been fitted to layer-length data. Direct calibration of the dentinal layers beyond the first year (two layers) is not possible, and three alternative hypotheses are considered: (1) two layers per year, until pulp cavity occluded, (2) two layers per year in first year, and the one per year thereafter, and (3) two layers per year until puberty, and one per year thereafter. The second alternative is most probably the correct one, but reproductive parameters below are estimated in terms of layers. Breeding is diffusely seasonal, with prolonged calving seasons in spring and fall and a pronounced low in winter. A third calving season may exist in the summer. Average age at attainment of sexual maturity of males is approximately 12 layers (average length about 195 cm and average weight about 75 kg). Females attain sexual maturity on the average at about 9 layers and 181 cm. Apparently post-reproductive females are encountered in the samples. Corpora albicantia of ovulation and pregnancy persist indefinitely in the ovaries. It is not possible to distinguish between the two types of corpora. Ovulation rate changes with age, from about four per layer in very young adult females, to about one per layer in older females. The average reproductive cycles lasts 26 months and consists of 11.5 months of pregnancy, 11.2 months of lactation, and 3.3 months of "resting" (not pregnant or lactating). About 4% of lactating females are pregnant. Pregnancy rate decreases with age, from about 0.6 per year at 8 to 10 layers, to about 0.3 at 16 layers. The sex ratio in the population overall is 44.9% males and 55.1% females. Sex ratio changes with age, from near parity at birth, indicating higher mortality rates for males. Gross annual production of calves, based on age and sex structures of the sample and the estimated pregnancy rate, is 14.4% of the population per year. No evidence has been found of age or sex segregation in schooling. The estimated parameters differ in a consistent way from those estimated for a population of *Stenella attenuata* in the western Pacific, possibly reflecting the exploitation in the eastern Pacific.

Feeding Habits.—Spotted dolphins feed on small mesopelagic 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. (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.

REFERENCES

Best, P. B. 1969. A dolphin (*Stenella attenuata*) from Durban, South Africa. Ann. S. Afr. Mus. 52(5):121–135.

Caldwell, D. K., M. C. Caldwell, W. F. Rathjen, and J. R. Sullivan. 1971. Cetaceans from the Lesser Antillean Island of St. Vincent. Fish. Bull. 69(2):303–312.

Fraser, F. C. 1950. Description of a dolphin *Stenella frontalis* (Cuvier) from the coast of French Equatorial Africa. Atlantide-Report No. 1 Scientific Results of the Danish Expedition to the coasts of tropical West Africa 1945–1946. Danish Press, Copenhagen, 83 p.

Green, R. E., W. F. Perrin, and B. Petrich. 1971. The American tuna purse seine fishery. In Modern fishing gear of the world. Vol. 3. United Nations FAO, Fishing Boats, Ltd., London, 537 p.

Kasuya, T., N. Miyazaki, and W. H. Dawbin. 1974. Growth and reproduction of *Stenella attenuata* in the Pacific coast of Japan. Sci. Rep. Whales Research Inst. (Tokyo) 26:157–226.

Mizue, K., and K. Yoshida. 1962. Studies on the little-toothed whales in the West Sea area of Kyusyu. IX. About *Prodelphinus* sp., so-called "Madara Iruka" in Japan caught at Ariko Wa in Goto Is., Nagasaki Pref. Bull. Fac. Nagasaki Univ. 13:1–8.

National Oceanic and Atmospheric Administration. 1972. Report of the NOAA Tuna-Porpoise Review Committee. Processed report, 63 p.

National Oceanic and Atmospheric Administration. 1975. Progress of research on porpoise mortality incidental to tuna purse-seine fishing for fiscal year 1975. Southwest Fisheries Center Administrative Report No. LJ–75–68.

Nishiwaki, M. 1966. A discussion of rarities among the smaller cetaceans caught in Japanese waters. P. 192–202 In Norris, K. S., (ed.). Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles, 789 p.

Perrin, W. F. 1969. Using porpoise to catch tuna. World Fishing, 18(6):42–45.

——— 1970. Color pattern of the eastern Pacific spotted porpoise, *Stenella graffmani* Lonnberg (Cetacea, Delphinidae). Zoologica 54(4):134–152.

——— 1975. Distribution and differentiation of population of dolphins of the genus *Stenella* in the eastern tropical Pacific. J. Fish. Res. Bd. Canada 32:1059–1067.

Perrin, W. F., T. D. Smith, and G. T. Sakagawa. 1974. Status of populations of spotted dolphin., *Stenella attenuata*, and spinner dolphin, *Stenella longirostris*, in the eastern tropical Pacific. Working document presented at meeting of Ad Hoc Consultants Group on Small Cetaceans and Sirenians (Ad Hoc Group 2), Working Party on Marine Mammals, ACMRR, FAO, La Jolla, Calif., 16–19 Dec. 1974, 22 pp. (proc.).

Perrin, W. F., R. R. Warner, C. H. Fiscus, and D. B. Holts. 1973. Stomach contents of porpoise, *Stenella spp.*, and yellowfin tuna, *Thunnus albacares*, in mixed-species aggregations. Fish. Bull. (U.S.) 71(4): 1077–1092.

ATLANTIC SPOTTED DOLPHIN

(*Stenella plagiodon*)

Distribution and Migration.—The Atlantic spotted dolphin (exact taxonomic position not yet known) is probably confined 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).

REFERENCES

Cadenat, J. 1959. Rapport sur les petits Cetaces ouest-africains. Resultats des recherches entroprises sur ces animaux jusqu'au mois des mars 1959 Bull. I.F.A.N., Ser. A 21(4):1367–1409, pls. I–XXXI.

Caldwell, David K., and Melba C. Caldwell. 1966. Observations on the distribution, coloration, behavior and audible sound production of the spotted dolphin, *Stenella plagiodon* (Cope). Los Angeles County Mus., Cont. in Sci., 104:1–28.

Caldwell, David K., and Melba C. Caldwell. 1971. Underwater pulsed sounds produced by captive spotted dolphins, *Stenella plagiodon*. Cetology, 1:1–7.

Caldwell, Melba C., David K. Caldwell, and J. Frank Miller. 1973. Statistical evidence for individual signature whistles in the spotted dolphin, *Stenella plagiodon*. Cetology, in press.

Caldwell, Melba C., Nicholas R. Hall, and David K. Caldwell. 1971. Ability of an Atlantic bottlenosed dolphin to discriminate between, and potentially identify to individual, the whistles of another species, the spotted dolphin. Cetology, 6:1–6.

Perrin, W. F. 1972. Variation and taxonomy of spotted and spinner porpoises of the eastern tropical Pacific and Hawaii. Ph.D. dissertation, Univ. Calif., Los Angeles, xxvi +590 p.

Zam, Stephen G., David K. Caldwell, and Melba C. Caldwell. 1971. Some endoparasites from small odontocete cetaceans collected in Florida and Georgia. Cetology, 2:1–11.

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.—Revised 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 stock of one of the three eastern Pacific forms, the eastern spinner, of 1.1 to 1.2 million animals. The final estimate of incidental kill in the international tuna fishery during 1974 was 21,000 animals, resulting in a first approximation of the annual rate of incidental mortality for the eastern spinner dolphins available to the fishery to be between 1.8 an 1.9 per-

cent. Estimates of incidental kill were not broken down by race for the years before 1974. Estimates of total incidental kill of all spinner dolphins in earlier years are 130,000 animals in 1971, 65,000 animals in 1972, and 72,000 animals in 1973. The predicted estimate of incidental kill of all species, including the spotted porpoise and others, for 1975 is 93,000 to 214,000 animals. Estimates of natural mortality are not available for the eastern spinner, precluding an impact assessment like that done for the spotted porpoise, but the incidental kill rate for 1974 of 1.8 to 1.9 percent is lower than that for the offshore spotted porpoise (2.1 to 2.3 percent), and if the assumption is made that the two species have similar reproductive capabilities and rates of natural mortality, it seems likely that this population, like that of the offshore spotted porpoise, is either stable or increasing or decreasing slightly.

General Biology.—Average length at birth is 75.7 cm. Gestation is 10.5 months. Average length of males at attainment of sexual maturity is 170 cm. Average length of adult males is 175.5 cm (range 160 to 192 cm). Average length of females at attainment of sexual maturity is 167 cm. Average length of adult females is 170.6 cm (range 153 to 187 cm). Approximately 1% of adult females are post-reproductive. Estimates of annual pregnancy rate range from 0.266 (based on 1973 data) to 0.437 (based on 1974 data). The pooled estimates for all years' data is 0.358. The corresponding estimates of calving interval (reciprocal of pregnancy rate) are 3.77 years, 2.29 years, and 2.80 years, respectively. Overall sex ratio is 1.02 males : 1 female. The ratio changes from 1.22:1 at birth to 0.95:1 in adult-sized animals. Estimates of gross annual reproductive rate based on the 1973 and 1974 data are 0.064 and 0.098, respectively. The estimate based on pooled data for the 2 years is 0.083.

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. 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 tnua 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.

REFERENCES

Bree, P. J. H. van. 1971. On skulls of *Stenella longirostris* (Gray 1828) from the eastern Atlantic. (Notes on Cetacea, Delphinoidea IV.) Beaufortia 19:99–105.

Fitch, J. E., and R. L. Brownell, Jr. 1968. Fish otoliths in cetacean stomachs and their importance in interpreting feeding habits. J. Fish. Res. Bd. Can. 25(12):2561–2574.

Green, R. E., W. F. Perrin, and B. Petrich. 1971. The American tuna purse seine fishery. In Modern fishing gear of the world. Vol. 3. United Nations FAO, Fishing Books, Ltd., London, 537 p.

Hester, F. J., J. R. Hunter, and R. R. Whitney. 1963. Jumping and spinning behavior in the spinner porpoise. J. Mammal. 44:586–588.

Mizue, K., K. Yoshida, and S. Sonoda. 1964. Studies on the little-toothed whales in the West Sea area of Kyusyu. X. About *Prodelphinus* sp., so-called "Hashinaga Iruka" in Japan caught in the sea area around Goto Is., Nagasaki Pref. Bull. Fac. Fish. Nagasaki Univ. 17:10–24.

Morris, R. A., and L. S. Mowbray. 1966. An unusual barnacle attachment on the teeth of the Hawaiian spinning dolphin. Norsk Hvalfangst-Tid. 55(1):15–16.

National Oceanic and Atmospheric Administration. 1972. Report of the NOAA Tuna-Porpoise Review Committee. Processed report, 63 p.

———1975. Progress of research on porpoise mortality incidental to tuna purse-seine fishing for fiscal year 1975. Southwest Fisheries Center Administrative Report No. LJ–75–68.

Perrin, W. F. 1969. Using porpoise to catch tuna. World Fishing, 18(6):42–45.

———1972. Color patterns of spinner porpoise (*Stenella* cf. *S. longirostris*) of the eastern Pacific and Hawaii, with comments on delphinid pigmentation. Fish. Bull. 70:983–1003.

———1972. Variation and taxonomy of spotted and spinner porpoises of the eastern tropical Pacific and Hawaii. Ph.D. dissertation, Univ. of Calif., Los Angeles, xxvi + 590 p.

Perrin, W. F., and E. L. Roberts. 1972. Organ weights of noncaptive porpoise (*Stenella* spp.). Southern Calif. Acad. Sci. Bull. 71:19–32.

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.

REFERENCES

Fraser, F. C., and B. A. Noble. 1970. Variation of pigmentation pattern in Meyen's dolphin, *Stenella coeruleoalba* (Meyen). P. 147–164 In Pilleri, G. (ed.), Investigations on Cetacea, Vol. II, Bentelli, Berne, 296 p.

Girh, M., and G. Pilleri. 1969. On the anatomy and biometry of *Stenella styx* Gray and *Delphinus delphis* L. (Cetacea, Delphinidae) of the western Mediterranean. P. 15–65 In Pilleri, G. (ed.), Investigations of Cetacea. Vol. I, Bentelli, Berne 219 p.

Hubbs, C. L., W. F. Perrin, and K. C. Balcomb. 1973. *Stenella coeruleoalba* in the eastern and central tropical Pacific. J. Mammal. 54:549–552.

Kasuya, T. 1972. Growth and reproduction of *Stenella coeruleoalba* (sic) based on the age determination by means of dentinal growth layers. Sci. Rep. Whales Res. Inst. 24:57–79.

Miyazaki, N., T. Kasaka, and M. Nishiwaki. 1973. Food of *Stenella coeruleoalba*. Sci. Rep. Whales Res. Inst. (Tokyo). 25:265–275.

Miyazaki, N., T. Kasuya, and M. Nishiwaki, 1974. Distribution and migration of two species of *Stenella* in the Pacific coast of Japan. Sci. Rep. Whales Res. Inst. 26:227–243.

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. comm.). 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 final estimated incidental kill in the international tuna fishery during 1974 was 4,000 animals. Estimates of incidental kills in previous years are 4,000 animals in 1971, 9,000 animals in 1972, and 22,000 animals in 1973.

Current Research.—The National Marine Fisheries Service and the tuna fishing industry are assessing the effects of propoise 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.

REFERENCES

Evans, W. E. 1971. Orientation behavior of *Delphinus:* radio telemetric studies. Ann. N.Y. Acad. Sci. 188:142–162.

Gihr, M., and G. Pilleri. 1969. On the anatomy and biometry of *Stenella styx* Gray and *Delphinus delphis* L. (Cetacea, Delphinidae) of the western Mediterranean. P. 15–65 In Pilleri, G. (ed.), Investigations on Cetacea, Vol. I, Berne, Switzerland. 219 p.

National Oceanic and Atmospheric Administration. 1972. Report of the NOAA Tuna-Porpoise Review Committee. Processed report, 63 p.

Norris, K. S., and J. H. Prescott. 1961. Observations on Pacific cetaceans of California and Mexican waters. Univ. Cal. Publ. Zool., 63(4):291–402.

Sleptsov, M. M. 1940. Determination of the age of *Delphinus delphis* L. Bull. Soc. Moscow, S. Biologique. 49(2):43–61. Fish. Res. Bd. Can. Transl. No. 46, 1957.

Tomilin, A. G. 1948. On the biology and physiology of the Black Sea dolphin. Zool. Zhur., 27(1):53–64.

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 29° 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 temperature 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 generally lighter in color than adults 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, as they appear to be, decimation or contamination 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.

REFERENCES

Brownell, R. L. 1964. Observations of odontocetes in central California waters. Norsk Hvalfangst-Tid. 3:60–66.

Fiscus, C. H., and K. Niggol. 1965. Observations of cetaceans off California, Oregon, and Washington. U.S. Fish Wildl. Serv., Spec. Sci. Rep. Fish. 408, 27 p.

Leatherwood, S., and R. F. Green. 1976. The right whale dolphins, *Lissodelphis spp.:* a synoptic account of the genus. In S. H. Ridgeway and R. Harrison (ed.), A handbook of marine mammals of the world. New York Academic Press (In preparation).

Leatherwood, S., R. F. Green, and W. A. Walker. 1976. Some observations of the northern right whale dolphin, *Lissodelphis borealis* in the eastern north Pacific. Trans. San Diego Soc. Nat. Hist. (in review).

Nishiwaki, M. 1972. General biology: Cetacea. In Mammals of the sea, biology and medicine, Sam H. Ridgway (ed.). Charles C. Thomas, Springfield.

Norris, K. S., and J. H. Prescott. 1963. Observations of Pacific cetaceans in California and Mexican waters. Univ. Calif. Publ. Zool. 63:291–402.

Okada, Y., and T. Hanaoka. 1940. A study of Japanese Delphinidae. Sci. Rep. Tokyo Bunrika Daijaku 4(77):285–306.
Tomilin, A. G. 1957. Mammals of the USSR and adjacent countries. Vol. 9. Cetacea. Izd. Akad. Nauk SSSR, Moskva. Transl. IPST, Jerusalem, 1967.

MELON-HEADED WHALE

(*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.—A few are taken annually in the eastern Pacific international purse seine fishery for tuna. This small take is probably insignificant.

Current Research.—None.

REFERENCES

Nishiwaki, M., and K. S. Norris. 1966. A new genus *Peponocephala* for the odontocete cetacean species *Electra electra*. Sci. Rep. Whales Res. Inst. 20:95–100.
Perrin, W. F. (in press). First record of the melon-headed whale *Peponocephala electra*, in the eastern Pacific, with a summary of world distribution. Fish. Bull. (U.S.).

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. In the continental U.S. it has been recorded only twice, once in Florida, once in Texas.

General Biology.—The adults reach about 2.4 m. In appearance they resemble a small false killer whale. They are aggressive in captivity, with captives of other species showing fright reactions to them.

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.

REFERENCES

Best, P. B. 1970. Records of pygmy killer whale, *Feresa attenuata*, from southern Africa, with notes on behavior in captivity. Ann. S. Afr. Mus. 57(1):1–14, 9 pls.
Caldwell, David K., and Melba C. Caldwell. 1971. The pygmy killer whale, *Feresa attenuata*, in the western Atlantic, with a summary of world records. J. Mammal. 52:206–209.
Caldwell, D. K., and M. C. Caldwell. 1975. Pygmy killer whales and short-snout spinner dolphins in Florida. Cetology, No. 18, 5 p.
James, P., F. W. Judd, and J. C. Moore. 1970. First western Atlantic occurrence of the pygmy killer whale. Fieldiana, Zoology 58(1):1–3.
Nishiwaki, M., T. Kasuya, T. Kamiya, T. Tobayama, and M. Nakajima. 1965. *Feresa attenuata* captured at the Pacific Coast of Japan in 1963. Sci. Rep. Whales Res. Inst. 19:65–90.
Perrin, W. F., and C. L. Hubbs. 1969. Observations on a young pygmy killer whale (*Feresa attenuata* Gray) from the eastern tropical Pacific Ocean. Trans. San Diego Soc. Nat. Hist. 15(18):297–308.

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 mayor may not be the false killer whale, does much damage to their longline tuna industry by feeding on hooked fish.

Current Research.—None.

REFERENCES

Bullis, H. H., and H. C. Moore. 1956. Two occurrences of false killer whales, and a summary of American records. Am. Mus. Nov. 1753:1–5.
Mizue, K., A. Takemura, and K. Nakasai. 1969. Studies on the little-toothed whales in the West Sea area of Kyushu. XVI. Underwater sound of the false killer whale. Bull. Facult. Fish., Nagasaki Univ. 28:19–29.
Ohsumi, S. 1972. Catch of marine mammals, mainly of small cetaceans, by local fisheries along the coast of Japan. Bull. Far Seas Fish. Res. Lab. No. 7, 137–166.
Yamaguchi, Y. 1964. On the predation of tuna longline catches by the smaller toothed whales (Sachi) Maguro Gyogyo (Tuna Fishing) 27:59–73. (Transl. by T. Otsu, NMFS, Hawaii, June 1972.)

LONG-FINNED PILOT WHALE

(*Globicephala melaena*)

Distribution and Migration.—This pilot whale ranges from Greenland, Iceland, and the Barents Sea south to Virginia and the Mediterranean. It is a schooling mammal and appears regularly off the Canadian and United States coasts. It also inhabits temperate waters of the Southern Ocean. It generally favors pelagic regions, but often moves close to shore in search of food.

Abundance and Trends.—Mercer (1975) estimates the original Newfoundland stock prior to 1947 at less than 60,000. There are no estimates for other parts of its range. About 40,000 were killed from 1951 to 1959 in local Newfoundland fisheries (Sergeant, 1962), but only 6,902 have been taken between 1962 and 1973. About 177,000 were taken in the Faeroe Islands from 1584 to 1883 (Tomilin, 1957), and 16,564 were taken by Norway and Denmark between 1962 and 1973 (Christensen, 1975). A total of 468 were driven ashore in Ireland in 1840, 1844, 1851, 1853, and 1957; one school of undetermined number was taken in 1965 (O'Riordan, 1975).

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, 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 polygymous, 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.

REFERENCES

Christensen, I. 1975. Preliminary report on the Norwegian fishery for small whales: expansion of Norwegian whaling to Arctic and northwest Atlantic waters, and Norwegian investigations of the biology of small whales. J. Fish. Res. Bd. Can. 32(7): 1083–1094.
Sergeant, D. E. 1962. The biology of the pilot or pothead whale *Globicephala melaena* (Traill) in Newfoundland waters. Bull. Fish. Res. Bd. Can.
Mercer, M. C. 1975. Modified Leslie-DeLury population models of the long-finned pilot whale (*Globicephala melaena*) and annual production of the short-finned squid (*Illex illecebrosus*) based upon their interaction at Newfoundland. J. Fish. Res. Bd. Can. 32(7):1145–1154.
O'Riordan, C. G. 1975. Long-finned pilot whales, *Globicephala melaena*, driven ashore in Ireland, 1800–1973. J. Fish. Res. Bd. Can. 32(7):1101–1103.
Tomilin, A. G. 1957. (Mammals of the USSR and adjacent countries. Vol. 9 Cetacea) Izdatel. Akad. Nauk. SSSR. IPST Transl. No. 1124. 1967.

SHORT-FINNED PILOT WHALE

(*Globicephala macrorhynchus*)

Distribution and Abundance.—In the North Atlantic Ocean, this pilot whale has been reported from New Jersey

(though it is far more common south of about Cape Hatteras) and Madiera and ranges 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. Naval Undersea Center is studying the behavior and distribution of the pilot whale in southern and Baja California.

REFERENCES

Bree, P. J. H. van. 1971. On *Globicephala seiboldi* Gray, 1846, and other species of pilot whale (Notes on Cetacea, Delphinoidea III). Beaufortia, 19(249):79–87.

Norris, Kenneth S., and John H. Prescott. 1961. Observations of Pacific cetaceans of Californian and Mexican waters. Univ. Calif. Publ. Zool. 63:291–402.

Tomilin, A. G. 1957. (Mammals of the USSR and adjacent countries. Vol. 9 Cetacea.) Izdatel. Akad. Nauk. SSSR. IPST Transl. No. 1124, 1967.

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 since 1962 for display by marine aquariums in 25 captive 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 fisheries took 1,439 killer whales from the Okhotsk Sea to south of Japan from 1948 to 1974. Norwegians harvested 2,096 in the northeastern North Atlantic between 1938 and 1974. The U.S.S.R. took 444 animals in the Antarctic and North Pacific between 1958 and 1974. South Africa took 27 whales from 1972 to 1974.

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 8 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. Food consumption has been estimated at 4% of the body weight per day.

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 (Haley, 1970). 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 longline 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.

REFERENCES

Bigg, M. A., and A. A. Wolman. 1975. Live-capture killer whale fishery, British Columbia and Washington, 1962–73. J. Fish. Res. Bd. Can., 32(7):1213–1221.

Haley, D. 1970. Views on the killer whale dispute. Pacific Search. 5(1):1–3.

Jonsgard, A., and P. B. Lyshoel. 1970. A contribution to the knowledge of the biology of the killer whale *Orcinus orca* (L). Nytt Magasin for Zool. 18:41–48.

Nishiwaki, M., and C. Handa. 1958. Killer whales caught in the coastal waters off Japan for recent 10 years. Sci. Rep. Whales Res. Inst. 13:85–96.

Rice, D. W. 1968. Stomach contents and feeding behavior of killer whales in the eastern North Pacific. Norsk Hvalfangst-Tid. 57:35–38.

HARBOR PORPOISE

(*Phocoena sinus and Phocoena phocoena*)

Distribution and Migration.—The harbor porpoise 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). It is common off the coast of Maine near Boothbay Harbor during the summer (Gaskin, Arnold and Blair, 1974). 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.

Mohl-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. During 1972, an estimated 1,500 animals were taken in the nonGreenlandic salmon driftnet fishery. No estimates are available for Greenlandic

driftnetters. In addition, about 1,000 are taken annually in direct catches (Kapel, 1975). 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. Parasites of the alimentary canal and respiratory system are common (Gaskin, Arnold and Blair, 1974).

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 (see Abundance and Trends). They are preyed upon to an unknown degree by Greenland sharks, great white sharks and killer whales. Significant residues of chlorinated hydrocarbon insecticides and PCB's have been recorded from the Baltic, United Kingdom and Bay of Fundy.

Allocation Problems.—None known.

Current Research.—None.

REFERENCES

Fisher, H. D., and R. J. Harrison. 1970. Reproduction in the common porpoise (*Phocoena phocoena*) of the North Atlantic. J. Zool. 161:471–486.

Gaskin, D. E., P. W. Arnold, and B. A. Blair. 1974. *Phocoena phocoena*. Mammalian Species, No. 42, 8 p.

Kapel, F. O. 1975. Preliminary notes on the occurrence and exploration of smaller cetacea in Greenland. J. Fish. Res. Board Can. 32(7):1079–1082.

Lear, W. H. and O. Christensen. 1975. Bycatches of harbour porpoise (*Phocoena phocoena*) in salmon driftnets at West Greenland in 1972. J. Fish. Res. Board Can. 32(7):1223–1228.

Mohl-Hansen, U. 1954. Investigations on reproduction and growth of the porpoise (*Phocoena phocoena L*) from the Baltic. Vidensk. Medd. fra Dansk Naturh., Foren., 116:369–396.

Norris, K. S., and W. N. McFarland. 1958. A new harbor porpoise of the genus *Phocoena* from the Gulf of California. J. Mammal. 39:22–39.

Pike, G. C., and I. B. MacAskie. 1969. Marine mammals of British Columbia. Fish. Res. Bd. Can. Bull. 171, 54 p.

Scheffer, V. B., and J. W. Slipp. 1948. The whales and dolphins of Washington State with a key to the cetaceans of the west coast of North America. Amer. Midl. Natur., 39(2):257–337.

Tomilin, A. G. 1957. Zveril SSSR i prilezhashchikh stran. Tom 9. Kitoobrazyne. (Mammals of the USSR and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk, SSSR, 756 p. Transl. by IPST, Jerusalem, 1967, xxii plus 717 p.

DALL PORPOISE

(*Phocoenoides dalli*)

Distribution and Migration.—The Dall porpoise inhabits the North Pacific Ocean from Japan and central Baja California north into the Bering and Okhotsk Seas. In both areas the southern limits of distribution appear to expand with the cooling of waters to at least 56° F, and individuals are seen in areas having surface temperatures of up to 62° F. It has been observed in the Bering Sea in locations and at periods when surface waters were 36° F. In the northeastern Pacific, Dall porpoises are year round residents as far south as the northern Channel Islands but are found further south and further inshore, as far as Cedros and Guadalupe Islands, from about October to late May. They are observed off Monterey Bay throughout the year, though there appears to be a separation of smaller juveniles inshore from more heterogenous groups offshore, and apparent inshore migrations tend to increase numbers of all animals there during winter and early spring. Dall porpoises are reported off San Francisco Bay from at least March through November. The southern and inshore movements appear closely related to movements of squid, a primary food item. The species is found offshore of the eastern Pacific coast to at least 650 miles. 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). The NMFS Southwest Fisheries Center and the Naval Undersea Center, San Diego, have similar detailed records of occurrences south to Cedros and Guadalupe Islands.

Abundance and Trends.—The Dall porpoise is one of the 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 species appears to be abundant throughout its range. 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 in recent years.

General Biology.—There may be two forms of Dall porpoise (*P. dalli* and *P. truei*). They grow to lengths of about 2.2 m and weights of about 218 kg. They 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 mackeral, and bathypelagic and deep-water benthic fish.

Ecological Problems.—None known.

Allocation Problems.—Kasuya (1974) reports on 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.

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. S. Leatherwood is monitoring seasonal movements of the species into waters of southern and Baja California.

REFERENCES

Kasuya, T. 1974. Biology, catch, and populations of *Phocoenoides* in the western North Pacific. FAO/ACMRR Report, Doc. 2, 20 p.

Leatherwood, S., and M. R. Fielding. 1974. Distribution and movements of the Dall porpoise *Phocoenoides dalli* in the temperate eastern Pacific. Working paper submitted by FAO/ACMRR Group, Dec. 1974, La Jolla, California.

Mizue, K., and K. Yoshida. 1965. On the porpoises caught by the salmon fishing gillnet in Bering Sea and the North Pacific Ocean. Bull. Facult. Fish. Nagasaki Univ. 19:1–36.

Mizue, K., K. Yoshida, and A. Takemura. 1966. On the ecology of the Dall's porpoise in Bering Sea and the North Pacific Ocean. Bull. Facult. Fish., Nagasaki Univ. 21:1–21.

Pike, G. C., and I. B. MacAskie. 1969. Marine mammals of British Columbia. Fish. Res. Bd. Can. Bull. 171, 54 p.

U.S. Forest Service. 1972. Marine mammal observations in southeastern Alaska and Prince William Sound. Unpublished field records.

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 through the Arctic. Three races are recognized by some authorities: *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 Alaska as far south as Bristol Bay; the population found in Cook Inlet is apparently separate.

Abundance and Trends.—The population in the Soviet Arctic and Far East is estimated at between 32,000 and 58,000 (Yablokov, 1974). The population in the Canadian Arctic numbers at least 30,000 animals (Sergeant and Brodie, 1975). 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 (Alaska Department of Fish and Game, 1973). 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 and Arctic Ocean coasts of Alaska is 150 to 300 (Alaska Department of Fish and Game, 1973). 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 (Sergeant and Brodie, 1975). 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.

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 15 months, and newborn are about 1.5 m in length. Lactation lasts about 20 months, with 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.

REFERENCES

Alaska Department of Fish and Game. 1973. Marine mammal status reports. Unpublished, Juneau, AK.

Brodie, P. F. 1971. A reconsideration of aspects of growth, reproduction, and behavior of the white whale (*Delphinapterus leucas*), with reference to the Cumberland Sound, Baffin Island, population. J. Fish. Res. Bd. Can. 28(9):1309–1318.

Fish, J. F., and J. S. Vania. 1971. Killer whale, *Orcinus orca*, sounds repel white whales, *Delphinapterus leucas*. Fish. Bull. 69:531–536.

Kleinenberg, S. E., A. V. Yablokov, B. M. Bel'kovich and M. N. Tarasevich. 1964. Beluga (*Delphinapterus leucas*) investigation of the species. Akad. Nauk SSR. Transl. by IPST, Jerusalem, 1969.

Klinkhart, E. G. 1966. The beluga whale in Alaska. Unpublished report, Alaska Department of Fish and Game, Juneau, AK.

Sergeant, D. E. 1962. The biology and hunting of beluga or white whales in the Canadian Arctic. Fish. Res. Bd. Can. Circ. 8, 13 p.

Sergeant, D. E. 1973. Biology of white whales (*Delphinapterus leucas*) in western Hudson Bay. J. Fish. Res. Board Can. 30:1065–1090.

Sergeant, D. E., and P. F. Brodie. 1969. Body size in white whales, *Delphinapterus leucas*. J. Fish. Res. Bd. Can. 26:2561–2580.

Sergeant, D. E. and P. F. Brodie. 1975. Identity, abundance and present status of populations of white whales, *Delphinapterus leucas*, in North America. J. Fish. Res. Board Can. 32:1047–1054.

Yablokov, A. V. 1974. Present status of beluga and narwhal in USSR Arctic and Pacific waters. FAO/ACMRR Report, Doc. 39.

NARWHAL

(*Monodon monoceros*)

Distribution and Migration.—The narwhale is the most northern cetacean and occurs in north polar seas, mainly in the North Atlantic sector. 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. Norwhals 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 and northwest Greenland population is at least 10,000 (Mansfield, 1975). Numbers elsewhere are unknown. Rare occurrences in Great Britain (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.—Females attain a length of 400 cm and a weight of 900 kg. Each female bears a single calf about once every three years. Mating takes place in April, and the 1.5 m long young are born in July after a 14.5 month gestation period. Lactation probably lasts about 20 months. 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.). Food of the narwhal consists mainly of cephalopods, Arctic cod, Greenland halibut, and shrimps.

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 adapted 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.

REFERENCES

Best, R. C., and H. D. Fisher. 1974. Seasonal breeding of the narwhal (*Monodon monoceros* L.). Can. J. Zool. 53:429–431.

Degerbol, M., and P. Freuchen. 1935. Mammals: Report of the Fifth Thule Expedition, 1921–24. Vol. 2, Nos. 4 and 5. Nordisk Forlag, Copenhagen. 278 p.

Mansfield, A.W., T. G. Smith, and B. Beck. 1975. The narwhal, *Monodon monocetos*, in eastern Canadian waters. J. Fish. Res. Board Can. 32:1041–1046.

Peterson, R. L. 1966. The mammals of eastern Canada. Oxford Univ. Press, Toronto, 465 p.

Tomilin, A. G. 1957. Zveriі SSSR i prilezhashchikh stran. Tom 9. Kitoobraznye. (Mammals of the U.S.S.R. and adjacent countries. Vol. IX. Cetacea.) Moscow, Akad. Nauk SSSR, 756 p. (Transl. by IPST, Jerusalem, 1967, xxii plus 717 p.).

Vibe, C. 1950. The narwhal. P. 77–84 *In* The marine mammals and marine fauna in the Thule District (Northwest Greenland) with observations on ice conditions in 1939–41. Medd. om Gronland 150(6):1–116.

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. The original world stock of exploitable males (i.e., males over the legal length limit of 30 feet) and sexually mature females was about 872 thousand, of which 49 percent were males. The present stock is about 590 thousand, of which only 35 percent are males. These are distributed by major ocean areas as follows:

Ocean	Original population	Current population
North Atlantic	[1] (22?)	[1] 22
North Pacific	347	216
South Atlantic	112	80
Indian [2]	157	109
South Pacific	245	174

[1] Estimate of total population, including immature animals. All figures in thousands.
[2] Not including central Indian Ocean.

The total populations, including immature animals, are roughly twice the above estimates.

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	Southern land stations
1970	14,815	649	5,891	4,135
1971	10,890	558	7,335	4,498
1972	6,373	117	8,172	2,695
1973	8,567	47	[1] 9,394	2,652
1974	8,127	[2] 71	8,930	[3] 2,891

[1] Revised.
[2] No data from Azores, or Madeira, or Spain.
[3] No data from Chile.

In most areas, males comprise the majority of the catches, and in the Antarctic (south of 40° S lat.) the catch is almost exclusively males.

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 last 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).

REFERENCES

Berzin, A. A. 1971. Kashalot. Izdatel'stvo. Pishchevaya Promyshelennost, Moscow. 368 p.

Best, P. B. 1967. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 1. Ovarian changes and their significance. Invest. Rep. Div. Sea Fish. S. Afr. 61: 1–27.

——— 1968. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 2. Reproduction in the female. Invest. Rep. Div. Sea Fish. S. Afr. 66:1–32.

——— 1969. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 3. Reproduction in the male. Invest. Rep. Div. Sea Fish. S. Afr. 72:1–20.

——— 1969. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 4. Distribution and movements. Invest. Rep. Div. Sea Fish. S. Afr. 78: 1–12.

——— 1970. The sperm whale (*Physeter catodon*) off the west coast of South Africa. 5. Age, growth and mortality. Invest. Rep. Div. Sea Fish. S. Afr. 79: 1–27.

Gambell, R. 1972. Sperm whales off Durban. Disc. Rep. 35: 199–358.

International Commission on Whaling. 1973. Twenty-third report of the Commission.

International Commission on Whaling, Scientific Committee. 1971. Report of the special meeting on sperm whale biology and stock assessments. pp. 40–50 in Intl. Comm. Whaling, 21st Rep. Comm., London.

Ohsumi, S. 1965. Reproduction of the sperm whale in the Northwest Pacific. Sci. Rep. Whales Res. Inst. 19: 1–35.

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. Its southern range limit is not well known.

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).

REFERENCES

Allen, G. M. 1941. Pygmy sperm whale in the Atlantic. Zool. Ser. Field Mus. Nat. Hist., 27:17–36.

Handley, C. O., Jr. 1966. A synopsis of the genus *Kogia* (pygmy sperm whales). P. 62–69 In K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press. Berkeley and Los Angeles.

Yamada, M. 1954. Some remarks on the pygmy sperm whale, *Kogia*. Sci. Rep. Whales Res. Inst., 9:37–58.

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.

REFERENCES

Jonsgard, A., and P. Holdal. 1957. Strandings of Sowerby's whale *Mesoplodon bidens* on the west coast of Norway. Norsk Hvalfangst-Tid., 46(9):507–512.

Kukenthal, W. 1914. Zur Kentniss des *Mesoplodon bidens* (Sowerby). Jenaische Z. Naturwiss., 51:93–122.

Moore, J. C. 1966. Diagnoses and distribution 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.

Nishiwaki, M., and N. Oguro. 1972. Catch of the Cuvier's beaked whales off Japan in recent years. Sci. Rep. Whales Res. Insti., 24:35–41.

Omura, H., K. Fujino, and S. Kimura. 1955. Beaked whale *Berardius bairdi* of Japan, with notes on *Ziphius cavirostris*. Sci. Rep. Whales Res. Inst., 10:89–132.

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 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).

REFERENCES

Handley, C. O., Jr. 1966. A synopsis of the genus *Kogia* (Pygmy sperm whales). P. 62–69 In K. S. Norris (ed.), Whales, dolphins, and porpoises. Univ. Calif. Press, Berkeley and Los Angeles.

Yamada, M. 1954. Some remarks on the pygmy sperm whale, *Kogia*. Sci. Rep. Whales Res. Inst. 9:37–58.

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

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.

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):39–428.

——— 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 living genera of beaked whales with classifications, diagnoses and keys. Fieldiana: Zoology, 53(4):209–298.

Nishimura, S., and M. Nishiwaki. 1964. Records of the beaked whale *Mesoplodon* from the Japan Sea. Publ. Seto Mar. Biol., 12 (4):323–334.

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.

——— 1966. Diagnoses and distribution 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 living genera of beaked whales with classifications, diagnoses and keys. Fieldiana: Zoology, 53 (4):209–298.

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 temperature 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 solitary. Otherwise, nothing is known of their biology.

Ecological Problems.—None known.

Allocation Problems.—None known.

Current Research.—None.

REFERENCES

Besharse, J. C. 1971. Maturity and sexual dimorphism in the skull, mandible, and teeth of the beaked whale, *Mesoplodon densirostris*. J. Mammal. 52:297–315.
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 deepwater 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.

REFERENCES

Betesheva, E. I. 1960. Pitanie kashalota (*Physeter catodon* L.) i berardiusa (*Berardius bairdi* Stejneger) v raione Kuril'shoi gryady. Trudy Vses. Gibrobiol. Obshch. 10:227–234.
Bureau of International Whaling Statistics 1952–1972. International Whaling Statistics.
Nishiwaki, M., and N. Oguro. 1971. Baird's beaked whales caught on the coast of Japan in recent 10 years. Sci. Rep. Whales Res. Inst. 23:111–122.
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

(*Hyperoodan 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 initial population in all waters east of Greenland is estimated to have been between 40,000 and 100,000; by 1915 it was reduced to about half its initial size (Christensen, 1974). It is not known whether it has since increased. Norwegian catches in the North Atlantic ranged from 2,000 to 3,000 annually between 1890 and 1900. Catches ranged from 20 to 100 per year from 1920 to 1954. From 1955 to 1971, a few hundred have been caught anually, peaking at about 700 in 1965. Catches have been near zero since then. A few individuals are sometimes taken by whalers operating from Nova Scotia and the Faeroe Islands.

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. Females attain sexual maturity at about 9 years, males at 9 to 11 years. Mating occurs in April, and the 3.0 m calf is born about 12 months later. Bottlenose whales usually travel in small heards 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.

REFERENCES

Bureau of International Whaling Statistics. 1936–1972. International Whaling Statistics.
Benjaminsen, T. 1972. On the biology of the bottlenose whale, *Hyperoodon ampullatus* (Forster). Norw. J. Zool. 20:233–241.

Christensen, I. 1973. Age determination, age distribution and growth of bottlenose whales, *Hyperoodon ampullatus* (Forster), in the Labrador Sea. Norw. J. Zool. 21:331–340.

Christensen, I. 1974. The history of exploitation and the initial status of the northeast Atlantic bottlenose whale (*Hyperoodon ampullatus*). FAO/ACMRR, Report, Doc. 21, 23 p.

Gray, D. 1882. Notes on the characters and habits of the bottlenose whale (*Hyperoodon rostratus*). Proc. Zool. Soc., London, 1882:725–731.

Jonsgard, A. 1952. Om bottlenosen (*Hyperoodon rostrata*) og spekkoggern (*Orcinus orca*). Fauna (1):1–18.

Murray, J., and J. Hjort. 1912. The depths of the ocean. McMillan and Co., London. 821 p.

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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 scienitfic 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. kraschenínikovi*) 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 populations—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 season 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.—TABLES

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; and
Table VI.—Number of Pinnipeds Authorized to be Taken or Imported Under Scientific Research/Public Display Permits

APPENDIX B.—PERMIT ISSUANCE POLICIES

1. Policy To Establish a Standardized Procedure Concerning the Processing of Applications for Permits and the Suspension of Activities Pursuant to Existing Permits; FEDERAL REGISTER reference, 40 F.R. 24948.
2. Prohibitions Contained in Section 102(b) Would Be Considered in Connection With Permits, Waivers, and Foreign Programs; FEDERAL REGISTER reference, 40 F.R. 17845.

APPENDIX C.—REGULATIONS ON INCIDENTAL TAKING IN THE COURSE OF COMMERCIAL FISHING OPERATIONS

1. September 5, 1974: FEDERAL REGISTER reference, 39 F.R. 32117.
2. September 20, 1974: FEDERAL REGISTER reference, 39 F.R. 33801.
3. September 25, 1974: FEDERAL REGISTER reference, 39 F.R 34417.
4. January 3, 1975: FEDERAL REGISTER reference, 40 F.R. 764.

APPENDIX D

Amendment to Regulations on Incidental Taking in the Course of Commercial Fishing Operations, December 5, 1975: FEDERAL REGISTER reference, 40 F.R. 56899.

APPENDIX E

Methodology for Comparing 1975 and 1976 Porpoise Mortality in the Yellowfin Tuna Purse Seining Fishery, April 5, 1976: FEDERAL REGISTER reference, 41 F.R. 14401.

APPENDIX F

Notice of Hearing to Waive the Moratorium to Allow Importation of Fur Sealskins From South Africa, July 7, 1975: FEDERAL REGISTER reference, 40 F.R 28469.

APPENDIX G

Amendment to Regulations Governing the Taking and Importing of Marine Mammals, Regarding Penalties and Procedures For Their Assessment, November 24, 1975: FEDERAL REGISTER reference, 40 F.R. 54427.

APPENDIX H

Table: Marine Mammal Conservation—Status of Authorization+Funding—FY 1976+1977.

APPENDIX A

TABLE I.—*Common and scientific names of marine mammals involved in scientific research/public display permit applications*

Common name	Scientific name
Cetaceans	
Black Right Whale	*Balaena glacialis*
Bowhead Whale	*Balaena mysgicetus.*
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 novaeangliae.*
Rough-toothed Dolphin	*Steno bredanensis.*
Bottlenosed Dolphins	*Tursiops* sp.
Atlantic Bottlenosed Dolphin.	*Tursiops truncatus.*
Pacific Bottlenosed Dolphin.	*Tursiops gilli.*
Risso's Dolphin	*Grampus griseus.*
Lagenorhynchine Dolphins.	*Lagenorhynchus* sp.
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 coeruleoalba.*
Common Dolphin	*Delphinus delphis.*
Northern Right Whale Dolphin.	*Lissodelphis borealis.*
Melon-headed Whale	*Peponocephala electra.*
Pygmy Killer Whale	*Feresa attenuata.*
False Killer Whale	*Pseudorca crassidens.*
Pilot Whales	*Globicephala* sp.
Long-finned Pilot Whale	*Globicephala melaena.*
Short-finned Pilot Whale	*Globicephala macrorhynchus.*
Killer Whale	*Orcinus orca.*
Harbor Porpoise	*Phocoena phocoena.*
Cochito	*Phocoena sinus.*
Dall's Porpoise	*Phocoenoides dalli.*
White Whale (Belukha, Beluga Whale).	*Delphinapterus leucas.*
Sperm Whale	*Physeter catodon.*
Pygmy Sperm Whale	*Kogia breviceps.*
Hubb's Beaked Whale	*Mesoplodon carlhubbsi.*
Cuvier's Beaked Whale	*Ziphius cavirostris.*
Bottlenose Whales	*Hyperoodon* sp.

Pinnipeds	
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 rossii.*
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 Mar. 31, 1975		Apr. 1, 1975 to Mar. 31, 1976		As of Mar. 31, 1976
	Scientific research	Public display	Scientific research	Public display	Cumulative total
Number of applications submitted	56	85	23	14	[1] 178
Number of animals requested:					
Taken by killing	3,421	0	1,280	0	4,701
Taken and kept alive	282	594	18	62	956
Killed in captivity	[2] 20(30)	0	37	0	[2] 57(30)
Taken and released	19,534	0	31,316	0	50,850
Found dead	762	50	570	0	1,381
Total	24,019	644	33,221	62	[1] 57,946
ACTION TAKEN					
Number of applications forwarded to Marine Mammal Commission	46	65	25	19	155
Number of applications reviewed by Marine Mammal Commission	45	61	20	20	146
Number of applications withdrawn	3	8	1	0	12
Number of applications referred to states	3	1	0	0	4
Number of applications resolved through interagency agreement	1	0	0	0	1
Number of applications returned due to inappropriate submittal	0	5	0	0	5
Number of applications inactivated	1	4	0	1	6
Number of applications denied	2	4	0	1	7
Number of applications approved	40	45	20	22	127
Number of animals approved:					
Taken by killing	3,386	0	611	0	3,997
Taken and kept alive	238	262	45	70	615
Killed in captivity	[2] 12(30)	0	37	0	[2] 49(30)
Taken and released	19,029	0	25,949	0	44,978
Found dead	732	0	40	0	772
Total	23,397	262	26,682	70	50,411

[1] Included in the application totals above are 31 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.

[2] In some cases, permit applications and permits specify alternate means of taking, which fall into more than 1 taking category. The taking category, species and cumulative totals, in such cases, are entered under 1 alternate category, and are indicated, in parentheses, under the other alternate category. The parenthetical entries are not included in the totals.

TABLE III.—*Number of cetaceans requested in scientific research/public display permit applications*

Common name [1]	Requested (as of Apr. 30, 1975)					Requested (Apr. 1, 1975 through Mar. 31, 1976)					Cumulative total requested [2]
	Taken by killing	Taken and kept alive	Killed in captivity	Taken and released	Found dead	Taken by killing	Taken and kept alive	Killed in captivity	Taken and released	Found dead	
Black right whale				525					120		645
Bowhead whale				50	40				80		170
Gray whale				34	11				290		335
Minke whale				649	3				710		1,362
Bryde's whale				550					380		930
Sei whale				600					325		925
Fin whale				575					300		875
Blue whale				525					100		625
Humpback whale				545	10				230	20	805
Rough-toothed dolphin		7		100							107
Bottlenosed dolphins									50		50
Atlantic bottlenosed dolphin		227		474			15		150		866
Pacific bottlenosed dolphin		27			3				130		155
Risso's dolphin		2		24					150		174
Lagenorhynchine dolphins									50		50
White-beaked dolphin				24							24
Atlantic white-sided dolphin		6		24							30
Pacific white-sided dolphin		17		191	3		6		330		547
Dusky dolphin				61							61
Fraser's dolphin				100							100
Stenelline dolphins				24					150		174
Spinner dolphin		17		1,500					3,000		4,517
Spotted dolphin				1,500	3				7,000		8,503
Striped dolphin				100							100
Common dolphin		6		631	3				380		1,020
Northern right whale dolphin		2			3				130		135
Melon-headed whale				100							100
Pygmy killer whale		4		100							104
False killer whale		7		24					50		81
Pilot whales									160		160
Long-finned pilot whale		2		24	60						86
Short-finned pilot whale		22		44	3		1				70
Killer whale		8		84	23				50		165
Harbor porpoise					3				50		53
Cochito					2						2
Dall's porpoise					3				330		333
White whale	55	4			50						109
Sperm whale				725					750		1,475
Pygmy sperm whale					3						3
Hubb's beaked whale					3						3
Cuvier's beaked whale		2									2
Bottlenose whales				25							25
Total [3]	55	329		5,967	229		22		14,255	20	20,877

[1] 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.

[2] 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 1 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 [1]	Requested (as of Mar. 30, 1975)					Requested (Apr. 1, 1975 through Mar. 31, 1976)					Cumulative total requested [2]
	Taken by killing	Taken and kept alive	Killed in captivity	Taken and released	Found dead	Taken by killing	Taken and kept alive	Killed in captivity	Taken and released	Found dead	
South American sea lion		9									9
California sea lion	600	386	20	1,030	243		28		6		2,313
Northern (Stellar) sea lion	180		(10)	3,000	3	450			9,500		13,133
Antarctic fur seal	8			100						550	658
South African fur seal											0
Northern fur seal					3		12				15
Pacific harbor seal	516	197	20(30)	660	3	430	10			2,500	4,336
Ice-breeding harbor seal	70	6	(30)	300		100					476
Atlantic harbor seal		1									1
Western North Atlantic harbor seal		33		145	20		2				200
Ringed seal	1,120	4	(30)		25	100					1,249
Gray seal		28									28
Ribbon seal	40		(10)			100					140
Bearded seal	790		(10)		10	100					900
Hawaiian monk seal		2									2
Crabeater seal	24			300							324
Ross seal	8			100					6		114
Leopard seal	24	2		200							226
Weddell seal	48			3,596				37	39		3,720
Southern elephant seal	8			100							108
Northern elephant seal		135		4,036	276		6		5,010		9,463
Total [3]	3,366	547	[3] 20(30)	13,567	583	1,280	58	37	17,061	550	37,000

[1] 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.

[2] 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.

[3] In some cases, permit applications or permits specify alternate means of taking, which fall into more than one taking category. The taking category, species and cumulative totals, in such cases, are entered under one alternate category, and are indicated, in parentheses, under the other alternate. The parenthetical entries are not included in the totals.

TABLE V.—*Number of cetaceans authorized to be taken or imported under scientific research/public display permits*

Common name [1]	Authorized (as of Mar. 31, 1975)					Authorized (Apr. 1, 1975 through Mar. 31, 1976)					Cumulative total authorized [2]
	Taken by killing	Taken and kept alive	Killed in captivity	Taken and released	Found dead	Taken by killing	Taken and kept alive	Killed in captivity	Taken and released	Found dead	
Black right whale											0
Bowhed whale					40				50		90
Gray whale				9	10				200		219
Minke whale				124					650		774
Bryde's whale				50					300		350
Sei whale				75					255		330
Fin whale				50					180		230
Blue whale									30		30
Humpback whale									30	20	50
Rough-toothed dolphin		7		100							107
Bottlenosed dolphins											0
Atlantic bottlenosed dolphin		106		474			32				612
Pacific bottlenosed dolphin		14							130		144
Risso's dolphin				24					100		124
Lagenorhynchine dolphins											0
White-beaked dolphin				24							24
Atlantic white-sided dolphin		6		24							30
Pacific white-sided dolphin		6		191			9		330		536
Dusky dolphin				61							61
Fraser's dolphin				100							100
Stenelline dolphins				24					100		124
Spinner dolphin		11		1,500					3,000		4,511
Spotted dolphin				1,500					7,000		8,500
Striped dolphin				100							100
Common dolphin		6		631					330		967
Northern right whale dolphin									130		130
Melon-headed whale				100							100
Pygmy killer whale				100							100
False killer whale		5		24							29
Pilot whales									110		110
Long-finned pilot whale				24	60		2				86
Short-finned pilot whale		13		44			2				59
Killer whale		4		49	20				10		83
Harbor porpoise											0
Cochito					2						2
Dall's porpoise									330		330
White whale	15				50		4				69
Sperm whale				200					450		650
Pygmy sperm whale											0
Hubb's beaked whale											0
Cuvier's beaked whale											0
Bottlenose whale											0
Unidentified [3]				200		75					275
Total [3]	15	158		5,562	182	75	45		13,715	20	19,772

[1] 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.

[2] 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.

[3] These figures represent permits which authorize the taking of a specified number of marine mammals, either cetaceans or pinnipeds, without identifying the individua species involved. The figures appear only in Table V of this Appendix to preclude duplication in overall taking category totals.

TABLE VI.—*Number of pinnipeds authorized to be taken or imported under scientific research/public display permits*

Common name [1]	Authorized (as of Mar. 31, 1975)					Authorized (Apr. 1, 1975 through Mar. 31, 1976)					Cumulative total authorized [2]
	Taken by killing	Taken and kept alive	Killed in captivity	Taken and released	Found dead	Taken by killing	Taken and kept alive	Killed in captivity	Taken and released	Found dead	
South American sea lion		5					4				9
California sea lion	600	276	12	1,030	240		32		5		2,201
Northern (stellar) sea lion	180		(10)	3,000		200			7,000		10,380
Antarctic fur seal	8			100							108
South African fur seal											0
Northern fur seal											0
Pacific harbor seal	510	134	12(30)	580		336	21				1,593
Ice-breeding harbor seal	70	6	(30)	300							376
Atlantic harbor seal											0
Western North Atlantic harbor seal		18		25			7		120	20	190
Ringed seal	1,120	4	(30)		25						1,149
Gray seal		22									22
Ribbon seal	40		(10)								40
Bearded seal	790		(10)		10						800
Hawaiian Monk seal									54		54
Crabeater seal	30			400							430
Ross seal	9			200					6		215
Leopard seal	26	2		300							328
Weddell seal	50			3,596				37	39		3,723
Southern elephant seal	8			100							108
Northern elephant seal		125		4,036	275		6		5,010		9,452
Total [3]	3,371	342	12(30)	[3] 13,467	550	536	70	37	12,234	20	30,639

[1] 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.

[2] 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.

[3] In some cases, permit applications or permits specify alternate means of taking, which fall into more than one taking category. The taking category, species and cumulative totals, in such cases, are entered under one alternate category, and are indicated, in parentheses, under the other alternate. The parenthetical entries are not included in the totals.

APPENDICES B THROUGH G

The texts of Appendices B through G have been published previously. For FEDERAL REGISTER references see the introduction to this *Part III Appendices.*

APPENDIX H.—*Marine mammal conservation—status of authorization plus funding—fiscal years 1976 and 1977*

Authorizing legislation	Fiscal year 1976 totals		Fiscal year 1977 base		Fiscal year 1977 increase requested		Fiscal year 1977 totals		Authorization	
	Positions	Funding	Positions	Funding	Positions	Funding	Positions	Funding	Funding level	Expiration date
Marine Mammal Protection Act of 1972 (MMPA) (Public Law 92-522, Oct. 21, 1972):										
Sec. 110—Research grants	0	$1,100,000	0	$1,100,000	0	$567,000	0	$1,667,000	$1,667,000	June 30, 1977
Sec. 114—Administration, enforcement and research	62	[1] 1,697,000	56	[1] 1,403,000	4	463,000	60	1,866,000	2,000,000	Do.
MMPA—subtotal	62	2,797,000	56	2,503,000	4	1,030,000	60	3,533,000	3,667,000	Do.
Endangered Species Act	0	[1] 0	6	[1] 294,000	0	0	6	294,000		
Fur Seal Act of 1966	14	595,000	14	595,000	0	0	14	595,000	[2]	[2]
Other authorizations—subtotals	14	595,000	20	889,000	0	0	20	889,000		
Marine mammal conservation total	76	3,392,000	76	3,392,000	4	1,030,000	80	4,422,000		

[1] FY-1977 Base under Section 114 will be reduced by a line item adjustment of 6 positions and $294,000 which will be funded under Endangered Species Authorization. This funding represents research on large whales ($144,000) and enforcement of these species (6 positions/$150,000) and is being done in accordance with the status of these animals and the regulations under which they are being protected.
[2] Open.

Travel Service

MATCHING FUNDS FOR INTERNATIONAL TOURISM PROMOTION PROGRAMS

Availability

Notice is hereby given to all eligible, interested parties that the United States Travel Service will have available matching funds for international tourism promotion programs during the FY 1977 budgetary period: October 1 through September 30, 1977. All applications for these funds must be postmarked by September 1, 1976.

Those regulations presently appearing in the 15 C.F.R. Part 1200 will apply during this period, except all applicants must use the new USTS application form which will be forwarded to interested parties upon written request to the:

Grants Office, United States Travel Service, U.S. Department of Commerce, Washington, D.C. 20230.

In addition to your request for application forms, we would appreciate, if at all possible, your providing us with a brief one-paragraph description of your planned travel promotion project and the particular international market(s) involved.

The United States Travel Service Matching Grant Program, as mentioned, is administered under the regulations included in the 15 C.F.R., Part 1200 and those guidelines contained in the FMC 74-7 with respect to administration requirements of FMC 74-4 which covers allowable and non-allowable costs.

If you need copies of these circulars, please so indicate in your letter requesting application forms.

VITO PASSEMANTE,
Deputy Director.

[FR Doc.76-21506 Filed 7-21-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 125—"MLS IMPLEMENTATION"

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 125—"MLS Implementation" to be held August 25 and 26, 1976, Conference Room 3201, FAA Transpoint (Building, 2100 2nd St., SW., Washington, D.C. 20590, Commencing at 9:30 a.m.). The agenda for this meeting is as follows: (1): Approve minutes of 11th meeting held June 9th, 1976, (2): Receive Reports from Working Groups and Review and Approve Submissions to be included in final report, (3): Schedule remaining work.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H St., NW., Washington, D.C., 20006, (202) 296-0484. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on July 19, 1976.

KARL F. BIERACH,
Designated Officer.

[FR Doc.76-31345 Filed 7-21-76;8:45 am]

Federal Highway Administration

CERTIFICATES OF APPORTIONMENTS

Forest Highways

CERTIFICATE OF APPORTIONMENT OF THE SUM OF $33,000,000 AUTHORIZED TO BE APPROPRIATED FOR FOREST HIGHWAYS BY THE FEDERAL-AID HIGHWAY ACT OF 1976 FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1977

Pursuant to subsection (a) of section 202 of title 23, United States Code, and in accordance with the provisions of the Federal-Aid Highway Act of 1976, approved May 5, 1976, P.L. 94-280, 90 Stat. 425, and the delegation of authority from the Secretary of Transportation to the Federal Highway Administration, DOT Order 1100.23A, I hereby certify:

First, that I have apportioned, effective July 1, 1976, the sum of $33,000,000 authorized to be appropriated for forest highways for the fiscal year ending September 30, 1977, by subsection 105(a)(3) of the Federal-Aid Highway Act of 1976, in the same percentage as the amounts apportioned for expenditure in each State and the Commonwealth of Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, adjusted to (1) eliminate the 0.003,243,547 percent for the State of Iowa, because of the conveyance of all National Forest Lands in Iowa to the State by deed executed May 26, 1964, and (2) redistribute the above percentage formerly apportioned to the State of Iowa for the other participating States on a proportional basis.

Second, that the total of the sums which I have thus apportioned for expenditures in the several States and the Commonwealth of Puerto Rico for forest highways are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

APPORTIONMENT OF FOREST HIGHWAY FUNDS AUTHORIZED BY SECTION 105 (A)(3) OF THE FEDERAL-AID HIGHWAY ACT OF 1976 FOR THE FISCAL YEAR 1977

State:	Amount
Alabama	$94,499
Alaska	2,876,562
Arizona	1,857,514
Arkansas	448,621
California	4,726,164
Colorado	2,369,913
Florida	191,703
Georgia	116,265
Idaho	3,359,992
Illinois	38,034
Indiana	22,122
Kentucky	67,837
Louisiana	76,149
Maine	12,360
Michigan	354,118
Minnesota	456,382
Mississippi	155,676
Missouri	168,664
Montana	2,630,564
Nebraska	30,806
Nevada	591,987
New Hampshire	176,347
New Mexico	1,322,373
North Carolina	203,323
North Dakota	117
Ohio	18,072
Oklahoma	22,759
Oregon	4,546,062
Pennsylvania	22,077
South Carolina	108,183
South Dakota	258,544
Tennessee	110,626
Texas	104,466
Utah	1,095,947
Vermont	59,046
Virginia	214,596
Washington	2,293,686
West Virginia	130,230
Wisconsin	184,550
Wyoming	1,407,757
Puerto Rico	9,307
Total	33,000,000

NOTE.—Done at the City of Washington this 1st day of July 1976.

CERTIFICATE OF APPORTIONMENT OF THE SUM OF $18,750,000 AUTHORIZED TO BE APPROPRIATED FOR PROJECTS TO ELIMINATE HAZARDS OF RAILWAY-HIGHWAY CROSSINGS OFF THE FEDERAL-AID HIGHWAY SYSTEM FOR THE TRANSITION QUARTER ENDING SEPTEMBER 30, 1976

To the Secretary of the Treasury of the United States and the State Highway Departments:

Pursuant to section 203 of the Highway Safety Act of 1973 (P.L. 93–87) as amended by section 203 of the Highway Safety Act of 1976 (P.L. 94–280) and title 23, United States Code, entitled "Highways," and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, DOT Order 1100.23A, I hereby certify—

First, that I have computed the apportionment among the several States, the District of Columbia, and the Commonwealth of Puerto Rico of the sum of $18,750,000 for projects to eliminate the hazards of railway-highway crossings on roads other than those on any Federal-aid system authorized to be appropriated for the transition quarter ending September 30, 1976, by section 203 of the Highway Safety Act of 1973 as amended by section 203 of the Highway Safety Act of 1976, in the manner provided by law in section 203(d) of the Highway Safety Act of 1973 as amended by section 203(b) of the Highway Safety Act of 1976.

Second, that pursuant to subsection 112(h) of the Federal-Aid Highway Act of 1976 (P.L. 94–280) this apportionment is made on July 1, 1976.

Third, that pursuant to section 213 of the Highway Safety Act of 1976, this apportionment shall be available for obligation only to the extent that such sums are subsequently provided in appropriation acts.

Fourth, that the sums which are hereby apportioned to each State, the District of Columbia, and the Commonwealth of Puerto Rico, effective July 1, 1976, are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

APPORTIONMENT OF FUNDS AUTHORIZED FOR RAIL-HIGHWAY CROSSINGS ON ROADS OFF THE FEDERAL-AID HIGHWAY SYSTEM FOR THE THREE MONTH PERIOD ENDING SEPTEMBER 30, 1976

State:	Apportionment
Alabama	326,891
Alaska	540,369
Arizona	219,041
Arkansas	217,105
California	1,453,428
Colorado	264,216
Connecticut	214,043
Delaware	82,862
Florida	524,028
Georgia	422,478
Hawaii	89,796
Idaho	145,615
Illinois	855,214
Indiana	428,040
Iowa	322,676
Kansas	299,673
Kentucky	287,231
Louisiana	306,951
Maine	119,508
Maryland	284,016
Massachusetts	377,256
Michigan	697,338
Minnesota	412,143
Mississippi	236,933
Missouri	464,666
Montana	209,647
Nebraska	222,859
Nevada	141,645
New Hampshire	83,009
New Jersey	471,737
New Mexico	185,194
New York	1,287,202
North Carolina	428,722
North Dakota	161,168
Ohio	791,440
Oklahoma	292,185
Oregon	237,415
Pennsylvania	874,066
Rhode Island	98,924
South Carolina	224,781
South Dakota	170,798
Tennessee	359,521
Texas	1,090,220
Utah	147,947
Vermont	74,429
Virginia	382,060
Washington	310,076
West Virginia	155,480
Wisconsin	410,637
Wyoming	134,131
District of Columbia	48,273
Puerto Rico	164,917
Total	18,750,000

Done at the City of Washington this 1st day of July 1976.

CERTIFICATE OF APPORTIONMENT OF THE SUM OF $75,000,000 AUTHORIZED TO BE APPROPRIATED FOR PROJECTS TO ELIMINATE HAZARDS OF RAILWAY-HIGHWAY CROSSINGS OFF THE FEDERAL-AID HIGHWAY SYSTEM FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1977

To the Secretary of the Treasury of the United States and the State Highway Departments:

Pursuant to section 203 of the Highway Safety Act of 1973 (P.L. 93–87) as amended by section 203 of the Highway Safety Act of 1976 (P.L. 94–280), title 23 U.S.C. entitled, "Highways," and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, DOT Order 1100.23A, I hereby certify—

First, that in compliance with 23 U.S.C. 104(a), I have estimated that it will be necessary, for administering the provisions of title 23 and for highway research and studies, to deduct two and one/quarter per centum from the sum of $75,000,000 for projects to eliminate hazards of railway-highway crossings other than those on any Federal-aid highway system authorized to be appropriated for the fiscal year ending September 30, 1977, by section 203 of the Highway Safety Act of 1973 as amended by section 203 of the Highway Safety Act of 1976, and I have deducted said two and one/quarter per centum from said sum of $75,000,000.

Second, that after making said deduction, I have computed the apportionment among the several States, the District of Columbia, and the Commonwealth of Puerto Rico of the remainder of said amount for projects to eliminate the hazards of railway-highway crossings on roads other than those on any Federal-aid system authorized to be appropriated for the fiscal year ending September 30, 1977, in the manner provided by law in section 203(d) of the Highway Safety Act of 1973, as amended by section 203(b) of the Highway Safety Act of 1976.

Third, that pursuant to section 112(h) of the Federal-Aid Highway Act of 1976 (P.L. 94–280) this apportionment is made on July 1, 1976.

Fourth, that pursuant to section 213 of the Highway Safety Act of 1976, this apportionment shall be available for obligation only to the extent that such sums are subsequently provided in appropriation acts.

Fifth, that the sums which are hereby apportioned to each State, the District of Columbia, and the Commonwealth of Puerto Rico, effective July 1, 1976, are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

APPORTIONMENT OF FUNDS AUTHORIZED FOR PROJECTS FOR ELIMINATION OF HAZARDS OF RAILWAY-HIGHWAY CROSSINGS NOT ON ANY FEDERAL-AID SYSTEM FOR THE FISCAL YEAR 1977

State:	Amount
Alabama	1,278,143
Alaska	2,112,842
Arizona	856,453

State:	Amount
Arkansas	848,881
California	5,682,905
Colorado	1,033,085
Connecticut	836,907
Delaware	323,987
Florida	2,046,952
Georgia	1,651,892
Hawaii	351,099
Idaho	569,352
Illinois	3,343,885
Indiana	1,673,637
Iowa	1,261,664
Kansas	1,171,724
Kentucky	1,123,074
Louisiana	1,200,180
Maine	467,277
Maryland	1,110,501
Massachusetts	1,475,074
Michigan	2,723,595
Minnesota	1,611,479
Mississippi	926,411
Missouri	1,816,847
Montana	819,715
Nebraska	871,379
Nevada	553,831
New Hampshire	324,563
New Jersey	1,844,495
New Mexico	724,105
New York	5,032,960
North Carolina	1,676,307
North Dakota	630,165
Ohio	3,094,528
Oklahoma	1,142,442
Oregon	928,292
Pennsylvania	3,417,599
Rhode Island	385,790
South Carolina	878,895
South Dakota	667,822
Tennessee	1,405,729
Texas	4,262,758
Utah	578,473
Vermont	291,017
Virginia	1,493,856
Washington	1,212,395
West Virginia	607,926
Wisconsin	1,605,590
Wyoming	524,450
District of Columbia	188,748
Puerto Rico	644,824
Total	73,312,500

NOTE.—Done at the City of Washington this 1st day of July 1976.

CERTIFICATE OF APPORTIONMENT OF THE SUM OF $200,000,000 AUTHORIZED TO BE APPROPRIATED FOR SAFER OFF-SYSTEM ROADS PROJECTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1977

To the Secretary of the Treasury of the United States and the State Highway Departments:

Pursuant to 23 U.S.C. 219 and section 105(a)(17) of the Federal-Aid Highway Act of 1976, P.L. 94-280 (90 Stat. 425) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, DOT Order 1100.23A, I hereby certify—

First, that in compliance with 23 U.S.C. 104(a), I have estimated that it will be necessary, for administering the provisions of title 23 and for highway research and studies, to deduct two and one/quarter per centum from the amount authorized to be appropriated for the fiscal year ending September 30, 1977, for safer off-system roads projects and I have deducted said two and one/quarter per centum from the sum of $200,000,000 authorized to be appropriated by section 105(a)(17) of the Federal-Aid Highway Act of 1976.

Second, that after making said deduction, I have computed the apportionment among the several States, the District of Columbia, and the Commonwealth of Puerto Rico of the remainder of said amount authorized to be appropriated in the manner provided by law and in accordance with the formula set forth in 23 U.S.C. 219(b).

Third, that pursuant to subsection 112(h) of the Federal-Aid Highway Act of 1976, this apportionment is made on July 1, 1976.

Fourth, that pursuant to section 155 of the Federal-Aid Highway Act of 1976, this apportionment shall be available for obligation only to the extent that such sums are subsequently provided in appropriation acts.

Fifth, the sums which are hereby apportioned to each State, the District of Columbia, and the Commonwealth of Puerto Rico, effective July 1, 1976, are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

APPORTIONMENT OF SAFER OFF-SYSTEM ROADS FUNDS AUTHORIZED BY SEC. 105(a)(17) OF THE FEDERAL-AID HIGHWAY ACT OF 1976 FOR THE FISCAL YEAR 1977

State:	Apportionment
Alabama	3,582,095
Alaska	7,283,927
Arizona	2,962,824
Arkansas	2,709,273
California	13,658,499
Colorado	3,464,088
Connecticut	1,842,319
Delaware	360,236
Florida	5,333,634
Georgia	4,432,152
Hawaii	507,736
Idaho	2,193,206
Illinois	7,868,061
Indiana	4,304,829
Iowa	3,384,646
Kansas	3,849,468
Kentucky	3,039,964
Louisiana	3,238,842
Maine	1,256,153
Maryland	2,389,120
Massachusetts	3,323,025
Michigan	6,601,197
Minnesota	4,212,158
Mississippi	2,609,607
Missouri	4,668,250
Montana	3,070,631
Nebraska	2,765,831
Nevada	2,126,147
New Hampshire	697,674
New Jersey	3,972,867
New Mexico	2,637,391
New York	10,827,042
North Carolina	4,580,356
North Dakota	2,269,681
Ohio	7,295,438
Oklahoma	3,587,563
Oregon	3,575,676
Pennsylvania	8,266,244
Rhode Island	537,783
South Carolina	2,459,861
South Dakota	2,163,254
Tennessee	3,690,904
Texas	12,054,911
Utah	2,181,692
Vermont	560,622
Virginia	3,638,776
Washington	3,624,306
West Virginia	1,702,923
Wisconsin	4,325,962
Wyoming	1,763,468
District of Columbia	353,865
Puerto Rico	1,673,816
Total	195,500,000

NOTE.—Done at the City of Washington this 1st day of July, 1976.

CERTIFICATE OF APPORTIONMENT FROM THE SUMS OF $125,000,000 AUTHORIZED TO BE APPROPRIATED FOR PROJECTS TO ELIMINATE OR REDUCE HIGH-HAZARD LOCATION AND TO ELIMINATE ROADSIDE OBSTACLES ON THE FEDERAL-AID HIGHWAY SYSTEMS (OTHER THAN THE INTERSTATE SYSTEM) EXCEPT IN THE VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA AND $125,000,000 AUTHORIZED TO BE APPROPRIATED FOR PROJECTS TO ELIMINATE HAZARDS OF RAILWAY-HIGHWAY CROSSINGS ON THE FEDERAL-AID HIGHWAY SYSTEMS (OTHER THAN THE INTERSTATE SYSTEM) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1977

To the Secretary of the Treasury of the United States and the State Highway Departments:

Pursuant to section 203 of the Highway Safety Act of 1973 (P.L. 93-87) as amended by section 203 of the Highway Safety Act of 1976 (P.L. 94-280), title 23 U.S.C. entitled, "Highways," and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, DOT Order 1100.23A, I hereby certify—

First, that in compliance with 23 U.S.C. 104(a), I have estimated that it will be necessary, for administering the provisions of title 23 and for highway research and studies, to deduct two and one/quarter per centum from the sum of $125,000,000 authorized to be appropriated for projects to eliminate hazards of railway-highway crossings on the Federal-aid highway systems (other than the Interstate System) for the fiscal year ending September 30, 1977, by section 203 of the Highway Safety Act of 1973 as amended by section 203 of the Highway Safety Act of 1976 and I have deducted said two and one/quarter per centum from $125,000,000.

Second, that in compliance with 23 U.S.C. 402(c), I have estimated that it will be necessary, for administering the provisions of 23 U.S.C. 152 and 153 to deduct two and one/quarter per centum from the sum of $125,000,000 authorized to be appropriated for projects to eliminate or reduce high-hazard locations and to eliminate roadside obstacles on the Federal-aid highway systems (other than the Interstate System) except in the Virgin Islands, Guam, and American Samoa for the fiscal year ending September 30, 1977, by section 202(7) of the Highway Safety Act of 1976 and I have deducted said two and one/quarter per centum from said sum of $125,000,000.

Third, that after making said deductions, I have computed the apportionment among the several States, the District of Columbia, and the Commonwealth of Puerto Rico of the remainder of the amount authorized to be appropriated to eliminate hazards on railway-highway crossings in the manner provided by law and in accordance with section 203(d) of the Highway Safety Act of 1973, as amended by section 203(b) of the Highway Safety Act of 1976, and I have computed the apportionment among the several States, the District of Columbia, the Commonwealth of Puerto Rico,

the Virgin Islands, Guam, and American Samoa of the remainder of the amount authorized to be appropriated to reduce high-hazard locations and to eliminate roadside obstacles in the manner provided by law and in accordance with 23 U.S.C. 402(c).

Fourth, that pursuant to subsection 112(h) of the Federal-Aid Highway Act of 1976 (P.L. 94-280) this apportionment is made on July 1, 1976.

Fifth, that pursuant to 23 U.S.C. 401 and section 213 of the Highway Safety Act of 1976, this apportionment shall be available for obligation by the Virgin Islands, Guam, and American Samoa only to the extent that appropriate sums are provided in appropriation acts.

Sixth, the sums which are hereby apportioned and made available to each State, the District of Columbia, and the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, effective July 1, 1976, are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

APPORTIONMENT OF FUNDS FOR PROJECTS FOR HIGH HAZARD LOCATIONS AND THE ELIMINATION OF ROADSIDE OBSTACLES

AUTHORIZED BY SECTION 202 (7) OF THE HIGHWAY SAFETY ACT OF 1976 FOR THE FISCAL YEAR 1977

State:	*Apportionment*
Alabama	2,181,364
Alaska	610,938
Arizona	1,180,374
Arkansas	1,419,863
California	9,979,692
Colorado	1,580,873
Connecticut	1,463,022
Delaware	610,438
Florida	3,677,152
Georgia	2,795,663
Hawaii	610,938
Idaho	767,867
Illinois	5,846,331
Indiana	2,961,226
Iowa	2,122,859
Kansas	2,025,975
Kentucky	1,898,212
Louisiana	2,012,976
Maine	610,938
Maryland	1,904,182
Massachusetts	2,723,279
Michigan	4,790,481
Minnesota	2,634,764
Mississippi	1,499,898
Missouri	2,958,811
Montana	853,245
Nebraska	1,375,777
Nevada	610,938
New Hampshire	610,938
New Jersey	3,363,849
New Mexico	841,238
New York	8,763,720
North Carolina	2,925,755
North Dakota	950,924
Ohio	5,493,156
Oklahoma	1,984,236
Oregon	1,658,134
Pennsylvania	6,022,423
Rhode Island	610,938
South Carolina	1,609,038
South Dakota	867,963
Tennessee	2,344,002
Texas	6,904,884
Utah	828,341
Vermont	610,938
Virginia	2,510,409
Washington	2,118,507
West Virginia	1,033,507
Wisconsin	2,753,993
Wyoming	610,938
District of Columbia	610,938
Puerto Rico	1,228,277
American Samoa	407,292
Guam	407,292
Virgin Islands	407,292
Total	122,187,500

NOTE.—Done at the City of Washington this 1st day of July 1976.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

APPORTIONMENT OF FUNDS AUTHORIZED FOR PROJECTS FOR ELIMINATION OF HAZARDS AT RAILWAY-HIGHWAY CROSSINGS ON ANY FEDERAL-AID HIGHWAY SYSTEM OTHER THAN THE INTERSTATE SYSTEM FOR THE FISCAL YEAR 1977

State:	*Amount*
Alabama	2,130,238
Alaska	3,521,402
Arizona	1,427,423
Arkansas	1,414,801
California	9,471,508
Colorado	1,721,809
Connecticut	1,394,845
Delaware	539,978
Florida	3,414,920
Georgia	2,753,153
Hawaii	585,165
Idaho	948,919
Illinois	5,573,142
Indiana	2,789,396
Iowa	2,102,775
Kansas	1,952,875
Kentucky	1,871,789
Louisiana	2,000,301
Maine	778,794
Maryland	1,850,835
Massachusetts	2,458,456
Michigan	4,544,326
Minnesota	2,685,799
Mississippi	1,544,020
Missouri	3,028,079
Montana	1,366,191
Nebraska	1,452,298
Nevada	923,050
New Hampshire	540,937
New Jersey	3,074,160
New Mexico	1,206,840
New York	8,388,267
North Carolina	2,793,845
North Dakota	1,050,273
Ohio	5,157,547
Oklahoma	1,904,069
Oregon	1,547,154
Pennsylvania	5,695,997
Rhode Island	644,651
South Carolina	1,464,826
South Dakota	1,113,036
Tennessee	2,342,882
Texas	7,104,597
Utah	964,122
Vermont	485,028
Virginia	2,489,759
Washington	2,020,658
West Virginia	1,013,209
Wisconsin	2,675,985
Wyoming	874,083
District of Columbia	314,582
Puerto Rico	1,074,706
Total	122,187,500

NOTE.—Done at the City of Washington this 1st day of July 1976.

CERTIFICATE OF APPORTIONMENT FROM THE SUMS OF $1,350,000,000 FOR PROJECTS ON THE FEDERAL-AID PRIMARY HIGHWAY SYSTEM IN RURAL AREAS, EXTENSIONS OF THE FEDERAL-AID PRIMARY HIGHWAY SYSTEM IN URBAN AREAS AND PRIORITY PRIMARY ROUTES, $400,000,000 FOR PROJECTS ON THE FEDERAL-AID SECONDARY HIGHWAY SYSTEM IN RURAL AREAS AND $800,000,000 FOR PROJECTS ON THE FEDERAL-AID URBAN HIGHWAY SYSTEM AUTHORIZED TO BE APPROPRIATED FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1977

To the Secretary of the Treasury of the United States and the State Highway Departments:

Pursuant to the Federal-Aid Highway Act of 1976 (P.L. 94-280, 90 Stat. 425), title 23 U.S.C. entitled, "Highways" and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, DOT Order 1100.23A, I hereby certify—

First, that in compliance with 23 U.S.C. 104(a) I have estimated that it will be necessary, for administering the provisions of title 23 and for highway research and studies, to deduct two and one/quarter per centum from the amounts authorized to be appropriated for the fiscal year ending September 30, 1977, (which two and one/quarter per centum includes not to exceed $10,000,000 for administering training programs as authorized by 23 U.S.C. 140(b)) for projects on the primary, secondary, and urban systems and I have deducted said two and one/quarter per centum from the sums of $1,350,000,000, $400,000,000, and $800,000,000 authorized to be appropriated for such fiscal year by sections 105(a)(1) and 105(a)(2) of the Federal-Aid Highway Act of 1976, respectively.

Second, that in compliance with 23 U.S.C. 104(f)(1) and after making the deduction authorized by 23 U.S.C. 104(a) I have deducted one/half of one per centum of the remaining sums authorized to be appropriated for the fiscal year ending September 30, 1977, for the purpose of carrying out 23 U.S.C. 134.

Third, that pursuant to section 105(c)(1) of the Federal-Aid Highway Act of 1976 I have withheld $50,000,000 from the sum of $1,350,000,000 authorized to be appropriated for the primary highway system for the fiscal year ending September 30, 1977, for the discretionary priority primary fund.

Fourth, that after making said deductions and withholding, I have computed the apportionment among the several States, the District of Columbia, and the Commonwealth of Puerto Rico of the remainder of said amounts authorized to be appropriated in the manner provided by law and in accordance with the formulas set forth in 23 U.S.C. 104(b)(1)(2) and (6) and I have computed the apportionment for the purpose of carrying out 23 U.S.C. 134 among the several States, the District of Columbia, and the

Commonwealth of Puerto Rico in the manner provided by law and in accordance with the formula in 23 U.S.C. 104 (f)(2).

Fifth, that the States of Alabama, Delaware, Georgia, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New York, North Dakota, Oklahoma, and Wyoming who may be the subjects of a determination to invoke the reduction provided in 23 U.S.C. 131 for not effectively controlling outdoor advertising along Interstate and Federal-aid primary highways in accordance with 23 U.S.C. 131 may, after appropriate determination, have amounts apportioned hereunder to such States reduced by 10 per centum upon the issuance of a final written determination by the Secretary issued pursuant to 23 U.S.C. 131(1).

Sixth, that pursuant to subsection 112 (h) of the Federal-Aid Highway Act of 1976, this apportionment is made on July 1, 1976.

Seventh, that subject to the foregoing deductions and withholding, the sums which are hereby apportioned and made available to each State, the District of Columbia, and the Commonwealth of Puerto Rico, effective July 1, 1976, are respectively as follows:

U.S. Department of Transportation, Federal Highway Administration.—Apportionment of consolidated primary, rural secondary, and urban system funds authorized by sec. 105(A) (1) and (2) of the Federal-Aid Highway Act of 1976 for the fiscal year 1977

State	Consolidated primary	Rural secondary	Urban system	Metropolitan planning	Total
Alabama	24,049,382	8,604,625	9,736,754	135,636	42,526,397
Alaska	46,470,612	21,284,231	3,890,450	62,316	71,707,609
Arizona	15,832,396	5,503,416	7,039,288	111,977	28,487,077
Arkansas	17,105,147	6,766,985	4,401,438	62,316	28,335,886
California	80,108,095	13,343,961	92,192,327	1,574,994	187,219,377
Colorado	18,993,706	6,541,858	8,680,575	137,755	34,353,894
Connecticut	12,734,598	2,835,749	11,868,123	216,767	27,655,237
Delaware	6,315,134	1,945,225	3,890,450	62,316	12,213,125
Florida	32,391,637	8,070,596	26,842,043	457,672	67,761,948
Georgia	30,765,570	10,826,996	13,160,505	181,882	54,934,953
Hawaii	6,315,134	1,945,225	3,890,450	62,316	12,213,125
Idaho	10,973,357	4,649,193	3,89,0450	62,316	19,575,316
Illinois	51,465,560	11,872,977	46,354,251	770,976	110,463,764
Indiana	29,390,901	9,316,349	16,578,539	231,699	55,517,488
Iowa	24,857,970	9,532,802	7,571,710	81,468	42,043,950
Kansas	23,127,537	8,891,941	6,955,968	76,029	39,051,475
Kentucky	21,380,216	7,791,595	8,102,219	109,747	37,383,777
Louisiana	21,175,612	6,772,949	11,707,834	172,264	39,828,659
Maine	8,622,121	3,407,263	3,890,450	62,316	15,982,150
Maryland	17,092,531	3,943,801	15,392,637	250,445	36,679,414
Massachusetts	20,585,304	3,270,516	24,308,729	419,279	48,583,828
Michigan	44,695,570	12,217,770	32,818,423	554,960	90,286,723
Minnesota	30,281,288	10,811,452	12,349,168	189,015	53,630,923
Mississippi	18,814,403	7,521,554	4,535,491	62,316	30,933,764
Missouri	32,918,621	11,054,359	16,150,519	249,250	60,372,749
Montana	16,730,032	7,301,582	3,890,450	62,316	27,984,380
Nebraska	17,596,121	6,981,318	4,449,421	62,316	29,089,176
Nevada	10,613,963	4,391,432	3,890,450	62,316	18,958,161
New Hampshire	6,315,134	1,945,225	3,890,450	62,316	12,213,125
New Jersey	24,509,245	2,945,638	32,641,995	588,006	60,884,884
New Mexico	14,519,585	5,831,587	3,890,450	62,316	24,303,938
New York	72,240,430	13,019,874	79,289,122	1,397,324	165,946,750
North Carolina	32,609,167	12,277,151	10,822,791	132,245	55,841,354
North Dakota	12,373,373	5,357,812	3,890,450	62,316	21,683,951
Ohio	48,945,203	12,211,405	40,495,511	643,262	102,295,381
Oklahoma	21,683,393	7,865,125	8,361,368	101,484	38,011,370
Oregon	17,639,944	6,410,448	6,755,508	95,195	30,901,095
Pennsylvania	55,667,429	14,983,977	41,783,641	675,794	113,110,841
Rhode Island	6,315,134	1,945,225	4,239,408	72,092	12,571,859
South Carolina	17,079,163	6,420,274	5,707,208	69,948	29,276,593
South Dakota	13,239,825	5,778,798	3,890,450	62,316	22,971,389
Tennessee	26,152,451	9,187,111	11,251,280	154,743	46,745,585
Texas	73,778,259	22,725,354	44,195,070	676,285	141,374,968
Utah	10,987,774	3,990,387	4,218,264	70,926	19,267,351
Vermont	6,315,134	1,945,225	3,890,450	62,316	12,213,125
Virginia	26,249,530	8,330,264	14,768,886	232,275	49,580,955
Washington	21,157,314	6,624,718	12,253,223	194,383	40,229,638
West Virginia	11,849,920	4,660,252	3,890,450	62,316	20,462,938
Wisconsin	29,087,411	9,765,693	14,279,979	199,922	53,332,105
Wyoming	9,946,044	4,369,247	3,890,450	62,316	18,268,057
District of Columbia	2,213,397		3,931,921	73,183	6,218,501
Puerto Rico	10,750,098	3,056,490	7,433,463	104,871	21,344,922
Total	1,263,026,875	389,045,000	778,090,000	12,463,125	2,442,625,000

NOTE.—Done at the city of Washington this 1st day of July 1976.

CERTIFICATE OF APPORTIONMENT FROM THE SUM OF $3,340,941,699 AUTHORIZED TO BE APPROPRIATED FOR THE INTERSTATE SYSTEM AND $175,000,000 AUTHORIZED TO BE APPROPRIATED FOR RESURFACING, RESTORING, AND REHABILITATING THE INTERSTATE SYSTEM FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1978

To the Secretary of the Treasury of the United States and the State Highway Departments:

Pursuant to the act approved June 29, 1956 (70 Stat. 374) as amended and supplemented by the act approved May 5, 1976, P.L. 94-280 (90 Stat. 425) hereinafter cited as the "Federal-Aid Highway Act of 1976" and title 23, United States Code, entitled "Highways," and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, DOT Order 1100.23A, I hereby certify—

First, that in accordance with the provisions of section 209(g) of the Highway Revenue Act of 1956 (70 Stat. 387) approved June 29, 1956, the Secretary of the Treasury has estimated the amounts which will be available in the Highway Trust Fund to defray expenditures which will be required to be made from such funds, and based on his estimate and in consultation with him, I have determined that the amount which can be apportioned for projects on the Interstate System for the fiscal year ending September 30, 1978, is $3,250,000,000 which is 100 per centum of the amount authorized to be appropriated for the Interstate System for that fiscal year pursuant to section 108(b) of the Federal-Aid Highway Act of 1956, as amended by section 102(a) of the Federal-Aid Highway Act of 1976, plus $90,941,699 of the $91,000,000 authorized by section 105(b)(1) of the Federal-Aid Highway Act of 1976 and $175,000,000 which is 100 per centum of the amount authorized to be appropriated for resurfacing, restoring, and rehabilitating the Interstate System for that fiscal year pursuant to section 106(a) of the Federal-Aid Highway Act of 1976.

Second, that I have determined, based on advice of the States (including the District of Columbia) that no vehicles with maximum weights or widths in excess of the limitations specified in 23 U.S.C. 127 may lawfully be used on the Interstate System within the boundaries of said States.

Third, that in compliance with 23 U.S.C. 104(a), I have estimated that it will be necessary, for administering the provisions of title 23 and for highway research and studies, to deduct two and one/quarter per centum from the amounts authorized to be appropriated for the fiscal year ending September 30, 1978 (which two and one/quarter per centum includes not to exceed $10,000,000 for administering training programs as authorized by 23 U.S.C. 140(b)) for projects on the Interstate System, and I have deducted said two and one/quarter per centum from the sums of $3,250,000,000 and $175,000,000 authorized to be appropriated for such fiscal year by section 108(b) of the Federal Aid Highway Act of 1956, as amended by section 102(a) of the Federal-Aid Highway Act of 1976, and by section 106(a) of the Federal-Aid Highway Act of 1976, respectively.

Fourth, that in compliance with 23 U.S.C. 104(f)(1) and after making the deduction authorized by 23 U.S.C. 104(a) I have deducted one/half per centum of the remaining sums authorized to be appropriated for the fiscal year ending September 30, 1978, for the purpose of carrying out 23 U.S.C. 134.

Fifth, that the States of Alabama, Delaware, Georgia, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New York, North Dakota, Oklahoma, and Wyoming who may be the subjects of a determination to invoke the reduction provided in 23 U.S.C. 131 for not effectively controlling outdoor advertising along Interstate and Federal-aid primary highways in accordance with 23 U.S.C. 131 may, after appropriate determination, have amounts apportioned hereunder to such States reduced by 10 per centum upon the issuance of a final

written determination by the Secretary issued pursuant to 23 U.S.C. 131(1).

Sixth, that after making said deductions, I have computed the apportionment among the several States and the District of Columbia of the remainder of said amounts authorized to be appropriated in the manner provided by law in accordance with the formulas set forth in 23 U.S.C. 104(b)(5)(A) and 104(b)(5)(B) and in accordance with the provisions of section 105(b)(1) of the Federal-Aid Highway Act of 1976 and I have computed the apportionment for carrying out 23 U.S.C. 134 among the several States, the District of Columbia, and the Commonwealth of Puerto Rico in the manner provided by law and in accordance with the formula set forth in 23 U.S.C. 104(f)(2).

Seventh, that pursuant to 23 U.S.C. 104(e), this notice is issued 90 days prior to the effective date of this apportionment.

Eighth, that subject to the foregoing deductions, the sums which are hereby apportioned and made available to each State, the District of Columbia, and the Commonwealth of Puerto Rico, effective October 1, 1976, are respectively as follows:

U.S. Department of Transportation Federal Highway Administration.—Apportionment of interstate funds authorized by sec. 102(A), 105(B)(1) and 106(A) of the Federal-Aid Highway Act of 1976 for the fiscal year 1978

State	Interstate construction	Interstate resurfacing	Metropolitan planning	Total
Alabama	73,682,691	3,199,983	182,178	77,064,852
Alaska	15,804,953		83,698	15,888,651
Arizona	84,777,769	4,792,932	150,402	89,721,103
Arkansas	20,356,780	2,453,078	83,698	22,893,556
California	177,900,552	13,207,010	2,115,434	193,222,996
Colorado	71,027,459	3,947,849	185,024	75,160,332
Connecticut	92,079,657	1,918,482	291,149	94,289,288
Delaware	15,804,953	90,485	83,698	15,979,136
Florida	113,068,635	4,421,324	614,717	118,104,676
Georgia	86,642,753	4,251,840	244,293	91,138,886
Hawaii	39,765,262	176,942	83,698	40,025,902
Idaho	15,804,953	2,554,373	83,698	18,443,024
Illinois	129,979,935	6,486,137	1,035,528	137,501,600
Indiana	28,354,086	4,236,131	311,204	32,901,421
Iowa	33,885,820	3,125,999	109,423	37,121,242
Kansas	43,337,181	2,673,366	102,118	46,112,665
Kentucky	74,725,818	2,906,144	147,406	77,869,368
Louisiana	117,652,071	2,184,974	231,374	120,068,419
Maine	15,804,953	1,163,911	83,698	17,052,562
Maryland	123,373,464	1,935,504	336,383	125,645,351
Massachusetts	55,412,166	2,130,611	563,150	58,105,927
Michigan	84,935,818	5,459,695	745,388	91,140,901
Minnesota	77,254,611	3,270,614	253,873	80,779,098
Mississippi	22,759,133	2,787,057	83,698	25,629,888
Missouri	54,432,259	4,818,425	334,777	59,585,461
Montana	29,428,823	3,705,265	83,698	33,217,786
Nebraska	15,804,953	2,117,279	83,698	18,005,930
Nevada	16,121,052	2,151,008	83,698	18,356,358
New Hamsphire	21,463,126	823,669	83,698	22,370,493
New Jersey	90,183,063	1,244,755	789,774	92,217,592
New Mexico	28,638,575	4,380,110	83,698	33,102,383
New York	154,414,392	4,229,648	1,876,798	160,520,838
North Carolina	65,116,407	2,907,426	177,623	68,201,456
North Dakota	15,804,953	2,435,823	83,698	18,324,474
Ohio	86,927,242	6,705,905	863,990	94,497,137
Oklahoma	15,804,953	3,099,207	136,308	19,040,468
Oregon	85,820,895	3,571,954	127,860	89,520,709
Pennsylvania	124,163,712	5,418,454	907,685	130,489,851
Rhode Island	28,259,256	435,275	96,830	28,791,361
South Carolina	21,083,807	2,750,624	93,950	23,928,381
South Dakota	15,804,953	2,578,645	83,698	18,467,296
Tennessee	73,429,812	4,078,328	207,841	77,715,981
Texas	133,836,343	13,880,400	908,344	148,625,087
Utah	36,477,832	2,626,200	95,263	39,199,295
Vermont	15,804,953	1,122,463	83,698	17,011,114
Virginia	154,951,760	4,291,080	311,977	159,554,817
Washington	99,286,716	3,618,288	261,084	103,166,088
West Virginia	70,363,651	1,097,178	83,698	71,544,527
Wisconsin	28,037,987	2,533,428	268,523	30,839,938
Wyoming	15,804,953	4,029,265	83,698	19,917,916
District of Columbia	140,474,423	92,044	98,295	140,664,762
Puerto Rico			140,856	140,856
Total	3,251,932,324	170,207,187	16,739,688	3,438,879,199

NOTE.—Done at the city of Washington this 1st day of July 1976. To be effective on Oct. 1, 1976.

CERTIFICATE OF APPORTIONMENT FROM THE SUM OF $25,000,000 AUTHORIZED TO BE APPROPRIATED FOR HIGHWAY SAFETY PROGRAMS ADMINISTERED BE THE FEDERAL HIGHWAY ADMINISTRATION FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1977

To the Secretary of the Treasury of the United States, the Secretary of the Interior, the Governors of the States, the Mayor of the District of Columbia, the Governor of the Commonwealth of Puerto Rico, the Governor of the Virgin Islands, the Governor of American Samoa, and the Governor of Guam.

Pursuant to 23 U.S.C. 402, as amended by sections 208, 211, and 212 of the Highway Safety Act of 1976 (P.L. 94-280) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, DOT Order 1100.23A, I hereby certify—

First, that in accordance with section 208(b) of the Highway Safety Act of 1976, I have not withheld from this apportionment any funds pursuant to 23 U.S.C. 402(c).

Second, that in accordance with 23 U.S.C. 402(c), I have estimated that it will be necessary, for administering the provisions of 23 U.S.C. 402, to deduct 5 per centum from the sum of $25,000,000 authorized to be appropriated by section 202(3) of the Highway Safety Act of 1976 and I have deducted said 5 per centum from said sum of $25,000,000.

Third, that after making the said deduction, I have computed the apportionment of the remainder of the sum of $25,000,000 authorized to be appropriated for the fiscal year ending September 30, 1977, among the several States as defined for this purpose in 23 U.S.C. 401 and 402(i) in a manner provided by law and in accordance with the formula set forth in 23 U.S.C. 402(c).

Fourth, that pursuant to section 112(h) of the Federal-Aid Highway Act of 1976 (P.L. 94-280) this apportionment is made on July 1, 1976.

Fifth, that pursuant to 23 U.S.C. 401 and section 213 of the Highway Safety Act of 1976, this apportionment shall be available for obligation by the Virgin Islands, Guam, and American Samoa only to the extent that appropriate sums are provided in appropriation acts.

Sixth, that the sums which are hereby apportioned to each State effective July 1, 1976, are respectively as follows:

U.S. DEPARTMENT OF TRANSPORTATION

APPORTIONMENT OF FUNDS FOR CARRYING OUT SECTION 402 OF TITLE 23 U.S.C. RELATING TO HIGHWAY SAFETY PROGRAMS BY THE FEDERAL HIGHWAY ADMINISTRATION AUTHORIZED BY SECTION 202(3) OF THE HIGHWAY SAFETY ACT OF 1976 FOR THE FISCAL YEAR 1977

State:	*Amount*
Alabama	421,402
Alaska	118,750
Arizona	227,939
Arkansas	273,981
California	1,932,029
Colorado	305,115
Connecticut	283,340
Delaware	118,750
Florida	711,330
Georgia	540,248
Hawaii	118,750
Idaho	147,849
Illinois	1,131,263
Indiana	572,568
Iowa	409,584
Kansas	390,452
Kentucky	366,921
Louisiana	389,330
Maine	118,750
Maryland	368,755
Massachusetts	527,456
Michigan	926,729
Minnesota	508,645
Mississippi	289,607
Missouri	571,698
Montana	164,192
Nebraska	265,100
Nevada	118,750
New Hampshire	118,750
New Jersey	651,662
New Mexico	162,207
New York	1,697,328
North Carolina	565,660
North Dakota	182,835
Ohio	1,063,129
Oklahoma	382,758
Oregon	319,806
Pennsylvania	1,165,674
Rhode Island	118,750
South Carolina	310,889
South Dakota	166,985
Tennessee	453,041

State:	Amount
Texas	1,334,198
Utah	159,778
Vermont	118,750
Virginia	485,642
Washington	409,322
West Virginia	199,766
Wisconsin	532,095
Wyoming	118,750
District of Columbia	118,750
Puerto Rico	238,041
American Samoa	79,167
Guam	79,167
Virgin Islands	79,167
Section of Interior	118,750
Total	23,750,000

NOTE.—Done at the City of Washington this 1st day of July 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.76-20506 Filed 7-21-76;8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP 76-4; Notice 2]

DUNLOP OF JAPAN, LTD.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

This notice grants the petition by Dunlop Tire and Rubber Corporation on behalf of Dunlop of Japan, Ltd., Kobe, Japan, to be exempted from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.119, Federal Motor Vehicle Safety Standard No. 119, New Pneumatic Tires for Vehicles Other Than Passenger Cars, on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on April 26, 1976, and an opportunity afforded for comment (41 FR 17416).

S6.5(a) of Standard No. 119 requires that each tire for a motor vehicle other than a passenger car be marked with "the symbol DOT, which shall constitute a certification that the tire conforms to applicable Federal motor vehicle safety standards." Dunlop produced approximately 4500 motorcycle tires, size 4.50-17 K87, without DOT marking. Honda Motors used approximately 1700 of the tires as original equipment for its motorcycle models GL100 and LP750A, some of which may be destined for the United States. The remaining 2800 tires were sold to Dunlop Tire and Rubber Corporation for resale in the U.S. replacement market. Dunlop of Japan originally intended to mark "DOT" on all tires in its stock and at the Honda factory while Dunlop Tire and Rubber Corporation would do the same for all tires remaining in its warehouse and dealer stocks. However, it has now decided to collect these tires for return to Japan and their subsequent resale outside the United States.

The petitioner argued that the noncompliance is inconsequential because tires otherwise conform to Standard No. 119, do not contain any safety-related defect, and the noncomplying condition poses no danger to the public.

No comments were received on the petition.

The purpose of the requirement that tires be marked with the DOT symbol is to afford a manufacturer a convenient means of fulfilling its obligation under Section 114 of the National Traffic and Motor Vehicle Safety Act to certify that its product meets all applicable Federal motor vehicle safety standards. The presence or absence of the symbol does not affect the safety characteristics of the tire. Since there is no reason to believe that the tires do not, in fact, conform to Standard No. 119, the failure to mark the tires with the DOT symbol does not pose a danger to the public. Accordingly, it is found that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and the petition of Dunlop of Japan, Ltd. is hereby granted.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on July 16, 1976.

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

[FR Doc.76-21156 Filed 7-21-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-6-161]

TEXAS INTERNATIONAL AIRLINES INC. ET AL.

Certificate of Public Convenience and Necessity; Correction

Correction

In FR Doc. 76-20033 appearing at page 28578 in the issue for Monday, July 12, 1976 the heading should have read forth as set forth above.

[Docket No. 27573; Order 76-7-58]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1976.

By Order 76-5-38, May 12, 1976, the Board established procedural dates for the receipt of carrier justification and comments from interested parties pertaining to an agreement among the members of the International Air Transport Association (IATA). The agreement, adopted at a JT31 South Pacific Cargo Conference held in Geneva during April 1976, would establish cargo rates over the South Pacific effective July 1, 1976 through September 30, 1977 and has been designated Agreement C.A.B. 25807.

The agreement would increase minimum charges by $4 to a level of $20 for any consignment moving between west coast/Alaskan/Hawaiian points and South Pacific points and by $5 to a level of $26 for shipments moving to/from all other Western Hemisphere points over the South Pacific. General commodity rates to/from Hawaii would be despecified and instead constructed by means of specified deductions from the Los Angeles general rates. Southbound (from the U.S.) general commodity rates would increase approximately 5 percent while northbound general rates would increase in amounts ranging from 13-14 percent. New charges for type 2, 2-A, and 2-D containers are proposed between Sydney/Auckland and U.S. west coast points and existing container rates would increase by amounts ranging from approximately 3 to 11 percent at the pivot weight while over-pivot rates would increase approximately 11 percent. Finally, with certain exceptions, northbound specific commodity rates would increase by amounts ranging from 13 to 19 percent, while southbound commodity rates would increase approximately 10 percent, and a number of commodity rates would be canceled.

In support of the agreement, Pan American World Airways, Inc. (Pan American), the only U.S. carrier affected by the agreements, has submitted justification which indicates that the rate increase will produce a $2.3 million increase in revenue, 10.9 percent above that otherwise forecast for the year ending June 30, 1977. The carrier contends this revenue increase will flow, in part, from a shift in traffic to the higher general and container rates as a result of the proposed cancellation of a number of the lower-rated specific commodity rates; forecasts returns on investment (R.O.I.) of 35.6 and 44.2 percent for total scheduled cargo services in the area under present and proposed rates respectively; and states that these forecast results are premised upon the beneficial impact of a Pan American-Qantas capacity agreement now pending before the Board. The carrier believes that while its historical (Y.E. 3/31/76) R.O.I. for South Pacific scheduled cargo services was a healthy 25.17 percent, consideration must be given to the facts that total South Pacific scheduled services produced only a 4.0 percent R.O.I. in the same period; allocation of capacity costs between types of traffic on combination service aircraft creates inherent distortions; and the shift to all B-747 service in the area reduces unit costs and thereby increases R.O.I. The carrier forecasts a 17.5 percent increase in total capacity available for cargo services, resulting from the changeover to wide-body aircraft, which would decrease its forecast weight load factor for scheduled cargo services to 49.0 percent from a historical 52.9 percent. Pan American alleges this decrease is inevitable in the first year after the equipment changeover, especially in a market as thin as the South Pacific. Finally, the carrier argues that the increases should be considered in the context of average industry costs which are higher than Pan American's; that while South Pacific rates have not changed since March 1974, its costs have and will continue to increase rapidly; and that above-average earnings in a small area

should not preclude Pan American from improving its overall system profitability.

Upon full consideration of the agreement, Pan American's economic justification, and all other relevant matters, the Board has determined to disapprove the proposed increases. We will likewise disapprove separate agreements which propose cargo rate increases to/from American Samoa and other points in TC3 (Asia/Australia) and TC2 (Europe/Middle East/Africa) consistent with our actions in the South Pacific agreement.

The carrier's forecast returns of 35.6 and 44.2 percent at present and proposed levels for total scheduled South Pacific cargo services were premised on approval of the Pan American-Qantas capacity limitation agreement which has now been withdrawn at Pan American's request (See Order 76–6–188, June 30, 1976). However, as noted above, that carrier's historical data, which reflect operations using less efficient equipment, show a rate of return of 25.17 percent, well above the Board's guideline. Furthermore, the carrier anticipates a significant growth in freight traffic in the area during the forecast period. Thus, even with our disapproval of the instant increases, it appears that the carrier's earnings will be ample.

Pan American's principal arguments for approval are that the proposal should be evaluated in the context of its return for total South Pacific scheduled services, claimed to be 4 percent historically; average industry costs in the area, alleged to be well above its own;[1] and its total system results, stated to have been negative for the past seven years.[2] These arguments all run counter to long-held Board policy that each IATA rate and fare agreement must be viewed in terms of its impact on the type of service within the ratemaking area to which it is addressed. This impact has been the primary determinant whether any proposal is justified or not.[3] Finally, while Qantas is the other carrier most affected in the area and thus should be given some consideration, no data have been submitted to support Pan American's claims that Qantas' costs are significantly higher. For these reasons, we conclude that approval of the agreements increasing air freight rates and charges to/from U.S. points is not warranted.

Finally, while Pan American has not addressed the proposed despecification of general commodity rates to/from Hawaii in its justification, it appears that this action may result in a disproportionate increase in general rates between U.S. interior points and points in the South Pacific. Even were approval of the proposed general increases justified, the Board would in any event have been unable to approve the proposed despecification in the absence of carrier justification.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 201, 204(a), and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25807 as indicated, are adverse to the public interest or in violation of the Act subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25807):			
R–1	001c	Cargo Tie-in Resolution (South Pacific)	3/1.
R–2	001n	Special Emergency Escape for JT3I (South Pacific) Agreement (readopting and amending).	3/1.
R–3	001o	South Pacific Escape—Cargo	3/1.
R–4	014x	Special JT3I and JT123 Cargo Construction Rule (readopting and amending).	3/1; 1/2/3 (South Pacific).

2. It is found that the following resolutions, incorporated in Agreement C.A.B. 25807 as indicated, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25807):			
R–5	501	Minimum Charges for Cargo (South Pacific) (readopting and amending).	3/1; 1/2/3.
R–6	536b	Charges for Bulk Unitization (South Pacific) (readopting and amending).	3/1.
R–7	556	JT3I General Cargo Rates (South Pacific)	3/1.
R–8	590	Specific Commodity Rates Board (readopting and amending)	3/1; 1/2/3 (South Pacific).

3. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act insofar as they would affect air transportation to/from American Samoa:

Agreement CAB	IATA No.	Title	Application
25791:			
R–2	555	Expedited JT23 and JT123 General Cargo Rates (amending)	2/3; 1/2/3.
R–2	501	Minimum Charges for Cargo (amending)	3.
R–3	005dd	General Increase in Cargo Rates (new)	3.
R–3	501	Minimum charges for Cargo (amending)	2/3; 1/2/3.
R–4	005hh	General Increase in Cargo Rates (new)	2/3; 1/2/3.

Accordingly, it is ordered, That: 1. Those portions of Agreement C.A.B. 25807 set forth in finding paragraph one above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreement C.A.B. 25807 set forth in finding paragraph two above be and hereby are disapproved; and

3. Those portions of Agreements C.A.B. 25791, C.A.B. 25809, and C.A.B. 25813 set forth in finding paragraph three above be and hereby are disapproved insofar as they affect air transportation to/from American Samoa.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–21219 Filed 7–21–76;8:45 am]

[1] Pan American asserts that Qantas' costs per available ton-mile are 49 precent higher.

[2] In support of this last point, Pan American quotes from Order 76–5–28, May 10, 1976, where the Board, in acting upon various IATA fuel-related increase agreements, stated its expectation that "any future increases in rates and fares [are] to be premised on the carriers' system need * * *." However, the Board was referring there to the evaluation of the carriers' overall cost position for a given type of service in a specific ratemaking area as opposed to the consideration of a particular element of cost (i.e. fuel) in considering future fare or rate increases in any given IATA ratemaking area.

[3] See Order 75–11–78, November 21, 1975, which disapproved an IATA agreement increasing South Pacific cargo rates.

[Docket Nos. 28672, 28876; Order 76–7–56]

MEMBERS OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION AND INTERNATIONAL AIRFREIGHT AGENTS ASSOCIATION

Order Instituting Investigation of Air Freight Commission Rates and Practices

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1976.

Pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended (Act) and Part 261 of the Board's Economic Regulations, four agreements among the members of the International Air Transport Association (IATA) have been filed with the Board.[1] The agree-

[1] The Agreements were filed on behalf of the following U.S. members of IATA: Allegheny Airlines, American Airlines, Braniff International Airways, Delta Air Lines, Eastern Air Lines, National Airlines, Pan American World Airways, Trans World Airlines, The Flying Tiger Line, and United Air Lines.

ments, in the form of IATA Resolutions, were adopted at the Reconvened Composite Traffic Conference of IATA held in Geneva on December 8–11, 1975. The principal agreement establishes uniform commission rates to be paid to travel agents for the sale of international passager transportation by air.[2]

INITIAL PROCEDURES

The Board, by Order 75–12–141, solicited comments from interested persons and arguments in support of approval from the carriers, to provide a basis for determining a disposition of the agreements. Numerous comments were filed.[3] The principal issue raised in the comments involved the merits of continuing to establish commission levels by intercarrier agreements which set uniform rates, versus allowing the rates to be determined by the individual carriers in response to market forces. The respective positions on the issue were advanced by the parties with argument and counterargument but with little or no factual input to support the conclusions.

The Board, after review of the comments, set the matter for oral argument.[4] At the oral argument, the parties largely renewed the positions they had advanced in their comments.

DISPOSITION

Upon consideration of the record thus far established in this proceeding, the Board has decided to defer action on the agreements and institute an investigation into the overriding issue before us, namely, whether an agreement among international air carriers establishing uniform commission rates to be paid to their agents for the sale of air transportation, is or is not adverse to the public interest.[5]

The question is one that has been reduced by most of the parties in the proceeding to two basic positions. The carriers are in favor of setting uniform commission rates by intercarrier agreement, basically citing the successes of the existing agency structure. Other parties take a position in favor of allowing the rates to be determined by separate negotiation between individual carriers and agents within the context of a free market. Those in favor of this result cite the lack of any significant problems during the past 12 months, during which no agreement was in effect. Both the proponents and opponents of the agreement have advanced their positions, and have offered rebuttal arguments both by written comments and oral presentations to the Board. However, little or no factual information has been presented by either side to support their conclusory assertions. Accordingly, for reasons to be explained further herein, we think it essential to investigate the issue and to conduct an evidentiary hearing before reaching a final decision.

The Board has not undertaken a full evidentiary hearing on the need for fixed commission rates in international markets.[6] Rather, specific resolutions of the various IATA traffic conferences which provided for uniform commission levels were submitted to the Board and regularly approved, as were later modifications to these resolutions. The apparent reason for the failure to conduct such an inquiry has been a fear of "destructively competitive practices" which would create a climate ripe for rebates, special favors, and discrimination.[7] In the past, the Board reached these abstract conclusions of inevitable chaos without the benefit of an evidentiary record.

Since the Board last considered the question of uniform commission rates, two significant factors have arisen which induce us to re-examine our long-held policies in this area. First, a data base is now available since a *de facto* open-market situation has been in existence since April, 1975.[8] From all indications, the predicted chaos has simply not materialized and we thus are afforded an excellent opportunity to re-examine the Board's earlier conclusions in the light of new information.

That factual data is readily available with little or no risk to the IATA agency structure itself leads us to the second factor which calls for an evidentiary hearing. We have little doubt that, but for the Board's approval, the fixed commission structure would be held unlawful *per se* under the antitrust laws.[9] In recent years, the Courts have reinforced the requirement that agency approval of anticompetitive agreements must rest on a finding of necessity, after considering alternatives, and that such finding must be supported by an adequate factual foundation. At approximately the same time that Pan American was withdrawing from the IATA agency program, the United States Court of Appeals, District of Columbia Circuit, was emphasizing the importance of factual information where antitrust immunity is sought:

> The Board's approval of voluntary anticompetitive agreements, which confers an immunity against antitrust liability, must rest on a justification of serious transportation need or important public benefits, with need for a Board showing of an appropriate factual predicate.[10]

Our dissenting colleagues reach an ultimate conclusion on necessity through reasoning from certain assumptions and in reliance on past Board positions which can have only limited value as precedent, given the *de facto* open-rate situation of the past year. Without a thorough examination of the factual data available to us, we may not simply speculate as to the consequences of the competitive alternative. On this point the Court stated:

> * * * [Q]uestions as to probable competitive behavior and its probable effects are susceptible to determination in the light of business and economist testimony and exhibits, and cross-examination concerning analyses and underlying assumptions. Such matters are not to be determined exclusively

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[2] The agreements in question were reproduced in their entirety as an appendix to Order 75–12–141.

[3] Comments were filed by the United States Departments of Transportation (DOT) and Justice, Japan Air Lines, Association of Retail Travel Agents, International Airfreight Agents Association (IAAA), American Automobile Association, American Society of Travel Agents, Eastern Air Lines, Trans World Airlines, Pan American World Airways, and National Airlines.

A late-filed document was submitted by the Department of State accompanied by a sufficient petition for leave to file, which we will grant.

Rebuttal comments were filed by DOT and jointly by 30 U.S. and foreign air carrier members of IATA.

[4] Order 76–3–83. The oral argument was held on April 7, 1976. In addition to the above parties, the Air Traffic Conference of America (ATC) was granted permission to intervene and it participated in the oral argument.

[5] Section 412(b) of the Act; also see, Local Cartage Agreement Case, 15 CAB 850, 853 (1952); North Atlantic Tourist Commissions Case, 16 CAB 225, 226 (1952).

[6] The Board proceeding which approved the IATA resolution establishing a 7 percent commission rate, the rate which was in effect until April 1975 (see note 8, *infra*), was held over 23 years ago and was decided on the basis of written comments filed in the record. Order No. E–7212, dated March 6, 1953. The Board's approval was based in part on the "desirability in the public interest of a uniform commission rate."

[7] See Order 70–12–165, December 31, 1970.

[8] In April 1975, Pan American renounced parts of the IATA agency program including the IATA resolution establishing uniform commission rates for travel agents. This, in turn, led IATA to rescind the commission resolution and thus, in effect, permit the IATA member carriers to set their own commission rates.

[9] The Board has always recognized that agreements fixing commission rates, analogous to combining to fix prices paid to suppliers, are unlawful under the antitrust laws of the United States. See, e.g., IATA Agency Resolutions Proceeding, 12 C.A.B. 493 (1951); North Atlantic Tourist Commissions Case, 16 C.A.B. 225 (1952). We are, of course, required to consider the policies of these laws before acting to confer immunity from their reach. McLean Trucking Co. v. United States, 321 U.S. 67 (1944). The well-known test we employ in balancing the need for anticompetitive agreements against their inherently harmful characteristics is that of the Local Cartage Agreements Case, 15 C.A.B. 850, 853 (1952). See also Capacity Reduction Agreements Case, Order 75–7–98, July 21, 1975.

[10] United States v. C.A.B., 511 F. 2d 1315, 1317 (D.C. Cir. 1975). The Court held that the need for a factual predicate was not satisfied where "the record presents little more than speculation." Significantly, the Court sought but found no "procedure, either for a hearing or an experiment in certain markets, no system for testing or opportunity for considered examination of the Board's underlying factual assumptions as to the consequence of the competitive alternative." United States v. C.A.B. at 1317.

by reasoning in the abstract, based upon logical speculation.[11]

It is true that under "emergency" conditions the need for a hearing might be overridden by the need for expedition. Thus, it might be argued that a perceived need to quickly eliminate the open-rate situation existing for the past year would amount to an "emergency." As previously pointed out, however, the predicted problems do not appear to have occurred, at least not so as to cause imminent danger to the industry. In any event, the Board made just such an argument in Pillai v. CAB,[12] where it opposed a full evidentiary hearing because it feared the "consequences of an open-rate situation." That case, as here, involved an anticompetitive agreement in the international arena; however, Board approval based simply on "fear of the consequences of an open-rate situation," with no factual foundation for such fear, was overturned by the Court. Such a "vision of imminent peril" must be supported by substantial evidence.[13] The "spectre of an open rate situation does not absolve the Board of its responsibility" to "make an informed assessment of the public interest under section 412."[14] Moreover, where radical changes in the economic conditions of the industry have occurred, previous Board pronouncements in similar cases would not negate the necessity for a fresh examination of need "in the currently prevailing market situation."[15] While we may speculate as to the consequences of competition, we may not do so without first seeking an adequate factual predicate upon which to found our conclusions.

Moreover, we should not automatically leap, as do the dissenting Members, from a domestic to an international case by pouring over the same "general considerations" from one to the other.[16] The Board has often distinguished its actions with respect to matters in domestic air transportation from those in international air transportation, reasoning that, because decisively different circumstances often prevail in the two arenas, what is needed to meet a serious transportation need and secure important public benefits in one market may not be required in the other. See Capacity Reduction Agreements Case, Order 75-7-98, July 21, 1975, at p. 15. Thus, we should not merely assume that what was held to be in the public interest with respect to domestic transportation will have automatic application to international transportation. Moreover, even allowing for some similarities between commission rates for domestic and international sales, past Board positions not of recent date and not directly on point (having been eclipsed by events) can have only limited value as persuasive precedent. *E.g., Cf.* ATC Resolutions Pertaining to Travel Agents Commissions, Order 70-12-165, December 31, 1970.

While it may be that, after examination of possible alternatives, we more frequently find a need for anticompetitive agreements internationally than domestically, neither we nor the courts have ever held that the international aspect excused a thorough examination of the necessity for anticompetitive behavior.[17]

We do not find a statutory requirement for a hearing as a precondition to Board approval under section 412 of the Act.[18] The question is whether a hearing is needed in the particular case. Where the Board's public-interest determination involves a factual predicate, the courts do require that the decision be supported by substantial evidence.[19] Furthermore, we recognize that we are dealing with a long-standing Board policy. It is difficult to effectively reexamine that policy, with a free hand to either continue or reverse the policy depending on our ultimate conclusions, without an adequate factual record.[20] The issue before us is not simply a question of permitting existing agreements to continue in force, which were themselves the subject of an earlier evidentiary hearing.[21] Under such circumstances we might indeed be prepared to dispense with an evidentiary hearing, as the IATA carriers argue.[22] This overlooks the changed economic environment of the past year, which we would be remiss to ignore, as well as the fact that the present agreements embody both an increase in the previously improved uniform commission rate and a new plan for incentive commissions.

If the dire consequences predicted in the dissents are inevitable, this will become apparent during the course of the hearing. For our part, we think it prudent to further investigate the issue before reaching a final decision. Our investigation should in no way be construed as an indication of an ultimate Board position on the agreements. Our action is largely motivated by our desire to utilize the unique opportunity presented by the open rate on commissions that has existed in the international markets during the past year, and to reexamine our long-held view that a uniform commission rate is in the best interests of the public, the agents, and the airlines.

The Investigation

As stated, the one aspect of the agreements to be investigated is the controlling question of whether there is sufficient justification for approval of a uniform commission structure, as contrasted with allowing the commissions to be set by individual carriers in response to market forces. Our inquiry is limited to the sale of international air transportation but will include both passenger and cargo sales.[23] The investigation is to consider the basic question as it is applicable to the agreements before us, but is not to

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[11] *Id.* at 1326. The court seems to classify antitrust questions relating to the effect of competitive behavior outside the scope of "policy-making judgment-call questions" on which an agency need make no factual inquiry. Certainly, it considers factual findings more necessary where an agreement submitted under section 412 of the Act is attacked on antitrust grounds. Antitrust "issues are particularly suited to resolution by evidentiary hearing * * * disposition of antitrust questions by other means creates a greater likelihood of administrative error, and invites a more skeptical judicial scrutiny." NACA I, infra note 14, at 195.

[12] Pillai v. CAB, 485 F. 2d 1018 (D.C. Cir. 1973).

[13] *Id.* at 1022, 1023.

[14] National Air Carrier Ass'n v. C.A.B. (NACA I), 436 F. 2d 185, 192 (D.C. Cir. 1970).

[15] *Id.* at 193. The *de facto* open-rate situation is surely a radical change from the regime under which previous Board decisions on agency commissions were made.

[16] See Vice Chairman O'Melia's dissent at p. 2 and Member Johnson's dissent at p. 1.

[17] "The Board cannot wrap its decision in some mystique of foreign policy or purported expertise in international negotiation to achieve a nonreviewable status for the facts * * *." Pillai v. CAB, supra note 12, at 1023. The Board has recognized that the international environment may require certain anticompetitive activity not countenanced domestically. But that is a question we must decide on the facts, not an axiomatic conclusion to be reiterated in each international case. *Cf.* Capacity Reduction Agreements Case, *supra* note 9; Miami-London Capacity Limitation Agreement, Order 76-2-60, February 17, 1976.

[18] See, Air Line Pilots Ass'n v. C.A.B., 475 F. 2d 900, 903 (D.C. Cir 1973).

[19] Pillai v. C.A.B. supra note 13. We recognize that the test of "substantial evidence" is at best variable. See Davis, Administrative Law Text, Third Edition, 1972, section 29.02. It has been defined as "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion" and which affords a "substantial basis of fact from which the fact in issue can be reasonably inferred." Consolidated Edison Co. v. NLRB, 305 U.S. 197, 229 (1938); NLRB v. Columbian Enameling and Stamping Co., 306 U.S. 292, 300 (1939). Under the circumstances of this case we question whether we could meet the substantial evidence test without the data provided by an evidentiary hearing. We will borrow the court's language in Pillai at 1030 as particularly appropriate: "We do not feel that speculative 'horribles' should deter a firm rejection of action by the Board unsupported by substantial evidence relevant to the critical issue, action which appears, not as a principled choice of alternatives, but as failure to exercise discretion."

[20] Marine Space Enclosures, Inc. v. FMC, 420 F. 2d 577 (D.C. Cir. 1969). The IATA carriers' argument on this point is circular and illogical. They argue that no hearing is required because of the Board's consistency in approving past agreements, yet this long-held policy cannot be reversed due to the lack of an adequate record. Rebuttal Comments of Certain Member Carriers of IATA, Docket 28672, at 19-22.

[21] Some of the parties view the present agreement as essentially the same, with modifications, as that which existed in April 1975.

[22] See e.g., Air Line Pilots Ass'n v. C.A.B., 509 F. 2d 964, 967 (D.C. Cir. 1975).

[23] To the extent that the petition of IAAA in Docket 28776 (Petition of IAAA for an investigation of air freight commission rates and practices) seeks an investigation of the best system for setting commission rates paid to IATA cargo agents, and to the extent that the question parallels the central issue herein and will not unduly expand the investigation herein, the petition of IAAA will be granted. The investigations will be consolidated in this proceeding.

consider any additional questions, although raised in the comments, such as the appropriate level of commission rates.[24] There are of course, sub-issues to the central issue which must be explored. The sub-issues of the investigation should include, but not be limited to such matters as:

1. Whether commission rates would climb excessively in the absence of a fixed uniform rate, and thus inflate fare levels, without any offsetting benefit such as increased promotion and travel demand;

2. Will agents lose their impartiality in dealing with the public under an open commission structure, so as to be governed primarily by the financial consideration of which carrier pays the highest commission in recommending travel arrangements;

3. What, if any, are the international implications of an open versus uniform commission structure; and

4. What are the immediately foreseeable implications for the structure of the travel agent industry under an open commission structure.

Additional sub-issues, and the most appropriate procedures to use to explore the questions, can be developed at a prehearing conference.

We recognize the need for expedited Board action herein in order to reduce to a minimum the period of uncertainty caused by a lack of a Board decision on the agreements. It is therefore the intention of the Board to arrive at a decision in the proceeding as early as possible, consistent with the need to develop a sound record and accord procedural fairness to all of the parties. The Board's staff and the Administrative Law Judge assigned to the case are thus instructed to process the investigation with the utmost expedition.

OTHER ACTION

Several of the parties in the proceeding have urged the Board to grant interim approval to the agreements if it should decide that a hearing is necessary. It is argued that because of a substantial likelihood that the IATA agency structure will collapse if the open commission situation is allowed to continue during a lengthy hearing, there is ample justification for interim approval of the agreements. Others urge that an interim approval is needed for the purpose of maintaining the historic *status quo* until a final decision is reached.[25]

We are not currently persuaded that it is necessary to approve these agreements on an interim basis during the pendency of the hearing in order to protect the public interest. The parties have not presented evidence an emergency now exists, specifically in view of the fact that there has been an open commission situation in international air transportation for one year without any substantiated evidence of detrimental impact on the carriers, agents, or traveling public. In fact, a continuation of the present open-rate situation provides the Board with a unique opportunity to gather evidence of the effect of the open rate in the marketplace during the hearing.

Moreover, the Board in ER–961/PS–70 is simultaneously issuing the rules proposed in EDR–290/PSDR–44 [26] in essentially the form as set out therein. This regulation will require each air carrier and each foreign air carrier to file with the Board a schedule of the commissions and other forms of compensation which it pays for the sale of air transportation, and to adhere to its filed schedules. It is our tentative view that the notice thus provided agents of the commissions paid by each carrier should alleviate many of the concerns expressed herein that the absence of interim approval would result in chaos and unfavorable bargaining between the carriers and agents.

Based on all of the foregoing, we have decided to defer action on the IATA agreements during our investigation. If, however, we should become convinced during the pendency of the investigation that the public interest requires interim approval or other action by the Board on the commission package, we will take appropriate action.

Finally, while the question of the proper rate of commissions to be paid will not be considered in the present investigation, we nevertheless wish to note an apparent lack of meaningful participation by agents in the IATA process of setting commissions. Without prejudging the question of an open versus a uniform commission structure, we urge the parties to consider the development of an appropriate mechanism that would permit travel agents to participate more fully in IATA rate-setting, in the event the Board determines to reinstitute fixed uniform commissions.[27]

Accordingly, it is ordered, That:

1. Further Board action on Agreements CAB 25606–R1 through R4 be and it hereby is deferred pending further order of the Board;

2. A hearing be and it hereby is set before an Administrative Law Judge of the Board, at a time and place to be hereafter designated, to investigate whether the aforesaid agreements among international air carriers establishing uniform commission rates to be paid to their agents for the sale of international air transportation are or are not adverse to the public interest;

3. The petition of the Department of State to submit a late-filed document be and it hereby is granted;

4. The petition of the International Airfreight Agents Association in Docket 28776 for an investigation be and it hereby is granted, to the extent outlined above (see note 23, *supra*) and the investigation be and it hereby is consolidated herein; and

5. To the extent not granted or deferred herein, all outstanding requests be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[28]
Secretary.

[FR Doc.76–21220 Filed 7–21–76;8:45 am]

[24] The issue of whether the levels of the proposed commission rates are fair and equitable to all concerned is separate and distinct from the issue of whether the fixing of uniform rates of commissions to travel agents by agreement among the carriers is adverse to the public interest. The issue of whether the rate established should be 7 percent or 8 percent is unimportant from an antitrust viewpoint while the latter issue does raise antitrust questions. North Atlantic Tourist Commissions Case, 16 CAB 225, 226–227 (1952).

[25] While there is presently no approved intercarrier agreement on international commissions, some of the parties view the historic *status quo* in the industry as the situation which existed under successive approved agreements for uniform commission rates from 1948 to April 1975.

[26] November 3, 1975.

[27] See Order 75–6–49.

[28] Dissenting statements of O'Melia, Vice Chairman, and Johnson, Member, filed as part of the original document.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTIFICATION OF COTTON TEXTILE PRODUCTS EXPORTED FROM INDIA

JULY 19, 1976.

The purpose of this notice is to outline and clarify the various types of certifications that are required for cotton textiles and cotton textile products exported to the United States from India under the terms of the Bilateral Cotton Textile Agreement of August 6, 1974, as amended, between the Governments of the United States and India. It supersedes the notice of June 14, 1976 that was published in the FEDERAL REGISTER on June 16, 1976 (41 FR 24447).

1. Shipments of apparel in Categories 39–63, other than traditional Indian folklore items, which are manufactured in the cottage industry of handloomed fabric, are charged to a level of restraint of 2.9 million dozen during the twelve-month period which began on October 1, 1975. These shipments require a certification in the form of an elephant which must appear on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice, when such form is used) and include the signature and title of the official authorized to issue the certification; identify the items involved; and indicate the certificate number and the date the certification was signed. A copy of this certification is Appendix A.

2. Traditional Indian folklore products, as defined in paragraph 17 of the bilateral agreement, and which are listed in the enclosure to the letter of May 13, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs (see 40 FR 22025) are exempt from the agreement and must carry a rectangular stamp on the front of the invoice (Special Customs Invoice

Form 5515, successor document, or commercial invoice, when such form is used) and must include the signature and title of the official authorized to issue the certification; identify the items exempted; and indicate the certificate number and the date the certification was signed. A copy of the certification stamp is Appendix B.

3. Apparel, other than the traditional Indian folklore products listed in the enclosure to the letter of May 13, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which have been hand cut and hand sewn in the cottage industry from handloomed fabric, must be accompanied by the rectangular Indian certification for exempted items similar to the one cited in paragraph 2.

4. Cotton textile products of the cottage industry, other than apparel, made from handloomed fabrics of the cottage industry, as provided in paragraph 1 of the amendment of January 20, 1976 to the Bilateral Cotton Textile Agreement of August 6, 1974, shall also be exempt when accompanied by the rectangular exempt stamp cited in paragraph 2.

5. Invoices for shipments of non-exempt cotton textiles and cotton textile products in Categories 1–64 which are not described in paragraphs 1 through 4 above must have the visa stamp described in the directive of May 13, 1975 to be permitted entry. These shipments are subject to respective quotas. A copy of the visa is Appendix C.

6. The certification procedures for handloomed fabrics of the cottage industry which are classified under TSUS item numbers 319.01, 319.03, 319.05 and 319.07 shall be those outlined in the Tariff Schedules of the United States. These TSUS numbers apply to woven fabrics, of numbers 59 or coarser, wholly of cotton, colored, whether or not bleached, and whether or not fancy or figured, and made on a hand loom (i.e., a nonpower-driven loom) by a cottage industry, and which prior to exportation have been so certified by an official of a government agency of the country where the fabrics were produced. Inquiries should be addressed directly to the U.S. Customs Service for information on the requirements for these products.

7. Imports of cottage industry handloomed fabric and hand embroidered, handloomed fabric which are not reported under the 319.01 through .07 TSUS numbers may be entered without regard to the restraint level of the bilateral agreement if certified with either the:

a. Rectangular exempt stamp contained in Appendix B, *or*

b. With the certification for handloomed products reported under 319.01 through .07., described in paragraph 6.

To obtain entry for the products described in paragraph 7, importers should refer to this notice in a letter to Mr. Arthur Garel, U.S. Department of Commerce, Director, Office of Textiles, Room 2815, Washington, D.C. 20230. The letter must contain a copy of the invoice showing either certification in (a) or (b) above and provide the following information on a separate page: port of entry, broker and telephone number, importer of record and address, description in terms of TSUSA, quantity in square yards or in pounds for TSUSA 353.5012, date of export, and name of carrier.

Any item which is to be exempt from the agreement must have the proper exempt certification placed on the Customs invoice before leaving India or it will not be granted an exemption. Any item not certified for exemption prior to export, with the exception of those provided for under TSUS items 319.01 through .07, and other items not properly visaed, may be entered upon request of the Embassy of India for entry and charged to the respective level of the bilateral agreement.

ARTHUR GAREL,
Acting Deputy Assistant Secretary for Resources and Trade Assistance and Acting Chairman of the Committee for the Implementation of Textile Agreements U.S. Department of Commerce.

APPENDIX A



APPENDIX B

GOVERNMENT OF INDIA

.....

Certificate No.
EXEMPTED ITEMS

.....

Description

.....19...

Certified on

.....

Authorized Signature

.....

Title

APPENDIX C



[FR Doc. 76-21198 Filed 7-21-76;8:45 am]

MEXICO

Announcing a New Official of the Government Authorized To Issue Export Visas and Certifications for Exempt Textile Shipments

JULY 19, 1976.

On November 19, 1975, there were published in the FEDERAL REGISTER (40 FR 53619 and 53623) notices dated November 14, 1975 announcing establishment of an export visa requirement and certification for exemption for certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 12, 1975, as amended, between the Governments of the United States and Mexico. One of the requirements is that the visas and the certifications include the signature of an authorized Mexican official. The Government of Mexico has requested, and the United States Government has acceded to the request, that C. Ruben Lara y Lara be recognized as authorized to issue export visas and certifications for exemption, replacing Franti Cardena Brito. A facsimile of the signature of the newly authorized official is filed as part of the original document with the Office of the Federal Register. A list of Mexican officials currently authorized to issue export visas and exempt certifications accompanies this notice.

Effective date: July 23, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

OFFICIALS OF THE GOVERNMENT OF MEXICO AUTHORIZED TO ISSUE EXPORT VISAS AND CERTIFICATIONS FOR EXEMPT TEXTILE SHIPMENTS FROM MEXICO TO THE UNITED STATES

Ernesto B. Ascencio E.
J. Guillermo Becker A.
Jose Luis Carrillo Bejar
J. Humberto de la Pena Cortez
Antonio Benitez Espindola
Alfredo Alvarez Francischini
Pablo H. Quiroga Garza
Francisco Partida Gomez
C. Ruben Lara y Lara
Pedro Lechuga Lopez
Hector Eduardo Ortiz Lopez
Gabriel Zorrilla Martinez
Dionisio A. Meade
Gerardo Pesqueira Mendoza
Melquisedec Jimenez Mendez
Matias Gomez Montiel
Arturo Galindo Munoz
Cesar Franco Romero
Matias Urzua Romero
Rafael Fernandez Sanchez
Guillermo Ramos Uriarte
Juventino Martinez Velez
Gustavo Villarreal Villarreal

[FR Doc.76-21216 Filed 7-21-76;8:45 am]

REPUBLIC OF CHINA

Exempt Textile Product

JULY 19, 1976.

On April 24, 1973, there was published in the FEDERAL REGISTER (38 F.R. 10132), a letter of April 19, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing a certification mechanism to exempt certain traditional textile products from the levels of restraint of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China.

Under paragraph 14 of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China, which superseded the cotton and wool and man-made fiber textile agreements of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, it has been agreed to exempt Karate uniforms in addition to items previously designated in the letters of April 19, 1973 and April 19, 1976.

Accordingly, there is published below a letter of July 19, 1976 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs further amending the directive of April 19, 1973 to exempt Karate uniforms from the levels of restraint established under the bilateral agreement. A complete list of currently exempt items is published as an enclosure to the letter set forth below.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

JULY 19, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of April 19, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, which established a certification procedure to exempt certain traditional textile products from the levels of restraint of bilateral textile agreements between the Governments of the United States and the Republic of China.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 14 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of April 19, 1973 is hereby further amended to exempt Karate uniforms, in addition to those items previously designated, when they are properly certified.

A complete list of currently exempt items is enclosed.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool, and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

Enclosure.

DESIGNATED EXEMPT TEXTILE PRODUCTS FROM THE REPUBLIC OF CHINA

1. Pincushions.
2. Embroideries (needlework), of man-made fabrics with designs embroidered with wool thread.
3. Handmade carpets, i.e., in which the pile was inserted or knotted by hand.
4. Christmas or Easter ornaments having a non-textile core or a non-textile structured frame and man-made fiber textile covering.
5. Toy (novelty) animals, birds or insects with a plastic, wire, or other non-textile core that are covered or decorated with textile thread or fiber.
6. Judo uniforms.
7. Karate uniforms.
8. Kung Fu uniforms.
9. Traditional Chinese padded jackets.

[FR Doc.76-21217 Filed 7-21-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of July 2 Through July 9, 1976

Notice is hereby given that during the week of July 2 through July 9, 1976 the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

JULY 15, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, July 2 to 9, 1976*

Date	Name and location of applicant	Case No.	Type of submission
July 2, 1976	Arizona Fuels Corp., Salt Lake City, Utah. (If granted: Arizona Fuels Corp. would receive a stay of the requirements of 10 CFR 211.67 pending a final determination of its exception request.)	FES-2708	Request for stay.
Do	Arizona Fuels Corp., Salt Lake City, Utah. (If granted: Arizona Fuels Corp. would receive a temporary stay of the requirements of 10 CFR 211.67 pending a final determination of the application for stay and application for exception which the firm has filed.)	FST-0009	Request for temporary stay.
Do	Central Petroleum Corp., Bronx, N.Y. (If granted: Central Petroleum Corp. would receive an exception from 10 CFR 211.67 which would permit the firm to earn additional entitlements for certain volumes of residual fuel oil imported during February 1976.)	FEE-2710	Allocation exception (sec. 211.67(a)(3)).
Do	Degraffenreid Store Brumley, Mo. (If granted: The DeGraffenreid Store would be assigned a new, lower-priced supplier of motor gasoline to replace its base period supplier, Joe Rayl, Inc.)	FEE-2711	Exception to change supplier (sec. 211.9).
Do	Kerr-McGee Corp., Oklahoma City, Okla. (If granted: The FEA's May 7, 1976, decision and order would be modified and Kerr-McGee and its wholly owned subsidiaries, Triangle Refineries, Inc., Southwestern Refining Co., Inc., and Cotton Valley Solvents Co., would be permitted to establish maximum lawful selling prices under secs. 212.83 and 212.83 as separate entities.)	FEA-0882	Appeal of FEA's exception decision and order in Kerr-McGee Corp., 3 FEA par. 83,179 (May 7, 1976).
Do	Little America Refining Co., Washington, D.C. (If granted: Little America Refining Co. would receive a stay of the requirements of certain provisions of the mandatory petroleum allocation and price regulations pending a final determination of its exception request.)	FES-2709	Request for stay.
Do	McCulloch Gas Processing Corp., Washington, D.C. (If granted: McCulloch Gas Processing Corp. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEA-0874—FEA-0881	Appeal of FEA's exception decision and order in McCulloch Gas Processing Corp., 3 FEA par. ---- (June 29, 1976).
July 6, 1976	Amoco Production Co., Chicago, Ill. (If granted: Amoco Production Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal at its Luby, Old Ocean, and North Cowden gasoline plants.)	FEE-2714—FEE-2716	Price exception (sec. 212.-165).
Do	J. E. Meintzer & Son, Inc., Easton, Md. (If granted: J. E. Meintzer & Son, Inc.'s, transaction with the Easton Utilities Commission would not be included in determining the firm's May 15, 1973, selling price for diesel fuel.)	FEA-0883; FES-0883.	Price exception (sec. 212.93); request for stay.
Do	Maurice L. Brown Co., Kansas City, Mo. (If granted: Crude oil produced from the Option 694, Ltd., lease would be sold at upper tier ceiling prices.)	FEE-2712	Price exception (sec. 212.74).
Do	Northern Gas Products Co., Omaha, Nebr. (If granted: Northern Gas Products Co. would be permitted to increase its prices for natural gas liquid products produced at its Martin County, Tex., gas plants to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2717	Price exception (sec. 212.165).
Do	Union Oil Co. of California, Palatine, Ill. (If granted: Union Oil Co. of California would receive an exception from 10 CFR 211.67 to permit the firm to file an application for averaging crude oil receipts for the month of May 1976.)	FEE-2713	Allocation exception (sec. 211.67(h)).
July 7, 1976	Consumers Power Co., Washington, D.C. (If granted: The FEA's June 7, 1976, decision and order would be reversed and the Consumers Power Co. would receive an increase in its base period volume of crude oil under the Canadian crude oil allocation program.)	FEA-0884	Appeal of FEA's exception decision and order in Consumers Power Co., 3 FEA par. ---- (June 7, 1976).
Do	Delaware Valley Propane Co., Moorestown, N.J. (If granted: The FEA's June 7, 1976, decision and order would be rescinded and Delaware Valley Propane would be assigned a new, lower priced supplier of propane to replace 1 of its base period suppliers, Petroland Northeast Gas Service, Inc.)	FEA-0885	Appeal of the FEA's exception decision and order in Delaware Valley Propane Co., 3 FEA par. ---- (June 7, 1976).
Do	Empire Gas Corp., Lebanon, Mo. (If granted: The FEA's May 28, 1976, interpretation would be modified and the Empire Gas Corp. would be permitted to recoup its total increased costs by the unequal pass-through of such costs to the firm's various classes of purchaser.)	FEA-0886	Appeal of the FEA's May 28, 1976, interpretation of 10 CFR pt. 212, subpt. F.
Do	Empire State Fuel, Inc., Brooklyn, N.Y. (If granted: FEA's June 11, 1976, remedial order would be rescinded.)	FEA-0887	Appeal of FEA Region II's remedial order of June 11, 1976.
Do	Haas, Charles F., Corpus Christi, Tex. (If granted: Charles F. Haas would receive an adjustment to base production control levels for the S. G. Drushel lease during the months of May, June, and July 1976.)	FEE-2719	Exception to base production control levels (sec. 212.76).
Do	Omega Oil Co., Dayton, Ohio. (If granted: Omega Oil Co. would receive an increase in its base period use of motor gasoline.)	FEE-2718	Exception to increase base period use (sec. 211.13(e)).
July 8, 1976	Gulf Oil Corp., Tulsa, Okla. (If granted: The FEA's June 1, 1976, decision and order would be rescinded and the Gulf Oil Corp. would be permitted to increase its prices for natural gas liquid products to reflect the nonproduct cost increases in excess of $0.005/gal.)	FEA-0888	Appeal of FEA's exception decision and order in Gulf Oil Corp., 3 FEA par.... (June 1, 1976).

[FR Doc.76-21036 Filed 7-16-76;12:14 pm]

FEDERAL DEPOSIT INSURANCE CORPORATION

UNITY STATE BANK

Suspension of Trading

It appearing to the Federal Deposit Insurance Corporation that an extension of the suspension of trading in the common stock of Unity State Bank being traded otherwise than on a national securities exchange, ordered by the Federal Deposit Insurance Corporation on July 6, 1976, is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 12(i) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in such securities otherwise than on a national securities exchange is extended for the period beginning at 9:00 a.m. (e.d.t.) on July 17, 1976 through July 26, 1976.

* * * * *

By order of the Board of Directors, July 16, 1976.

Federal Deposit Insurance Corporation.

ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-21188 Filed 7-21-76;8:45 am]

FEDERAL MARITIME COMMSSION

MOLLER-MAERSK LINE JOINT SERVICE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 11, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act of or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Ib Alvin, Vice President, Moller Steamship Company, Inc., One World Trade Center, Suite 3527, New York, New York 10048.

Agreement No. 7622–2, between Dampskibsselskabet af 1912 Aktieselskab and Aktieselskabet Dampskibsselskabet Svendborg the carriers comprising Miller-Maersk Line Joint Service, modifies the approved basic agreement by amending Article 2 to permit said Joint Service to engage in intermodal service.

By order of the Federal Maritime Commission.

Dated: July 19, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–21232 Filed 7–21–76;8:45 am]

PEOPLE-TO-PEOPLE FOUNDATION, INC.

Issuance of Certificate of Financial Responsibility for Nonperformance of Transportation

Notice is hereby given that the following has been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 C.F.R. Part 540), which Certificate expires February 28, 1977.

The People-to-People Health Foundation, Inc., 2233 Wisconsin Avenue, Washington, D.C. 20007.

Dated: July 16, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–21231 Filed 7–21–76;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, August 5, 1976, Thursday, August 12, 1976, Thursday, August 19, 1976, Thursday, August 26, 1976.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92–392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Public Law 92–463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

JULY 16, 1976.

[FR Doc.76–21233 Filed 7–21–76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on July 15, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before August 9, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

FEDERAL COMMUNICATIONS COMMISSION

FCC requests clearance of a revision to Form 901, Monthly Report of Revenues, Expenses, and Other Items—Telephone Companies. Form 901 is required to be filed monthly by Class A telephone companies with operating revenues in excess of $1,000,000 pursuant to §§ 1.786 and 43.31 of the Commission's rules and regulations. On July 7, 1976, the Commission amended these sections to require that companies controlling telephone communications subsidiaries submit a consolidated system report—in addition to fulfilling the requirement of submitting a report on an individual operating company and functional department basis. The respondent burden is estimated by FCC to average 2 hours per response. The FCC receives 70 required individual reports as well as 25 voluntary individual reports monthly. The FCC will also review one required consolidated report monthly.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76–21200 Filed 7–21–76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–22]

RECLOSABLE PLASTIC BAGS

Prehearing Conference and Hearing

With reference to the Prehearing Conference Report and order issued July 9, 1976, notice is hereby given that a final Prehearing Conference will be held at 10:00 a.m. on July 22, 1976, in the Hearing Room of the Administrative Judge, Room 610, Bicentennial Building, 600 E Street, N.W., Washington, DC.

Notice is also hereby given that the hearing in this proceeding before the undersigned Presiding Officer will be held beginning at 10:00 a.m. on July 27, 1976, in the Hearing Room of the Administrative Law Judge, Room 610, Bicentennial Building, 600 E Street, N.W., Washington, D.C., and continuing thereafter daily until completed.

Issued: July 19, 1976.

The Secretary shall serve a copy of this Notice upon all parties of record, and shall publish this Notice in the FEDERAL REGISTER.

JUDGE MYRON R. RENICK,
Presiding Officer.

[FR Doc.76–21245 Filed 7–21–76;8:45 am]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

Consideration of Applications

JULY 19, 1976.

The Legal Services Corporation was established pursuant to the Legal Services Corporation of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996*l*. Section 1007(f) provides:

> At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce, publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *

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

1. South Middlesex Legal Services Inc.—Framingham, Mass.

2. Northern Kentucky Legal Services—Covington, Kentucky.

3. Florida Legal Services—Tallahasse, Florida.

4. Will County Legal Assistance Program—Joliet, Illinois.

Additional information may be obtained by writing the Legal Services Corporation, 733 Fifteenth Street, N.W. Suite 700, Washington, D.C. 20005.

THOMAS EHRLICH,
President.

[FR Doc.76-21187 Filed 7-21-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-30]

SPECIAL INVESTIGATION REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Special highway investigation report. The National Transportation Safety Board has made public its report on a special investigation of the charter bus accident on Interstate 495 in Bethesda, Maryland, last October 11. The report, No. NTSB-HAR-76-6, was released July 14. The accident, which injured 26 of 29 passengers, occurred when the Metropolitan Coach Company bus rounded a sharp turn in heavy rain, fishtailed, slid into a side guardrail, and landed on its left side in a roadside ravine. The Board determined that the probable cause of the accident was the inadequate frictional coefficient between the tires and the pavement; the frictional coefficient could not resist the centrifugal force of the bus as it traversed the curve at the posted speed limit.

As a result of this investigation, the Board has issued six safety recommendations—two each to the Maryland State Highway Administration, to the National Highway Safety Administration, and to the Federal Highway Administration. The first of these recommendations, No. H-76-20 issued May 28, urged that the State of Maryland complement its newly installed "slippery when wet" sign at the accident scene with flashing lights which would be activated automatically by wet pavement conditions, and reduce the curve's speed limit until planned roadway reconstruction and resurfacing is completed. (41 FR 22427, June 2, 1976.) A second recommendation to the State of Maryland, No. H-76-27, was issued by letter of July 14, simultaneously with release of the report. This Class III recommendation, for longer term followup, calls for increasing the superelevation of the curve at the accident site and resurfacing it to increase the frictional coefficient of the pavement.

Also by letters issued July 14, the Safety Board recommended that:

The Federal Highway Administration of the U.S. Department of Transportation (1) advise the Board whether Maryland is complying with the Federal highway safety program standard for identification and surveillance of accident locations; and (2) set minimum skid resistance values providing safety margins for all pavement surfaces and vehicle types—considering various maneuvers, the known varieties of commercial tire rubber compounds, and the relationship of design speed and highway geometrics—and revise highway design and pavement maintenance manuals accordingly. (Recommendations H-76-23 and H-76-24.)

The National Highway Traffic Safety Administration of DOT (1) conduct and publish a comparison of the frictional coefficients of commercial vehicle tires and an ASTM E-274 skid-test tire, now in use; and (2) develop a Federal motor vehicle safety standard requiring a minimum frictional coefficient for all commercial motor vehicle tires. (Recommendations H-76-25 and H-76-26.)

Aviation safety recommendation letter. Two Class II recommendations, asking priority followup action, were issued by Board letter of July 15 to the Federal Aviation Administration. The recommendations, Nos. A-76-91 and A-76-92, were made following Board investigation of the near collision last April 1 of Hughes Airwest Flight 5 and Northwest Airlines Flight 603 over Spokane International Airport, Spokane, Washington. Investigation of the incident revealed that both flightcrews misunderstood the radar services being provided by Fairchild Air Force Base RAPCON and Spokane Tower. The Spokane Tower is not radar equipped and Fairchild RAPCON is capable only of providing limited, low-altitude radar coverage of the airport because of blind spots. The flightcrews' misunderstanding of radar services being provided appears to have been justified, based on information contained in Chapter 3 of the Airman's Information Manual, "Arrival-IFR." Although the deficiencies have been eliminated by a Fairchild RAPCON/Spokane Tower Order dated April 8, 1976, and by a GENOT issued by FAA on April 7, 1976, the Safety Board believes that positive steps must be taken to review arrival and departure procedures at other terminal areas where radar and nonradar operations interface. Procedural review and correction should be controlled centrally rather than locally. Accordingly, the Board recommends that the FAA (1) revise the Airman's Information Manual so that the aviation community will not be misled regarding radar approach control services at locations where the tower cab is not radar equipped and the approach control facility has limited, low-altitude radar coverage capability; and (2) review local departure and arrival procedures at all airports where radar and nonradar operations interface, and assure that they provide positive separation between aircraft.

Letters in response to safety board recommendations. During the past week, letters in response to earlier recommendations were received by the Board from the following addressees:

U.S. Coast Guard. Two letters, both dated July 8, update response to (1) recommendation M-74-15, which concerns responsibilities of masters of ocean-going vessels, previously spoken to in Coast Guard response of March 9 (41 FR 12360, March 25, 1976), and (2) recommendation M-75-3, which concerns improved operating practices aboard all major vessels in navigable waters, previously spoken to in Coast Guard's response of April 8 (41 FR 16894, April 22, 1976). Coast Guard's updated responses note that Coast Guard Navigation Safety Regulations have been published as a notice of proposed rulemaking at 41 FR 18766 on May 6, 1976.

Federal Aviation Administration. Letter of July 7 is in response to the 14 recommendations, Nos. A-76-31 through A-76-44, which followed a Board investigation of the crash of an Eastern Air Lines Boeing 727 during a precision approach to JFK International Airport, Jamaica, New York, June 24, 1975. (41 FR 14953, April 8, 1976.) The recommendations concerned flight hazards on approach or takeoff, through or below thunderstorms. FAA responds to these recommendations as follows:

A-76-31. In conjunction with the National Severe Storms Laboratory, the FAA is researching the magnitude of windspeed component changes in thunderstorms, using a highly instrumented aircraft to penetrate actual thunderstorms. Also, associated characteristics of thunderstorms and level of flight hazard are currently being investigated. "If the results of this research show that meaningful and clearly defined operational limitations can be established based upon these criteria, then we may proceed with appropriate rulemaking," FAA stated, anticipating completion of the research by December 1978.

A-76-32. FAA will test experimental thunderstorm gust front detection systems at Chicago O'Hare and Dulles Airports, beginning this summer. FAA has completed testing and is preparing procurement specifications for a radar display device to portray thunderstorm location and severity derived from an existing remote weather or long-range radar.

A-76-33. FAA, in conjunction with other Government agencies, has programs underway to develop and/or refine sensors which are capable of detecting variations in wind components, to be completed by June 1978.

A-76-34. FAA is currently pursuing the research necessary to establish wind shear related operational limitations for general aircraft types.

A-76-35. FAA is installing anemometers near six runway ends at Chicago O'Hare Airport, and plans to make similar installations at Atlanta, Houston, and Denver. However, there is disagreement between aviation meteorological experts as to whether the most appropriate location for anemometers is at the runway threshold, the middle marker, or the outer marker; others think that microbarographs are superior to anemometers in detecting the most hazardous conditions. FAA expects research on this matter to be completed by December 1978. FAA believes that lighted windsocks are of limited value and may be a distraction to pilots during low ceiling/visibility operations.

A-76-36. Since there are existing programs informing control personnel and

users regarding thunderstorm activity, FAA thinks it would be redundant to act on this recommendation, which asked development and institution of procedures whereby approach controllers, tower controllers, and pilots are provided timely information regarding the existence of thunderstorm activity near to departure or approach flightpaths. To improve existing procedures, FAA and the National Weather Service will test a procedure to alert elements of the air traffic control system and airborne pilots of thunderstorms observed by NWS weather radars 30 miles or closer to any of five major terminals in the Washington, D.C., and New York City areas. FAA's letter spells out these procedures, which will be in effect June 1–October 31. An evaluation of the effectiveness of the test will determine whether to extend, expand, or curtail the effort. FAA is soliciting comments from the aviation industry for use in the evaluation.

A–76–37. In answer to this recommendation—to revise appropriate air traffic control procedures to specify that the location and severity of thunderstorms be considered in the criteria for selecting active runways—FAA states, "Runway selection on the basis of other than known winds actually affecting the runway in use could very easily result in operational conditions not acceptable by users and, in fact, have an adverse effect/impact on safety in the system." FAA believes that present air traffic control procedures, which require aircraft to be informed of phenomena likely to produce an adverse safety effect and those requiring avoidance of known areas of possible hazard to safety, provide the best current means of providing pilots the information they need to determine appropriate action for operation. "Decisions of this nature must remain with the pilot," FAA stated. FAA further notes that air traffic control has no present means of assessing the current severity of thunderstorm activity or the area of airspace that may be affected.

A–76–38. The FAA Academy portion of the Air Traffic Training Program which began on January 13 contains a lesson on "Turbulence and Jetstreams," the lesson including categories of turbulence intensity and covering types of turbulence on an airplane's flightpath control in great detail. As FAA learns more about the causes and effects of wind shear, its training syllabus will be modified accordingly, the letter states.

A–76–39. FAA issued last December 30 Air Carrier Operations Bulletin No. 75–8, Low Level Wind Shear. This bulletin requires FAA's principal operations inspectors to ensure compliance with this recommendation. Also, on April 8, FAA published an advisory circular on wind shear phenomena, considered of value to both air carrier and general aviation pilots.

A–76–40. The FAA, in conjunction with the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, has developed models of environmental winds associated with mature thunderstorms and is currently testing them in a piloted simulator. These models will be available to operators of pilot training simulators by October 1976.

A–76–41. FAA concurs with this recommendation, which asked that greater emphasis be placed on the hazards of low-level flight through thunderstorms and on the effects of wind shear encounter in the Accident Prevention Program for the benefit of general aviation pilots. FAA states that air taxi pilots are now required to demonstrate this knowledge during initial and recurrent pilot training (Handbook 8430.1A, Operations Bulletin 75–4). Also, an FAA Advisory Circular, Low Level Wind Shear, was published April 8. According to FAA, accident prevention specialists will continue to emphasize the hazards of marginal weather operations, particularly around thunderstorm activity.

A–76–42. FAA is currently installing more than 100 additional VASI systems over the next two years to facilitate the pilot's transition from instrument to visual vertical guidance on approach. Also, FAA has just initiated a program to examine the heads-up display as an aid in providing vertical guidance in both wind shear and other meteorological environments, this examination to be completed by September 1978.

A–76–43. FAA has underway two separate research programs to identify an airborne detection device which will alert a pilot to the need for rapid corrective measures as an airplane encounters a wind shear condition. The programs involve the use of a piloted simulator and a nonpiloted digital aircraft simulator, respectively. Completion of these programs is expected by December 1976.

A–76–44. FAA states that the National Weather Service has responded positively to its request to provide wind shear forecasts at eight major east coast terminals. A six-month test will begin in August 1976.

FAA letter of July 8 responds to recommendations A–76–51 through A–76–55, issued after Board investigation of the crash of a Piper aircraft near Grandville, Indiana, March 16, 1975. (41 FR 15922, April 4, 1976.) The recommendations concerned the design of the capacitance discharged strobe light system used on this and other general aviation aircraft. FAA responds to these recommendations as follows:

A–76–51. FAA states that a proposed Technical Standard Order (TSO) will be developed which will require the light fixtures to be explosion proof.

A–76–52. FAA has been working with the Society of Automotive Engineers (SAE) Aircraft Lighting Committee A–20 in developing a minimum performance standard to be used as a referenced standard for a TSO. The project is in final draft, to be coordinated with SAE within the next 6 to 8 weeks. SAE standards are expected by September 1976. The proposed TSO will specify that all strobe light fixtures which are installed in wing tips or in the bellies of aircraft be explosion proof. A regulation to develop a TSO is expected by December 1976.

A–76–53. FAA states that a review of the fuel tank conduit and vent line damage is in process, completion of the review expected by November 1976.

A–76–54. FAA states, "We have a telealert to our field inspectors instructing them to discuss the potential dangers in the high levels of energy in the strobe light system." FAA is also preparing an advisory circular covering this subject, to be issued by December 1976.

A–76–55. FAA has reviewed all airworthiness directives issued to date, and they are current. A new AD is in process which will require explosion proof fixtures on early model Beechcraft which were not included in AD 74–20–11 or 74–24–03; issuance is expected by September 1976.

Civil Aeronautics Board. Letter of June 30 acknowledges the Safety Board's letter of March 4, 1976, with respect to safety in commuter carrier operations which provide replacement services for certificated airlines. (41 CFR 11367, March 18, 1976.) CAB states that, since air safety regulatory responsibilities are vested in FAA, "safety standards governing replacement service would be bound by them." CAB will, according to the letter, consult with and defer to the FAA in determining fitness matters in licensing proceedings.

Safety board letter in reply to recommendation response letter. Letter of July 8 to the Materials Transportation Bureau of the Department of Transportation is in reply to letter of June 17 regarding recommendation P–76–5. This recommendation was issued after Board investigation of the pipeline explosion near Meridian, Mississippi, on May 21, 1974. (41 FR 27135, July 1, 1976.) The Safety Board believes that the Office of Pipeline Safety Operations of DOT should make every effort to inaugurate rapidly their proposed accident reporting requirements to include gas-gathering pipelines. In addition, OPSO should expedite the evaluation of the data derived from the subsequent gas-gathering pipeline failures so that rulemaking can be undertaken as soon as possible to prevent the recurrence of similar pipeline accidents. The Safety Board will continue this recommendation in open status pending MTB's assessment of the extent of the safety problem.

The special investigation report and the safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to safety recommendations and Safety Board replies may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the investigation report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JULY 19, 1976.

[FR Doc.76-21223 Filed 7-21-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.52, Revision 1, "Standard Format and Content for the Physical Protection Section of a License Application (for Facilities Other Than Nuclear Power Plants)," describes the information required in the physical protection section of an application for a special nuclear material license and prescribes a standard format for presenting the information.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is no required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 12th day of July 1976.

For the Nuclear Regulatory Commission,

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-20929 Filed 7-21-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.116, "Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to quality assurance requirements for installation, inspection, and testing of mechanical equipment and systems for water-cooled and high-temperature gas-cooled nuclear power plants. This guide endorses ANSI Standard N45.2.8-1975, "Supplementary Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems for the Construction Phase of Nuclear Power Plants."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.116 will, however, be particularly useful in evaluating the need for an early revision if received by September 17, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 13th day of July 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-20930 Filed 7-21-76;8:45 am]

[Docket No. 50-564]

EXXON NUCLEAR CO., INC.

Receipt of Partial Application for Construction Permit and Facility License: Time for Submisson of Views on Antitrust Matters

Exxon Nuclear Company, Inc. (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed a partial application in connection with their plans to construct and operate the Nuclear Fuel Recovery and Recycling Center (NFRRC) in Roane County, Tennessee. The NFRRC will have the capacity to store up to approximately 7000 tonnes of irradiated nuclear fuel and to process 2100 tonnes of fuel per year. The portions of the application accepted for docketing contain the information requested by the Attorney General for the purpose of an antitrust review of the application, the Preliminary Safety Analysis Report, and general and financial information. The partial application was tendered by Exxon Nuclear Company, Inc. on January 28, 1976. Following a preliminary review for completeness, the PSAR was revised, resubmitted, and the application accepted for docketing on June 16, 1976. Docket No. 50-564 has been assigned to the application; antitrust information will be filed under Docket No. 50-564-A.

The environmental report will be submitted within 30 days for acceptance review. Upon acceptance and docketing of the environmental report, a separate notice will be published on its availability.

A Notice of Hearing will then be published setting forth the radiological and environmental issues to be considered during the review. A date for submitting Petitions for Leave to Intervene will also be set forth in the Notice of Hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555, and at the Local Public Document Room at the Oak Ridge Public Library, Civic Center, Oak Ridge, Tennessee.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before September 13, 1976.

Dated at Bethesda, Maryland, this 8th day of July, 1976.

For the Nuclear Regulatory Commission.

ROBERT M. BERNERO,
Chief, Fuel Reprocessing and Recycle Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.76-20437 Filed 7-21-76;8:45 am]

[Docket No. 50-366]

GEORGIA POWER CO.

Issuance of Amendment to Construction Permit

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Construction Permit No. CPPR-90 issued to Georgia Power Company for construction of the Edwin I. Hatch Nuclear Plant, Unit 2, located at the Permittee's site near the south bank of the Altamaha River in Appling County, Georgia.

The amendment changes the frequency of submittal of results of the environmental monitoring program from semi-annually to annually. This revision to the construction permit for Unit No. 2 will result in an environmental reporting requirement that is compatible with the existing annual report requirements set forth in the Environmental Technical Specifications for Edwin I. Hatch Unit No. 1. This change will not alter the frequency of measurements nor result in any environmental impacts.

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. 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 May 3, 1976, and (2) Amendment No. 3 to CPPR-90. These items are available for public inspection at the Commission's Public Document Room 1717 H Street N.W., Washington, D.C. and the Appling County Public Library, Parker Street, Baxley, Georgia.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Maryland, this 12th day of July 1976.

For the Nuclear Regulatory Commission,

JOHN F. STOLZ,
Chief, Light Water Reactors Branch 1, Division of Project Management.

[FR Doc.76-20925 Filed 7-21-76;8:45 am]

[Docket No. STN 50-484]

NORTHERN STATES POWER CO. AND NORTHERN STATES POWER CO.

Application for Construction Permit; Amended Notice of Hearing

A Notice of Hearing on Application for Construction Permit was published in the FEDERAL REGISTER on August 30, 1974, concerning the application of Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) to construct the Tyrone Energy Park Unit Nos. 1 and 2 (the facility) at a site in Dunn County, Wisconsin (39 F.R. 31688). By Amendment 14 filed on May 2, 1975, Unit No. 2 was deleted from the application and this proceeding is now concerned with Unit No. 1 alone.

Amendment 29, dated June 17, 1976, advised the Nuclear Regulatory Commission ("Commission") that Northern States Power Company was "in the process of completing contractual arrangements with three power suppliers to share in the ownership of Tyrone Energy Park Unit No. 1." The three power suppliers were identified as Cooperative Power Association, Dairyland Power Cooperative, and Lake Superior District Power Company. Upon completion of the contractual obligations, the ownership shares in the facility and corresponding responsibility for its cost will be as follows:

	Percent
Northern States Power Company (Minnesota and Wisconsin)	67.6
Cooperative Power Association	17.4
Dairyland Power Cooperative	13.0
Lake Superior District Power Company	2.0

Hereafter, the term "applicants" shall refer to all of the joint owners identified above. Northern States Power Company will, however, retain full responsibility for the design, construction, licensing, and operation of the facility and will function as the agent of the other joint owners with respect to these matters.

As a result of the addition of Cooperative Power Association, Dairyland Power Cooperative, and Lake Superior District Power Company as joint owners, the Atomic Safety and Licensing Board ("Board") is hereby issuing an Amended Notice of Hearing on Application for a Construction Permit for the facility. This Amended Notice does not alter or expand the issues set forth in the initial Notice of Hearing for consideration. By this Amended Notice the Board is, however, affording any person whose interest may be affected by the addition of these new joint owners the opportunity to participate in this proceeding.

Any person whose interest may be affected by the addition of Cooperative Power Association, Dairyland Power Cooperative, and Lake Superior District Power Company as joint owners of the facility and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by results of the proceeding, and any other contentions of the petition including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied. A petition will be considered only to the extent that it relates to the petitioner's interest in the addition of the new joint owners.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding. A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by August 23, 1976. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner had made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)-(4) and §2.714(d).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like answered to the extent that the questions are within the scope of the issues set forth in the original Notice of Hearing. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board.

Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by August 23, 1976.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to Stephen H. Lewis, Esq., Counsel for the NRC Staff, Office of the Executive Legal Director, U.S. Nuclear Regulatory Com-

mission, Washington, D.C. 20555 and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, Attorney for the Applicants.

For further details, see Amendment 29 to the application dated June 17, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. A copy of this document is also available at the Stout Library, University of Wisconsin, Menomonie, Wisconsin, for inspection by members of the public.

Dated at Bethesda, Maryland, this 9th day of July 1976.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc.76-20923 Filed 7-21-76;8:45 am]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 11 and 5 to Facility Operating License Nos. DPR-42 and DPR-60, issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of Unit Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facility) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance except for the air particulate monitoring which will become effective 120 days after issuance.

The amendments revise the Technical Specifications for the facility to (1) change the design objectives for the systems controlling radioactive effluents, (2) change the environmental samples, sample locations, and sample frequencies specified in the Radiation Environmental Monitoring Program, and (3) correct administrative oversights contained in previously issued amendments to the licenses.

The applications for amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

In connection with the approval of item (1) above, the Commission has issued a Negative Declaration and Environmental Impact Appraisal. In connection with the approval of items (2) and (3) above, the Commission has determined that they will not result in any significant environmenatl impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared.

For further details with respect to these actions, see (1) the applications for amendments dated May 24, 1974 (and letter related thereto dated May 8, 1975) and February 17, 1976, (2) Amendment Nos. 11 and 5 to License Nos. DPR-42 and DPR-60, respectively, (3) the Commission's concurrently issued related Safety Evaluation, and (4) the Commission's Negative Declaration dated July 9, 1976, which is also being published in the FEDERAL REGISTER and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at The Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of July, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-20927 Filed 7-21-76;8:45 am]

[Docket Nos. 50-282 and 50-306]

PRAIRIE ISLAND NUCLEAR GENERATING PLANT UNIT NOS. 1 AND 2

Negative Declaration: Proposed Changes to the Technical Specifications of Licenses DPR-42 and DPR-60

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating License Nos. DPR-42 and DPR-60 issued to Northern States Power Company for operation of the Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 located in Goodhue County, Minnesota. The amendments will be effective as of their date if issuance except for the air particulate monitoring which will become effective 120 days after issuance.

The amendments would revise the design objectives (Limiting Conditions of Operation) in the Technical Specifications relating to radioactive effluents in accordance with the licensee's application for amendment dated May 24, 1974.

The Commission has prepared an environmental impact appraisal for the proposed changes on the above subject and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 published in the FEDERAL REGISTER on May 21, 1973 (38 FR 13394).

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at The Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of July 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-20928 Filed 7-21-76;8:45 am]

[Docket No. 50-509A]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Receipt of Attorney General's Advice; Time for Filing of Petitions To Intervene

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated July 12, 1976:

You have requested our advice pursuant to the provisions of Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above captioned application. This facility, known as WPPSS Nuclear Project No. 5 (WPPSS No. 5), will consist of one nuclear unit capable of producing 1,240 MW of electric power at its site near Satsop in southeastern Grays Harbor County, State of Washington The scheduled commercial operation date for this unit is September, 1983. The Washington Public Power Supply System (WPPSS) will have a 90 percent share of the output of WPPSS No. 5, and the Pacific Power and Light Company will have a 10 percent share. A number of other electric systems were invited to participate in this unit, but none has elected to do so.

The Department has previously rendered antitrust advice to your Commission with regard to several other nuclear units in which the present applicants (one or both of them) are participants. Letters of March 21, 1975 (Skagit Units 1 and 2), 40 FR 15969 (1975); February 13, 1975 (WPPSS No. 4), 40 FR 8260 (1975); January 29, 1975 (WPPSS No. 3), 40 FR 7010 (1975); April 19, 1974 (WPPSS No. 1), 39 FR 15063 (1974); July 8, 1971 (Trojan), 36 FR 17885 (1971). In these letters we noted that the Pacific Northwest is an area in which there is a high degree of coordination and cooperation between publicly and privately owned utilities involved in the generation and transmission of electric power. We have not recommended an

antitrust hearing in connection with any of these applications.[1]

No information has come to our attention during the course of this review to suggest that a different conclusion would now be appropriate. Consequently, we do not recommend that your Commission hold an antitrust hearing in connection with the licensing of this nuclear unit.

Further, the Tacoma City Council has passed two resolutions, C-23290 (passed April 1, 1975, retroactive to July 1, 1974) and C-23829 (passed April 1, 1976, retroactive to July 1, 1975), which provide for 20 year wheeling contracts with those utilities.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "rules of practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by August 21, 1976, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust & Indemnity Group, Nuclear Reactor Regulation.

[FR Doc.76-20924 Filed 7-21-76;8:45 am]

[1] One matter raised in connection with certain previous applications concerned the alleged refusal of the City of Tacoma, Washington to wheel power from the Bonneville Power Administration to five utilities which were at one time served by Tacoma. The five utilities reached an agreement with Tacoma and, since July 1, 1974, power from Bonneville has been wheeled over Tacoma facilities to them.

[Dockets Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 21 and 18 to Facility Operating Licenses Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Company which revised the licenses and Technical Specifications for operation of the Zion Station, Units Nos. 1 and 2 located in Zion, Illinois. The amendments are effective as of the date of issuance.

These amendments remove the restrictions in the Zion licenses which limit power to 85 percent of rated power. These amendments also add new limiting conditions for operation which administratively assure that certain critical plant parameters are maintained during normal operation within the envelope assumed in the Zion Final Safety Analysis Report.

The applications comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments is not required since the amendments do not involve a significant hazards consideration. Public notice of the Commission's consideration of issuance of facility licenses at the 3250 MWt level (100% of rated power) was published on June 30, 1972 (37 FR 12982).

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for operating licenses dated December 1, 1970 (2) the application for amendment dated May 19, 1976 (3) Amendments Nos. 21 and 18 to Licenses Nos. DPR-39 and DPR-48, and (4) the Commission's May 20, 1976 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. 20555, and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60685.

A copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of June, 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-21076 Filed 7-21-76;8:45 am]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 22 and 19 to Facility Operating License Nos. DRP-39, and DRP-48 issued to Commonwealth Edison Company (the licensee) which revised Technical Specifications for operation of the Zion Station Units Nos. 1 and 2, located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments change the location of several sample points in the environmental radiological monitoring program.

The applications for these amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of these amendments was not required since the amendment did not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated January 26, 1976, modified March 15, 1976; and (2) Amendments No. 22 and 19 to Licenses No. DPR-39 and DPR-48. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60685.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of July, 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-21077 Filed 7-21-76;8:45 am]

[Docket Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 26, 26, and 23 to Facility Operating Licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station Unit Nos. 1, 2, and 3 located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments result from an exemption granted from the requirements of 10 CFR Part 50, Appendix H, "Reactor Vessel Material Surveillance Program Requirements," and provide for the removal of the reactor vessel surveillance capsules for Unit No. 2 cycle 2 operation and require that the capsule withdrawal schedule be revised prior to cycle 3.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Com-

mission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 7, 1976, (2) Amendment Nos. 26, 26 and 23 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Oconee County Library, 201 South Spring, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of June 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-21078 Filed 7-21-76;8:45 am]

[Dockets Nos. 50-269, 50-270, and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 27, 27, and 24 to Facility Operating Licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station Units Nos. 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments (1) revise the Technical Specifications to establish operating limits for Unit 2 cycle 2 operation based upon an acceptable Emergency Core Cooling System evaluation model conforming to the requirements of 10 CFR 50.46 and (2) terminate the operating restrictions imposed on Unit 2 by the Commission's December 27, 1974 Order for Modification of License.

The applications for these amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with item (1) above was published in the FEDERAL REGISTER on April 12, 1976 (41 FR 15370) and in connection with item (2) above was published August 13, 1975 (40 FR 34028). No request for a hearing or petition for leave to intervene was filed following notice of the proposed actions.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated February 25, 1975, as revised May 7, 1976, and dated June 11, 1976, (2) Amendments Nos. 27, 27, and 24 to Licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inpsection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of June, 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-21079 Filed 7-21-76;8:45 am]

[Docket No. 50-334]

DUQUESNE LIGHT COMPANY, ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-66, issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1, located in Beaver County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises portions of the Technical Specifications relating to secondary water chemistry and consists of (1) allowing 14 days to restore the total cation conductivity of the condenser condensate and blowdown from the steam generator to within the steady state limits; (2) reducing the transient limit of the total cation conductivity of the blowdown from the steam generator to 7 micromhos per centimeter squared, except for the first 48 hours after startup from hot shutdown conditions when the transient limit will be 15 micromhos; and (3) correcting the total cation conductivity so as to exclude the contribution of ammonia to the conductivity.

The application for the amendment compiles 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.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated July 2, 1976, (2) Amendment No. 6 to License No. DPR-66, 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 Beaver Valley Memorial Library, 100 College Avenue, Beaver, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 9th day of July 1976.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.76-21080 Filed 7-4-76; 8:45 am]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 18 and No. 17 to Facility Operating License Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company which revised Technical Specifications for operation of the Tur-

key Point Nuclear Generating Units 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendment will add minimum frequencies for testing the operability of the interlock system which limits movement of the spent fuel shipping cask crane. In the interim period until the interlock system is installed, these amendments add augmented procedures which fulfill the same function as the interlock system.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 8, 1976, as revised by letter dated May 20, 1976, (2) Amendments Nos. 18 and 17 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental & Urban Affairs Library, Florida International University, Miami, Florida 33199.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of July 1976.

For the Nuclear Regulatory Commission.

JACK WETMORE,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-21081 Filed 7-21-76;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment will incorporate exposure-dependent minimum critical power ratio (MCPR) operating limits into the Duane Arnold Energy Center Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 14, 1976, and supplement dated June 4, 1976, (2) Amendment No. 21 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of July 1976.

For the Nuclear Regulatory Commission.

JACK S. WETMORE,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-21082 Filed 7-21-76;8:45 am]

[Docket No. PRM-50-10]

OPERATORS LICENSES

New Jersey; Partial Withdrawal of Petition for Rule Making

Notice is hereby given that the Nuclear Regulatory Commission has received notice from the State of New Jersey, Department of Environmental Protection, withdrawing the portion of its petition for rule making (PRM-50-10) pertaining to changes to Part 55 "Operators' Licenses." (May 6, 1974, 39 FR 15900; July 11, 1974, 39 FR 25535).

The State of New Jersey petitioned the Atomic Energy Commission to, among other things, amend Part 55 to require periodic reexamination, and simulator training of reactor operators and senior operators under reactor accident conditions, and that the scope of Part 55 be extended to include examination and licensing of professional and paraprofessional health physicists assigned to nuclear power stations and operators of facilities for disposal of liquid and solid radioactive waste.

By telegram dated April 19, 1976, the petitioner has withdrawn the portion of the petition pertaining to Part 55 from further consideration by the Nuclear Regulatory Commission.

Copies of the petition and the telegram withdrawing a portion of the petition are available for public inspection at the Commission's Public Docket Room at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, this 12th day of July 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76-21075 Filed 7-21-76;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-63 to the Niagara Mohawk Power Corporation (the licensee) which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment will revise the shock suppressor surveillance and operability requirements to conform with the current NRC standard Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 19, 1976, (2)

Amendment No. 10 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8th day of July 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-21083 Filed 7-21-76;8:45 am]

[Docket Nos. 50-443 and 50-444]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, ET AL.; SEABROOK STATION, UNIT NOS. 1 AND 2

Availability of Initial Decision of the Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the Commission's regulations in 10 CFR Part 51, notice is hereby given that an Initial Decision dated June 29, 1976 by the Atomic Safety and Licensing Board in the above-captioned proceeding relating to the proposed construction of the Seabrook Station, Unit Nos. 1 and 2, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and the Exeter Public Library, Front Street, Exeter, New Hampshire.

The Initial Decision is also being made available at the Office of the Governor, Coordinator of Federal Funds, State House, Concord, New Hampshire 03301 and the Strafford Rockingham Regional Council, 99 Water Street, Exeter, New Hampshire.

Based on the record developed in the public hearing in the above-captioned matter, the Initial Decision modified in certain respects the contents of the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation relating to the proposed construction of the Seabrook Station, Unit Nos. 1 and 2.

Pursuant to the provisions of 10 CFR Part 51, the Final Environmental Statement is deemed modified to the extent that the conclusions contained in the Initial Decision differ from those contained in the Final Environmental Statement. As required by 10 CFR Part 51, a copy of the Initial Decision which modifies the Final Environmental Statement has been transmitted to the Council on Environmental Quality, the Environmental Protection Agency and other interested agencies.

Single copies of the Initial Decision and the Final Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 14th day of July 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-21084 Filed 7-21-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.4, "Guide for the Preparation of Applications for Licenses to Process Source Material," describes the information needed to evaluate an application for a specific license to process source materials, e.g., the manufacture of depleted uranium and thorium-magnesium alloy products and shaping, grinding, and polishing of lenses containing thorium.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 10.4 will, however, be particularly useful in evaluating the need for an early revision if received by September 20, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 14th day of July 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-21058 Filed 7-21-76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.57, "Shipping and Receiving Control of Special Nuclear Material," describes procedures acceptable to the NRC staff for complying with the Commission's regulations regarding the control of special nuclear material during shipment and receipt by a licensee.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 5.57 will, however, be particularly useful in evaluating the need for an early revision if received by September 15, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 12th day of July, 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-21089 Filed 7-21-76;8:45 am]

[Docket No. 50-259]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR-33, issued to Tennessee Valley Authority which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit No. 1, located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to allow loading the fuel of Unit No. 1 in the Unit No. 1 reactor vessel. Operation is not authorized by this amendment.

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. The amendment does not involve a significant hazards consideration.

The Commission has determined that that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 91.5(d)(4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 28, 1976 as supplemented June 1, 1976, (2) Amendment No. 23 to License No. DPR-33, and (3) the Commission's related Safety Evaulation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Athens Public Library, South Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of July 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-21085 Filed 7-21-76;8:45 am]

[Docket Nos. 50-259 and 50-260]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-33 and Amendment No. 21 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee) which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units No. 1 and 2, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments change the provisions in the Technical Specifications to revise the network of remote atmospheric monitoring stations to conform with the network as approved by the Commission for Unit No. 3.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see Amendment No. 24 to License No. DPR-33 and Amendment No. 21 to License No. DPR-52. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of July 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-21086 Filed 7-21-76;8:45 am]

[Docket Nos. 50-259-OL and 50-260-OL; Facility Operating License Nos. DPR-33 and DPR-52]

TENNESSEE VALLEY AUTHORITY (BROWNS FERRY NUCLEAR PLANT, UNITS 1 AND 2)

Reconstitution of Board

Dr. Hugh C. Paxton was a member of the Atomic Safety and Licensing Board established for the above proceeding. Because of schedule conflicts he is unable to continue in his duties as a member of this Board.

Accordingly, Frederick J. Shon, whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed a member of this Board.

Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Rules of Practice, as amended.

Dated at Bethesda, Md., this 21st day of July 1976.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Acting Chairman.

[FR Doc.76-21489 Filed 7-21-76;10:49 am]

[Docket No. 70-820]

UNITED NUCLEAR CORPORATION, URANIUM RECOVERY PLANT, WOOD RIVER JUNCTION, RHODE ISLAND

Regarding Renewal of License No. SNM-777

The Nuclear Regulatory Commission (the Commission) is considering the renewal of Special Nuclear Material License SNM-777 for the continued operation of the Uranium Recovery Plant at Wood River Junction, Rhode Island.

The U.S. Nuclear Regulatory Commission, Division of Fuel Cycle and Material Safety, has prepared an environmental impact appraisal for the proposed renewal of license SNM-777. On the basis of this appraisal, the Commission has concluded that the environmental impact created by the proposed license renewal action would not be significant and does not warrant the preparation of an environmental impact statement, and accordingly it has been determined that a negative declaration is appropriate. The environmental impact appraisal (NR-FM-007) is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Bethesda, Maryland, this 15th day of July 1976.

For the Nuclear Regulatory Commission.

L. C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.76-21087 Filed 7-21-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting Location

The July 29-30, 1976 meeting of the ACRS Subcommittee on Emergency Core Cooling (ECCS) announced in FR Vol. 41, July 12, 1976, page 28595, will be held at the Westbank Motel, 475 River Parkway, Idaho Falls, ID.

All other matters pertaining to this meeting remain the same.

Dated: July 16, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-21257 Filed 7-21-76;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Connecticut Light and Power Company (the licensees) for operation of the Millstone Nuclear Power Station Unit No. 2, located in Waterford, Connecticut.

The amendment would change the Technical Specifications to eliminate the required operability and surveillance of the Turbine Runback feature of the Engineered Safety Feature Actuation System.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By August 23, 1976, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject Facility Operating License. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated May 26, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated in Bethesda, Md., this 9th day of July 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-21255 Filed 7-21-76;8:45 am]

[Docket No. PRM-31-2]

NUCLEUS, INC.

Filing of Petition for Rule Making

Notice is hereby given that the Nucleus, Inc., P.O. Box R, Oak Ridge, Tennessee, by letter dated June 23, 1976, has filed with the Nuclear Regulatory Commission a petition for rule making to amend the Commission's regulations.

The petitioner requests the Commission to amend its regulations to authorize the possession and use under general license of a Mock Iodine-125 instrument calibration source by persons possessing and using byproduct material for certain in vitro clinical or laboratory testing pursuant to the general license in § 31.11 of 10 CFR Part 31.

The calibration source is described by the petitioner as a sealed source containing a mixture not to exceed 0.01 microcurie of Americium-241 and 0.05 microcurie of Iodine-129 which closely simulates the spectra of Iodine-125. The petitioner states that the Mock Iodine-125 calibration source has a long half-life and will permit authorized in vitro users of byproduct material to calibrate gamma counting instrumentation properly.

The petitioner states also that the increased emphasis currently being placed on medical diagnostic testing using byproduct material strongly suggests that nuclear instrumentation be maintained in peak operation and agencies such as the Center of Disease Control, and apropriate state inspection authorities having responsibility for clinical laboratory proficiency, now require that permanent records of instrument calibration be maintained by laboratories which process patient in vitro tests. The petitioner states further that the proposed Mock Iodine-125 calibration source will provide a means of quality assurance and instrumentation calibration to all users authorized for in vitro testing.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by September 20, 1976.

Dated at Washington, D.C., this 19th day of July 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-21256 Filed 7-21-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of record subject to the Act (5 U.S.C. 552a(o)). During the period June 28 through July 9, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

DEPARTMENT OF JUSTICE

System names: (1) Automated Records and Consummated Orders System/Diversion Analysis and Detection System (ARCOS/DADS) (JUSTICE DEA-004). (2) Controlled Substances Act Registra-

tion Records (CSA) (JUSTICE DEA–006). (3) Investigative Reporting and Filing System (NADDIS/NCIC) (JUSTICE DEA–012). (4) System to Retrieve Information from Drug Evidence (STRIDE) (JUSTICE DEA–019). (5) Drug Enforcement Administration Accounting System (DEAAS) (JUSTICE DEA–021).

Report date: June 29, 1976.

Agency point of contact: Peter B. Bensinger, Administrator, Drug Enforcement Administration, Room 1110, 425 I Street, NW., Washington, D.C. 20537.

DEPARTMENT OF TRANSPORTATION

System name: Public Information Distribution System.

Report date: June 24, 1976.

Agency point of contact: C. Raymond Greenwood, Assistant to the Secretary and Director of Public Affairs, 400 Seventh Street, SW., Washington, D.C. 20590.

FEDERAL COMMUNICATIONS COMMISSION

Systems name: Cable Operator Ownership File.

Report date: June 24, 1976.

Agency point of contact: Ashton Hardy, General Counsel, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

WAYNE L. SMITH,
Acting Budget and Management Officer.

[FR Doc.76–21087 Filed 7–21–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

DETROIT DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Detroit District Advisory Council will hold a public meeting at 9:00 a.m., Friday, August 27, 1976, at the Ref Pine Stead in Traverse City, Michigan, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information write or call Raymond L. Harshman, U.S. Small Business Administration, Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, Michigan 48226, (313) 226–7240.

Dated: July 15, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76–21181 Filed 7–21–76;8:45 am]

[License No. 02/02–5288]

MINORITY EQUITY CAPITAL COMPANY, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Minority Equity Capital Company, Inc. (licensee), 470 Park Avenue South, Suite 300, New York, New York 10016, a small business investment company licensed under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration (SBA) an application for exemption from the provision of 13 CFR 107.1004 (1976).

Licensee proposes to invest $75,000 in a combination of 10 year capital notes ($50,000) and convertible preferred stock ($25,000) in Freedom National Bank (Freedom) of New York City. This investment will constitute 3 percent of the capital of Freedom.

The proposed financing comes within the purview of the cited regulation by virtue of the fact that Mr. Hughlyn F. Fierce, a Director of the licensee, is also President, Chief Executive Officer and a Director of Freedom. Mr. Fierce also owns less than one percent of the capital stock of Freedom.

Notice is hereby given that any person may, not later than August 6, 1976, submit comments to SBA on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Notice is further given that any time after such date, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

(Catalog of Federal Domestic Assistance Program No. 59011 Small Business Investment Companies)

Dated: July 15, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76–21183 Filed 7–21–76;8:45 am]

[Declaration of Disaster Loan Area 1246, Amdt. 1]

TERRITORY OF GUAM

Declaration of Disaster Loan Area

The above numbered Declaration (See 41 FR 22653) is amended by extending the time for filing applications until the close of business August 22, 1976, for physical damage and until the close of business March 22, 1977, for economic injury.

Dated: July 12, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–21182 Filed 7–21–76;8:45 am]

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

ADVISORY BOARD OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the St. Lawrence Seaway Development Corporation to be held August 9, 1976, 10:30 a.m., Administration Building, St. Lawrence Seaway Development Corporation, Massena, N.Y. The agenda for this meeting is as follows: (1): Opening remarks, (2): Approval of minutes of previous meeting, (3): Administrator's report, (4): Program review, (5): Closing remarks.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from Robert D. Kraft, Deputy Chief Counsel, 800 Independence Ave., S.W., Washington, D.C. 20591, (202) 426–3574. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on July 20, 1976.

D. W. OBERLIN,
Administrator.

[FR Doc.76–21505 Filed 7–21–76;11:22 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances, that on August 24, 1976, at 1:30 p.m., at the VA Center, Togus, Maine Station Committee on Educational Allowances shall at building 205, Room 306G, VA Center, Togus, Maine, conduct a hearing to determine whether Veterans' Administration benefits to all eligible persons enrolled in the Skowhegan School of Buisness, Skowhegan, Maine, School of Business, Skowhegan, Maine, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met, or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at the time and place.

Dated: July 19, 1976.

R. H. WALLACE,
Director.

[FR Doc.76–21205 Filed 7–21–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 97]

ASSIGNMENT OF HEARINGS

JULY 19, 1976.

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 113678 (Sub-No. 615), Curtis, Inc., now assigned July 26, 1976, at Denver Colo. will be held in Division 1, U.S. Court of Appeals Federal Courthouse, 4th Floor, 1961 Stout Street, instead of Room 158 U.S. Customs House, 721 19th Street.

MC 118141 (Sub-No. 114), M. Bruenger & Co., Inc., now assigned July 26, 1976, at Denver, Colo. will be held in Division 1, U.S. Court of Appeals, Federal Courthouse, 4th Floor, 1961 Stout Street, instead of Room 158, U.S. Customs House, 721 19th Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-21241 Filed 7-21-76;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption 128]

ATCHISON, TOPEKA AND SANTA FE RAILROAD CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

To:

The Atchison, Topeka and Santa Fe Railroad Company
Chicago & Eastern Illinois Railroad Company
Chicago and North Western Transportation Company
Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Chicago, Rock Island and Pacific Railroad Company
Illinois Central Gulf Railroad Company
Louisville and Nashville Railroad Company
Missouri-Illinois Railroad Company
Missouri Pacific Railroad Company
St. Louis Southwestern Railway Company
Seaboard Coast Line Railroad Company
Southern Railway Company
The Texas and Pacific Railway Company

It appearing, That the thirteen railroads listed below have mutually agreed to the use of each other's empty plain cars having mechanical designations "XM", "FM"-less than 200,000 lbs., "GA", "GB", "GD", "GH", "GS", and "GT" and bearing reporting marks assigned to such carriers.

It further appearing that these thirteen railroads have mutually agreed to participate in an Expanded Clearinghouse Project in which each road will treat the cars of the other twelve roads as systems, with the Car Service Division of the AAR acting as agent.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, empty plain cars described in the Official Railway Equipment Register I.C.C.-R.E.R. No. 399, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "XM", "FM"-less than 200,000 lbs., "GA", "GB", "GD", "GH", "GS", and "GT", and bearing the following reporting marks are exempt from the provisions of Car Service Rules 1(a), and 2(b), while on the lines of any of the above named railroads.

The Atchison, Topeka and Santa Fe Railroad Company Reporting Marks: ATSF
Chicago & Eastern Illinois Railroad Company Reporting Marks: CEI Effective July 15, 1976.
Chicago and North Western Transportation Company Reporting Marks: CNW-CGW-CMO-FDDM-MSTL
Chicago, Milwaukee, St. Paul and Pacific Railroad Company Reporting Marks: MILW Effective July 15, 1976.
Chicago, Rock Island and Pacific Railroad Company Reporting Marks: RI-ROCK
Illinois Central Gulf Railroad Company Reporting Marks: ICG-GM&O-IC
Louisville and Nashville Railroad Company Reporting Marks: L&N-CIL-MON-NC
Missouri-Illinois Reporting Company Reporting Marks: MI Effective July 15, 1976.
Missouri-Illinois Railroad Company Reporting Marks: MI Effective July 15, 1976.
St. Louis Southwestern Railway Company Reporting Marks: SSW
Seaboard Coast Line Railroad Company Reporting Marks: SCL-ACL-C&WC-SAL
Southern Railway Company Reporting Marks: SOU-AEC-CG-GF-NS-SA Effective July 15, 1976.
The Texas and Pacific Railway Company Reporting Marks: T&P Effective July 15, 1976.

It is further ordered, That this order will become effective for specific ownerships on dates to be set by the Car Service Division as each road is phased into the Project starting July 15, 1976, the Car Service Division to issue appropriate notification to Project participants, and to advise the undersigned.

Expires: February 15, 1977.

Issued at Washington, D.C., July 9, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-21240 Filed 7-21-76;8:45 am]

[Rule 19; Ex Parte No. 241, 3rd Rev. Exemption 125]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. narrow-door plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 399, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6 in. or less, and having door openings less than 9-ft. wide, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Chicago and North Western Transportation Company Reporting Marks: CGW-CMO-SNW-FDDM-MSTL[1]

Effective: July 22, 1976.

Expires: August 15, 1976.

Issued at Washington, D.C., July 13, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-21236 Filed 7-21-76;8:45 am]

[Rule 19; Ex. Parte No. 241; 2nd Rev. Exemption 125]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. narrow-door plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Seervice Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 399, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6 in. or less, and having door openings less than 9-ft. wide, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2 (b).

[1] Chicago, Milwaukee, St. Paul and Pacific Railroad Company and Soo Line Railroad Company eliminated.

Chicago and North Western Transportation Company [1] Reporting Marks: CGW–CMO–CNW–FDDM–MSTL
Chicago, Milwaukee, St. Paul and Pacific Railroad Company Reporting Marks: MILW
Soo Line Railroad Company Reporting Marks: SOO

Effective: July 1, 1976.

Expires: July 31, 1976.

Issued at Washington, D.C., June 25, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-21237 Filed 7-21-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 16, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before August 6, 1976.

FSA No. 43195—*Paper and Paper Articles Between Points in Southwestern Territory and Points on the Long Island Rail Road.* Filed by Southwestern Freight Bureau, Agent, (No. B–613), for interested rail carriers. Rates on paper and paper articles, in carloads, as described in the application, between points in southwestern territory, on the one hand, and points on the Long Island Rail Road, on the other.

Grounds for relief—Revision of rate structure.

Tariffs—Supplements 2 and 141 to Southwestern Freight Bureau, Agent, tariffs 281–J and SW/E–2005–J, I.C.C. Nos. 5231 and 5049, respectively. Rates are published to become effective on August 14, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-21242 Filed 7-21-76;8:45 am]

[Notice No. 296]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

[1] The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company and Western Maryland Railway Company eliminated.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative (s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–76570, filed May 25, 1976. Transferee: TEAL'S EXPRESS, INC., Laura Street, Lyons Falls, N.Y. 13368. Transferor: Central Express Service, Inc., Harbor Point, Utica, N.Y. 13501. Applicant's representative: Roy D. Pinsky, Esquire, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 78525 and Certificate of Registration No. MC 78525 Sub 2, issued March 19, 1959, and February 12, 1964, respectively, as follows: General commodities, with exceptions, over regular routes, between Syracuse, N.Y., and Little Falls, N.Y.; and authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Certificate of Public Convenience and Necessity No. 983 dated February 17, 1959, issued by the New York Public Service Commission. Transferee is presently authorized to operate as a common carrier under Certificates Nos. MC 6252 and MC 6252 Sub–3. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76599, filed July 9, 1976. Transferee: CAREY AIRPORT LIMOUSINE SERVICE OF NEW JERSEY, INC., (Jay S. MacNeill, Receiver, 24 Commerce Street, Newark, N.J. 07102. Transferor: Airport Limousine Service, Inc., 683 Frelinghuysen Avenue, Newark, N.J. 07114.) Applicants' representatives: Thomas F. X. Foley, Esq., c/o Bowes, Millner, Rodgers and Liberstein, P.O. Box 1409, 167 Fairfield Rd., Fairfield, N.J. 07006. Jay S. MacNeill, Esq., Lynes, Bell & Moore, 60 Park Pl., Newark, N.J. 07102. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 135373, issued January 17, 1973, as follows: Passengers and their baggage, and pets, in the same vehicle with passengers, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, restricted to the transportation of passengers either origination at, or destined to, Newark Airport, at Newark, N.J., Teterboro Airport, at Teterboro, N.J., La Guardia Airport and John F. Kennedy International Airport, at New York, N.Y., between John F. Kennedy International Airport (N.Y.) and Ramsey, N.J., via La Guardia Airport (N.Y.), serving all intermediate points; between John F. Kennedy International Airport (N.Y.) and Ramsey, N.J., via La Guardia Airport (N.Y.), serving all intermediate points. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority No. MC–FC–76599 under section 210a(b).

No. MC–FC–76634, filed June 18, 1976. Transferee: DICK SIMON TRUCKING, INC., 3700 South 4355 West, Salt Lake City, Utah 84120. Transferor: Goodman Transportation, Inc., 4255 South 300 West, Salt Lake City, Utah 84107. Applicants' representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Permit No. MC 136915 (Sub 3), issued September 16, 1974, as follows: Sporting goods, from Los Angeles, Oakland, and San Francisco, Calif., and points in the Los Angeles, Calif., Harbor Commercial Zone, to Salt Lake City, Utah, and from Salt Lake City, Utah, to points in Idaho, Wyoming, Colorado, and Arizona, restricted to service to be performed under a continuing contract with UDISCO. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 135221 and subs thereunder. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76636, filed July 11, 1976. Transferee: J. T. BUS LINES, INC., 284 Franklin Street, North Adams, Mass. 01247. Transferor: John C. Tietgens and Ellen G. Tietgens, a Partnership, doing business as J. T. Bus Lines, 284 Franklin Street, North Adams, Mass. 01247. Applicants' representative: Bernard Lenhoff, Attorney at Law, 57 Main Street, North Adams, Mass. 01247. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–96542, issued March 21, 1974, as follows: Passengers and their baggage, in the same vehicle, over regular routes, between Readsboro, Vt., and Monroe Bridge, Mass., serving all intermediate points; and passengers and their baggage, over regular route, between Readsboro, Vt., and North Adams, Mass., serving the intermediate point of Stanford, Vt. Transferee presently holds no authority from this Commission. Appli-

cation has not been filed for temporary authority under section 210a(b).

No. MC–FC 76642, filed June 29, 1976. Transferee: HOUSTON FREIGHTWAYS, INC., 9431 Sanford, P.O. Box 4730, Galena Park, Texas 77547. Transferor: Houston Truck Lines, Inc., (Robert Marquette, Jr., Receiver), 6350 LBJ Freeway, Suite One, Dallas, Texas 75240. Applicants' representative: J. G. Dail, Jr., Esq., 1111 E Street NW., Washington, D.C. 20004. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 127242 Sub 1 and Sub 2, issued January 7, 1966 and July 25, 1969, respectively, as follows: Machinery, equipment, materials and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, from, to and between points in Texas, Louisiana, New Mexico, Arkansas, Kansas and Oklahoma and Kansas City, Mo.: Machinery, equipment, materials, and supplies used in, or in connection with the drilling of water wells, from to and between points in Louisiana, New Mexico, Texas, Arkansas, Kansas, Oklahoma and Kansas City, Mo.: Iron and steel articles, as described, from No. MC–FC–76642 Houston, Tex. to points in Texas. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–76643 filed June 25, 1976. Transferee: KTI LTD, 4700 Benson Avenue, Baltimore, Maryland 21227. Transferor: Marsh Motor Haulage, Inc., P.O. Box 4203, Newark, New Jersey 07114. Applicants' representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, New Jersey 08904. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 127954 (Sub-3G), issued April 1, 1975, as follows: Household goods, as defined by the Commission, between points in New York, New Jersey, Connecticut, Delaware, Pennsylvania, Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Maryland, Virginia, North Carolina, Ohio, Indiana, Illinois, Michigan, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76649 filed July 2, 1976. Transferee: JO-DI Trucking, Inc., Route No. 1, Rose Hill, North Carolina, 28444. Transferor: James A. Ezzell, doing business as Ezzell Farms, Magnolia, North Carolina 28453. Applicants' representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, North Carolina 27601. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 129952 issued October 6, 1976, as follows: *Saw-mill machinery*, from Clinton, N.C., to points in South Carolina, Georgia, Alabama, Mississippi, Florida, Virginia, West Virginia, Maryland, Pennsylvania, and New York. *Farm Machinery*, from Clinton, N.C., to points in Florida, Georgia, Alabama, South Carolina, and Virginia, and *Drain tile*, from Roseboro, N.C., to points in Delaware, Maryland, Virginia, West Virginia, South Carolina, Tennessee, Georgia, and Florida. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76650, filed July 7, 1976. Transferee: Billy Ray Pettway, 3634 Barry Avenue, Fort Smith, Arkansas 72901. Transferor: Jimmie Stanfill, P.O. Box 209, Route 3, Fort Smith, Arkansas 72901. Applicant's representative: Don A. Smith, Attorney at Law, P.O. Box 43, Fort Smith, Arkansas 72901. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 133245, issued August 25, 1969, as follows: Sand, gravel, crushed and ground sandstone, crushed and ground limestone, coated and lightweight aggregates, dry batch concrete, crushed and ground flintstone, crushed and ground quartz, granite, bricks and concrete products, between Springdale and Forth Smith, Ark., on the one hand, and, on the other, points in that part of Oklahoma on and east of U.S. Highway 75. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC–FC–76653, filed July 8, 1976. Transferee: BRIDAL VEIL TOURS, INC., 1606 8th Street, Niagara Falls, N.Y. 14305. Transferor: JAMES C. FERRARO, doing business as BRIDAL VEIL TOURS, 121–79th Street, Niagara Falls, N.Y. 14304. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 116661 (Sub-No. 1), issued September 14, 1971, as follows: Passengers and their baggage, in special operations, in round-trip sightseeing tours, with restriction, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within 6 miles thereof, and extending to ports of entry on the United States-Canada Boundary line at Niagara Falls and Lewiston, N.Y. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-21243 Filed 7-21-76;8:45 am]

[Ex Parte No. MC–103]

PROCEDURES IN MOTOR CARRIER APPLICATION PROCEEDINGS WHERE FOR-HIRE CARRIAGE IS SUBSTITUTED FOR PROPRIETARY OPERATIONS

Filing of Petition Seeking Institution of Rulemaking

Petitioner: Herman Bros., Inc., P.O. Box 189, 2565 St. Mary's Avenue, Omaha, Nebr. 68101. Petitioner's representatives: Eugene T. Liipfert, Verner, Liipfert, Bernhard, McPherson and Alexander, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Donald L. Stern, Stern, Harris, Feldman, Becker & Thompson, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. John E. Smith, II, Herman Bros., Inc., 2565 St. Mary's Avenue, Omaha, Nebr. 68101.

By petition filed July 7, 1976, Herman Bros., Inc., a motor common carrier of bulk commodities, seeks the initiation of a rulemaking proceeding for the establishment of a more expeditious procedure for the granting of motor carrier operating authority in those instances where the proposed operation would supplant services being performed by a shipper's proprietary carriage. Generally, the procedure proposed by petitioner would award an 18 month interim certificate or permit, subject to certain specific restrictions, to a motor carrier to allow it to replace proprietary trucking operations. A lesser evidentiary burden would be imposed on applicants for such certificates or permits than is now imposed in application proceedings for new motor carrier operating authority. The most significant diversion from existing procedures recommended by petitioner is that these applications could not be opposed by existing motor carriers whose protests were based solely upon allegations of conflicting operating authority. Petitioner further proposes that these interim certificates or permits would be renewable for a 1 year period, and, subsequently, could be converted to permanent operating rights.

PETITIONER'S ARGUMENT

The petitioner's proposal is limited to the transportation of bulk commodities, an area within the realm of its particular expertise, and an area in which petitioner believes certain significant cost savings are available to shippers who utilize the services of authorized for-hire motor carriers instead of private motor carriage. Herman Bros., Inc., asserts, however, that the Commission might decide that the procedures recommended in its petition for conversion from private carriage to for-hire service should be applied as to other commodities as well as bulk commodities, and, therefore, that the scope of the proposed rulemaking proceeding should be thus expanded.

Increased use of for-hire carrier service, in lieu of private carriage, petitioner asserts, would be consistent with the National Transportation Policy and this Nation's goals of energy conservation. Citing Interagency Task Force On Energy Conservation, Project Independence Blueprint Final Task Force Report, Vol. 2, Table S–16, p. S–30 and Table S–18, p. S–37, November, 1974, petitioner states that for-hire trucking is more energy efficient than private trucking, inasmuch as less energy is consumed per ton-mile. Similarly, citing 1973 National Truck Characteristic Report, Federal Highway Administration, November 1975, petitioner additionally asserts that for many types of bulk movements, trucks regulated by this Commission are less likely to incur empty mileage. Therefore, the argument concludes, the proposal for fa-

cilitating the shift of hargoes from private to for-hire carriage would constitute a step toward better energy use as well as the attainment of economical and efficient service.

Shippers utilizing extensive proprietary trucking operations often are of the opinion that their specialized transportation needs cannot be met, at appropriate rates, by existing for-hire motor carriers. Petitioner asserts that many shippers do not fully appreciate the actual costs of proprietary operations, inasmuch as such costs are inevitably subordinated to production and marketing considerations.

Petitioner's basic contention is that for-hire motor carriers of bulk commodities are capable of providing as good or better service as private motor carriers, at rates which achieve significant savings over the costs of private motor carriage. Through developed expertise, petitioner believes that for-hire motor carriers of bulk commodities are better able to maintain their specialized equipment, thus eliminating the need for the purchase of unnecessary additional equipment in order to meet shipper's marketing demands. Similarly, petitioner asserts that this expertise is likely to provide solutions to transportation related problems such as deadhead mileage, enforcement of driver discipline, and labor costs.

If they are apprised of the relevant factors, petitioner believes, many shippers of bulk commodities would look favorably upon replacing their proprietary motor carrier operations with the services of a for-hire motor carrier. Petitioner avers that prolonged permanent authority proceedings, and the uncertainty of their outcome, dissuades shippers from converting to for-hire carriage. It is the alleged "obstacles" imposed by the existing regulatory system upon such a conversion that led to the filing of this petition.

Specific Proposal

Petitioner proposes that this Commission, by means of a general rulemaking proceeding, find (1) that the public convenience and necessity require operations by qualified motor common carriers, in the transportation of bulk commodities, to the extent such operations will supplant private carriage operations, and (2) that operations by qualified motor contract carriers, in the transportation of bulk commodities, to the extent it is demonstrated that such operations will supplant private carriage operations, will be consistent with the public interest and the National Transportation Policy.

By way of procedure, petitioner proposes the adoption of a specialized application form, describing the information required of an applicant, to be used in these situations where the operation proposed will supplant existing private carriage operations. The information required of an applicant, on the new application form proposed by petitioner, is set forth in the appendix attached hereto. Notice of the filing of each of these applications would be published in the Federal Register, and interested parties would be allowed 20 days in which to file protests. As previously noted, under petitioner's proposal existing motor carriers could not base a protest solely upon allegations of conflicting operating authority or, apparently, on operations conducted pursuant to such authority. Protests would be permitted only to the extent that they rebut the showing of an applicant's fitness or the shipper's evidence upon which the Commission general findings of public convenience and necessity, or consistency with the public interest and the National Transportation Policy are based.

Petitioner's proposal further provides that on or before 50 days from the date of the Federal Register publication the Commission shall notify applicant by appropriate letter acknowledgement of its eligibility, and the scope of its new authority. Some of the factors petitioner believes to be relevant in the Commission's determinations in these application proceedings are whether the shipper is engaged in private carriage of bulk commodities, whether the involved traffic is clearly identifiable as having moved via shipper's private carriage, whether the commodity and territorial descriptions, and any pertinent restrictions, contained in the application are consistent with current Commission practice, and whether applicant's service will supplant some or all of shipper's private carriage operations. Authority would be denied if the applicant is found to be unfit or if it has failed to meet its burden of proof in showing that the proposed operation would, in fact, supplant private motor carriage operations of the shipper. Petitioner further provides that upon issuance of a letter acknowledgement applicant could commence operations, even though a petition for reconsideration may have been filed, subject to the usual compliance requirements.

Subsequent to the receipt of the letter notice an appropriate interim certificate or permit would be issued. It should be noted at this point, that under petitioner's proposal the operating authority granted pursuant to this procedure would be restricted against tacking or combining with other authority held by applicant, restricted against interlining with other carriers, and restricted to the transportation of traffic originating at or destined to the facilities of the shipper whose proprietary operations had been supplanted. Similarly, said authority would not be assertable by the holder as the basis of a protest to other applications for operating authority, and it would not be saleable.

It is proposed that the involved certificate or permit be granted for a term of 18 months. At the end of this initial limited term, petitioner provides, the authority could be renewed for an additional year upon petition filed by the carrier within four months of the end of the initial period. The petition for extension would contain information which would allow the Commission to evaluate the carrier's performance in supplanting the shipper's proprietary motor carriage operations, i.e., information as to volume of traffic handled, origins and destinations, and types of commodities, as well as a verified statement of the supporting shipper containing such information as the percentage of shipper's total traffic handled by applicant, and the quality of its services. The shipper's verified statement should also specify the extent to which any proprietary services are still being maintained. This verified statement constitutes, in effect, a performance reporting requirement which would enable the Commission to determine if applicant's service had actually supplanted shipper's prior private motor carriage operations. If the Commission were to find that a carrier is not fit to render this service, or that its operations are not in conformance with its initial representations, or have gone significantly beyond replacing shipper's proprietary operations, the Commission could revoke or decline to renew the limited-term certificate or permit.

The final aspect of petitioner's proposal provides that if extension of the interim authority is granted for an additional year, the carrier then would have the opportunity to obtain corresponding permanent authrority. No sooner than 6 months prior to the end of the second year of operation, the carrier could file an application for permanent operating rights. Shipper support would be required, but, significantly, service rendered under the interim certificate or permit would be admissible to establish fitness—and public convenience and necessity or consistency with the public interest and the National Transportation Policy. If the carrier timely files its application for permanent authority its interim authority would be automatically extended until the final Commission action on its permanent application.

The proceedings outlined herein represent proposals of the petitioner only, which may be adopted, either in their present form or as modified, or rejected, and as to which the comments of interested persons are invited in this proceeding.

Procedural Matters

Oral hearings do not appear to be necessary at this time, and none is contemplated. Anyone wishing to present their views and evidence, either in support of, or in opposition to the action proposed in this order may do so by submission of written data, views, or arguments. Anyone interested in making representations in favor of, or against the proposed regulations is hereby invited to do so by the submission of written data, views, or arguments. An original and 15 copies (wherever possible) of such data, views, or arguments, shall be filed with the Commission on or before September 22, 1976. All such statements will be considered as evidence and as a part of the record in the proceeding.

Written materials or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C., during regular business hours. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

ROBERT L. OSWALD,
Secretary.

APPENDIX

Evidence which petitioner suggests should be contained in the new application forms it proposes for use in proceedings where an applicant seeks to replace shipper's proprietary operations with its own for-hire motor carrier services:

A. CARRIER EVIDENCE

1. Fitness, willingness, and ability to perform the proposed service, including
(a) Number of units and type of equipment to be utilized,
(b) Number of drivers to be utilized,
(c) Terminal facilities to be employed, and
(d) Experience in handling the involved or similar commodities.
2. Service to be performed, including
(a) Territory or points to be served,
(b) Specific bulk commodities to be transported,
(c) Rates to be charged, and
(d) Operational feasibility statement.

B. SHIPPER EVIDENCE

1. Description of shipper's present private carriage operations, including
(a) Commodities transported,
(b) Territory or points involved,
(c) Equipment utilized,
(d) Abstract of all private carriage shipments transported over the past six months, and
(e) Percentage of total production handled by shipper's private carriage.
2. Reasons for desire to convert from private carriage to for-hire carriage, such as cost and improved service.
3. Extent to which private carriage will be replaced by applicant's service, including information such as
(a) Number of units and percentage of private equipment,
(b) Volume and percentage of total shipper traffic to be tendered applicant,
(c) Territorial scope or point coverage, and
(d) Time schedule for conversion to for-hire carriage.

[FR Doc.76-21244 Filed 7-21-76;8:45 am]

[I.C.C. Order No. 172; Rev. S.O. No. 994]

VERMONT RAILWAY, INC.

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, Agent, the Vermont Railway, Inc., is unable to transport traffic over its line between Rutland, Vermont, and White Creek, New York, because of bridge damage.

It is ordered, That:

(a) The Vermont Railway, Inc., being unable to transport traffic over its line between Rutland, Vermont, and White Creek, New York, because of bridge damage, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:00 a.m., July 12, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 23, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 12, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-21239 Filed 7-21-76;8:45 am]

MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

Petitions

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before August 23, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 113678 (Sub-No. 431) (Notice of filing of petition to modify certificate) filed July 2, 1976. Petitioner: CURTIS, INC., P.O. Box 16004, Stockyard Station, Denver, Colo. 80216. Petitioner's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* certificate in No. MC 113678 (Sub-No. 431), issued January 24, 1974, authorizing transportation, over irregular routes, of *Foodstuffs and beverages,* in vehicles equipped with mechanical refrigeration, from points in California to points in Colorado, Wyoming (except points in Big Horn, Campbell, Fremont, Hot Springs, Johnson, Sheridan, Park, and Washakie Counties, Wyo.), and to points in Banner, Kimball, Scottsbluff, Sioux, Morrill, Box Butte, and Dawes Counties, Nebr., restricted to the transportation of traffic destined to points in the above-described territory.

By the instant petition, petitioner seeks to modify the certificate to enable it to transport *"Buffing and polishing compounds and animal feed,* when moving in mixed loads with the commodities named above, from Fresno, Calif., to points in Colorado, restricted to the transportation of traffic destined to points in Colorado."

No. MC 135385 (notice of filing of petition to modify territorial description) filed June 22, 1976. Petitioner: DRUM TRANSPORTATION COMPANY, R D #1, Montgomery, Pa. 17752. Petitioner's representative: J. G. Dail, Jr., 1111 E Street, NW., Washington, D.C. 20004. Petitioner holds motor *contract carrier* corrected permit No. MC 135381, issued January 2, 1973, authorizing transportation over irregular routes, of *Wooden poles, posts, pilings, timbers, ties, and cross arms and laminated wooden beams,* between the plantsites of Southern Wood Piedmont Company, located at or near Baldwin, Fla.; Augusta, Macon, East Point and Waycross, Ga.; Spartanburg, S.C.; Wilmington and Gulf, N.C.; and Chattanooga, Tenn., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Massachusetts, Maine, Maryland, New Hampshire, New Jersey, New York,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Southern Wood Piedmont Company, located at Atlanta, Ga.

By the instant petition, petitioner seeks to modify the territorial description, as pertinent, so as to read: between the plantsites and storage facilities of Southern Wood Piedmont Company, located at or near Baldwin, Fla.; Augusta, Macon, East Point and Waycross, Ga.; Spartanburg, S.C.; Wilmington and Gulf, N.C.; Chattanooga, Tenn.; and Montgomery, Pa., on the one hand, and, on the other, points in the named states.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 263 (Sub-No. 220), (Republication) filed February 5, 1975, and published in the FEDERAL REGISTER issue of March 6, 1975, and republished this issue. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green, (same address as applicant). An Order of the Commission, Division 1, Acting as an Appellate Division, dated May 28, 1976 and served June 9, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes in the transportation of, *Foodstuffs*, between the facilities of Green Giant Company, located at Glencoe, Le Sueur and Minneapolis, Minn., West Largo, N. Dak., and Billings, Mont.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify applicant's grant of authority, as set above, rather than conditions previously published in the FEDERAL REGISTER.

No. MC 73165 (Sub-No. 360), (Republication) filed January 21, 1975, and published in the FEDERAL REGISTER issues of February 13 and April 24, 1975 and third publication this issue. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). An Order of the Commission, Review Board Number 1, dated June 18, 1976 and served June 23, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes in the transportation of (1) *Waste or scrap materials* (except in bulk, in tank or dump vehicles) from those points in the United States in and east of Iowa, Wisconsin, Missouri, Oklahoma, and Texas to Huntsville, Ala., and Knoxville and Chattanooga, Tenn., and (2) *reclaimed metals* from Huntsville, Ala., Knoxville and Chattanooga, Tenn., to those points in the United States in and east of Iowa, Wisconsin, Missouri, Oklahoma, and Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's broadening of authority.

No. MC 133689 (Sub-No. 61), Republication) filed June 6, 1975, and published in the FEDERAL REGISTER issue of July 9, 1975, and republished this issue. Applicant: OVERLAND EXPRESS, INC., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Charles W. Singer, 2440 East Commercial Boulevard, Fort Lauderdale, Fla. 33308. An Initial Decision of Administrative Law Judge John Roger Corcoran, dated April 10, 1976 and served May 11, 1976, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *Such merchandise* as is dealt in by wholesale and retail department stores (except foodstuffs), and in connection therewith, materials and supplies used in the conduct of such business (except in all instances commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and uncrated furniture, furnishings, fixtures, appliances, cabinets and kitchen equipment), from points in Connecticut, Delaware, Illinois (except those north of U.S. Highway 24), Indiana, Kansas (except those in the Kansas City, Mo.-Kansas City, Kans. and St. Joseph, Mo. commercial zones), Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri (except Kansas City and points in the Kansas City, Mo.-Kansas City, Kans. commercial zone, St. Joseph and points in its commercial zone, and Maryville), New Hampshire, New Jersey (except those in Essex, Hudson, Hunterdon, Mercer, Middlesex, Passaic and Union Counties, N.J.), New York (except those east of New York Highway 12), North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis and points in its commercial zone), Vermont, Virginia and West Virginia to Minneapolis-St. Paul, Minn. and points in their commercial zone as defined by the Commission. The purpose of this republication is to include applicant's presently granted authority, in which four states were excluded in previous issue of the FEDERAL REGISTER.

No. MC 140869 (Sub-No. 2), (Republication) filed July 31, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, and republished this issue. Applicant: KERRI TRUCKING INC., 162 Closter Dock Road, Closter, N.J. 07624. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. An Order of the Commission, Review Board Number 2, dated June 23, 1976, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier* by motor vehicle, over irregular routes, of *Cheese*, in cartons, (1) from Northvale, N.J., to Philadelphia, Pa., Boston, Mass., and points in Maine and Virginia; and (2) from points in Wisconsin and South Dakota to Northvale, N.J., under a continuing contract or contracts with Northfield Cheese Company, Northvale, N.J. The purpose of this republication is to indicate that the grant of authority eliminates, at applicant's request, Iowa, Missouri, and Louisiana as destination States in part (2) as previously published.

No. MC 141474 (Sub-No. 2), (Republication) filed January 8, 1976, and published in the FEDERAL REGISTER issue of February 12, 1976, and republished this issue. Applicant: E. L. MORRISON, doing business as E. L. MORRISON TRUCKING COMPANY, 504 Johnson Avenue, Odessa, Tex. 79763. Applicant's representative: E. L. Morrison (same address as applicant). An Order of the Commission, Review Board Number 2, dated June 11, 1976, and served June 23, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes in the transportation of *Sand, gravel and aggregates, and dirt*, in dump vehicles, from points in Reeves, Loving, Ward, Winkler, and Ector Counties, Tex., to points in Eddy, Lea, and Chaves Counties, N. Mex.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that the grant of authority includes Reeves, Tex., as one of the named origin points.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other mean—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 151 (Sub-No. 58), filed June 17, 1976. Applicant: LOVELACE TRUCK SERVICE, INC., P.O. Box 1019, 2225 Wabash Avenue, Terre Haute, Ind. 47807. Applicant's representative: Guy H. Boles (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Rimpull Corp., located at or near Olathe, Kans., as an off-route point in connection with applicant's regular route authority to and from Kansas City, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or St. Louis, Mo.

No. MC 200 (Sub-No. 281), filed June 10, 1976. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, P.O. Box 2809, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Building, 903 Grande Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site and storage facilities utilized by Ore-Ida Foods, Inc., located at or near Greenville, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Chicago, Ill.

No. MC 2900 (Sub-No. 293), filed June 8, 1976. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, articles of unusual value), (1) Between Norfolk, Va. and Jacksonville, Fla.: From Norfolk over U.S. Highway 17 to Jacksonville, and return over the same route; (2) Between Richmond, Va., and Folkston, Ga.: From Richmond over U.S. Highway 301 to Folkston, and return over the same route; (3) Between Petersburg, Va., and Baxley, Ga.: From Petersburg over U.S. Highway 1 to Baxley, and return over the same route; (4) Between Richmond, Va. and Virginia Beach, Va.: From Richmond over U.S. Highway 60 to Virginia Beach, and return over the same route; (5) Between Reidsville, N.C. and Virginia Beach, Va.: From Reidsville over U.S. Highway 29 to Danville, Va., thence over U.S. Highway 58 to Virginia Beach, and return over the same route; (6) Between Raleigh, N.C. and Williamston, N.C.: From Raleigh over U.S. Highway 64 to Williamston, and return over the same route.

(7) Between Raleigh, N.C. and Beaufort, N.C.: From Raleigh over U.S. Highway 70 to Beaufort and return over the same route; (8) Between Charlotte, N.C. and Wilmington, N.C.: From Charlotte over U.S. Highway 74 to Wilmington, and return over the same route; (9) Between Clarksville, Va. and Pocotaligo, S.C.: From Clarksville over U.S. Highway 15 to Walterboro, S.C., thence over U.S. Highway 17A to Pocotaligo, and return over the same route; (10) Between Laurinburg, N.C. and Raleigh, N.C.: From Laurinburg over U.S. Highway 401 to Raleigh, and return over the same route; (11) Between Albermarle, N.C., and Junction of North Carolina Highway 24 and U.S. Highway 1 at or near Camron Cameron, N.C.: From Albermarle over North Carolina Highway 24 to junction with U.S. Highway 1 at or near Cameron, and return over the same route; (12) Between Oxford, N.C. and Murfreesboro, N.C.: From Oxford over U.S. Highway 158 to Murfreesboro, and return over the same route; (13) Between Tarboro, N.C. and Franklin, Va.: From Tarboro over U.S. Highway 258 to Franklin, and return over the same route; (14) Between Zebulon, N.C. and Chocowinity, N.C.: From Zebulon over U.S. Highway 264 to Chocowinity, and return over the same route; (15) Between Wilmington, N.C. and Junction U.S. Highway 117 and U.S. Highway 301: From Wilmington over U.S. Highway 117 to junction with U.S. Highway 301, and return over the same route; (16) Between Statesville, N.C. and Savannah, Ga.: From Statesville over U.S. Highway 70 to junction U.S. Highway 321 at or near Conover, N.C., thence over U.S. Highway 321 to junction U.S. Highway 17 at or near Hardeeville, S.C., thence over U.S. Highway 17 to Savannah, and return over the same route; (17) Between Branchville, S.C. and Charlotte, N.C.: From Branchville over U.S. Highway 21 to Charlotte, and return over the same route; (18) Between Rock Hill, S.C. and Chester, S.C.: From Rock Hill over South Carolina Highway 72 to Chester, and return over the same route;

(19) Between Greenville, S.C., and Myrtle Beach, S.C.: From Greenville over U.S. Highway 276 to junction South Carolina Highway 14, thence over South Carolina Highway 14 to Laurens, S.C., thence over U.S. Highway 76 to Sumter, S.C., thence over U.S. Highway 378 to Conway, S.C., thence over U.S. Highway 501 to Myrtle Beach, and return over the same route; (20) Between Atlanta, Ga. and Charleston, S.C.: From Atlanta over U.S. Highway 278 to Augusta, Ga., thence over U.S. Highway 78 to Charleston, and return over the same route; (21) Between Columbia, S.C. and Spartanburg, S.C.: From Columbia over U.S. Highway 176 to Spartanburg, and return over the same route; (22) Between Dublin, Ga., and Savannah, Ga.: From Dublin over U.S. Highway 80 to Savannah, and return over the same route; (23) Between Americus, Ga., and Blitchton, Ga.: From Americus over U.S. Highway 280 to Blitchton, and return over the same route; (24) Between Atlanta, Ga., and Macon, Ga.: From Atlanta over U.S. Highway 23 to Macon, and return over the same route; (25) Between Madison, Ga., and McRae, Ga.: From Madison over U.S. Highway 441 to McRae, and

return over the same route. (26) Between Baxley, Ga. and Brunswick, Ga.: From Baxley over U.S. Highway 341 to Brunswick, and return over the same route; (27) Between Greenville, S.C. and Statesboro, Ga.: From Greenville over U.S. Highway 25 to Statesboro, and return over the same route; (28) Between Waycross, Ga. and Brunswick, Ga.: From Waycross over U.S. Highway 84 to Brunswick and return over the same route; (29) Between Greensboro, N.C. and Rockingham, N.C.: From Greensboro over U.S. Highway 220 to Rockingham, and return over the same route; (30) Between Ludowici, Ga., and Midway, Ga.: From Ludowici over U.S. Highway 82 to Midway, and return over the same route.

(31) Between Cheraw, S.C. and Florence, S.C.: From Cheraw over U.S. Highway 52 to Florence and return over the same route; and (32) Between Statesville, N.C. and Chester, S.C.: From Statesville over U.S. Highway 21 to Charlotte, thence over U.S. Highway 521 to Lancaster, S.C., thence over South Carolina Highway 9 to Chester, and return over the same route: Service is sought at all intermediate points on routes 1 through 32, as described herein before, service is sought at the following off-route points: (a) Those in New Hanover and Brunswick Counties, N.C.; (b) Those in Charleston County, S.C.; (c) Those in North Carolina and South Carolina on and west of U.S. Highway 21 and 521 from Statesville, N.C. to Lancaster, S.C., on and north of South Carolina Highway 9 from Lancaster, S.C. to Chester, S.C. on and east of U.S. Highway 321 from Chester, S.C. to Conover, N.C., and on and south of U.S. Highway 64 from Conover, N.C., to Statesville, N.C.; (d) Those in Wake County, N.C.; (e) Abbeville, McCormick, Marion, Russellville and Alcolu, S.C.; (f) Morven and Plymouth, N.C. and Hickory, N.C.; and (g) Mansfield, Metter, Sandersville, Elberton and St. Marys, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta or Savannah, Ga., Charlotte, N.C. and/or Norfolk, Va.

No. MC 3246 (Sub-No. 20), filed June 15, 1976. Applicant: MASTERSON TRANSFER CO., INC., 3000 Pennsylvania Ave. West Extension, Warren, Pa. 16365. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic tool and mine bit boxes*, from Mayville (Chautauqua County), N.Y., and Warren, Pa., to Madisonville, Ky.

NOTE.—Applicant holds contract carrier authority in MC 136886, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 19778 (Sub-No. 91) filed 7, 1976. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a Corporation, 516 West Jackson Blvd., Suite 508, Chicago, Ill. 60606. Applicant's representative: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which, because of size and weight require use of special equipment), (1) Between Bedford, Ind., and Louisville, Ky., serving no intermediate points: From Bedford over Indiana Highway 37 to Paoli, thence southerly and easterly over U.S. Highway 150 to junction of U.S. Highway 150 and Interstate Highway 64, thence easterly over Interstate Highway 64 to Louisville, and return over the same route. (2) Between Seymour, Ind., and Louisville, Ky., serving no intermediate points: From Seymour over U.S. Highway 50 to junction of U.S. Highway 50 and Interstate Highway 65, thence southerly over Interstate Highway 65 to Louisville, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Louisville, Ky.

No. MC 29790 (Sub-No. 9), filed June 15, 1976. Applicant: HILL BROTHERS TRUCKING CO., INC., 6900 Chestnut St., Merchantville, N.J. 08109. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and forest products*, between Waltham, Mass. and Bridgeport and Waterbury, Conn., on the one hand, and, on the other, Camden and Merchantville, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 29886 (Sub-No. 331), filed June 17, 1976, Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46619. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and sand mixtures, iron and sand mixtures, concrete curing compounds, water proofing compounds, water reducing admixture in bags and containers*, from North Judson, Ind. and Trenton, N.J. to points in and east of Iowa, Kansas, Minnesota, Missouri, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 29910 (Sub-No. 171), filed June 14, 1976. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Allied Chemical Corporation located at or near Elberta, Niagara County, N.Y., as an off-route point in connection with carrier's authorized regular-route operations to and from Buffalo, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 29910 (Sub-No. 172), filed June 21, 1976. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, 510 North Greenwood, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from points in Pulaski County, Ark., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or New Orleans, La.

No. MC 35358 (Sub-No. 38), filed June 14, 1976. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, fixtures and furnishings*, between points in California, Oregon and Washington, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., in consolidation with Vonder Ahe Van Lines, Inc.; Bekins Van Lines, Inc. and Allied Van Lines, Inc.

No. MC 39249 (Sub-No. 18), filed April 22, 1976. Applicant: MARTY'S EXPRESS, INC., 2335 Wheatsheaf Lane, Philadelphia, Pa. 19137. Applicant's representative: Ira G. Megdal, 499 Cooper Landing Road, P.O. Box 459-460, Cherry Hill, N.J. 08002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, between Cornwells Heights, Pa., on the one hand, and on the other Media, Harrisburg, Lancaster and King of Prussia, Pa., restricted to traffic originating at, or destined to a Gimbel's facility.

NOTE.—Applicant intends to tack its requested authority at Cornwell Heights, Pa. to provide service to points in Delaware and New Jersey. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa. or Trenton, N.J.

No. MC 42011 (Sub-No. 22), filed June 17, 1976. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories, refractory products* and *silica sand* (except commodities in bulk, from Fort Worth, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Oklahoma and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 43269 (Sub-No. 62), filed May 24, 1976. Applicant: WELLS CARGO, INC., 1775 East 4th St., Reno, Nev. 89512. Applicant's representative: David N. Inwood, P.O. Box 1511, Reno, Nev. 89505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brucite, magnesite, and high temperature bonding mortar*, from Gabbs and Luning, Nev., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Reno or Tonopah, Nev.

No. MC 49368 (Sub-No. 94), filed June 1, 1976. Applicant: COMPLETE AUTO TRANSIT, INC., 18544 West Eight Mile Road, Southfield, Mich. 48075. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway and driveaway service, (1) between points in Ohio, on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, South Carolina, Virginia, and the District of Columbia; (2) between points in Michigan, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia and the District of Columbia; and (3) between points in Georgia on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Missouri, Ohio, Virginia, and West Virginia, limited to a transportation service to be performed under a continuing contract, or contracts, with General Motors Corporation.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61403 (Sub-No. 240), filed June 14, 1976. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 370 Lexington Ave., Suite 1201, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in bulk, in tank vehicles, between the site of Paducah, McCracken County, Ky., River Port Authority, located at or near Paducah, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, Ohio, Tennessee, West Virginia, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 69432 (Sub-No. 54), filed June 14, 1976. Applicant: HENRY EDWARDS, doing business as, HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, (1) from St. Louis, Mo., to Memphis, Tenn.; (2) from Fort Worth, Tex., to Memphis, Tenn.; (3) from Milwaukee, Wis., to Memphis, Tenn. and Jackson, Mo.; (4) from Detroit, Mich., to Jackson, Mo.; (5) from Belleville, Ill., to Martin, Tenn., and Jackson, Mo.; and (6) from San Antonio, Tex., to Hopkinsville and Paducah, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 75406 (Sub-No. 40), filed June 17, 1976. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, Mo. 63118. Applicant's representative: Gregory M. Rebman, 314 North Broadway, Suite 1230, St. Louis, Mo. 63118. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between the junction of U.S. Highways 79 and 49 in Arkansas, on the one hand, and, on the other, Helena and West Helena, Ark.; From said junction of U.S. Highways 79 and 49, thence over U.S. Highway 49 to Helena and West Helena, Ark., and return over the same route; and (2) Between Memphis, Tenn., on the one hand, and, on the other, Helena and West Helena, Ark.; From Memphis, Tenn., over U.S. Highway 61 to junction U.S. Highway 49, thence over U.S. Highway 49 to Helena and West Helena, Ark., and return over the same routes; said operations to be conducted in relation to existing authority held by applicant in MC 75406.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 76032 (Sub-No. 317), filed June 23, 1976. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Edward G. Bazelon, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Amarillo, Tex., to points in Connecticut, New Jersey, New York, and Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 82841 (Sub-No. 175), filed June 15, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68106. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical switchgear*, (2) *electrical control and relay switchboards*, and (3) *electrical panels, components, parts and accessories*, from Omaha, Nebr., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 83539 (Sub-No. 433), filed June 23, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled grading machines*, from Lithonia, Ga., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 83539 (Sub-No. 434), filed June 23, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock crusher equipment*, from the plantsite of Hewitt-Robins, Inc., located in Richland County, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Columbia, S.C.

No. MC 83539 (Sub-No. 435), filed June 23, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal tubing and pipe*, plain or fabricated other than oilfield; and (2) *materials and supplies* (except commodities in bulk) used in, or in connection with the manufac-

ture, fabrication or distribution of the commodities in (1) above, between Mannford and Sand Springs, Okla., on the one hand, and, on the other, points in the United States (except Oklahoma and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla.

No. MC 95540 (Sub-No. 956), filed June 11, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Footstuffs* (except commodities in bulk in tank vehicles), in mechanically refrigerated equipment, in mixed loads with meats, meat products, meat by-products and articles distributed by meat packinghouses, from the plant site of Oscar Mayer & Co. Inc., located at or near Goodlettsville, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Virginia and West Virginia, restricted to shipments originating at the above facilities and destined to points in the states named; and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture, sale or distribution of foodstuffs, meats, meat products, meat by-products and articles distributed by meat packinghouses, from points in the states named in (1) above to the plant site and storage facilities utilized by Oscar Mayer & Co., Inc., located at or near Goodlettsville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., Washington, D.C. or Tampa, Fla.

No. MC 95540 (Sub-No. 957), filed June 17, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and warehouse facilities of Tennessee Doughnut Corp., located at or near Nashville, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland Massachusetts Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., Tampa, Fla. or Washington, D.C.

No. MC 105682 (Sub-No. 18), filed May 28, 1976. Applicant: ELMER G. FILOMEO AND BRUNO P. NARDI, a partnership, doing business as DIABLO TRANSPORTATION CO., 551 North Buchanan Circle, Pacheco, Calif. 94553. Applicant's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E. Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities which because of size or weight require the use of special equipment, commodities in bulk, and household goods as defined by the Commission), between Travis Air Force Base, Fairfield, Calif.; U.S. Naval Air Station, Alameda, Calif.; U.S. Naval Air Station, Lemore, Calif.; U.S. Naval Base, Long Beach, Calif.; U.S. Naval Air Station, North Island; Miramar Naval Air Station, San Diego, Calif.; U.S. Naval Station, Point Mugo, Calif.; McClelland Air Force Base, Sacramento, Calif.; Castle Air Force Base, Merced, Calif.; Mather Air Force Base, Sacramento, Calif.; and Norton Air Force Base, San Bernardino, Calif.; on the one hand, and, on the other, points in California, restricted to the transportation of traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 106398 (Sub-No. 740), filed May 10, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., a corporation, 525 South Main, P.O. Box 3329, Tulsa, Okla. 74103. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper board and paper board products*, from Chesapeake and Lynchburg, Va., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 222), filed June 17, 1976. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW, Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1400 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turbines, turbine sections and parts of each, electrical generators and parts thereof, electric motors and parts and materials, equipment and supplies* used in the manufacture and operation of the above-named commodities (except commodities in bulk), between the plant site and warehouse facilities of the General Electric Company located at or near Schnectady, N.Y., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany, N.Y. or Washington, D.C.

No. MC 106674 (Sub-No. 198), filed June 21, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled shavings, bagged sawdust, and wood residuals*, (1) from Savannah, Tenn. to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma and Texas; and (2) from Gideon, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107162 (Sub-No. 46), filed June 11, 1976. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, 121 South Pinckney Street, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Illinois and Iowa to points in Indiana, Michigan, Minnesota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sault Ste. Marie, Mich.

No. MC 107162 (Sub-No. 47), filed June 23, 1976. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route No. 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, 121 South Pinckney St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from the ports of entry on the International Boundary Line between the United States and Canada located at or near Sault Ste. Marie, Mich., to points in the Upper Peninsula of Michigan and points in Wisconsin north of the southern boundaries of Calumet, Jackson, Manitowoc, Portage, Trempealeau, Waupaca, Winnebago and Wood Counties, Wis.

NOTE.—Commodity will originate in Sault Ste. Marie, Ontario, the only known origin for supporting shipper, Weyerhaeuser Canada, Ltd. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sault Ste. Marie, Mich.

No. MC 107496 (Sub-No. 1036), filed June 15, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa

50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Latex*, in bulk, from Cottage Grove (Chemolite), Minn., to points in Illinois and Indiana; (2) *printing ink* in bulk, from the plantsite of Sun Chemical Corp., located at Kankakee, Ill. to points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and Tennessee; and (3) *asphalt*, in bulk, from Springfield, Mo. to points in Arkansas, Kansas and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Kansas City, Mo.

No. MC 107515 (Sub-No. 1015), filed June 10, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products; and frozen foods*, from Union City, Humbolt and Memphis, Tenn., and points in Mississippi, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108341 (Sub-No. 49) (Correction), filed June 4, 1976, published in the FEDERAL REGISTER issue of July 8, 1976 as MC 108341 Sub 48, republished as corrected this issue. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction, earth moving, excavating, and material handling machinery and equipment;* (2) *attachments, accessories, and parts* for (1) above when moving in the same shipment with (1) above; and (3) *Attachments, parts, and accessories* being returned for repair, service, exchange or warranty, between the facilities of Clark Equipment Company located at or near Skyland, N.C., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—The purpose of this republication is to change docket number MC 108341 (Sub-No. 48) to MC 108341 (Sub-No. 49). Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 110420 (Sub-No. 756), filed June 16, 1976. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn, cane, and beets and blends thereof*, in bulk, in tank vehicles, from Decatur, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111302 (Sub-No. 93), filed June 14, 1976. Applicant: HIGHWAY TRANSPORT, INC., 1500 Amherst Road, P.O. Box 10470, Knoxville, Tenn. 37949. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite and storage facilities of Economics Laboratory, Inc., located at or near Joliet, Ill., to points in Alabama, Florida, Indiana, Georgia, Kentucky, North Carolina, Ohio, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 111320 (Sub-No. 66), filed June 20, 1976. Applicant: KEEN TRANSPORT, INC., P.O. Box 1417, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earth moving, material handling, paving, mine, quarry, and compaction machinery and equipment; air compressors, pumps, and portable light plants; and* (2) *attachments, accessories, parts, and supplies* used in connection with erection, construction, operation, repair or maintenance of the commodities named in (1) above, between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of shipments originating at or destined to the facilities of L. B. Smith, Inc., its affiliates, subsidiaries, suppliers, or distributors.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 111729 (Sub-No. 665), filed June 21, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small live animals, fish, birds, rodents, reptiles, and mammals*, in packages not to exceed 125 pounds from one consignor to one consignee on any one day, (a) from Chicago, Ill., to points in Illinois, Indiana, Michigan, and Wisconsin, (b) from Omaha, Nebr., to points in Iowa and Nebraska, (c) from Phoenix, Ariz., to points in Arizona, (d) from Little Rock, Ark., to points in Arkansas, (e) from Atlanta, Ga., to points in Georgia, (f) from New Orleans, La., to points in Louisiana, (g) from Minneapolis, Minn., to points in Minnesota (h) from St. Louis, Mo., to points in Missouri, (i) from Kansas City, Mo., to points in Kansas, (j) from Fargo, N.D., to points in North Dakota, (k) from Sioux Falls, S.D., to points in South Dakota, (l) from Dallas, Houston, and San Antonio, Tex., to points in Texas, (m) from Salt Lake City, Utah, to points in Utah; and (n) from Casper and Cheyenne, Wyo., to points in Wyoming, restricted in (a) through (n) to traffic having an immediately prior movement by air.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112669 (Sub-No. 13), filed June 11, 1976. Applicant: FRIESEN TRUCK LINE, INC., 1207 East Second Street, Hutchinson, Kans. 67501. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream products and water ice products*, from Hutchinson, Kans. to Denver County, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 112801 (Sub-No. 186), filed June 15, 1976. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of and facilities utilized by Economics Laboratory, Incorporated, at or near Joliet, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 187), filed June 11, 1976. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals detergents, emulsions, floor finishes, liquid cleaners and latex*, in bulk, in tank vehicles, from Merton, Wis., to points in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub No. 406), filed June 11, 1976. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from Montezuma, Ga., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or New Orleans, La.

No. MC 113267 (Sub-No. 335), filed June 10, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC, 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except commodities in bulk, in tank vehicles), in mechanically refrigerated equipment, in mixed loads with *meats, meat products, meat by-products and articles distributed by meat packinghouses* (as previously authorized), from the plant site of Oscar Mayer & Co., Inc., located at or near Goodlettsville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Virginia and West Virginia, restricted to shipments originating at above facilities and destined to points in states named; and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture, sale or distribution of foodstuffs, meats, meat products, meat by-products and articles distributed by meat packinghouses, from points in states named in (1) above to the plant site and storage facilities utilized by Oscar Mayer & Co., Inc., located at or near Goodlettsville, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Memphis, Tenn.

No. MC 113622 (Sub-No. 17), filed June 18, 1976. Applicant: SAMPSON HAULING CORP., Pavilion, N.Y. 14525. Applicant's representative: Kenneth T. Johnson, Bankers Trust Bldg., Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products and salt*, in mixture with Calcium Chloride, in bulk, from Retsof, Livingston County, N.Y. to points in Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo or Albany, N.Y.

No. MC 113855 (Sub-No. 351), filed June 14, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refuse collection vehicles* each weighing less than 15,000 pounds, self propelled; (2) *farm implements, and hydraulic cylinders;* and (3) *parts*, from those commodities mentioned in (1) and (2) above, from Clarion, Iowa, to points in the United States including Alaska but excluding Hawaii; and ports of entry on the International Boundary line between the United States and Canada, for further movement to points in provinces of Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 441), filed June 15, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compounds*, tree or weed killing (herbicides); *insecticides and fungicides, agricultural; fertilizing compounds*, dry or liquid; *polychlor, agricultural insecticides and fungicides; agricultural insecticides; insecticides* other than agricultural; *chelating compounds;* and *chemicals*, from Cranston, R.I. and Toms River, N.J., to points in California and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 114211 (Sub-No. 274), filed June 14, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, and gaskets and related commodities* used in the installation of plastic pipe and plastic conduit (except commodities as described in Mercer Extension-Oilfield Commodities, 74 M.C.C. 459), from Columbia, Mo., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin and Wyoming, restricted to traffic originating at the plantsite and storage facilities of the Clow Corporation located at or near Columbia, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 114273 (Sub-No. 251), filed June 16, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Butler, Pa., and points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114604 (Sub-No. 42), filed June 8, 1976. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen doughnuts*, in vehicles equipped with mechanical refrigeration, from the plantsites and facilities of the Tennessee Doughnut Corp., located at points in Davidson County, Tenn., to points in Alabama, Georgia, Florida, Louisiana, Mississippi, North Carolina and, South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 115113 (Sub-No. 33), filed March 29, 1976. Applicant: IOWA PACKERS XPRESS, INC., P.O. Box 231, Spencer, Iowa 51301. Applicant's representative: Bill Husby, 930 32nd Ave., West, Spencer, Iowa 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant sites and storage facilities of or utilized by Spencer Foods, Inc., located at or near Spencer, Hartley and Fort Dodge, Iowa, and those points in Fremont and Schuyler, Nebr., to points on the International Boundary line between the United States and Canada located in Maine, Michigan, New York and Vermont, restricted to the transportation of traffic originating at the above origins or destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa or Omaha, Nebr.

No. MC 115162 (Sub-No. 328), filed June 23, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay*, in containers, from the plantsite and warehouse sites of Oil-Dri Corporation of America located in Thomas County, Ga., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mis-

souri, Nebraska, Ohio, Oklahoma, Pennsylvania, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 115162 (Sub-No. 329), filed June 8, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plantsite of U.S. Plywood Division of Champion International Corporation, located at Oxford, Miss., to points in Minnesota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Washington, D.C.

No. MC 115904 (Sub-No. 54), filed June 18, 1976. Applicant: GROVER TRUCKING CO., a Corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and wood products*, from points in McKinley County, N. Mex., to points in California, Kansas, Louisiana, Missouri, Nevada, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex., or Washington, D.C.

No. MC 115931 (Sub-No. 41), filed May 28, 1976. Applicant: BEE LINE TRANSPORTATION, Inc., Box 925, Baker, Mont. 59313. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products, fiber board and particle board*, from points in Montana, to points in Illinois, Iowa, Minnesota, Nebraska, South Dakota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Missoula or Billings, Mont.; or Spokane, Wash.

No. MC 116063 (Sub-No. 146), filed June 18, 1976. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2929 West Fifth St., P. O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Corsicana, Tex., to points in the United States (except Alaska, Connecticut, Delaware, Hawaii, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 116858 (Sub-No. 16), filed June 18, 1976. Applicant: J & M CARRIERS CORP., 43-06 54th Road, Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical and medical products* (except in bulk), from Kenilworth and Union, N.J., to Lyoth and San Leandro, Calif., under a continuing contract or contracts with Schering Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 117698 (Sub-No. 15), filed June 22, 1976. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. 12197. Applicant's representative: Neil D. Breslin, 99 Washington Ave., Suite 111, Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silos and laminated wood products and accessories* used in the erection and construction of silos and laminated wood products, from Sidney and Unadilla, N.Y., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming; and (2) *milled lumber*, from Prescott and Warren, Ark., Holly Hill and Elizabeth City, S.C. and Windsor, N.C. to Sidney and Ugadilla, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany, N.Y. or Boston, Mass.

No. MC 117993 (Sub-No. 4), filed June 14, 1976. Applicant: FRUITBELT TRUCKING INC., 12 Smith Street, St. Catharines, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit products*, in vehicles equipped with mechanical temperature controlling devices, from points in Florida to points in Ontario and Winnipeg, Manitoba, Canada via ports of entry on the International Boundary line between the United States and Canada in Michigan, Minnesota, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 119619 (Sub-No. 89), filed June 7, 1976. Applicant: DISTRIBUTORS SERVICE CO., a Corporation, 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities of Packerland Packing Co., Inc., located at Chippewa Falls and Eau Claire, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia. Note: If a hearing is deemed necessary, the applicant requests it be held on a simultaneous record with Schultz Transit, Inc., MC 118202 (Sub-No. 53), and L. C. L. Transit Company, MC 119974 (Sub-No. 56) at either Green Bay, Wis. or Chicago, Ill.

No. MC 119632 (Sub-No. 68), filed June 11, 1976. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning compounds, bleach, textile softeners, starch, aqua ammonia and detergents;* and (2) *materials, equipment and supplies* used or useful in the manufacture, production and distribution of commodities in (1) above (except commodities in bulk), between Toledo, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Lower Peninsula of Michigan, Missouri, New York, Pennsylvania, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus or Toledo, Ohio.

No. MC 119669 (Sub-No. 57), filed May 27, 1976. Applicant: TEMPCO TRANSPORTATION, INC., P.O. Box 254, Plainfield, Ind. 46168. Applicant's representative: Donald W. McCameron (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics and rubber articles, products, supplies, and equipment and petroleum products* in containers in vehicles equipped with mechanical refrigeration, from Montgomeryville and Philadelphia, Pa., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Washington, D.C.

No. MC 119741 (Sub-No. 59), filed June 11, 1976. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 3225 5th Avenue South, R.F.D. 2, P.O. Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson (same address as applicant). Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from St. Louis, Mo., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Ohio, South Dakota, and Wisconsin, and points in New York on and west of U.S. Highway 11, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 119955 (Sub-No. 5), (Correction), filed February 26, 1976 published in the FR issue of April 15, 1976, and republished as corrected this issue. Applicant: RUDOLPH LABRANCHE, P.O. Box 23, 394 North Main Street, West Franklin, N.H. 03235. Applicant's representative: George L. Manias, 16 Centre Street, Concord, N.H. 03301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Valves, valve components, tools, jigs, and fixtures* used in the manufacture of valves, rough castings, casting sand, and machine parts, and *correspondence, orders, payroll records, and blueprints* in interplant messenger service, between Lawrence, Mass., Saddlebrook, N.J., Detroit, and Livonia, Mich., Aurora and Chicago, Ill., and Kinsman, Ohio, and Ports of Entry on the International Boundary line between the United States and Canada, located at points in Michigan, New Hampshire, New York, and Vermont; and Franklin, N.H., restricted to a transportation service to be performed under a continuing contract or contracts with Watts Regulator Company, of Franklin, N.H. and Lawrence, Mass.

NOTE.—The purpose of this republication is to indicate the correct territory sought by including Franklin, N.H. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 121607 (Sub-No. 8), filed June 17, 1976. Applicant: COLUMBIA-PACIFIC TRANSPORT CO.-CRANE DIVISION, 206 N. Gum Street, P.O. Box 6377, Kennewick, Wash. 99336. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, iron and steel articles, and commodities* which because of their size or weight require the use of special equipment, (1) between points in Washington; and (2) between points in Washington on the one hand, and, on the other, points in California, Idaho, Montana and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 123407 (Sub-No. 313), filed June 22, 1976. Applicant: SAWYER TRANSPORT, NC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer's (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Castings, pipe, couplings, connections, valves, and accessories* used in the installation thereof, from the facilities of Clow Corporation, located at or near Coshocton, Ohio, to points in the United States (except Alaska, Hawaii, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 314), filed June 22, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rims*, from Fargo, N. Dak., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak.

No. MC 123407 (Sub-No. 315), filed June 22, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe, pipe fittings, pipe joints, and accessories, materials, and supplies* used in the installation thereof, from Carol Stream, Ill., to points in Minnesota, North Dakota, and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 316), filed June 22, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass insulating material, glass block, forms and molds*, from Port Allegany, Pa., to points in Georgia, North Carolina, and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 123424 (Sub-No. 5), filed June 10, 1976. Applicant: POSA, INC., 122 Kingsland Avenue, Brooklyn, N.Y. 11222. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, related advertising materials, and returned empty malt beverage containers*, between the Town of Volney, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey and New York; and (2) *materials, equipment and supplies* used in the production, packaging and sale of malt beverages (except commodities in bulk), from points in Connecticut, New Jersey and New York, to the Town of Volney, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 124174 (Sub-No. 108), filed June 15, 1976. Applicant: MOMSEN TRUCKING CO., a Corporation, P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Marshall D. Becker, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the facilities of or utilized by Spencer Foods, Inc., located at or near Fort Dodge, Hartley, and Spencer, Iowa, to points in Illinois and Wisconsin (restricted to traffic originating at the above origins and destined to points in the named destination states).

NOTE.—Applicant holds contract carrier authority in MC 128342, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Des Moines, Iowa.

No. MC 124328 (Sub-No. 104), filed June 16, 1976. Applicant: BRINK'S, INCORPORATED, Suite 710, One Crossroads of Commerce, Algonquin Road & Route 53, Rolling Meadows, Ill. 60008. Applicant's representative: Richard H. Streeter, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals*, between Miami, Fla., and Bainbridge, Ga., under a continuing contract, or contracts, with Kaiser Aluminum & Chemical Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124711 (Sub-No. 39), filed June 14, 1976. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Copeland, Kans., to points in Colorado, Nebraska, New Mexico, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Kansas City, Mo.

No. MC 124896 (Sub-No. 14), filed June 9, 1976. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *agricultural commodities* exempt from economic regulation when moving in mixed shipments with bananas, from Charleston, S.C., to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, Tennessee and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La. or Washington, D.C.

No. MC 125650 (Sub-No. 15), filed June 14, 1976. Applicant: MOUNTAIN PACIFIC TRUCKING CORPORATION, 3605 Highway 10 West, Route 2, Missoula, Mont. 59801. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plastic wood filler*, in drums, in vehicles equipped with mechanical refrigeration, from Eugene, Oreg., to Bonner, Columbia Falls, Kalispell and Missoula, Mont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash. or Missoula, Mont.

No. MC 125777 (Sub-No. 171), filed June 9, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in bulk, in dump vehicles, from Romulus, Binghamton and Seneca, N.Y., to Dearborn, Mich., and Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Detroit, Mich.

No. MC 126844 (Sub-No. 33), filed June 17, 1976. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 2033 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Taco shells, flour and corn tortillas, and sauces* in hermetically sealed glass jars, in vehicles equipped with mechanical refrigeration, from Dallas, Tex., to points in Maryland, New Jersey, New York, and Pennsylvania, restricted to the transportation of shipments originating at the facilities of Pinata Foods, Inc. located at Dallas, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 127651 (Sub-No. 35), filed June 14, 1976. Applicant: EVERETT G. ROEHL, INC., P.O. Box 7, East 29th Street, Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, cheese products, gourmet foods and gift packages consisting of freight of all kinds*, from Marshfield, Wis., to points in Illinois, Indiana, Iowa, Michigan, Missouri and Ohio; and (2) *materials and supplies*, from points in Illinois, Indiana, Iowa, Michigan, Missouri and Ohio to Marshfield, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis., or Minneapolis, Min.

No. MC 129568 (Sub-No. 5), filed June 11, 1976. Applicant: HAROLD KLEIN CARTAGE, INC., 5235 North Hopkins Street, Milwaukee, Wis. 53209. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice*, from Milwaukee, Wis., to the construction site of the atomic electrical generating plant of Commonwealth Edison located at or near Byron, Ill. under a continuing contract or contracts with Hometown, Inc.

NOTE.—Applicant holds common carrier authority in MC 44445 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 133796 (Sub-No. 32), filed June 14, 1976. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic and plastic pipe and tubing* (except commodities in bulk, commodities which because of size or weight require the use of special equipment, and oil field commodities as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from Los Angeles, Calif., to points in Texas; (2) *materials and supplies*, used in the manufacture and distribution of commodities in (1) above (except commodities in bulk), from points in Texas, to Los Angeles, Calif.; and (3) *bathroom vanities*, and *parts and accessories thereto*, from Van Nuys, Calif., to points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Kootchiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—Applicant holds contract carrier authority in MC 129239, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133916 (Sub-No. 3), (Restrictive amendment), filed April 14, 1975, published in the FEDERAL REGISTER issue of May 15, 1975, republished as restrictively amended this issue. Applicant: O'NAN TRANSPORTATION COMPANY, P.O. Box 308, Carrollton, Ky. 41008. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Sparta, Ky. and Lexington, Ky.: From Sparta, Ky. over Kentucky Highway 35 to its junction with U.S. Highway 127, thence over U.S. Highway 127 to its junction with U.S. Highway 227, thence over U.S. Highway 227 to its junction with Kentucky Highway 22, thence over Kentucky Highway 22 to its junction with Interstate Highway 75, thence over Interstate Highway 75 to Lexington, Ky. and return over the same route, serving no intermediate points except Sweet Owen, Ky., restricted against the transportation of shipments moving from, through, or to Lexington, Ky. and its commercial zone, on the one hand, and, on the other, Louisville, Ky. and its commercial zone or Cincinnati, Ohio, and its commercial zone.

NOTE.—The purpose of this republication is to restrictively amend the above requested authority. If a hearing is deemed necessary, the applicant requests it be held at either Frankfort or Lexington, Ky.

No. MC 134405 (Sub-No. 29), filed May 27, 1976. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 NW. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* (except such fertilizer as may be derived from petroleum), from Greenville, Tex., to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Oklahoma City, Okla.

No. MC 134501 (Sub-No. 17), filed June 17, 1976. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Stevens Points, Two Rivers and Green Bay, Wis. to points in Iowa, Kansas, Missouri, New Hampshire, New York, Nebraska, Ohio, Pennsylvania, Vermont, Wyoming, that part of Indiana on and south of U.S. Highway 50 and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 134564 (Sub-No. 5), filed June 14, 1976. Applicant: GLOVER TRUCKING CORP., P.O. Box 7206, Holland Station, Suffolk, Va. 23437. Applicant's representative: Charles Ephraim,

Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed ingredients*, (1) from York, Pa., to points in Delaware, points in Marylnad on and east of U.S. Highway 81, and points in Virginia on and east of U.S. Highway 81 and on and north of U.S. Highway 64; and (2) from Circleville, Ohio, to points in West Virginia and points in Virginia on and south of U.S. Highway 64, restricted in (1) and (2) above to a transportation service ot be performed under a continuing contract, or contracts with John W. Eshelman & Sons, a Division of Carnation Company, of York, Pa. and Circleville, Ohio.

NOTE.—Applicant holds common carrier authority in MC 2788, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va. or Washington, D.C.

No. MC 134922 (Sub-No. 177), filed June 15, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cameras, copying machines, glass and glass wares;* and (2) *commodities* used in the production, distribution, operation and sale of commodities named in (1) above (except commodities in bulk and those which because of size or weight require the use of special equipment), between Dyersburg, Tenn.; Bettsville, Ohio; Myersville, N.J.; Brockway, Pa.; Clarendon, N.Y.; and Clarksburg, W. Va., on the one hand, and, on the other, points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Little Rock, Ark.

No. MC 134922 (Sub-No. 178), filed June 15, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoe soles and heels and soling material and plastic or rubber articles, materials and supplies* (except in bulk), from Wadsworth, Ohio to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Little Rock, Ark.

No. MC 134922 (Sub-No. 179), filed June 14, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, glass and wood products* (except commodities in bulk and those which because of size or weight require the use of special equipment), from Osyka and Magnolia, Miss. and Lumber Bridge, N.C., to points in Arizona, California, Colorado, Idaho, Oregon, Nevada, New Mexico, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or Little Rock, Ark.

No. MC 134922 (Sub-No. 180), filed June 14, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and rubber products*, from Guntersville, Ala., to points in Maine, Vermont, and West Virginia; and (2) *materials, and supplies* used in the manufacture of rubber and compounds, from points in the United States on and east of U.S. Highway 83, to Dunbar, W. Va., Cairo, Ill. and Conshohocken, and Frazer, Pa. (except commodities in bulk and those which because of size or weight require the use of special equipment).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Little Rock, Ark.

No. MC 135384 (Sub-No. 19), filed June 10, 1976. Applicant: SPECIALIZED TRUCK SERVICE, INC., Highway 81 & I–75, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising materials, and empty malt beverage containers*, between the plantsite and storage facilities of Pabst Brewing Company (Georgia Div.), located at or near Perry, Ga., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Maryland, Michigan, Missouri, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 135705 (Sub-No. 7), filed June 16, 1976. Applicant: MELROSE TRUCKING COMPANY, INC., 6360 Raderville Route, Casper, Wyo. 82601. Applicant's representative: John P. Thompson, E 16th at Grant, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from the Ideal Basic Industries Cement Division plantsite, located at or near Boettcher, Colo. to points in Wyoming; (2) from Inkom, Idaho to the plantsite of the Jim Bridger Power Installation, located near Point of Rocks, Wyo.; and (3) from points in Sweetwater County, Wyo., to the plantsite of the Jim Bridger Power Installation, located near Point of Rocks, Wyo., restricted to the transportation of traffic having a prior movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Casper, Wyo. or Denver, Colo.

No. MC 136168 (Sub-No. 10), filed June 7, 1976. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Zinc oxide*, in bags or containers, from the facilities of Asarco Incorporated, at Columbus, Ohio, to points in Illinois, Kansas, Missouri and Wisconsin, restricted to traffic originating at the named facilities and destined to the named destinations, and limited to a transportation service to be performed under a continuing contract with Asarco Incorporated.

NOTE.—Applicant holds common carrier authority in MC 141641 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Omaha, Nebr.

No. MC 136528 (Sub-No. 2), filed June 17, 1976. Applicant: GREAT NORTHEASTERN, INC., P.O. Box 115, Blue Ball, Pa. 17506. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pretzels*, from Denver, and York, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pensylvnania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. (2) *Pretzel containers*, from Piqua, and New Vienna, Ohio, to Denver, and York, Pa., restricted in (1) and (2) to a transportation service to be performed under a continued contract or contracts with Quinlan Pretzel Co. of Denver, Pa.

NOTE.—If a hearing deemed necessary, the applicant requests it be held at either Washington, D.C. or Harrisburg, Pa.

No. MC 136605 (Sub-No. 16), filed June 17, 1976. Applicant: DAVIS BROS. DIST., INC., 2024 Trade St., P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formed steel sections and shapes*, from the plant facilities of A. J. Bayer Company located at or near Los Angeles, Calif. to Spokane, Wash.

NOTE.—Applicant holds contract carrier authority in MC 127349 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Billings or Missoula, Mont. or Spokane, Wash.

No. MC 138003 (Sub-No. 9), filed June 17, 1976. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2011, 1200 Norwood Drive, S.E., Cedar Rapids, Iowa 52406. Applicant's representative: George L.

Hirschbach, 5000 South Lewis Blvd., Sioux City, Iowa 51102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances;* and *parts, materials and supplies* used in the manufacture, repair and distribution of such commodities, between Fort Dodge, and Webster City, Iowa, Des Plaines, Ill. and Milwaukee, Wis., under a continuing contract or contracts with Franklin Manufacturing Company.

NOTE.—Applicant holds common carrier authority in MC 140612 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Webster City or Sioux City, Iowa.

No. MC 138345 (Sub-No. 6), filed June 7, 1976. Applicant: BASIL B. GORDON, doing business as VALLEY SPREADER COMPANY, 260 North 9th Street, Brawley, Calif. 92227. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers* (except anhydrous ammonia), between points in California (except Imperial County), on the one hand, and, on the other, points in Arizona, restricted to shipments moving on the bills of lading of Western Ag Supply, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138941 (Sub-No. 18), filed June 15, 1976. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from points in Wayne, Ontario and Monroe Counties, N.Y., to points in Illinois (except Jacksonville, Chicago and Springfield, Ill.), under a continuing contract or contracts with Mobile Chemical Company, Plastics Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 139662 (Sub-No. 3), filed June 18, 1976. Applicant: GARLAND D. TOWE, GARLAND W. PIKE, AND BENJAMIN E. SMITH, doing business as TOWE-PIKE GRAIN AND SUPPLY CO., Route 2, Hertford, N.C. 27944. Applicant: Garland D. Towe (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer in bulk*, (except in tank, hopper or dump vehicles), from the facilities of Swift Agricultural Chemical Co., located at or near Suffolk, Va., to Conway and Elizabeth City, N.C., under a continuing contract or contracts with Swift Agricultural Chemical Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Elizabeth City, N.C.

No. MC 140513 (Sub-No. 1), filed June 24, 1976. Applicant: L. S. T. CO., INC., 25 Longfellow Rd., Waban, Mass. 92162. Applicant's representative: Lawrence A. Bernstein (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Garden supplies, assembled garden trellises and materials* used in the manufacture of trellises, and ceramic products; (2) *lawn ornaments, and materials* used in the manufacture of lawn ornaments; and (3) *assembled garden furniture and materials* used in the manufacture of furniture, flower boxes, pots, containers and planters, from points in the United States on and east of a line beginning at the confluence of the Genesee River and Lake Ontario, thence southerly along the Genesee River to its intersection with U.S. Highway 15, thence southerly along U.S. Highway 15 to its intersection with Rappahannock River, thence southeasterly along the Rappahannock River to its confluence with the Atlantic Ocean, to points in the United States in and east of Arkansas, Iowa, Minnesota, Missouri and Texas, restricted to traffic moving under a continuing contract or contracts with Superior Garden Stores Co., Inc.; Rando Co., Inc., doing business as Superior Lawn Stores Co.; and Perino Co., Inc., doing business as Landscape Stores Co. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140693 (Sub-No. 5), filed June 9, 1976. Applicant: BEER TRANSPORTATION COMPANY, a Corporation, 1120 Germantown Avenue, Philadelphia, Pa. 19123. Applicant's representative: Edward J. Kiley, 1730 M St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Rochester, N.Y., to Hainesport, N.J., and Milford and Newark, Del.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 140829 (Sub-No. 13), filed June 16, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantside and storage facilities utilized by B & B Packing Company located at or near Chicago, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141728 (Sub-No. 2), filed June 10, 1976. Applicant: WILMINGTON CORP., Northern Industrial Park, Wilmington, Mass. 01887. Applicant's representative: Irwin M. Heller, Suite 600, One Center Plaza, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold or used in retail stores (except commodities in bulk, and commodities requiring the use of special equipment), between Edison Brothers Stores, Inc., distribution center, at Northern Industrial Park, Wilmington, Mass., and Boston, Mass., under contract with Edison Brothers Stores, Inc., restricted to the transportation of traffic having an immediately prior movement by rail, air or water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 141804 (Sub-No. 16), filed June 16, 1976. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molding, knockdown reels and pallet stock*, from the plant site and storage facilities utilized by Wickes Forest Industries located at or near Dinuba, Lindsay, Lodi and Orange, Calif., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, restricted to traffic originating at the above locations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Nashville, Tenn.

No. MC 141811 (Sub-No. 2), filed June 20, 1976. Applicant: SCHEDULED TRANSPORT, INC., Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Applicant's representative: Donald W. Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from East Gary, Ind. to points in Indiana on and north of Interstate Highway 70 those points in Ohio on and north of Interstate Highway 70 and on and west of Interstate Highway 71 and those points in the Southern Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 141882 (Sub-No. 2) (Correction) filed May 18, 1976, published in the FEDERAL REGISTER issue of June 17, 1976, and republished as corrected this issue. Applicant: GAYLE T. McGARRY, doing business as EAGLE TRANSFER & STORAGE CO., 2110 1st Ave., P.O. Box F, Lewiston, Idaho 83501. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages*, (a) from Worland, Wyo., and Yakima, Wash., to Lewiston, Idaho, and (b) from Lewiston, Idaho to Pendleton, Oreg., Spokane, Wash., and Coeur D'Alene, Idaho; (2) *empty glass bottles*, (a) from Portland, Oreg. and Seattle, Wash., to Lewiston, Idaho, (b) from Tracy, Calif., to Lewiston, Idaho, and (c) from Lewiston, Idaho to Worland, Wyo.; (3) *vending machines*, from Kansas City, Kans. and Pinedale, Calif., to Lewiston, Idaho; (4) *paper cups*, from Seattle, Wash., to Lewiston, Idaho; and (5) *cases* for carbonated beverage bottles and cans, from Castaic, Calif., to Lewiston, Idaho, under a continuing contract, or contracts, in (1) through (5) above, with Idaho Beverages, Inc.

NOTE.—The purpose of this republication is to correct the commodity description in (5) above, which was published in error. Applicant holds common carrier authority in MC 89153, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Wash. or Portland, Oreg.

No. MC 142023 (Sub-No. 1), filed June 16, 1976. Applicant: DALTON EQUIPMENT LIMITED, Highway 2, East; Box 458, Tilbury, Ontario, Canada. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Tractors (except tractors equipped with vehicle beds, bed frames or fifth wheels); and (2) *agricultural implements, attachments, and tractor parts*, in mixed loads with tractors, as described in (1) above, from the plantsites of Massey-Ferguson, Inc., at Detroit and Dearborn, Mich., to the ports of entry on the International Boundary line between the United States and Canada, at Detroit Mich., restricted to shipments of originating at the above-named plantsites, and destined to points in Ontario, Canada lying on and south of Kings Highway No. 86, between Guelph and Lake Huron, and on, south and west of Kings Highway No. 6, between Guelph and Port Dover.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 142079 (Sub-No. 1), filed June 7, 1976. Applicant: MICHIANA TRANSPORT, INC., P.O. Box 435, South Bend, Ind. 46624. Applicant's representative: James L. Beattey, 130 East Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products*, and *materials and supplies*, between Bremen, Ind., on the one hand, and, on the other, points in Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Pennsylvania, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 142162 filed May 28, 1976. Applicant: BRALEN TRUCKING CO., INC., 1700 1st Ave., P.O. Box 1286, Greeley, Colo. 80631. Applicant's representative: Chandler L. van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, (1) from Anniston, Ala.; Jacksonville, Ark.; Ashland, Ohio; Kansas City and St. Louis, Mo.; Chicago, Ill.; San Francisco and Turlock, Calif.; Linden, N.J.; Philadelphia, Pa.; New Orleans, La.; Houston, Beamont and Dallas, Tex.; Omaha, Nebr.; and Sioux Falls, S. Dak.; to Billings, Mont.; Caldwell, Idaho; Pasco, Wash.; Fremont and Kearney, Nebr.; Greeley, Colo.; Garden City, Kans.; Phoenix, Ariz.; Hereford, Weslaco, Bryan, Dumas and Brownfield, Tex.; Cordell, Okla.; and Huron, S. Dak.; and (2) between Billings, Mont.; Caldwell, Idaho; Pasco, Wash.; Fremont and Kearney, Nebr.; Greeley, Colo.; Garden City, Kans.; Phoenix, Ariz.; Hereford, Weslaco, Bryan, Dumas and Brownfield, Tex.; Cordell, Okla.; and Huron, S. Dak.; under contract with Balcom Chemicals, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. Colo.

No. MC 142215, filed June 7, 1976. Applicant: DUKE TRANSPORTATION, INC., 1106 North University, Lafayette, La. 70501. Applicant's representative: David S. Fitzgerald, Jr., 131 River Drive, P.O. Box 51263 O.C.S., Lafayette, La. 70505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field drilling rigs, drill strings, and related drilling rig component parts*, between points in Louisiana, Mississippi, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fort Worth or Houston, Tex. or New Orleans, La.; Atlanta, Ga.; Jackson, Miss.; or Mobile, Ala.

BROKER APPLICATIONS

No. MC 12954 (Sub-No. 1), filed June 16, 1976. Applicant: ROGER L. TROMPH, doing business as TROMP TOURS, 19 Coolidge Park, Wakefield, Mass. 01880. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Wakefield, Mass., to sell or offer to sell the transportation of *Passengers and their baggage*, in regular route, charter and special operations, under arrangements with air, water and rail carriers, beginning and ending at points in Middlesex County, Mass. (excluding Lowell, Mass.), and extending to points in the United States (excluding Alaska and Hawaii).

NOTE.—Applicant requests that his brokerage license MC 12954 be revoked upon issuance of the authority as applied for. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 130386, filed May 5, 1976. Applicant: ENTERPRISE TRAVELS, INC., Suite 104 Aero Meridian Tower, 909 S. Meridian, Oklahoma City, Okla. 73128. Applicant's representative: Charles H. Cooke (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Oklahoma City, Okla., to sell or offer to sell the transportation of *Passengers*, as individuals and in groups, *and their baggage*, in the same vehicle with passengers, in charter and special operations, in round-trip and one way tours by air, water, motor and rail carriers, beginning and ending at Oklahoma City, Okla. and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or any city convenient.

No. MC 130391, filed June 18, 1976. Applicant: HAZEL S. KAY, doing business as HAZEL KAY TOURS, 910 Alice Drive, Thomasville, N.C. 27360. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Thomasville, N.C., to sell or offer to sell the transportation of *passengers and their baggage*, in special and charter operations, in round trip all expense tours, by motor carriers, beginning and ending at points in Davidson, Montgomery and Randolph Counties, N.C., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Thomasville, High Point, or Winston Salem, N.C.

ABANDONMENT APPLICATIONS; NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB-1 (Sub-No. 39)]

CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, ABANDONMENT BETWEEN LASALLE JUNCTION AND SPRING VALLEY, BUREAU COUNTY, ILLINOIS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 18, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway

employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Chicago, and Northwestern Transportation Company extending from milepost 72.0 near La-Salle Junction, Illinois, in a southwesterly direction, to milepost 77.0 near Spring Valley, Illinois, a distance of 5 miles, in Bureau County, Illinois. A certificate of abandonment will be issued to the Chicago and Northwestern Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assitance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-6 (Sub-No. 28)]

BURLINGTON NORTHERN, INC.—ABANDONMENT BETWEEN KENESAW AND KEARNEY, IN ADAMS, BUFFALO AND KEARNEY COUNTIES, NEBRASKA

[Finance Docket No. 27785]

BURLINGTON NORTHERN, INC.—TRACKAGE RIGHTS—OVER UNION PACIFIC RAILROAD COMPANY BETWEEN HASTINGS AND KEARNEY, NEBR.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 19, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Burlington Northern, Inc. between Kenesaw, Neb., at milepost 0.08, and Kearney, Neb., at milepost 24.38, a total distance of 24.30 miles, located in Adams, Buffalo, and Kearney Counties, Neb. A certificate of abandonment will be issued to the Burlington Northern, Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail servicse over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-46 (Sub-No. 4)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN GOWRIE AND A POINT NEAR PALMER IN WEBSTER, CALHOUN, AND POCAHONTAS COUNTIES, IOWA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 24, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Chicago, Rock Island and Pacific Railroad Company extending from mile post 425.0 near Gowrie in a northwesterly direction, to mile post 454.10 near but including Palmer, a distance of 29.10 miles in Webster, Calhoun and Pocahontas Counties, Iowa. A certificate of abandonment will be issued to the Chicago, Rock Island and Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12334 (supplemental), TREDWAYS EXPRESS, INC.—Purchase (portion)—EMPIRE CARRIERS CORPORATION (Alfred A. Rosenberg, Trustee in Bankruptcy), published in the October 23, 1974, issue of the FEDERAL REGISTER on page 37703. This supplemental notice reflects the unified authority authorized in the Initial Decision served May 11, 1976, and adopted by the Commission on June 15, 1976, by a Notice to the Parties, served June 29, 1976. In No. MC-F-12334, Tredways Express, Inc., was authorized to purchase a portion of vendor's authority permitting operations as a motor *common carrier*, over irregular routes of General Commodities, with the usual exceptions between points in Westchester County, N.Y., on the one hand, and, on the other, New York, N.Y., and points in Dutchess County, N.Y., between New York, N.Y., on the one hand, and, on the other, points in Columbia, Dutchess, Orange, and Ulster Counties, N.Y., from points in Columbia and Orange Counties, N.Y., to points in Westchester County, N.Y., with no transportation for compensation on return except as otherwise authorized. From New York, N.Y., to points in Putnam and Rockland Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. A certificate of public convenience and necessity will be issued to Tredways Express, Inc., as a result of approval of its application, filed March 3, 1975, in No. MC 34975 (Sub-No. 9) to operate as a motor *common carrier* transportating over irregular routes *General Commodities*, with exceptions between points in New Jersey, Philadelphia, Allentown, Bethlehem, and Easton, Pa., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Columbia, Dutchess, Orange, Ulster, and Westchester Counties, N.Y., and from points in New Jersey, Philadelphia, Allentown, Bethlehem, and Easton, Pa., and points in Nassau and Suffolk Counties, N.Y., to points in Putnam and Rockland Counties, N.Y. Tredways also requests authority to effect joinder of rights so as to render direct service between said points, and to eliminate the New York, N.Y., gateway in such joinder.

This matter is directly related to the proceedings in Nos. MC-F-12333 and MC-F-12345.

No. MC-F-12844 (AURORA FAST FREIGHT, INC.—Purchase (Portion)—KESSMAN TANK SERVICE, INC.), published in the June 10, 1976, issue of the FEDERAL REGISTER on page 23520. Application filed July 9, 1976, for temporary authority under Section 210a(b).

No. MC-F-12870, authority sought for control by POWER CORPORATION OF CANADA, LIMITED, non-carrier, 759 Victoria Square, Montreal, P.Q., Canada H2Y 2K4, of (B) KINGSWAY TRANSPORTS LIMITED, 10,525 Cote de Liesse Road, Dorval, Quebec, Canada (BB) KINGSWAY DALEWOOD LIMITED, 123 Rexdale Boulevard, Rexdale, Ontario, Canada, (BBB) JOHN N. BROCKLESBY TRANSPORT LIMITED, 759 Victoria Square, Montreal, Quebec, Canada, (BBBB) PROVINCIAL TRANSPORT ENTERPRISES (a non-carrier) 505 East, Boul. DeMaisonneuve, Montreal, Quebec, Canada, (BBBBB) VOYAGEUR COLONIAL LIMITED, 265 Catherine Street, Ottawa, Ontario, Canada, and (BBBBBB) VOYAGEUR INC., 505 East DeMaisonneuve Blvd., Montreal, Quebec, Canada, and for acquisition by PAUL DESMARAIS, 759 Victoria Square, Montreal, Quebec, Canada, H2Y 2K4, of control of (B) KINGSWAY TRANSPORTS LIMITED, (BB) KINGSWAY DALEWOOD LIMITED, (BBB) JOHN N. BROCKLESBY TRANSPORT LIMITED, (BBBB) PROVINCIAL TRANSPORT ENTERPRISES (a non-carrier), (BBBBB) VOYAGEUR COLONIAL LIMITED, and (BBBBBB) VOYAGEUR INC., through the acquisition by PAUL DESMARAIS. Applicants' attorney and representative: Roland Rice or Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004, and A. F. Knowles, 759 Victoria Square, Montreal, Quebec, Canada., H2Y 2K4. Operating rights sought to be controlled: (B) *General commodities*, with exceptions as a *common carrier* over regular routes, between New York, N.Y., and the boundary of the United States and Canada near Rouses Point, N.Y.; serving those intermediate and off-route points in New York, and New Jersey within 15 miles of New York City, with restrictions; *general commodities* with exceptions as a *common carrier* over irregular routes between points in the Detroit, Mich., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, boundary of the United States and Canada at Detroit, Mich.

General commodities as a *common carrier* over irregular routes between the plantsite of the Kelsey-Hayes Company located at Romulus Township, Wayne County, Mich., on the one hand, and, on the other, the port of entry of the United States-Canada Boundary line at Detroit, Mich., with restrictions; *general commodities* as a common carrier over regular routes, between the junction of New York Highways 9 and 9B over New York Highway 9 to the United States-Canada Boundary line, at or near Champlain, N.Y., in connection with carrier's regular route operations, serving no intermediate points and serving the described junction near Chazy for purpose of joinder only, between Buffalo, N.Y., and Niagara Falls, N.Y., serving all intermediate points, between Niagara Falls, N.Y., and Fort Niagara, N.Y., serving all intermediate points, between Niagara Falls, N.Y., and Youngstown, N.Y., serving all intermediate points, between St. Johnsburg, N.Y., and Lockport, N.Y., serving no intermediate points; and service at Lockport is restricted to traffic moving to or from Buffalo, N.Y., between junction of New York Highways 384 and 429 and Lockport, N.Y., serving no intermediate points; and service to Lockport is restricted to traffic moving to or from Buffalo, N.Y., between Martinsville, N.Y., and Lockport, N.Y., serving no intermediate points and service at Lockport is restricted to traffic moving to or from Buffalo, N.Y.; *Benzylachloride*, in bulk, in shipper-owned tank trailers, as a common carrier over from Niagara Falls, N.Y., irregular routes to Cincinnati, Ohio and *Empty shipper-owned tank trailers*, from Cincinnati, Ohio, to Niagara Falls, N.Y.; *general commodities* with exceptions as a *common carrier* over irregular routes between the plantsite and facilities of Ford Motor Company at Romeo, Mich., on the one hand, and, on the other, the United States-Canada Boundary line at Detroit, Mich. (BB) *General commodities*, with exceptions as a common carrier over irregular routes between International Falls, Minn., on the one hand, and, on the other, the United States-Canada Boundary line at International Falls, Minn., between International Falls, Minn., on the one hand, and, on the other, ports of entry on the United States-Canada Boundary line located in Minnesota.

(BBB) Commodities, the transportation of which because of size or weight requires the use of special equipment (except motor vehicles), as a common carrier over irregular routes between ports of entry on the U.S.-Canada Boundary line at or near Morses Line, West Berkshire, Richford, East Richford, North Troy, Beebe Plain, Derby Line, High Gate Springs, and Norton, Vt., Beecher Falls and Scott Bog, N.H., and Fort Covington, Trout River, Mooers Forks, Champlain, and Rouses Point, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and New York, *Cement*, in bulk, in tank vehicles from ports of entry on the U.S.-Canada boundary line at or near Morses Line, West Berkshire, Richford, East Richford, North Troy, Beebe Plains, Derby Line, High Gate Springs, and Norton, Vt., Beecher Falls and Scott Bog, N.H., and Fort Covington, Trent River, Mooers Forks, Champlain, and Rouses Point, N.Y., to points in those parts of Vermont and New Hampshire on and North of U.S. Highway 2, and points in New York on and North of a line beginning at Sockets Harbor, N.Y., and extending eastward along New York Highway 3 to Saranac Lake, New York, thence along New York Highway 86 to junction New York Highway 73, near Lake Placid, N.Y., thence along New York Highway 73 to Keene, N.Y., and thence along New York Highway 9N to Westport, N.Y., *cement*, in bags, from ports of entry on

the U.S.-Canada boundary line at or near Morses Line, West Berkshire, Richford, East Richford, North Troy, Beebe Plain, Derby Line, High Gate Springs, and Norton, Vt., Beecher Falls and Scott Bog, N.H., and Fort Covington, Trout River, Mooers Forks, Champlain, and Rouses Point, N.Y., to points in those parts of Vermont and New Hampshire on and North of U.S. Highway 2, and points in that part of New York on and North of a line beginning at Sockets Harbor, N.Y., and extending eastward along New York Highway 2 to Saranac Lake, New York, thence along New York Highway 86 to junction New York Highway 73, near Lake Placid, N.Y., thence along New York Highway 73 to Keene, N.Y., and thence along New York Highway 9N to Westport, N.Y., (BBBB) PROVINCIAL-TRANSPORT ENTERPRISES, LTD., holds no authority from the Commission.

(BBBBB) *Passengers and their baggage, and express mail and newspapers,* in the same vehicle with passengers, as a *common carrier* over regular routes, between the boundary of the United States and Canada south of Roosevelt Bridge, and Massena, N.Y., serving the intermediate points of Roseveltown and Racket River, N.Y.,; passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, as a common carrier over irregular routes, from the boundary of the United States and Canada at the port of Ogdensburg, Morristown, and Massena, N.Y., to points in that part of New York bounded by a line beginning at Oswego, N.Y., and extending, through Lowville, N.Y., to Lake Placid, N.Y., thence in a northwesterly direction through McColloms and Massena, N.Y., to the St. Lawrence River, thence along the St. Lawrence River and the Lake Ontario shore to point of beginning, and return; *passengers and their baggage,* in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada Boundary line, located in Maine, New Hampshire, Vermont, New York, Michigan, and Minnesota, and extending to points in the United States, except to points in Hawaii, with restrictions; *passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, and in round-trip special operations limited to round-trip all expense sightseeing and pleasure tours, beginning and ending at points of entry on the United States-Canada boundary line located in Maine, New Hampshire, Vermont, New York, Michigan, Minnesota, North Dakota, Montana, Idaho, and Washington, and extending to points in the United States (including Alaska but excluding Hawaii), with restrictions.

(BBBBBB) Passengers and their baggage, in the same vehicle with passengers, as a common carrier over regular routes between the port of entry on the United States-Canada boundary line at or near North Troy over Vermont Highway 105 to Newport, and return over the same route, with restrictions; *passengers and their baggage, and express, newspapers, and mail,* in the same vehicle with passengers, between New Port, Vt., and the United States-Canada boundary line at a point 1 mile northeast of Derby Line, Vt., serving all intermediate points, restricted to foreign commerce only; alternate route for operating convenience only: *passengers and their baggage,* and *express and newspapers,* in the same vehicle with passengers, between junction unnumbered highway (known as Lake Road) and U.S. Highway 5 (near Derby Center) and the United States-Canada boundary line near Beebe Plain, Vt., serving no intermediate points; from junction unnumbered highway (known as Lake Road) and U.S. Highway 5 (near Derby Center) over unnumbered highway known as Lake Road to the United States-Canada boundary line near Beebe Plain, and return over the same route; *passengers and their baggage,* in round-trip charter operations, as a *common carrier* over irregular routes beginning and ending at ports of entry on the United States-Canada boundary line located in Maine, New Hampshire, New York, and Vermont, and extending to points in the United States, except Alaska and Hawaii. POWER CORPORATION OF CANADA, LIMITED, holds no authority from this Commission. However, it controls CANADA STEAMSHIP LINES, LIMITED, and the latter company controls (B) KINGSWAY TRANSPORTS LIMITED, (BB) KINGSWAY DALEWOOD LIMITED, (BBB) JOHN N. BROCKLESBY TRANSPORT LIMITED, (BBBB) PROVINCIAL TRANSPORT ENTERPRISES, LTD. (a noncarrier), (BBBBB) VOYAGEUR COLONIAL LIMITED, and (BBBBBB) VOYAGEUR INC. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Motion to Dismiss filed with application.

No. MC–F–12874, authority sought for purchase by ESTES EXPRESS LINES, 1405 Gordon Avenue, Richmond, Va. 23224, of the operating rights and property of BESTWAY EXPRESS, 1112 Key Road, Columbia, S.C. 29202, and for acquisition by ROBEY W. ESTES, 1405 Gordon Avenue, Richmond, Va. 23224, of control of such rights and property through the purchase. Applicants' Attorney: Francis W. McInerny, Suite 502, Solar Building, 1000 16th Street NW., Washington, D.C. 20036. Operating rights and property sought to be transferred: *General commodities* with exceptions as a common carrier over irregular routes between points in Lexington and Richland Counties, S.C., between points in Lexington and Richland Counties, S.C., on the one hand, and, on the other, points in South Carolina, with restrictions; between points in Charleston and Beaufort Counties, S.C., between points in Charleston and Beaufort Counties, S.C., on the one hand, and, on the other, points in South Carolina; between points in Darlington and Florence Counties, S.C,. on the one hand, and, on the other, points in South Carolina; *sand,* and *gravel,* except in bulk, from points in Marlboro County, S.C., to points in South Carolina, with no transportation for compensation on return except as otherwise authorized; *brick,* from Society Hill, S.C., to points in North Carolina within 150 miles of Society Hill, with no transportation for compensation on return except as otherwise authorized; *sand* and *gravel,* from Blenheim, S.C., to points in North Carolina within 100 miles of Blenheim, with no transportation for compensation on return except as otherwise authorized; *livestock, agricultural commodities, ginned cotton, unginned cotton, cotton seed, cotton seed hulls, cotton seed meal, tobacco, fertilizer,* and *fertilizer materials,* between Hartsville, S.C., and points within 50 miles of Hartsville, on the one hand, and, on the other, points in North Carolina and South Carolina within 150 miles of Hartsville; *cotton linters, hull fiber, new furniture, cotton mill machinery, cotton gin machinery, oil mill machinery,* and *pipes and fittings,* between Hartsville, S.C., on the one hand, and, on the other, points in North Carolina within 150 miles of Hartsville; *oil mill rolls,* and *fittings,* between Hartsville, S.C., and Augusta, Ga. Vendee is authorized to operate as a *common carrier* in Virginia, North Carolina, and South Carolina. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 97275 (Sub-No. 28) is a directly related matter.

No. MC–F–12875, authority sought for purchase by DELTA LINES, INC., 46th Floor, Transamerican Building, 600 Montgomery Street, San Francisco, Ca. 94111, of a portion of the operating rights and property of (B) RINGSBY TRUCK LINES, INC., a Nebraska corporation, d.b.a. RINGSBY TRUCK LINES, INC., 3980 Quebec Street, Denver, Co. 80207, and (BB) RINGSBY-PACIFIC LTD., a California corporation, d.b.a. RINGSBY-PACIFIC LTD., 3980 Quebec Street, Denver, Co. 80207, and for acquisition by DELTA CALIFORNIA INDUSTRIES, INC., and THOMAS R. DWYER, both of 600 Montgomery St., San Francisco, Ca. 94111, and PETER G. and FRANCES H. DWYER, of P.O. Box 81, Grimes, Ca. 95950, of control of such right and properties through the transaction. Applicants' attorneys: Alvin J. Meiklehohn, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, Co. 80203 and Russell R. Sage, Suite 400 Overlook Bldg., 6121 Lincolnia Road, Alexandria, Va. 22312. Operating rights and properties sought to be purchased:

(B) *General commodities* with exceptions as a *common carrier* over regular routes between Aberdeen, Wash., and Hoquiam, Wash., serving no intermediate points, between Mt. Vernon, Wash., and Sedro Woolley, Wash., serving the intermediate and off-route points of Burlington and Clear Lake, Wash., and those within three miles of Mt. Vernon, between Anacortes, Wash., and Stanwood, Wash., serving all intermediate points,

and the off-route point of LaConner, Wash., and those within three miles of Mt. Vernon, between Portland, Oreg., and Tacoma, Wash., serving the intermediate points of Chehalis, Centralia, and Olympia, and the off-route point of Ridgefield, Wash., unrestricted; and the intermediate point of Longview, Wash., restricted against service between Portland, Oreg., on the one hand, and, on the other, Longview, between Seattle, Wash., and Bellingham, Wash., serving the intermediate points of Everett and Mt. Vernon, Wash., and all intermediate points between Mt. Vernon and Bellingham, Wash., and those within 30 miles of Mt. Vernon, Wash., serving the site of the Swift Creek Dam (near Yale, Wash.) and being within six miles thereof, as off-route points in connection with carrier's regular route operations over U.S. Highway 99 between Portland, Oreg. and Tacoma, Wash., between Aberdeen, Wash., and Olympia, Wash., serving all intermediate points, between Aberdeen, Wash., and Centralia, Wash., serving all intermediate points, between Tenino, Wash., and Tacoma, Wash., for operating convenience only, with no service authorized to or from the termini or intermediate points except as otherwise authorized, between Bellingham, Wash., and the Boundary Line between the United States and Canada, serving the intermediate point of Ferndale, Wash., and points on U.S. Highway 99 between Ferndale and Bellingham, Wash., restricted to traffic moving to or from points north of Ferndale; service at Bellingham, restricted to traffic moving to and from points north of Ferndale; all other intermediate points without restriction; and the off-route points of Pleasant Valley, Haynie, Birch Bay, and Cottonwood, Wash., between Bellingham, Wash., and the boundary line between the United States and Canada, near Lynden, Wash., serving no intermediate points, between Portland, Oreg., and Tacoma, Wash., serving the intermediate points of Chehalis, Centralia, and Olympia, and the off-route point of Ridgefield, Wash., unrestricted; and the intermediate point of Longview, Wash., restricted against service between Portland, Oreg., on the one hand, and, on the other, Longview, between Seattle, Wash., and Bellingham, Wash., serving the intermediate points of Everett and Mt. Vernon, Wash., and all intermediate points between Mt. Vernon and Bellingham, Wash., and those within 30 miles of Mt. Vernon, Wash., serving the site of the Swift Creek Dam (near Yale, Wash.) and points within six miles thereof, as off-route points in connection with carrier's regular route operations over U.S. Highway 99 between Portland, Oreg., and Tacoma, Wash.

Cranberry food products, serving Markham, Wash., as an off-route point in connection with carrier's authorized regular-route operations to and from Aberdeen, Wash.; *Agricultural commodities* and *Supplies* and *Equipment* used in connection with the preparation of agricultural commodities for market, as a *common carrier* over irregular routes between Portland, Oreg., on the one hand, and, on the other, points within five miles of and including Brooks, Hillsboro, Cornelius, and Forest Grove, Oreg., respectively; *frozen vegetables*, from Hillsboro, Oreg., to Seattle, Wash., with no transportation for compensation on return except as otherwise authorized; *frozen fruits*, from Hillsboro, Oreg., to Seattle, Wash., with no transportation for compensation on return except as otherwise authorized; *fresh and frozen fish*, including shell fish, from the boundary line between the United States and Canada, near Point Roberts, Wash., to Point Roberts, Wash., with no transportation for compensation on return except as otherwise authorized; *shakes, shingles*, and *shingle trim*, from points in Grays Harbor County, Wash., and points in that part of Jefferson County, Wash., west of the Olympic Mountains, to Portland, Oreg., with no transportation for compensation on return except as otherwise authorized, *frozen vegetables*, from Hillsboro, Oreg., to Seattle, Wash., with no transportation for compensation on return except as otherwise authorized. (BB) *General commodities*, with exceptions as a *common carrier* over regular routes between Portland, Oreg., on the one hand, and, on the other, the junction of U.S. Highway 99W and U.S. Highway 40 and Sacramento, Calif., serving all intermediate points, and serving the off-route points of Vancouver, Wash., Gresham, Hillsboro, and Mt. Angel, Oreg., between Goshen, Oreg., and Weed, Calif., serving the intermediate point of Klamath Falls, Oreg., for traffic originating at or destined to points other than Klamath Falls, Oreg., with restrictions: between Tacoma, Wash., and Seattle, Wash., serving no intermediate points; between Portland, Oreg., on the one hand, and, on the other, Sacramento, Calif., serving all intermediate points, and serving the off-route points of Vancouver, Wash., Gresham, Hillsboro, and Mt. Angel, Oreg., with restrictions:

Tea, as a *common carrier* over irregular routes from San Francisco, Calif., to Portland, Oreg., and Seattle, Wash., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12876, authority sought for control and merge by SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401, of the operating rights and property of EASTERN REFRIGERATED TRANSPORT, INC., and for acquisition by R. R. SMITH, and J. F. GILBERT, both of P.O. Box 1000, Staunton, Virginia 24401, of control of such rights and property through the transaction. Applicants' attorney: Harry J. Jordan, Suite 502, Solar Building, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be controlled and merged: *Frozen foods*, as a *common carrier*, over irregular routes from Crozet, Va., to Points in North Carolina, South Carolina, District of Columbia; Landover, Baltimore, Gaithersburg, and Hagerstown, Md., between points in Atlantic and Cumberland Counties, N.J., on the one hand, and, on the other, points in West Virginia and points in that part of Virginia west of U.S. Highway 1, from Crozet, Va., to points in Kentucky, Indiana, Michigan, Ohio, Tennessee, and West Virginia, with no transportation for compensation on return except as otherwise authorized, from the plantsite and storage facilities of Morton Frozen Foods Division of Continental Baking Company at Crozet, Va., to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized, from Crozet, Va., to, points in Illinois, Virginia, Minnesota, and Wisconsin, with no transportation for compensation on return except as otherwise authorized, from Crozet, Va., to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, with no transportation for compensation on return except as otherwise authorized, from the plantsite and storage facilities of Morton Frozen Foods, Division of Continental Baking Company, at Crozet, Va., to points in North Carolina, South Carolina, Georgia, Maryland, Missouri, Iowa, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized: Frozen foods, from Cleveland, Ohio, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, with restrictions.

Frozen foods, with exceptions, from points in Maine, New Hampshire, Vermont, Kentucky, Indiana, Michigan, Ohio (except frozen bakery goods from Toledo and Cleveland), Tennessee, West Virginia, Illinois, Virginia, Minnesota, Wisconsin, Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, to the facilities of Morton Frozen Foods, Division of Continental Baking Company, at Crozet, Va., with no transportation for compensation on return except as otherwise authorized, with restrictions; frozen foods and materials and supplies used in the manufacture thereof, from Indianapolis, Ind., West Carrollton, Ohio, Chicago, Ill., Newark,

N.J., and Suffield, Conn., to Crozet, Va.; prepared foodstuffs, from the plantsites and warehouses of the Pillsbury Corporation in New Albany, Ind., and the commercial zone thereof, as defined by the Commission, to points in Missouri, Illinois, Indiana, Ohio, West Virginia, Kentucky, and Tennessee, with no transportation for compensation on return except as otherwise atuhorized, with restrictions; frozen bakery goods, from Toledo and Cleveland, Ohio, to Crozet, Va., with no transportation for compensation on return except as otherwise authorized, with restrictions; prepared foodstuffs, from the plantsites and storage facilities of the Phillsbury Corporation at points in the commercial zone of New Albany, Ind., as defined by the Commission, to points in Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia, with no transportation for compensation on return except as otherwise authorized; meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Madison, Wis., to points in Maryland (except Baltimore), West Virginia (except Charleston) and Delaware, with no transportation for compensation on return except as otherwise authorized, with restrictions.

The commodities classified as (a) meats, meat products, and meat by-products, (b) dairy products, and (c) articles distributed by meat packinghouses, in the appendix to the report in modification of permits—packinghouse products, 46 M.C.C. 23, from Madison, Wis., to points in North Carolina, Virginia, and the District of Columbia, and to Baltimore, Md., and points within 5 miles thereof, except (b) dairy products from Madison, Wis., with no transportation for compensation on return except as otherwise authorized; meats, meat products, and meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Madison, Wis., to Charleston, W. Va., with no transportation for compensation on return except as otherwise authorized; *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite of Oscar Mayer & Co., near Goodlettsville, Tenn., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized, with restrictions; *frozen bakery goods,* between Pottstown, Pa., and Portsmouth, Va.; *frozen bakery products,* from the facilities of Mrs. Smith's Pie Company, at Pottstown, Pa., to points in Connecticut, Kentucky, Massachusetts, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 110683 (Sub-No. 109) is a directly related matter.

No. MC-F-12877, authority sought for purchase by EAGLE MOTOR LINES, INC., 830 North 33rd Street (P.O. Box 11086) Birmingham, AL 35202, of a portion of the operating rights of HOUSTON TRUCK LINES, INC., and ROBERT MARGUETTE (Receiver in Bankruptcy), dba HOUSTON TRUCK LINES, INC., P.O. Box 8847, Houston TX 77009, of control of such rights through the purchase. Applicants' attorney: William P. Parker, 830 North 33rd Street, P.O. Box 11086, Birmingham, AL 35202, of control of such rights through the purchase. Operating rights sought to be purchased: Iron and steel articles, as described in Appendix V to report in Descriptions in Motor Carrier Certificates, in 61 M.C.C. 20 and 766, as a *common carrier* over irregular routes, from Houston, Texas, to ponits in Arkansas, Kansas, Louisiana, and Oklahoma. Vendee is authorized to operate as a *common carrier* in all the States in the United States including Alaska and the District of Columbia (excluding Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-12878, authority sought for purchase by TRP, INC., 3320 S. Third Street, Philadelphia, Pa. 19148, of the operating rights of BURRIS FOOD DISTRIBUTORS, INC., Rehobeth Boulevard, Milford, Del. 19963, and for acquisition by THOMAS R. PINTO, also of Philadelphia, Pa. 19148, of control of such rights through the purchase. Applicants' attorney: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, Pa. 19107. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment,* materials, and supplies used in the conduct of such business, as a *contract carrier* over irregular routes, between points and places in Accemac and Northampton Counties, Va., that portion of Maryland bounded by a line beginning at Stevensville, Md., and extending south along the Chesapeake Bay to the Maryland-Virginia State line, then due east to the Atlantic Ocean, thence along the shore of the Atlantic Ocean to the Maryland-Delaware State line, thence along the Maryland-Delaware State line to junction U.S. Highway 40, thence south to Chesapeake City, Md., thence in a westerly direction along the south shore of the Chesapeake and Delaware Canal to the Elk River, thence along the south shore of Elk River to the eastern shore of Chesapeake Bay, thence along the eastern shore of the Chesapeake Bay to point of beginning, and those in Delaware on and south of U.S. Highway 40, between points and places in the above-specified territory, on the one hand, and, on the other, Baltimore, Md.; frozen bakery goods, in mechanically refrigerated equipment, from Lancaster, Pa., to Dallas, Houston, Fort Worth, and Corpus Christi, Tex., with no transportation for compensation on return except as otherwise authorized.

Dressed poultry, iced and frozen, from the site of the plant of Burris Processing Company at Milford, Del., to points in Delaware; those in Somerset, Worcester, Wicomico, Dorchester, Caroline, Talbot, Queen Annes, Kent, and Cecil Counties, Md.; those in that part of Maryland between U.S. Highway 111 and the Chesapeake Bay in Harford and Baltimore Counties, and on Maryland Highway 2 from Baltimore to the southern city limits of Annapolis, including the City of Baltimore; and those in Accomac and Northampton Counties, Va., with no transportation for compensation on return except as otherwise authorized, with restrictions; *such merchandise* as is dealt in by wholesale, retail, chain grocery stores and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between the sites of the warehouses, retail stores, and supply points of the American Stores Co., at Baltimore, Aberdeen, Havre de Grace, Perryville, North East, Elkton, Port Deposit, and Rising Sun, Md., and Newark, Del., between the sites of the American Stores Co., retail stores at Aberdeen, Havre de Grace, Perryville, North East, Elkton, Port Deposit, and Rising Sun, Md., and Newark, Del., on the one hand, and, on the other, the sites of the warehouses, retail stores, and supply points of the American Stores Co., within the territory bounded by a line beginning at New Castle, Del., and extending along the west shore of Delaware Bay and the Atlantic Ocean to Cape Charles, Va., thence north along the east shore of Chesapeake Bay to Stevensville, Md., thence continuing along the east shore of Chesapeake Bay to Elk River and thence along Elk River to the entrance to the Chesapeake and Delaware Canal, thence in an easterly direction along the south shore of the Chesapeake and Delaware Canal through Chesapeake City, Md., to the Maryland-Delaware State line.

Thence north along the Maryland-Delaware State line to a point one mile northeast of Elkton, Md., and thence east to New Castle, Del., the point of beginning, with restrictions; such merchandise as is dealt in by wholesale, retail, chain grocery stores and food business houses, and in connection therewith, equipment, materials, and supplies used in the con-

duct of such business, except liquid commodities in bulk, from the warehouses and other facilities of Acme Markets, Inc., in Philadelphia, Pa., to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, from points in Delaware, the District of Columbia, Accomac and Northampton Counties, Va., and Baltimore, Harford, Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Worcester, and Somerset Counties, Md., and the City of Baltimore, Md., to the warehouses and facilities of Acme Markets, Inc., in Philadelphia, Pa., from the retail stores of Acme Markets, Inc., in West Virginia, Virginia (except Accomac and Northampton Counties), and Garrett, Allegany, Washington, Frederick, Carroll, Montgomery, Howard, Anne Arundel, Prince Georges, Calvert, Charles, and St. Marys Counties, Md., to the warehouses and other facilities of Acme Markets, Inc., in Philadelphia, Pa., with restrictions. TRP, INC., holds no authority from this Commission. However, it is affiliated with A. T. PINTO, 3320 South 3rd St., Philadelphia, Pa. 19148, which is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, Maryland, Vermont, Virginia, West Virginia, the District of Columbia, and Delaware. Application has been filed for temporary authority under section 210a (b).

No. MC–F–12879, authority sought for purchase by CREECH BROS. TRUCK LINES, INC., 100 Industrial Drive, Troy, MO 63379, of the operating rights of DUNMIRE BROS., INC., 133 Converse Drive, Plain City, OH 43064, and for acquisition by CHARLES L. CREECH AND WILLIAM H. CREECH, JR., both of Troy, MO 63379, of control of such rights through the purchase. Applicants' attorney: E. H. van Deusen, 128 West Main Street, Plain City, OH 43064. Operating rights to be transferred: *Livestock*, other than ordinary livestock, and, in connection therewith, *personal effects of attendants*, and *supplies and equipment* (including mascots) used in the care and/or exhibition of such animals, as a common carrier over irregular routes between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia; *show horses* and *race horses* and *equipment, materials, and supplies* incidental to the care and use of such animals, and *household goods* of owners and attendants of such animals, between points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12880, authority sought for purchase by NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707 of the operating rights of THE GAIL CORPORATION, P.O. Box 127, Mountaintop, PA 18707, and for acquisition by THOMAS NAVIN, EDWARD DEETS, and BETTY L. DEETS, all of Mountaintop, PA 18707, and of control of such rights through the purchase. Applicants' attorney: Joseph F. Hoary, I.C.C. Practitioner, 121 S. Main Street, Taylor, PA 18517. Operating rights to be transferred: (1) *Plastic, sewage disposal units*, uncrated as a *common carrier* over irregular routes from points in Wyoming, Lackawanna, and Luzerne Counties, Pa., to points in the United States (except Alaska and Hawaii): and (2) *Materials, equipment*, and *supplies* used in the manufacture and distribution of the commodities in (1) above (except bulk commodities), from points in the United States (except those in Alaska and Hawaii), to points in Wyoming, Lackawanna, and Luzerne Counties, Pa., with restriction. Vendee is authorized to operate as a *common carrier* in all the United States except Alaska and Hawaii. Application has not been filed for temporary authority.

No. MC–F–12883, authority sought for purchase by LOGISTICS EXPRESS, INC., d.b.a. LOGEX, Etiwanda and Slover Avenues, Fontana, CA 92335, of the operating rights of CAPITOL TRUCK LINE, INC., 2500 North Alameda, Compton, CA 90222, and for acquisition by ARTHUR O'MALLEY and RAY BROCK, both of 606 South Olive, Suite 825, Los Angeles, CA 90014, and of control of such rights through the purchase. Applicants' attorney: David P. Christianson, 606 South Olive, Suite 825, Los Angeles, CA 90014. Operating rights sought to be transferred: *Liquid oxygen, liquid nitrogen, liquid hydrogen, liquid argon*, and *liquid helium*, in bulk, in tank vehicles, as a *common carrier* over irregular routes from Portland, Oreg., Vancouver, Wash., Phoenix, Ariz., Albuquerque, N. Mex., and points in California, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, and Washington, from Portland, Oreg., to points in Alaska, between points in Alaska; *Gaseous helium*, in bulk, in tank vehicles, from Navaho, Ariz. to Richmond, Calif., from Glendale, Calif., to Portland, Oreg.; *liquid methane*, in bulk, from San Diego and Ontario, Calif., to West Palm Beach, Fla.; liquid hydrogen, in bulk, from Ontario and Sacramento, Calif., to points in Texas; *liquid methane*, in bulk, in tank vehicles, from Ontario, Calif., to Sandusky, Ohio; liquid ethylene, in bulk, in tank vehicles, from points in Ector County, Tex., to points in the United States (except points in Alaska, Hawaii, Texas, Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, Arizona, Colorado, and points in that part of Utah in and south of Beaver, Piute, Wayne, and San Juan Counties, Utah); liquified natural gas, in bulk, between points in the United States (except Hawaii); *liquid oxygen* and *liquid nitrogen*, in bulk, in shipper-owned semitrailers, and *empty shipper-owned semitrailers*, between points in Colorado; between points in Colorado on the one hand, and, on the other, points in Laramic and Albany Counties, Wyo.

Cryogenic liquids and *liquefied gases* which must be maintained at subambient temperatures (except liquified petroleum gases), in shipper-owned, specially designed semitrailers, loaded or empty, between points in Colorado, on the one hand, and, on the other points in Wyoming, between points in Colorado, on the one hand, and, on the other, points in Nebraska, between points in Wyoming, on the one hand, and, on the other, points in Nebraska, between points in Nebraska; *liquid oxygen* and *liquid nitrogen*, in government-owned or shipper-owned trailers, loaded or empty, between points in Adams, Arapahoe, Boulder, Clear Creek, Douglas, Elbert, El Paso, Grand, Larimer, Park, Teller, and Weld Counties, Colo.; Benewah, Bonner, Kootenai, and Shoshone Counties, Idaho; Gass, Gremont, Harrison, Mills, Montgomery, and Pottawattamie Counties, Iowa; Atchison, Cloud, Coffey, Dickinson, Douglas, Ellsworth, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Lincoln, Lyon, McPherson, Marion, Mitchell, Morris, Nemaha, Osage, Ottawa, Pottawatomie, Rice, Saline, Shawnee, and Wabaunsee Counties, Kans.; Burt, Butler, Cass, Colfax, Dodge, Douglas, Fillmore, Gage, Jefferson, Johnson, Kimball, Lancaster, Nemaha, Otoe, Pawnee, Plattee, Polk, Saline, Sarpy, Saunders, Washington, and York Counties, Nebr.; Clackamas, Clatsop, Columbia, Hood River, Marion, Multnomah, Tillamook, Washington, and Yamhill Counties, Oreg.; Clark, Cowlitz, Lincoln, Pend Creille, Skamania, Spokane, Stevens, and Whitman Counties, Wash.; and Albany, Goshen, Laramie, and Platte Counties, Wyo.; *Liquid oxigen* and *Liquid nitrogen*, in bulk, in tank vehicles, from the site of the Dyess Air Force Base at or near Abilene, Tex., and from Abilene, Tex., to points in Jones, Callahan, Taylor, Nolan, Shackelford, and Runnels Counties, Tex., from the site of the Walker Air Force Base at or near Roswell, N. Mex., and from Roswell, N. Mex., to points in Chaves and Lincoln Counties, N. Mex., from the site of the Altus Air Force Base at or near Altus, Okla., and from Altus, Okla., to points in Kiowa, Commanche, Tillman, Jackson, Harmon, and Crear Counties, Olka., and Wilbarger County, Tex., from the site of the Plattsburg Air Force Base at or near Plattsburg, N.Y., and from Plattsburg, N.Y., to points in Clinton and Essex Counties, N.Y., and Franklin and Grand Isle Counties, Vt.

Liquid oxygen and *liquid nitrogen*, in government-owned or shipper-owned tank vehicles, from Nimbus, Calif., to Larson Air Force Base near Moses Lake, Wash., and points within 50 miles thereof, and Mountain Home Air Force Base near Mountain Home, Idaho, and points within 50 miles thereof, *liquid hydrogen, liquid oxygen,* and *liquid nitrogen*, in bulk, in tank vehicles, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming, with restrictions; *liquefied helium* and *empty government-owned trailers and dewar containers*, between Cleveland, Ohio, Richmond, Calif., Amarillo, Tex., and Otis and Elkhart, Kans., on the one hand, and, on the other, Huntsville, Ala., Boren, Bowney, Goldstone, San Diego, and Torrance, Calif., Boulder, Colo., the Kennedy Space Center near Cape Kennedy, Fla., the Michoud Assembly Facility near New Orleans, La., the Goddard Space Flight Center at Greenbelt, Md., the Mississippi Text Facility in Hancock County, Miss., the White Sands Test Facility in New Mexico, Bethpage, N.Y., and the Manned Spacecraft Center near Houston, Tex.; *liquid oxygen, liquid nitrogen, liquid hydrogen, liquid argon,* and *liquid helium*, in bulk, in tank vehicles, from Seattle and Spokane, Wash., Garfield and Salt Lake City, Utah, Boise and Pocatello, Idaho, Butte and Bilings, Mont., and Denver, Colo., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, from Portland, Oreg., Vancouver, Wash., Phoenix, Ariz., Albuquerque, N. Mex., and points in California, to points in Colorado, New Mexico, Utah, and Wyoming;

Carbon monoxide, in bulk, from the plant site of Air Products and Chemicals, Inc., at or near La Porte, Tex., to Albuquerque, N. Mex.; *Helium*, in bulk, in tank vehicles, from Navajo, Ariz., to points in California; from the facilities of Allied Chemicals, Inc., at Metropolis, Ill., (which is within Massac County), to the facilities of Air Products and Chemicals, Inc., at Long Beach, Calif. Vendee is authorized to operate as a *common carrier* in all the States in the United States (including Alaska, Hawaii, also the District of Columbia). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12885, authority sought for purchase by PETROLEUM CARRIERS COMPANY, 5104 West 14th Street, Sioux Falls, S. Dak., 57101, of the operating rights of SMITH'S, INC., 5104 West 14th Street, Sioux Falls, S. Dak., 57101, and for acquisition by STANLEY MUNDHENKE, 2809 W. 33d, Sioux Falls, S. Dak., 57105 of control of such rights through the purchase. Applicant's attorney: Leonard R. Kofkin, Axelrod, Goodman, Steiner & Bazelon, 39 S. LaSalle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a common carrier over irregular routes from Sioux Falls, S. Dak., to points and places in Lyon and Chippewa Counties, Minn., those in that part of Yellow Medicine County, Mich., on and east of U.S. Highway 59, and those points and places in that part of Renville County, Minn., on and west of an unnumbered highway extending north and south through Renville, Minn.; *Buttermilk*, in bulk, in tank vehicles, from points and places in Brookings, Deuel, and Hamlin Counties, S. Dak., to Renville, Minn.; *Lumber and posts*, from points and places in that part of Minnesota on an north of a line beginning at Duluth, Minn., and extending along U.S. Highway 61 to Carlton, Minn., thence along U.S. Highway 210 to Motley, Minn., and thence along U.S. Highway 10 to Moorhead, Minn., as points of origin to Arlington, Brookings, Gary, Hayti, Hazel, Lake Norden, and Ward, S. Dak. Return with no transportation for compensation except as otherwise authorized: *Asphalt*, in bulk, in tank vehicles, from the site of the Asphalt Supply Company plant at Marshall, Minn., to points in that part of Iowa, on north, and west of a line beginning at the Nebraska-Iowa State line at Sioux City, Iowa, and extending along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line; points in Minnesota on, and, south of a line beginning at the North Dakota-Minnesota State line at Moorhead, Minn., and extending along U.S. Highway 10 to Motley, Minn., thence along U.S. Highway 210 to junction U.S. Highway 61 near Carlton, Minn., and thence along U.S. Highway 61 to Duluth, Minn.; points in South Dakota on and east of U.S. Highway 281; and those in Ransom, Richland, and Sargent Counties, N. Dak., with no transportation for compensation on return except as otherwise authorized;

Animal hides, from Marshall, Minn., to Boston, Mass., Chicago, Ill., Lansing, Mich., Milwaukee, Wis., and New York, N.Y., with no transportation for compensation on return except as otherwise authorized: *Animal and poultry grease*, in bulk, from Marshall, Minn., to Cincinnati, Ohio, New York, N.Y., Philadelphia, Pa., Dubuque and Fort Dodge, Iowa, Kansas City, Kans., Milwaukee, Wis., and Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized; *Animal and poultry tankage and meat scraps*, in bulk and *feather meal*, in bulk, from Marshall, Minn., to Chicago, Ill., Cincinnati, Ohio, Fort Dodge, Iowa, Kansas City, Kans., Milwaukee, Wis., and Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized; *Rafters and roof trusses*, from Minnesota, Minn., to points in Iowa and South Dakota, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

SOUTHERN PACIFIC TRANSPORTATION COMPANY, One Market Street, San Francisco, California 94105, represented by Mr. D. R. Kirk, Assistant Vice President, Southern Pacific Transportation Company, 913 Franklin Avenue, Houston, Texas 77002, MISSOURI PACIFIC RAILROAD COMPANY, 210 North 13th Street, St. Louis, Missouri 63103, represented by Mr. J. G. Sheppard, Vice President, Missouri Pacific Railroad Company, 501 Crawford Street, Houston, Texas 77002, THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY, 80 East Jackson Boulevard, Chicago, Illinois 60604, represented by Mr. W. R. Henry, Executive Representative, The Atchison, Topeka and Santa Fe Railway Company, 1566 Houston Club Building, Houston, Texas 77002, MISSOURI-KANSAS-TEXAS RAILROAD COMPANY, 701 Commerce Street, Dallas, Texas 75202, represented by Mr. H. L. Gastler, Vice President-Operation, Missouri-Kansas-Texas Railroad Company, 101 East Main Street, Denison, Texas 75020, FORT WORTH & DENVER RAILWAY COMPANY, Fort Worth Club Building, 307 West Sixth Street, Fort Worth, Texas 76102, represented by Mr. W. L. Peck, Attorney, Fort Worth and Denver Railway Company, 19th Floor, Executive Tower, 1405 Curtis Street, Denver, Colorado 80202, CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, 139 West Van Buren Street, Chicago, Illinois 60605, represented by Mr. W. C. Hoenig, Assistant Vice Pres., Operations and General Manager, Chicago, Rock Island and Pacific Railroad Company, 624 Scott Street, Kansas City, Kansas 66105, HOUSTON BELT & TERMINAL RAILWAY COMPANY, Union Station Building, Houston, Texas 77002, represented by Mr. L. B. Griffin, President, Houston Belt & Terminal Railway Company, Union Station Building, Houston, Texas 77002, and PORT OF HOUSTON AUTHORITY, 1519 Capitol Avenue, Houston, Texas 77002, represented by Mr. G. W. Altvater, Executive Director, Port of Houston Authority, 1519 Capitol Avenue, Houston, Texas 77002 hereby give notice that on the 23rd day of June, 1976, they filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving an agreement to change the form of control by removing Port of Houston Authority from participation in control of operations and maintenance of the Port Terminal Railroad Association at Houston, Harris County, Texas. The application is assigned Finance Docket No. 28215.

In the opinion of the applicants, the granting of the authority sought will not

constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsels for applicants, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, represented by Mr. Joseph J. Nagle, General Solicitor, Room 888, Union Station Building, 516 West Jackson Boulevard, Chicago, Illinois 60606 hereby give notice that on the 28th day of June 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing acquisition of trackage rights over and joint use of a certain line of railroad of the Chicago and North Western Transportation Company in the City of Fond du Lac, Wisconsin, which application is assigned Finance Docket No. 28218.

Applicant now operates in the City of Fond du Lac over its own tracks which duplicate those of the Chicago and North Western Transportation Company. Applicant proposes to abandon a portion of its lines in the City of Fond du Lac which application is assigned Docket No. AB–7 (Sub-No. 27), and operate over the line of Chicago and North Western Transportation Company, instead, and eliminate duplicate tracks and substantial maintenance expense.

Applicant proposes to acquire trackage rights over the Chicago and North Western Transportation Company's line from Engineer's Station 9249+79.6 and Engineer's Station 9375+00, and 1,900 feet of Merrill Street spur, a total distance of about 2.77 miles, in the City of Fond du Lac, County of Fond du Lac, Wisconsin.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431(1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Pare No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 153), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed July 1, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Rock Island, Ill., over U.S. Highway 67 to junction Illinois Highway 125, thence over Illinois Highway 125 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 61 at Memphis, Tenn., thence over U.S. Highway 61 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction U.S. Highway 165, thence over U.S. Highway 165 to Monroe, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Rock Island, Ill., over Illinois Highway 92 to Mendota, Ill., thence over U.S. Highway 34 to Chicago, Ill., thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind., thence over U.S. Highway 31 to Columbus, Ind., thence over Alternate U.S. Highway 31 via Seymour, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E or 31W to Louisville, Ky., thence over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 31 to Birmingham, Ala., thence over U.S. Highway 11 to Meridian, Miss., thence over U.S. Highway 80 to Jackson, Miss., thence over Interstate Highway 55 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction U.S. Highway 167, thence over U.S. Highway 167 to Ruston, La., thence over Interstate Highway 20 to Monroe, La., and return over the same route.

No. MC 50544 (Deviation No. 11), THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 210 N. 13th St., St. Louis, Mo. 63103, filed July 2, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Church Point, La., over Louisiana Highway 95 to junction U.S. Highway 190 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Church Point, La., over Louisiana Highway 35 to junction U.S. Highway 190, thence over U.S. Highway 190 to junction with Louisiana Highway 95 and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pur-

suant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 56402 (Partial correction) filed April 13, 1976 published in the FEDERAL REGISTER May 6, 1976, and republished as corrected this issue. Applicant: INDUSTRIAL FREIGHT SYSTEM, INC., 9120 San Fernando Road, Sun Valley, Calif. 91352. Applicant's representative: Gary W. Wigand, 13031 San Antonio Dr., Suite 214, Norwalk, Calif. 90650.

NOTE.—The purpose of this partial correction is to indicate the correct exemptions to read: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item 5 Minimum Rate Tariff No. 4–B. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobiles chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment. (5) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (7) Freight having a prior or subsequent movement by rail or freight forwarder, the rest remains the same. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T–3104, filed June 14, 1976. Applicant: ROBERT E. CUNNINGHAM, doing business as BOB'S EXPRESS, 28 Union Street, Morrisville, N.Y. 13408. Applicant's representative: Roy D. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between all points in Chenango County, N.Y. and the Village of Sidney (Delaware County), N.Y. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y., 12232 and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T–9411, filed June 22, 1976. Applicant: ROBERT LEWIS GILBERT, doing business as BOB'S GENERAL TRUCKING, 8 Reed Street, Waterloo, N.Y. 13165. Applicant's representative: John M. Sipos, 100 Fall Street, Seneca Falls, N.Y. 13148. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities plus household goods*, between all points in a territory comprised of the following counties: Cayuga, Ontario, Seneca, Schuyler, Steuben, Tompkins, Wayne, and Yates. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y., 12232 and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 3279 (Sub-No. 4), filed June 21, 1976. Applicant: BROWN FREIGHT LINE, INC., 122 Tredco Drive, Nashville, Tenn. 37211. Applicant's representative: A. O. Buck, Suite 618, United American Bank Building, Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Route 1. Between Tullahoma, Tenn. and Chattanooga, Tenn.: from Tullahoma, Tenn. over Alternate U.S. Highway 41 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to its junction with Interstate Highway 24 at or near Monteagle, Tenn., thence over Interstate Highway 24 to its junction with Tennessee Highway 28, thence over Tennessee Highway 28 to its junction with U.S. Highway 41, thence southeast over U.S. Highway 41 to its junction with Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, and return over the same route, serving all intermediate points, except Sewanee and those points between Sewanee and Chattanooga, Tenn.; and Route 2. Between Monteagle, Tenn., and Manchester, Tenn.: from Monteagle, Tenn. over U.S. Highway 41 to Manchester, Tenn., and return over the same route serving all intermediate points, but serving Monteagle and its commercial zone, for the purpose of joinder only. Said authority described above to be used in conjunction with all of applicant's existing authority. Restriction: Service at Chattanooga, Tenn. and its comercial zone is restricted against the handling of traffic originating at, destined to, or interchanged at Nashville, Tenn., and its commercial zone. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for October 6, 1976, at 9:30 a.m., in Room C–1–110 Cordell Hull Building, Nashville, Tenn. 37129. Requests for procedural information should be addressed to the Tennessee Public Service Commission Room C–1–102 Cordell Hull Building, Nashville, Tenn. 37129 and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4776 (Sub-No. 2), filed June 7, 1976. Applicant: SHELBYVILLE EXPRESS, INC., Deery Street, Shelbyville, Tenn. 37160. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* (except household goods, Classes A and B explosives, commodities in bulk and articles requiring special equipment), between Shelbyville, Tenn., and Chattanooga, Tenn.: From Shelbyville, Tenn. over U.S. Highway 41A to junction with U.S. Highway 41, thence via U.S. Highway 41 to Chattanooga, Tenn. and return over the same route, serving no intermediate points, restricted against tacking with carrier's existing authority so as to provide a through service on traffic originating at, destined to, or interlined at points in Davidson County, Tenn. Said authority to be used in conjunction with all of applicant's existing authority. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for September 28, 1976 at 9:30 a.m., in Room C1–110 Cordell Hull Building, Nashville, Tenn. 37219. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1–102 Cordell Hull Building, Nashville, Tenn. 37219 and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5406 (Sub-No. 1), (Partial correction), filed May 11, 1976 published in the FEDERAL REGISTER June 3, 1976, and republished as corrected this issue. Applicant: JACKSON EXPRESS, INC., 12 Conalco Drive, P.O. Box 3310, Jackson, Tenn. 38301. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101.

NOTE.—The purpose of this partial correction is to indicate the correct alternate routes to read: Between Memphis, Tenn. and Nashville, Tenn. over U.S. Highway 70 and over U.S. Highway 64 to junction of Tennessee Highway 100, thence over Tennessee Highway 100 to junction of Tennessee Highway 18, thence over Tennessee Highway 18 to junction of Tennessee Highway 20, thence over Tennessee Highway 20 to junction of Tennessee Highway 100, thence over Tennessee Highway 100 as alternate routes for operating convenience only to be used in conjunction with applicant's existing authority. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place is set for August 10, 1976, at 9:30 a.m., at the Commission's Court Room, C1–110, Cordell Hull Building, Nashville, Tenn. 37219. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C–1–102, Cordell Hull Building, Nashville, Tenn. 37219 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–21148 Filed 7–21–76;8:45 am]

federal register

THURSDAY, JULY 22, 1976

PART II:

SECURITIES AND EXCHANGE COMMISSION

■

EMPLOYEE BONUS PLANS

Computation of Filing Fees and Proposed Form Amendments

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 33-5723]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Computation of Filing Fee for Employee Bonus Plans

The Securities and Exchange Commission today invited public comment on proposed amendments to Form S-8 [17 CFR 239.16b] under the Securities Act of 1933 ("Act") [15 U.S.C. 77 a et seq., as amended by Pub. L. 94-29 (June 4, 1975)] (see FR Doc. 76-21159, page 30273) and announced the adoption of an amendment to Rule 457(g) [17 CFR 230.457(g)] under that Act.

The Commission is adopting the amendment to Rule 457(g) to clarify the filing fee requirements with respect to registration statements on Form S-8 [17 CFR 239.16b] for securities issued pursuant to employee bonus plans. The amendment, which simply codifies existing staff interpretations, provides that the amount of the filing fee for registration statements covering securities to be offered pursuant to a bonus plan or similar non-contributory plan should be computed on the basis of the price at which securities of the same class as those being registered were sold, or the average bid and asked prices of such securities, on a specified date within 15 days prior to the date of filing the registration statement. If there is no market for the securities to be offered, the book value of such securities, computed as of the latest practicable date prior to the date of filing the registration statement, should be used as the basis for determining the filing fee. Since this amendment represents a relaxation of the existing requirements of Rule 457(g), and simply codifies existing staff interpretations with respect to the rule, notice and an opportunity for comment pursuant to Section 553 of the Administrative Procedure Act (5 U.S.C. 553) are not required.

Rule 457(g) [17 CFR 230.457(g)] is amended by adding a new sentence at the end thereof; the rule is amended to read as follows:

§ 230.457 Computation of filing fee.

* * * * *

(g) Where securities are to be offered to employees pursuant to an employee stock purchase, savings or similar plan, the aggregate offering price and the amount of the registration fee shall be computed only with respect to the aggregate contributions of employees, except that if employees may choose the medium in which the employer's contributions are to be invested, the aggregate offering price shall include the employer's contributions. Where stock is to be offered to employees pursuant to an employee stock option plan, the aggregate offering price and the amount of the fee shall be computed upon the basis of the price at which the option may be exercised, or if such price is not known, upon the basis of the price at which stock of the same class was sold, or the average of the bid and asked prices of such stock, on a specified date within 15 days prior to the date of filing the registration statement. Where securities are to be offered to employees pursuant to a bonus plan or a similar non-contributory plan, the aggregate offering price and amount of the fee shall be computed on the basis of the price at which such securities of the same class were sold, or the average bid and asked prices of such securities, on a specified date within 15 days prior to the date of filing the registration statement. If there is no market for the securities to be offered, the book value of such securities computed as of the latest practicable date prior to the date of filing the registration statement shall be used.

* * * * *

(Secs. 6, 19(a), 48 Stat. 78, 85; sec. 209, 48 Stat. 908; sec. 1, 79 Stat. 1051; 15 U.S.C. 77f, 77s(a))

The amendment to Securities Act Rule 457(g) is adopted under the Securities Act of 1933, particularly Sections 6 and 19(a) thereof, effective immediately on July 22, 1976.

By the Commission.

SHIRLEY E. HOLLIS,
Acting Secretary.

JULY 2, 1976.

[FR Doc.76-21158 Filed 7-21-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

[Release No. 33-5723; File No. S7-642]

EMPLOYEE BENEFIT PLANS

Proposed Registration Form Amendments

The Securities and Exchange Commission today invited public comment on proposed amendments to Form S-8 [17 CFR 239.16b] under the Securities Act of 1933 ("Act") [15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] and announced the adoption of an amendment to Rule 457(g) [17 CFR 230.457(g)] under that Act. See FR Doc. 76-21158 in this issue at page 30272. Form S-8 is an abbreviated form for the registration of securities under the Act to be offered or sold to employees of the issuer, pursuant to certain employee benefit plans, through a prospectus containing a description of the plan and certain additional information and accompanied or preceded by a copy of the issuer's annual report to security holders.

Background and Purpose

The amendments to Form S-8 published for comment in Securities Act Release No. 5530 (October 3, 1974) (39 FR 38001) are superseded by the instant proposals and accordingly are hereby withdrawn. See Proposed Rules in this issue at page 30279. The comments received concerning those proposals were given careful consideration in formulating the amendments proposed today.

The amendments to Form S-8 proposed today are intended to improve the disclosure provided to investors in registration statements prepared pursuant to the form, and to reduce the cost and burden of registration to issuers using the form, to the fullest extent consistent with the protection of investors, (a) by simplifying the disclosure requirements of the form and (b) by making the form available for use in connection with more types of employee benefit plans, particularly certain options plans. The proposed amendments also are intended to resolve certain interpretative questions which have arisen concernnig Form S-8. In addition, the proposed amendments would preclude use of the Form S-8 prospectus for reoffers or resales of securities acquired pursuant to a registration on the form by affiliates of the issuer or other persons deemed to be underwriters of the securities. These proposals represent an important step in the Commission's continuing efforts to further integrate the disclosure requirements under the Securities Act of 1933 and the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)].

This release contains a general discussion of the background, purpose and effect of the proposed amendments and includes a brief description of certain significant aspects of the proposals. Attention is directed, however, to the attached text of Form S-8, as proposed to be revised, for a more complete understanding of the nature and extent of the proposals.

Use of Proposed Revised Form S-8 Prior to Adoption in Final Form

The proposed amendments generally represent a relaxation of existing conditions to the use of Form S-8, and a relaxation of the form's disclosure requirements, to the extent consistent with the protection of investors. While the proposals are pending, persons registering securities on Form S-8 may, of course, continue to comply with the requirements of the existing form. The Commission has determined, however, to make the form as proposed to be amended available immediately upon publication for registrants who meet the proposed new conditions for the use of the form and who elect to use it. Registrants electing to use the proposed new form will be subject to the proposed revised disclosure requirements and the proposed limitations on the use of the Form S-8 prospectus for resales.

Incorporation in Registration Statement of Summary Plan Descriptions Prepared Pursuant to the Employee Retirement Income Security Act of 1974

The Commission is aware that many issuers who may wish to use Form S-8 to register securities to be offered or sold to employees pursuant to employee benefit plans also may be required, pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA") [Pub. L. No. 93-406, 88 Stat. 829 (Sept. 2, 1974)], to prepare and to furnish to plan participants and beneficiaries summary plan descriptions which meet requirements established by the Department of Labor.[1] In order to avoid unnecessary costs and duplication of effort on the part of issuers, the Commission generally will permit issuers to substitute such summary plan descriptions for any comparable disclosures required by Form S-8, by including a copy of the summary plan description as part of the S-8 prospectus, in lieu of all or part of certain items of information required by the form. Initially, the Commission's staff will implement this policy on a case by case basis and will monitor the results to determine whether Form S-8 should be amended expressly to permit ERISA summary plan descriptions to be substituted for the disclosure called for by specific items of Form S-8.

[1] As of the date of this release, the Department of Labor has not adopted, in final form, the proposed regulations with respect to the form and content of Summary Plan Descriptions published for comment in 40 FR 24642 (June 9, 1975). The Department, however, has permitted employers to furnish plan participants and beneficiaries summary plan descriptions prepared in accordance with the proposed regulations. See 41 FR 16957 and April 21, 1976 Press Release (USDL-76-706).

Proposed Revisions in the Rule As To Use of Form S-8

Issuers eligible to use Form S-8

The Rule as to the Use of Form S-8 presently requires that, at the time the registration statement is filed, the issuer of the securities to be registered be required to file reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 ("Exchange Act"). The Commission proposes to amend this provision to require that the issuer shall have been subject to such reporting requirements for at least 90 days prior to the filing of the registration statement on Form S-8, and shall have filed all reports and other materials required during the preceding 12 months, or for such shorter period that the issuer was required to file such reports. In the case of an issuer subject to Section 15(d) of the Exchange Act, the proposed revision also would require that the issuer shall have furnished, or prior to the effective date of the registration statement will furnish, to all participants in the plans, an annual report to security holders for its last fiscal year, containing substantially the information required by Securities Exchange Act Rule 14a-3. [17 CFR 240.-14a-3].

Securities which may be registered on Form S-8

Form S-8, as proposed to be amended, would be available for the registration of securities to be offered or sold to employees pursuant to any employee benefit plan (including any purchase, savings, option, bonus, appreciation, profit sharing, thrift, incentive, pension or similar plan) which meets the following conditions: [2]

(1) Subject to the provisions set forth below in item (3), each participant, whether or not there is a termination of his participation in the plan, shall be entitled at least quarterly to withdraw that portion of cash and securities in his account representing his contribution; provided, however, if the plan is one under which credit is extended to finance the acquisition of securities under the plan and the person extending or arranging the credit is required to register with the Board of Governors of the Federal Reserve System under Regulation G (12 CFR 207) or Regulation T (12 CFR 220), each such participant need be entitled to withdraw only that portion of the securities or other interests in his account allowed under Regulation G or T, respectively. Contributions invested in securities may be withdrawn in cash at current market values or in kind to meet this condition;

(2) Upon termination of employment at whatever time for whatever reason, each participant or the participant's estate shall be entitled to withdraw the participant's contribution in the manner as specified above in item (1) within 30

[2] If the amendments proposed today are adopted, the Commission also would withdraw Securities Act Release No. 5243 (April 2, 1972), concerning the use of Form S-8 to register securities to be issued in connection with certain stock bonus or similar plans.

days after the end of the plan quarter in which the termination occurred;

(3) The plan shall not involve any arrangement by which the general credit of any participant is or may be obligated;

(4) Purchases of securities with funds of the plan shall be made from time to time, at least every 12 months, and at prices not in excess of the current market price at the time of purchase;

(5) The plan shall provide, with respect to any option or similar right offered pursuant to the plan, that such option or right is not transferable by the participant other than by will or the laws of descent and distribution, and it is exercisable during the participant's lifetime only by him or on his behalf by a legal representative other than an employer or its affiliates.

The proposed conditions set forth above retain the substance of three of the four conditions to the use of Form S–8 now in effect, although changes in wording, form and arrangement have been made to clarify the requirements. In addition, the present requirement that the employer make contributions to the plan has been deleted from the proposed revised form published today.

Form S–8 presently is available for the registration of securities to be offered in connection with certain employee plans involving "stock" but not other types of securities. The proposed amendments also would make Form S–8 available for registration of securities to be offered in connection with plans involving securities other than stock.

SECURITIES TO BE OFFERED OR SOLD TO EMPLOYEES OF A PARENT OF THE ISSUER

Form S–8 presently may be used to register securities to be offered or sold only to employees of the issuer, or to employees of its subsidiaries. The Commission is proposing to expand the availability of the form to securities to be offered or sold to employees of a parent of the issuer.

PROPOSED AMENDMENTS RELATING TO REOFFERS OR RESALES OF SECURITIES ACQUIRED PURSUANT TO A REGISTRATION STATEMENT ON FORM S–8

In light of the amendments to Form S–8 proposed today, which would substantially relax the conditions to the use of the form, and reduce the nature and extent of the disclosures required to be included in registration statements on Form S–8, the Commission also is proposing a new General Instruction E to the form. The new instruction would prohibit use of the Form S–8 prospectus for reoffers or resales of securities acquired pursuant to a registration statement on Form S–8 by an affiliate of the issuer or any other person who may be deemed to be an underwriter of the securities. Thus, reoffers or resales of the securities by such persons would have to be made pursuant to a registration statement on any other available form for the registration of securities under the Act, or pursuant to an appropriate exemption from the registration requirements of the Act.

For example, if the issuer meets the Rule as to the Use of Form S–7 [17 CFR 239.26], then the resales could be made pursuant to a registration statement filed on Form S–16 [17 CFR 239.27]. If the issuer does not meet the requirements for the use of Form S–7, resales could be made pursuant to a registration statement on another available form, such as Form S–1 [17 CFR 239.11]. In the alternative, resales may be made pursuant to an available exemption, including, for example, Regulation A under the Securities Act [17 CFR 230.251–263], or Securities Act Rule 144 [17 CFR 230.144], in the case of an affiliate of the issuer.

Undertaking C(a) of existing Form S–8, which describes circumstances under which securities acquired pursuant to a registration statement on Form S–8 may be reoffered for sale by certain persons deemed underwriters thereof, would be deleted.[3]

PROPOSED REVISIONS TO THE DISCLOSURE REQUIREMENTS OF FORM S–8

PROPOSED ITEMS 1–10 (ITEMS RELATING TO THE DESCRIPTION OF THE PLAN)

A number of changes have been proposed to clarify the description of the plan required in a Form S–8 prospectus and to require information about certain aspects of the plan which are of particular interest to plan participants. The plan description requirements are set forth in Items 1 through 10 of the proposed revised Form S–8.

PROPOSED ITEM 9 (INVESTMENT OF FUNDS)

Where the investment of all or any part of the funds or assets of the plan may be directed into more than one investment medium, proposed Item 9 of revised Form S–8 would require that there be set forth in tabular form for each of the past five years, or for such lesser period as the fund has been in existence, the comparative results of an assumed investment in each such investment medium. This data is intended to provide the information necessary to make an informed decision as to how the investment of funds should be directed. In addition, disclosure of the source from which securities are to be purchased by the plan would be required.

PROPOSED ITEM 11 (FINANCIAL STATEMENTS OF THE PLAN)

Under the present form, financial statements for the plan are required only when the interests in the plan represent separate securities which are being registered on Form S–8. Proposed Item 11 of the revised form would require audited financial statements of the plan for the last two fiscal years to be included in the prospectus whenever an interest or participation in the plan involves a separate security, whether or not the interest or participation is required to be registered under the Act.[4] The Commission believes that financial statements of the plan are important to provide participants with the information necessary to assess the merits of the plan and to assist participants in choosing alternative investment mediums which may be offered under the plan. However, if audited financial statements substantially meeting the requirements of proposed Item 11 have been furnished to all employees who receive the prospectus, or will be furnished together with the prospectus, incorporation by reference of such financial statements would be permitted.

The Commission expressly invites public comment as to the materiality and practicability of the disclosure proposed to be required by new Items 9 and 11.

INCORPORATION BY REFERENCE IN THE PROSPECTUS OF INFORMATION IN THE ISSUER'S ANNUAL REPORT TO SECURITY HOLDERS (INSTRUCTION 1 TO ITEMS 14, 15, 17 AND 18)

The instructions to proposed Items 14, 15, 17 and 18 of revised Form S–8 would permit incorporation by reference in the prospectus of information in the issuer's most recent annual report to security holders, provided the information incorporated by reference substantially meets the requirements of the item. When such information is incorporated by reference, copies of the annual report would be required to be furnished as an exhibit to the registration statement.

PROPOSED ITEM 14 (SUMMARY OF OPERATIONS OF THE ISSUER)

Form S–8 presently calls for a summary of the issuer's earnings for five fiscal years and requires that the summary of the last three years be audited. Proposed Item 14 calls only for a five year summary of operations. This should facilitate incorporation by reference of the summary of operations included in an issuer's annual report to security holders pursuant to Rule 14a–3(b)(4) [17 CFR 240.14a–3(b)(4)] under the Exchange Act.

Item 19 of the present form also requires the issuer "where necessary (to) include information or explanation of material significance to investors in appraising the results shown" in the Summary of Operations. This disclosure, which is required at the discretion of the issuer, has been deleted, and registrants are advised to review the requirements

[3] Undertaking C(a) of present Form S–8, limited by its terms to securities acquired pursuant to restricted stock options under Section 424(b) of the Internal Revenue Code of 1954, as amended, states that certain additional information required in registration statements on Form S–1 shall be included in the prospectus used in connection with a public offering of any of the registered securities (otherwise than on a national securities exchange) by any person who may be deemed an underwriter of the securities. In addition, in connection with reoffer transactions on a national securities exchange, the commission has permitted the use of a current Form S–8 prospectus, without the additional Form S–1 information.

[4] Whether a separate security exists is a question which depends upon all the facts and circumstances of each particular case. Securities Act Release No. 4790 (July 13, 1965) (30 FR 9059) discusses some of the criteria to be considered in making such determination. Section 3(a)(2) of the Act provides an exemption from the registration requirements of Section 5 of the Act for interests and participations in certain employee plans.

of Guide 22 of the Guides for the Preparation and Filing of Registration Statements (Securities Act Release No. 4936 (33 FR 18617), as amended by Release 5520 (39 FR 31894), effective September 30, 1974).

In addition, the present requirement (see Instruction 4 of Item 19, Form S–8) for a summarized statement regarding any extraordinary items, charges or credits and any other material provisions for loss reported pursuant to Item 10(a) of Form 8–K [17 CFR 249.308], in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, has been eliminated from the proposed revised form, since this information is required to be included in the issuer's annual report on Form 10–K [17 CFR 249.310].

PROPOSED ITEM 15 (MARKET PRICES OF THE ISSUER'S SECURITIES AND DIVIDEND POLICY)

The requirement for disclosure of the market prices of securities to be offered pursuant to the Form S–8 registration statement has been reduced from five years to two years, and a new provision has been added to require a statement of the dividends paid on the registered securities for each quarterly period during the issuer's two most recent fiscal years. This requirement parallels recently revised Rule 14a–3 [17 CFR 240.14a–3] under the Securities Exchange Act of 1934, which calls for similar information to be included in the issuer's annual report to security holders. Accordingly, the price and dividend information required in registration statements on revised Form S–8 could be incorporated by reference from the issuer's annual report to security holders.

PROPOSED ITEM 16 (DESCRIPTION OF CERTAIN SIGNIFICANT DEVELOPMENTS IN THE LAST THREE YEARS)

Proposed revised Form S–8 would reduce from five years to three years the time period for which disclosure of certain significant developments is required.

PROPOSED ITEM 18 (THE ISSUER'S BUSINESS AND MANAGEMENT)

A new Item 18, requiring a description of the business done by the issuer and its subsidiaries, and the identification of the issuer's directors and executive officers, along with other pertinent information, would be added to Form S–8. This disclosure requirement could be satisfied, however, by incorporating by reference similar material in the issuer's annual report to security holders.

PROPOSED ITEM 19 (PARENTS OF ISSUER)

Proposed Item 19 requires a list of all parents of the issuer, with a statement of the basis of control and, as to each parent, the percentage of voting securities owned, or other basis of control, by its immediate parent, if any. The disclosure required pursuant to this new item is intended to inform plan participants of any significant holdings of stock which he might wish to consider in deciding whether to purchase securities pursuant to a registration statement on this form.

DELETION OF PRESENT ITEM 18 (OPTIONS TO PURCHASE SECURITIES)

Item 18 of existing Form S–8, concerning Options to Purchase Securities, has been deleted. This item presently requires disclosure with respect to outstanding options to purchase securities from the registrant or any of its subsidiaries, as of a specific date. Similar information is available in reports filed by the issuer under Section 13 or 15(d) of the Exchange Act, and, in light of the fact that the instant proposal would condition the use of Form S–8 on compliance with the reporting requirements for at least 90 days, the Commission believes that deletion of existing Item 18 is appropriate.

REVISED UNDERTAKING REQUIREMENTS

Present Undertaking A to Form S–8 has been deleted to reflect the 1964 amendments to the Securities Exchange Act.

Present Undertaking B(a), renumbered as proposed Undertaking A(a), has been modified to provide that a copy of the annual report to security holders need not be delivered to an employee who previously received one, provided the issuer states in the prospectus that a copy of such report will be furnished to any employee upon request.

Proposed Undertaking A(a) also requires that, if the issuer's fiscal year ends within 90 days prior to the use of the Form S–8 prospectus, the issuer shall update the prospectus within such 90 day period by filing a post-effective amendment to reflect the financial information for the issuer's last fiscal year.

REVISED SIGNATURE REQUIREMENTS

The Commission is proposing to modify the existing provision relating to the signatures required on a registration statement on Form S–8. At present, signatures are required for the issuer, each employer and the plan, if participations are registered. When securities are offered to employees of a large number of employers affiliated with the issuer, the signature requirement may create undue mechanical burdens in the preparation and filing of a registration statement. Accordingly, the proposed form would not require signatures by each employer; however, proposed revised Item 1(a) of Form S–8 would require, either in the prospectus or as an exhibit, a complete list of each employer of persons participating in the plan.

PROPOSED REVISED INSTRUCTIONS AS TO EXHIBITS

Proposed Instruction 3 of the Instructions As to Exhibits of revised Form S–8 would require as an exhibit to a registration statement covering securities to be offered pursuant to a plan which is subject to the requirements of the Employee Retirement Income Security Act of 1974, an opinion of counsel concerning the plan's compliance with the applicable provisions of that Act and the rules and regulations thereunder.

ADOPTION OF AMENDMENT TO RULE 457(g) [17 CFR 230.457(g)]

To clarify the filing fee requirements with respect to registration statements on Form S–8 for securities issued pursuant to employee bonus plans, the Commission is adopting an amendment to Rule 457(g) under the Securities Act. See Rules and Regulations in this issue at page 30272. The amendment, which simply codifies existing staff interpretations, provides that the amount of the filing fee for registration statements covering securities to be offered pursuant to a bonus plan or similar non-contributory plan, should be computed on the basis of the price at which securities of the same class as those being registered were sold, or the average bid and asked prices of such securities, on a specified date within 15 days prior to the date of filing the registration statement. If there is no market for the securities to be offered, the book value of such securities, computed as of the latest practicable date prior to the date of filing the registration statement, should be used as the basis for determining the filing fee.

STATUTORY AUTHORITY

The foregoing amendments to Form S–8 are proposed pursuant to the Securities Act of 1933, particularly to Sections 6, 7, 10 and 19(a) of the Act. All interested persons are invited to submit written views and comments on the above proposals in triplicate to George A. Fitzsimmons, Secretary, Securities Exchange Commission, Washington, D.C. 20549 on or before August 19, 1976. Such communications should refer to File No. S7–642, and will be available for public inspection. As indicated earlier, any issuer which meets the conditions and requirements of the proposed revised Form S–8 may, at its election, immediately use the proposed form set forth herein for a registration statement or amendment thereto filed under the Act.

The text of the proposed amendments to Form S–8 follows.

By the Commission.

SHIRLEY E. HOLLIS,
Acting Secretary.

JULY 2, 1976.

§ 239.16b [Amended]

Form S–8 [17 CFR 239.16b] is proposed to be amended to read as follows:

SECURITIES AND EXCHANGE COMMISSION

FORM S–8

REGISTRATION STATEMENT
UNDER
THE SECURITIES ACT OF 1933

(Exact name of issuer as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of Principal Executive Offices) (Zip Code)

(Full title of the plan)

(Name and address of agent for service)
Telephone number, including area code, of agent for service ----------

Calculation of registration fee

Title of securities to be registered	Amount to be registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee

SECURITIES AND EXCHANGE COMMISSION

FORM S-8

FOR REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF SECURITIES TO BE OFFERED TO EMPLOYEES PURSUANT TO GENERAL INSTRUCTIONS CERTAIN PLANS

GENERAL INSTRUCTIONS

A. RULE AS TO USE OF FORM S-8

Any issuer which at the time of filing a registration statement on this Form has been subject to the requirement to file reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 for the prior 90 days, and has filed all reports and other materials required to be filed by such requirements during the preceding 12 months (or for such shorter period that the registrant was required to file such reports and materials); and, in the case of a company subject to Section 15(d), has furnished or prior to the effective date of the registration statement will furnish an annual report to security holders for its last fiscal year containing substantially the information required by Rule 14a-3 [17 CFR 240.14a-3] under the Securities Exchange Act of 1934, may use this form for registration under the Securities Act of 1933 ("the Act"), of the following securities:

(a) Securities of such issuer to be offered to its employees, or to employees of its subsidiaries or parents, pursuant to any plan which meets the following conditions:

(1) Subject to the provisions set forth in subparagraph (3), each plan participant, whether or not there is a termination of his participation in the plan, shall be entitled at least quarterly to withdraw that portion of cash and securities in his account representing his contribution; provided however, if the plan is one under which credit is extended to finance the acquisition of securities under the plan and the person extending or arranging the credit is required to register with the Board of Governors of the Federal Reserve System under Regulation G (12 CFR 207) or Regulation T (12 CFR 220), each such participant need be entitled to withdraw only that portion of the securities or other interests in his account allowed under Regulation G or T, respectively. Contributions invested in securities may be withdrawn in cash at current market values or in kind to meet this condition;

(2) Upon termination of employment at whatever time for whatever reason, each participant or the participant's estate shall be entitled to withdraw the participant's contribution in the manner specified in subparagraph (1) above within 30 days after the end of the plan quarter in which the termination occurred;

(3) The plan shall not involve any arrangement by which the general credit of any participant is or may be obligated;

(4) Purchases of securities with funds of the plan shall be made from time to time, at least every 12 months, and at prices not in excess of the current market price at the time of purchase;

(5) The plan shall provide, with respect to any option or similar right offered pursuant to the plan, that such option or right is not transferable by the participant other than by will or the laws of descent and distribution, and it is exercisable during the participant's lifetime only by him or on his behalf by a legal representative other than an employer or its affiliates.

(b) Interests in the above plans, if such interests constitute securities and are required to be registered under the Act. (See Securities Act Release No. 4790 (July 13, 1965) (30 FR 9059) and Section 3(a)(2) of the Act.)

B. APPLICATION OF GENERAL RULES AND REGULATIONS

Before undertaking the preparation of the registration statement, reference should be made to the General Rules and Regulations under the Act, particularly Regulation C [17 CFR 230.400-494]. Regulation C contains general requirements regarding the preparation and filing of the registration statement. The definitions contained in Rule 405 [17 CFR 230.405] of Regulation C should be especially noted. For purposes of this form, the term "employee" is defined as any director, trustee, officer or other employee. The term "issuer" as used in this form means the person whose securities are to be offered pursuant to the plan. As used in General Instruction A to this form, the term "plan" shall include any purchase, savings, option, bonus, appreciation, profit sharing, thrift, incentive, pension or similar plan.

C. DOCUMENTS COMPRISING THE REGISTRATION STATEMENT

The registration statement shall consist of the facing sheet of the form, the prospectus, the required undertakings, signatures, consents of experts, exhibits and any other information or documents filed as part of the registration statement.

D. PREPARATION OF PROSPECTUS

The prospectus shall contain the information called for by all of the items of the form, and negative answers to any items may be omitted.

The information required should be presented in clear, concise and understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language.

E. UNAVAILABILITY OF THE PROSPECTUS FOR REOFFERS OR RESALES

The Form S-8 prospectus will not be available for reoffers or resales of securities acquired pursuant to this registration statement by affiliates of the issuer or any other persons who may be deemed underwriters of such securities.

PART I. INFORMATION REQUIRED IN THE PROSPECTUS

ITEM 1. GENERAL INFORMATION REGARDING THE PLAN

(a) Give the title of the plan, the name, address and phone number of the issuer whose securities are to be offered pursuant to the plan, and the name of each company whose employees are entitled to participate in the plan.

Instruction. If employees of all subsidiaries and parents of the issuer are entitled to participate in the plan, a statement to that effect will suffice without naming each. However, if each such employer is not named in the prospectus, an exhibit should be filed naming them.

(b) State the general purpose of the plan, when it was created, the parties thereto, the manner of its creation, its duration, any provisions for its modification, earlier termination or extension.

(c) Describe briefly any tax advantages or disadvantages which may accrue to employees as a result of participation in the plan, the tax effects, if any, upon the issuer, and state whether or not the plan qualifies under Section 401(a) of the Internal Revenue Code.

(d) State as of the latest practicable date the approximate number of employees participating in the plan and the number eligible to participate.

(e) If the plan is subject to any provisions of the Employee Retirement Income Security Act of 1974, briefly describe the impact of such provisions on the plan and its participants.

ITEM 2. SECURITIES TO BE OFFERED AND EMPLOYEES WHO MAY PARTICIPATE IN THE PLAN

(a) State the title and total amount of securities to be offered pursuant to the plan.

(b) Describe briefly any restrictions on resale of the securities purchased under the plan which may be imposed upon the employee-purchaser, including specific reference, if applicable, to Section 16(b) of the Securities Exchange Act of 1934.

(c) Indicate each class or group of employees who may participate in the plan and state the basis upon which the eligibility of employees to participate therein is to be determined.

(d) With respect to the plan, state the maximum and minimum amounts of securities which may be purchased by or issued to, or options which may be granted to, (1) any director or executive officer, (2) any other officer, and (3) any employee, and the basis for determining such amounts.

Instruction. The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other officer who performs similar policy-making functions for the registrant.

ITEM 3. PURCHASE OF SECURITIES PURSUANT TO THE PLAN

State the period of time within which employees may elect to participate in the plan, the price at which the securities may be purchased and the basis upon which such price is to be determined.

Instructions. 1. If the securities are to be offered pursuant to options, state when the options become exercisable; the exercise price; the basis for determining such price; whether and under what circumstances such price may be modified and by whom; the maximum amount which may be exercised in any year; whether such amounts are cumulative; and the period during which all options must be exercised.

2. Indicate whether adjustment will be made for changes in the securities resulting from stock dividends, stock splits and similar changes.

ITEM 4. PAYMENT FOR SECURITIES OFFERED

(a) State when and the manner in which employees are to pay for the securities purchased pursuant to the plan. If payment is to be made by payroll deductions or other installment payments, state the percentage of wages or salaries or other basis for com-

puting such payments, and the time and manner in which an employee may alter the amount of such deduction or payment.

(b) State the nature and frequency of any reports to be made to participating employees as to the amount and status of their accounts.

Instruction. If the plan is one under which credit is extended to finance the acquisition of securities and Regulation G or T is applicable, it should be noted whether the respective requirements of Regulation G or T have been met.

ITEM 5. CONTRIBUTIONS UNDER THE PLAN

(a) If contributions are to be made under the plan by the issuer or any employer, state who is to make such contributions, when they are to be made and the nature and amount of each contribution. If such contributions are not a fixed amount, state the basis for computing contributions. If the issuer has discretion concerning such contributions, or if contributions are measured other than by reference to the employees' contributions, provide information for the past five fiscal years describing the amount of the issuer's contributions.

(b) State the amount each employee is required or permitted to contribute or, if not a fixed amount, the percentage of wages or salaries or other basis of computing contributions.

ITEM 6. WITHDRAWAL FROM THE PLAN—ASSIGNMENT OF INTEREST

(a) Describe the terms and conditions under which a participating employee may (1) withdraw from the plan and terminate his interest therein, or (2) withdraw funds or investments held for his account without terminating his interest in the plan.

(b) State whether, and the terms and conditions upon which, the plan permits an employee to assign or hypothecate his interest in the plan.

ITEM 7. DEFAULTS UNDER THE PLAN

State separately every event of default with which a participating employee or employer may be charged and describe fully the consequences thereof, including any forfeiture or penalty which may be thereby incurred.

ITEM 8. ADMINISTRATION OF THE PLAN

(a) Give the name and complete address of the persons who administer the plan and state the capacity in which they act (such as trustee or managers) and the functions which they perform. State the nature of any material relationship between the administrators and the employees, the issuer or its affiliates.

(b) Describe the manner in which the administrators of the plan are selected, their term of office and the manner in which they may be removed from office.

(c) State the annual amount of compensation, if any, received by the administrators of the plan from assets of the plan.

ITEM 9. INVESTMENT OF FUNDS

(a) If participating employees may direct the investment of all or any part of the funds of the plan in one or more investment mediums, describe the provisions of the plan with respect thereto, and set forth in tabular form for each of the past five years the comparative results of an assumed investment in each such investment medium.

(b) If any person other than a participating employee has discretion with respect to the investment of all or any part of the assets of the plan in one or more investment mediums, name such person, describe the policies followed and to be followed with respect to the type and proportion of securities or other property in which the funds of the plan may be invested, and set forth in tabular form for each of the past five years the comparative results of an assumed investment in each such investment medium.

(c) State whether the securities are to be purchased in the open market or otherwise. If they are not to be purchased in the open market, then state from whom such investments are to be purchased and describe the fees, commissions or other charges paid, directly or indirectly, from funds held under the plan. If the employer or any of its affiliates, or any person having a material relationship with the employer or any of its affiliates, directly or indirectly, receives any part of the aggregate purchase price (including fees, commissions or other charges), explain fully.

ITEM 10. CHARGES AND DEDUCTIONS AND LIENS THEREFOR

(a) Describe all charges and deductions, other than taxes, which may be made against employees participating in the plan or against funds, securities or other property held under the plan and indicate who will receive, directly or indirectly, any part thereof. Such description should include charges and deductions which may be made upon the termination of an employee's interest in the plan, or upon partial withdrawals from the employee's account thereunder.

(b) State whether or not under the plan, or pursuant to any contract in connection therewith, any person has or may create a lien on any funds, securities or other property held under the plan. If so, describe fully the circumstances under which the lien was or may be created.

ITEM 11. FINANCIAL STATEMENTS OF THE PLAN.

The following financial statements should be furnished for any plan the interests in which constitute separate securities:

(a) An audited statement of financial condition as of the end of the latest two fiscal years of the plan.

(b) An audited statement of income and changes in plan equity for each of the latest two fiscal years of the plan.

Instructions. 1. If audited financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, or will be furnished to all such employees concurrently with the prospectus, such financial statements may be incorporated in the prospectus by reference, provided copies of the report or other documents containing such financial statements are filed as exhibits to the registration statement.

2. The statements required by this item shall be prepared and audited in accordance with the applicable provisions of Regulation S–X [17 CFR Part 210] and shall be accompanied by the schedules specified in that regulation.

NOTE.—Reference is made to Item 49, Securities Act Release No. 4936 [33 FR 18617], as amended.

ITEM 12. CAPITAL STOCK TO BE REGISTERED.

If capital stock is to be registered, state the title of the class and furnish the following information:

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) pre-emptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the issuer.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the issuer while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. Only a brief summary of the pertinent provisions from an investment standpoint is required. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities to be registered.

ITEM 13. OTHER SECURITIES TO BE REGISTERED

If securities other than capital stock are to be registered, outline briefly the rights evidenced thereby.

Instruction. Information comparable to that called for by Item 12 and the instructions thereto shall be furnished.

GENERAL NOTE TO ITEMS 14, 15, 17 AND 18: INSTRUCTIONS 1 TO ITEMS 14, 15, 17 AND 18 PERMIT INCORPORATION BY REFERENCE IN THE PROSPECTUS OF INFORMATION INCLUDED IN THE ISSUER'S ANNUAL REPORT TO SECURITY HOLDERS WHICH SUBSTANTIALLY MEETS THE REQUIREMENTS OF THESE ITEMS

ITEM 14. SUMMARY OF OPERATIONS OF THE ISSUER

Furnish in comparative columnar form a summary of operations for the issuer, or for the issuer and its subsidiaries consolidated, or both, as appropriate, for—

(a) each of the last five fiscal years of the issuer (or for the life of the issuer and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Instructions. 1. If the annual report of the issuer to its security holders for its last fiscal year includes a summary of operations substantially meeting the above requirements, such summary may be incorporated by reference in the prospectus, provided copies of the report containing such financial statements are filed as an exhibit to the registration statement.

2. Subject to appropriate variation to conform to the nature of the business, the following items shall be included: net sales or operating revenues; cost of goods sold or operating expenses (or gross profit); interest charges; income taxes, income before extraordinary items; extraordinary items; and net income.

3. If a period or periods reported on include operations of a business prior to the date of acquisition or for other reasons differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or by footnote with the amounts previously reported.

4. If appropriate, the summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall be included and the basis of the computation stated together with the number of shares used in the computation.

5. In cases of delay between the fiscal year end and effectiveness of the registration statement, more recent financial data, including interim earnings when such information has been published or issued to security holders, should be included, but need not be covered by the accountants' opinion.

NOTE.—Reference is made to Guide 22, Securities Act Release No. 4936 (33 FR 18617), as amended.

ITEM 15. MARKET PRICES OF THE ISSUER'S SECURITIES AND DIVIDEND POLICY

Identify the principal market in which securities of the class to be offered are traded, and state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotations) and the dividends paid on such securities for each quarterly period during the issuer's two most recent fiscal years. State the source of the quotations.

Instructions. 1. Information in the issuer's most recent annual report to security holders may be incorporated by reference in response to this item, provided copies of the report containing such information are filed as an exhibit to the registration statement. The entire report to security holders need not be incorporated by reference. Reference is made to Undertaking A(a) requiring the issuer to transmit its annual report to each employee to whom the prospectus is sent.

2. In connection with securities traded over-the-counter, state whether the prices represent quotations between dealers without adjustments for markup, markdown, or commissions and do not necessarily represent actual transactions in the stock of the company.

ITEM 16. DESCRIPTION OF CERTAIN SIGNIFICANT DEVELOPMENTS IN THE LAST THREE YEARS

If within the past three years there has been any bankruptcy, receivership or similar proceedings or any material reorganization, capital readjustment or succession or the acquisition or disposition of any material amount of assets, otherwise than in the ordinary course of business, involving the issuer or any of its significant subsidiaries, describe briefly the nature and results of such events upon the business of the issuer.

ITEM 17. FINANCIAL STATEMENTS OF THE ISSUER

Include the audited financial statements of the issuer required to be included in the annual report which the issuer has filed or is required to file for its last fiscal year pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934. If the issuer includes in its annual report certified financial statements of the issuer and its subsidiaries consolidated, the latter shall be furnished in lieu of the financial statements of the issuer. No schedules need be included.

Instruction. If the annual report of the issuer to its security holders for its last fiscal year includes audited financial statements substantially meeting the above requirements, such statements may be incorporated by reference in the prospectus. If such financial statements are incorporated by reference in the prospectus, copies of the annual report shall be filed as an exhibit of the registration statement and the accountant's certificate shall be manually signed on one of such copies.

NOTE.—Reference is made to Guide 23, Securities Act Release No. 4936 (33 FR 18617) as amended.

ITEM 18. THE ISSUER'S BUSINESS AND MANAGEMENT

(a) Furnish a description of the business done by the issuer and its subsidiaries during the last fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the issuer and its subsidiaries. Include information as comprehensive as that required by Item 1(c)(1) of Form 10-K [17 CFR 249.311] regarding the issuer's lines of business and by Item 1(c)(2) of Form 10-K regarding its classes of similar products and services.

(b) Identify each of the issuer's directors and executive officers, and indicate the principal occupation or employment of each such person and the name and principal business of any organization by which such person is so employed.

Instruction. Information in the issuer's most recent annual report to security holders may be incorporated by reference in response to this item, provided copies of the report containing such information are filed as an exhibit to the registration statement. The entire annual report to security holders need not be incorporated by reference. Reference is made to Undertaking A(a) requiring the issuer to transmit its annual report to each employee to whom the prospectus is sent.

ITEM 19. PARENTS OF REGISTRANT

List all parents of the issuer showing the basis of control and, as to each parent, the percentage of voting securities owned or other basis of control by its immediate parent, if any.

Instruction. Include the issuer and show the percentage of its voting securities owned or other basis of control by its immediate parent. If any parent is a resident of, or a corporation or other organization formed under the laws of, any foreign country, give the name of such country for each such foreign parent, and, if it is a corporation or other organization, state briefly the nature of the organization.

NOTE.—Reference is made to Rule 405 [17 CFR 230.405] and Rule 410 [17 CFR 230.410] of Regulation C [17 CFR 230.400-494].

PART II. INFORMATION NOT REQUIRED IN PROSPECTUS UNDERTAKINGS

A. TO TRANSMIT CERTAIN MATERIAL

(a) The undersigned issuer hereby undertakes to deliver or cause to be delivered with the prospectus to each employee to whom the prospectus is sent or given, a copy of the issuer's annual report to stockholders for its last fiscal year, unless such employee otherwise has received a copy of such report in which case the issuer shall state in the prospectus that it will furnish a copy of such report on request of the employee. If the last fiscal year of the issuer has ended within 90 days prior to the use of the prospectus, the annual report for the preceding fiscal year may be so delivered, but within such 90 day period the prospectus will be updated through a post-effective amendment to reflect the financial information for the last fiscal year, and the annual report for the last fiscal year will be furnished to each such employee.

(b) The undersigned issuer hereby undertakes to transmit or cause to be transmitted to all employees participating in the plan, who do not otherwise receive such material as stockholders of the issuer, at the time and in the manner such material is sent to its stockholders, copies of all reports, proxy statements and other communications distributed to its stockholders generally.

B. UNDERTAKING TO FILE PROSPECTUSES AS AMENDMENTS

The undersigned issuer hereby undertakes that every prospectus which purports to meet the requirements of Section 10(a)(3) of the Act will be filed as part of an amendment to the registration statement and will not be used until such amendment has become effective, and that the effective date of each such amendment shall be deemed the effective date of the registration statement with respect to securities sold after such amendment has become effective.

SIGNATURES

The Issuer. Pursuant to the requirements of the Securities Act of 1933, the issuer has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of _____, and State of _____, on this ____ day of _____, 19__.

_____
(Issuer)

By _____
(Signature and Title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

_____
(Signature)

_____
(Title)

_____
(Date)

The Plan. Pursuant to the requirements of the Securities Act of 1933, the plan has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of _____, and State of _____, on the ____ day of _____, 19__.

_____
(The Plan)

By _____
(Signature and Title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

_____
(Signature)

_____
(Title)

_____
(Date)

Instruction. 1. The registration statement shall be signed by the issuer, (and where there is created under the plan an unincorporated association, a trust, committee or other legal entity, by such association, trust, committee or other legal entity), their respective principal executive officers, principal financial officers, controllers or principal accounting officers and by at least the majority of the respective board of directors or persons performing similar functions.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

INSTRUCTIONS AS TO EXHIBITS

Subject to the rules as to incorporation by reference, the exhibits specified below shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing.

1. Copies of the plan as presently in effect.

2. Copies of all constituent instruments (other than the plan itself) defining the rights of employees who participate in the plan.

3. An opinion of counsel as to the legality of the interests and the securities to be registered, indicating whether they will when

sold be legally issued, fully paid and nonassessable. If the plan is subject to the requirements of the Employee Retirement Income Security Act of 1974, an opinion of counsel concerning compliance with applicable requirements under that Act.

4. Copies of all summaries of the plan or other written communications intended to be used in connection with the offer or sale of the securities to be registered.

5. Copies of any waivers or undertaking required by Note (a) to Rule 460 [17 CFR 230.460]. (See also Guide No. 46 in Securities Act Release No. 4936 (33 FR 18617).)

6. Copies of any annual report to security holders incorporated by reference pursuant to Item 14, Instruction 4 or Item 18(b).

7. Copies of the information set forth in Item 1(a), if applicable.

[Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; 15 U.S.C. 77f, 77g, 77j, 77s(a)]

[FR Doc.76-21159 Filed 7-21-76;8:45 am]

[17 CFR Part 239]

[Rel. No. 33-5723; File No. S7-642]

REGISTRATION FORM FOR EMPLOYEE BENEFIT PLANS

Withdrawal of Notice of Proposed Rulemaking

The Securities and Exchange Commission today invited public comment on proposed amendments to Form S-8 (17 CFR 239.16b) under the Securities Act of 1933 ("Act") (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) (see Proposed Rules in this issue on page 30273.) and announced the adoption of an amendment to Rule 457 (g) under that Act (17 CFR 230.457 (g)). See Rules and Regulations in this issue on page 30272. Form S-8 is an abbreviated form for the registration of securities under the Act to be offered or sold to employees of the issuer, pursuant to certain employee benefit plans, through a prospectus containing a description of the plan and certain additional information and accompanied or preceded by a copy of the issuer's annual report to security holders.

The amendments to Form S-8 published for comment in the FEDERAL REGISTER (39 FR 38001) on October 25, 1974, and circulated as Release No. 33-5530, are superseded by the instant proposals, and, accordingly, are hereby withdrawn. The comments received concerning those proposals were given careful consideration in formulating the amendments proposed today.

By the Commission.

SHIRLEY E. HOLLIS,
Acting Secretary.

JULY 2, 1976.

[FR Doc.76-21160 Filed 7-21-76;8:45 am]

federal register

THURSDAY, JULY 22, 1976



PART III:

FEDERAL ENERGY ADMINISTRATION

■

POST-EXEMPTION MONITORING OF MIDDLE DISTILLATE PRICES

Proposed Monitoring System and Public Hearing

FEDERAL ENERGY ADMINISTRATION

POST-EXEMPTION MONITORING OF MIDDLE DISTILLATE PRICES

Proposed Monitoring System and Public Hearing

A. INTRODUCTION

The purpose of this notice is to elicit public comment on a method of monitoring prices of the two leading "middle distillate" products (home heating oil and diesel fuel) to assure the continuing reasonableness of price levels following the July 1, 1976, exemption of middle distillates from price and allocation controls.

Essentially, FEA proposes to monitor prices of No. 2 heating oil and No. 2–D diesel fuel (hereinafter referred to as "middle distillates") by developing national and regional index prices, representing the average price levels which FEA believes would have prevailed had middle distillates remained under price controls, plus a flexibility factor of two cents per gallon to allow for statistical error, inherent deficiencies with the operation of the price index and short-term market aberrations. Average actual prices will be measured at the retail level on a weekly basis during the heating season. A four-week moving average of these prices will then be compared with these index prices on a continuing basis. Should actual average prices on a national basis exceed the national index price or should actual average prices in any region exceed the corresponding regional index, FEA proposes to hold public hearings on appropriate remedial action within ten days and to take appropriate action within ten additional days which would result in returning prices to levels at or below the index level within one month.

FEA intends to monitor prices of middle distillates pursuant to this monitoring system from August 1976, until March 31, 1977, so as to insure that price levels remain reasonable during this transitional period following removal of controls and during this period of continued economic recovery.

FEA will receive written comment and will hold public hearings on these proposals on August 4 and 5, 1976. Comment is particularly desired on the proposed national and regional index prices and the proposed methods for collecting sufficient data for monitoring prices. Upon completion of the public hearings, FEA will issue a notice indicating the extent to which the proposed monitoring program has been modified in response to comments and suggestions received. FEA will, of course, continue to review the operation of its monitoring system during the period in which it is in use and make whatever changes may be necessary to assure that it achieves the objectives for which it was implemented. Any such future changes will, however, be published in the FEDERAL REGISTER.

On June 15, 1976, FEA issued and submitted to the Congress two separate amendments which provided for the exemption of middle distillates from allocation and price controls. The first amendment related to the exemptions of No. 2 heating oil and No. 2–D diesel fuel and the second amendment provided for the exemption of No. 1 heating oil, No. 1–D diesel fuel, and kerosene. Since neither of these amendments was disapproved by either house of Congress pursuant to the review procedures set forth in section 551 of the Energy Policy and Conservation Act, the amendments became effective July 1, 1976.

In its discussions with members of Congress regarding these amendments, and in response to concerns expressed by these members, FEA committed to take certain actions following the effectiveness of the exemption to assure, first, that no unwarranted price increases would occur once controls were removed and, second, that the ability of marketers to obtain supplies would be protected during the transitional period following removal of controls.

More specifically, FEA stated that it would adopt a contingency plan for middle distillates with the following main elements:

1. A quick-responses price monitoring system on a weekly basis during the heating season and monthly at other times (based on FEA's current reporting system and telephone surveys) that will compare actual prices with projections of what prices would have been if regulatory controls were stil in effect ("controlled" prices).

2. Establishment of two cents per gallon as the maximum amount by which average actual prices could exceed "controlled" prices on a national basis and still be deemed reasonable. In addition, since the foregoing index price or standard could be met by offsetting excessive price increases in one region by price reductions in another, FEA also agreed to establish appropriate regional index prices by which to judge the reasonableness of price increases in excess of "controlled" prices on a region-by-region basis.

3. Specific FEA obligations to take certain actions if actual prices are found to exceed the foregoing index price limits—i.e., (a) to hold public hearings within ten days to determine the causes of the excessive price levels and to solicit comments on actions necessary to return actual prices to levels at or below the index price level, and (b) to take within ten days of completion of hearings such action as may be required to restore prices to those levels within one month.

4. A transitional set-aside program to insure that no marketer is deprived of supplies without adequate time to arrange a new supplier.

On July 9, 1976, FEA issued a notice of proposed rulemaking and public hearing (41 FR 28797, July 13, 1976) concerning establishment of a special set-aside program for middle distillates to be in effect from August, 1976, through March, 1977. Since the monitoring of supplies of middle distillates is the subject of a separate proceeding, this notice relates only to proposals to implement a system for monitoring of price levels.

B. PRICE MONITORING PROPOSALS.

1. *General.* This section summarizes the basis upon which FEA proposes to determine the national index price and the regional index prices. The Appendix to this Notice contains additional detail relating to the computation of these index prices, including a detailed explanation of the formulas proposed to be used, illustrative projections of the operation of the index prices for middle distillates through March, 1977, and additional information indicating how such variables as the crude oil cost increases, operating cost increases, and import adjustment factor are proposed to be determined. The Appendix also provides information on sampling procedures proposed by FEA to obtain the necessary data on actual price levels in the decontrolled middle distillate market.

In general, the national index price will be computed each month based on actual average June, 1976, prices for No. 2 heating oil and No. 2–D diesel fuel (weighted by their historical relative sales volumes), adjusted to take into account (1) seasonal price variations of both products, (2) actual increases/decreases in the price of imported and domestically produced crude oil, (3) actual increases/decreases in the prices of imported middle distillates (weighted by their historic relative volumes), (4) increases in nonproduct costs of refiners, as defined and limited under FEA cost pass-through regulations, and estimated increases in non-product costs of resellers and retailers, and (5) the two cent/gallon flexibility factor.

Actual average national prices for middle distillates at the retailer level will be determined by FEA on a monthly basis through September, 1976, and on a weekly basis from October, 1976, through March, 1977, using the sampling procedures described in the Appendix. These retail prices will be compared with the national index price for the corresponding period. FEA will also monitor prices at the refiner and reseller levels to determine relative price changes for refiners, resellers, and retailers.

If FEA determines that actual average national prices have exceeded the national index price, the remedial process outlined in Section A, above, will commence, beginning with public hearings within ten days to determine the causes and appropriate remedies for the pricing excess. Options available to FEA to restore prices to levels at or below the national index price include: (1) reimposition of complete price and allocation controls over the entire industry, (2) imposition of partial price/allocation controls over the entire industry, (3) imposition of full or partial controls over certain segments or distribution levels of the industry, and (4) modification of FEA's entitlements program to reduce the cost of imported middle distillates.

Regional index prices will also be computed on essentially the same basis as the national index price, except that the June, 1976, price basis and some of the adjustment factors will, of course, re-

late to the region concerned rather than the nation. In addition, as explained below, FEA is calling for comment on whether a regional adjustment factor should be included in the regional index price and, if so, in what amount. Actual regional price data will be determined in a manner similar to that described for monitoring actual national price levels.

Four regions are proposed: Northeast, North Central, South, and West. (These are defined in detail in the Appendix to this Notice.) As already indicated, the regional index price system is designed to protect against unduly disproportionate price increases in one or more regions even though the actual average national prices do not exceed the national index price. If actual average regional prices exceed the index price for the region concerned, FEA will take remedial action in accordance with the same procedures outlined above for actual prices in excess of the national index price.

2. *National Index Price.* The national index price may be defined as FEA's best estimate of the average selling price per gallon for middle distillates sold to ultimate consumers, assuming controls for middle distillates had remained in effect, plus two cents per gallon. The index price is based on the average of June 1976 heating oil and diesel fuel prices adjusted for increases in crude costs, operating expenses, seasonal variation and imports of distillate, and the two-cent flexibility factor.

A summarized form of the equation proposed to be used to determine the national index price follows. In the formula, No. 2 heating oil and No. 2 diesel fuel oil are separated to take into account differences in seasonal variation for No. 2 heating oil and No. 2 diesel fuel and differences in reseller and retailer margins.

Heating Oil

National index Price = Percent Heating oil X Heating oil seasonal factor X National June 1976 Heating oil price plus increased crude costs and operating expenses.

(plus)

Diesel Fuel

Percent Diesel fuel X Diesel fuel seasonal factor X National June 1976 Diesel fuel price plus increased crude costs and operating expenses

(plus)

Import Adjustment

Change in costs of imports X Historical percent of demand met by imports

(plus)

Flexibility Factor

2 cents

In summarized equation form, the national index price is as follows:

Heating oil	Diesel fuel	Import Adjustment	Flexibility Factor

$$P_N = (f_h \times S_h \times P_h^*) + (f_d \times S_d \times P_d^*) + I + 2 \text{ cents}$$

where f_h, f_d are percentages of heating oil and diesel fuel, respectively;

S_h, S_d are seasonal factors for heating oil and diesel fuel, respectively;

P_h^*, P_d^* are June 1976 heating and diesel fuel prices plus increases in crude costs and operating expenses;

I is change in costs of imports times imports as a percent of demand.

A more detailed explanation of the formula is in the Appendix.

3. *Regional Index Price.* Regional index prices differ from the national index price due to variances among the regions in June 1976 average middle distillate prices, differences in the percentages of diesel fuel and No. 2 heating oil sales in the region, differences in percentages of sales by non-refiners, and differences in the adjustment for imports. The region's index price is computed by adding to the average middle distillate price in June 1976 the national changes in crude costs and operating expenses, adjusting for national seasonal variation and then adding on the import adjustment, and the two-cent flexibility factor. In simplified terms the formula is as follows:

Heating Oil

Regional index Price = Percent of Heating oil in region X Heating oil seasonal factor X Regional June 1976 Heating oil price plus increased national crude costs and operating expenses

(plus)

Diesel Fuel

Percent of Diesel fuel in region X Diesel fuel seasonal factor X Regional June 1976 Diesel fuel price plus increased national crude costs and operating expenses

(plus)

Regional Import Adjustment

(plus)

Flexibility Factor

2 cents

In equation form, the regional price index is as follows:

Heating oil	Diesel fuel	Import Adjustment	Flexibility Factor

$$P_j = (f_{hj} \times S_h \times P^*_{hj}) + (f_{dj} \times S_d \times P^*_{dj}) + I_j + 2 \text{ cents}$$

Where P_j = regional index

f_{hj}, f_{dj} = percent of heating oil and diesel fuel sold in region j.

S_h, S_d = national seasonal factors for heating oil and diesel fuel.

P^*_{hj}, P^*_{dj} = June 1976 average prices for heating oil and diesel fuel, respectively, sold in region j plus national increases in crude costs and operating expenses.

I_j = change in costs of distillate imports in region j times historical imports as a percent of demand.

On July 19, 1976, FEA issued a regulation amendment modifying the equal application rule for refiners to permit increased pricing flexibility through a system of regional pricing. This action, one of a series of amendments issued in recent months authorizing increased price flexibility under FEA's price regulations, was taken pursuant to a notice of proposed rulemaking issued on October 17, 1975.

The regional pricing amendment permits refiners to apply the rule for equal application of increased product costs among classes of purchaser without the penalty of cost-absorption required under § 212.83(h), as long as the regional pricing variation among classes of purchasers in separate regions does not exceed three cents per gallon.

Although this amendment currently applies only to gasoline (which represents almost 50% of total refinery output and a larger share of output which remains subject to price controls), the preamble to the amendment explains that FEA has concluded that such increased pricing flexibility should be permitted for all major fuel products and would have been permitted for residual fuel oil and middle distillates had they remained under price controls. Because of the recent exemption of residual fuel oil and middle distillates, FEA believed it was no longer appropriate to adopt amendments with respect to these products. However, should price controls be reimposed in either residual fuel oil or middle distillates, FEA stated that it would adopt the necessary regulatory amendments at that time to allow such increased pricing flexibility. FEA has also continued the rulemaking proceeding to consider extending similar treatment with respect to other products still subject to price controls.

In view of the adoption of the principle of regional pricing for refiners, and the earlier adoption of a form of regional pricing for resellers and retailers covering all products (41 FR 19110, May 10, 1976), FEA requests comment on the extent to which it would be appropriate to include in the regional index price for middle distillates a separate regional adjustment factor to reflect the range of flexibility which firms will now have under the price regulations in varying regional prices within the overall cost pass-through constraints which are still reflected in the national index price. Any regional adjustment factor in the regional index price would, of course, not affect the national index price.

4. *Specific Comments Requested.* While comment is invited on any aspect of today's Notice, comment is particularly sought with respect to the following issues:

a. The import adjustment in the index price formulae is based on the change in cost of imports times imports as a percentage of total demand. Imports as a percentage of demand is based on data for 1972. FEA has selected 1972 as the most recent representative year because of apparent anomalous results for 1973, 1974 and 1975 due to unusually large import levels and aberrent weather patterns (reflecting on home heating oil usage) during these years. Comment on the choice of 1972 data, rather than more current data, is requested.

b. In Section C.1 of the Appendix data relating to the relative percentages of heating oil and diesel fuel are presented for each region and for the nation. The "diesel fuel" category contains only on-highway sales of diesel fuel, while the "heating oil" category reflects the percentage of all other middle distillate sales to ultimate consumers, including diesel fuel sales for other than highway use. This method of categorization of "diesel fuel" was selected by FEA essentially for two reasons: the relative ease and reliability of data collection from truck-stop operators, and the fact that on-highway diesel fuel has a high tax component not found in other distillates. Comment is requested on the foregoing factors and on the extent to which other methods of categorization would be feasible or would have a significant effect on the relative proportions of diesel fuel and heating oil.

c. The seasonal adjustment factors for heating oil and diesel fuel are presented in tabular form in Section C.2 of the Appendix. FEA has no data indicating any significant seasonal pattern for diesel fuel prices. Data or information which relates to possible seasonal variations in prices for diesel fuel is sought, as well as comment on the assumptions and conclusions indicated in Section C.2 with respect to seasonal patterns for heating oil.

d. Due to the structure of the refiner price regulations and other factors, data relating to refiners' crude oil and operating costs to be used in computing index prices will relate to a period approximately two months earlier than the period from which price data will be collected for purposes of monitoring current price levels. Assuming rising costs, current prices may exceed index prices due to the fact that the index prices reflect the lower costs of previous months. Comment is requested on the extent to which this effect might be felt and on possible means to minimize the effects of the two-month lag.

e. In accordance with the discussion in Section B. 3, above, comment is required on the need for and appropriateness of a regional adjustment factor. Comments supporting a regional adjustment factor should include a specific cents-per-gallon recommendation and indicate the basis for the amount proposed.

f. Comment is also requested on the use of the BLS monthly wage index for truckers and warehousemen (SIC 42) to adjust for increases in operating expenses of resellers and retailers.

C. Comment Procedures

Interested persons are invited to participate in this matter by submitting data, views or arguments with respect to the proposals set forth in this notice Executive Communications, Room 3309, Federal Energy Administration, Box HY, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Proposals for Monitoring Middle Distillate Prices." Fifteen copies should be submitted. All comments received by Wednesday, August 4, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken in this matter.

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 its determination.

The public hearing in this proceeding will be held at 9:30 a.m., e.s.t., on Wednesday, August 4, 1976 and will be continued, if necessary, Thursday, August 5, 1976, in Room 2105, 2000 M Street, NW., Washington, D.C., 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., on Thursday, July 29, 1976. 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 8:00 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 is 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 a phone number where he may be contacted through Tuesday, August 3, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., Monday, August 2, 1976 and must submit 100 copies of his statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., Tuesday, August 3, 1976.

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, each person who has made an

oral statement will be given the opportunity, if he 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 hearings, to Executive Communications, FEA, before 4:30 p.m., e.s.t., Monday, August 2, 1976. 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 FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 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 20, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

APPENDIX

A. Detailed Formula for Computing National Index Price

No. 2 Heating Oil

$$P^t = f_h S_h^t \left\{ P_h^J + (C^{t-2} - C^A) + \frac{(N_R^{t-2} - N_R^A)}{V^{t-2}} + b_h \left(\frac{W^{t-2}}{W^A} - 1\right) M_h^J \right\}$$

No. 2 Diesel Fuel

$$+ f_d S_d^t \left\{ P_d^J + (C^{t-2} - C^A) + \frac{(N_R^{t-2} - N_R^A)}{V^{t-2}} + b_d \left(\frac{W^{t-2}}{W^A} - 1\right) M_d^J \right\}$$

Import Adjustment

$$+ \Delta P_I R^t$$

Flexibility Factor

+ 2 cents

p^t = National index price for middle distillate sales in month t.

f_h = National percentage of middle distillate sales accounted for by sales to ultimate consumers excluding diesel fuel for highway use. Estimated from middle distillate sales reported by the BOM for 1974.

f_d = National percentage of total middle distillate sales accounted for by diesel fuel sales for highway use to ultimate consumers. Estimated from middle distillate sales as reported by the BOM for 1974.

S_h^t = Multiplicative seasonal adjustment factor. Seasonal factor derived from BLS No. 2 heating oil price index for the period 1968 through 1971.

S_d^t = Multiplicative seasonal adjustment factor for diesel fuel sold in truck stops. Given the limited amount of available price data the FEA has not been able to identify a significant seasonal pattern for diesel fuel prices. Thus, the seasonal factor has been set at 1.0 for all months (see Section C.2, below).

P_h^J = Weighted national average price for all middle distillates except diesel fuel for highway use sold to ultimate consumers during June 1976, determined by a statistically valid sample of sellers of middle distillates, excluding highway diesel fuel to ultimate consumers.

P_d^J = Weighted national average price for No. 2 diesel fuel sold to ultimate consumers for highway use during June 1976, estimated on the basis of sales of diesel fuel in truck stops and retail service stations, which account for the majority of diesel fuel sales.

C^{t-2} = Crude costs in month t-2 reported to FEA on FEA Form P110.

C^A = Crude costs in April, i.e., lagged the appropriate number of months to be consistent with C^{t-2}.

N_R^{t-2} = Nonproduct costs for refiners during month t-2 reported to the FEA on form FEA P-110. These costs represent the amount of nonproduct costs that refiners can pass through under current pricing regulations.

N_R^A = Nonproduct costs for refiners in April 1976.

V^{t-2} = Total volume of sales of refined products derived from refining operations. Total volume derived from refined products reported to the FEA on form P302 adjusted for import volumes.

b_h = Percentage of total middle distillate sales to ultimate consumers accounted for by nonrefiners estimated from 1974 market shares data reported to the FEA.

b_d = Percentage of total diesel fuel sales to ultimate consumers accounted for by nonrefiners. Estimated from diesel fuel direct sales by refiners reported to the FEA on form P302 for the period July, 1975, through April, 1976.

W^{t-2} = Bureau of Labor Statistics wage index for Truckers and Warehousemen (SIC42) for the month t-2.

W^A = Bureau of Labor Statistics wage index for Truckers and Warehousemen (SIC42) for April 1976.

M_h^J = Margin for nonrefiners selling No. 2 heating oil for the period June 1976 estimated from statistically valid survey of heating oil resellers.

M_d^J = June 1976 margin for truck stop operators and retail service stations that sell diesel fuel, estimated from Lundberg Survey, Inc. survey of truck stops and retail gasoline stations conducted for the FEA.

ΔP_I = Change in the weighted average cost of imports for the months April through month t-2 reported to the FEA on form FEA P302.

R^t = Historical national proportion of middle distillate imports in month t estimated for 1972 experience.

B. Detailed Formula for Computing Regional Index Prices

No. 2 Heating Oil

$$P_j^t = f_{hj}\, S_h^t \left\{ P_{jh}^J + (C^{t-2} - C^A) + \frac{(N_R^{t-2} - N_R^A)}{V^{t-2}} + b_{jh} \left(\frac{W^{t-2}}{W^A} - 1 \right) M_h^J \right\}$$

No. 2 Diesel Fuel

$$+ f_{dj}\, S_d^t \left\{ P_{jd}^J + (C^{t-2} - C^A) + \frac{(N_R^{t-2} - N_R^A)}{V^{t-2}} + b_d \left(\frac{W^{t-2}}{W^A} - 1 \right) M_d^J \right\}$$

Import Adjustment

$$+ \Delta P_I \quad R_j^t$$

Flexibility Factor

+ 2 cents

P_j^t = Index price for middle distillate sales in month t in region j.

f_{hj} = Percentage of middle distillate sales in region j accounted for by sales to ultimate consumers of all middle distillates except diesel fuel for highway use. Estimated from middle distillate sales for 1974 reported by the BOM.

f_{dj} = Percentage of total middle distillate sales accounted for by diesel fuel sales for highway use to ultimate consumers in region j. Estimated from middle distillate sales as reported by the BOM for 1974.

S_h^t = Multiplicative seasonal adjustment factor. Seasonal factor derived from BLS No. 2 heating oil price index for the period 1968 through 1971.

S_d^t = Multiplicative seasonal adjustment factor for diesel fuel sold in truck stops. Given the limited amount of available price data the FEA has not been able to identify a significant seasonal pattern for diesel fuel prices. Thus, the seasonal factor has been set at 1.0 for all months (see Section C.2, below).

P_{jh}^J = Weighted average price for middle distillates except diesel fuel for highway use sold to ultimate consumers in region j during June 1976 determined by a statistically valid sample of sellers to ultimate consumers of heating oil.

P_{jd}^J = Weighted average price for No. 2 diesel fuel for highway use sold to ultimate consumers in region j during June 1976, estimated on the basis of sales of diesel fuel in truck stops and retail service stations, which account for the majority of diesel fuel sales.

C^{t-2} = Crude costs in month t-2 reported to FEA on FEA Form P110.

C^A = Crude costs in April, i.e, lagged the appropriate number of months to be consistent with C^{t-2}.

N_R^{t-2} = Nonproduct costs for refiners during month t-2 reported to the FEA on form FEA P-110. These costs represent the amount of nonproduct costs that refiners can pass through under current pricing regulations.

N_R^A = Nonproduct costs for refiners in April 1976.

V^{t-2} = Total volume of sales of refined products derived from refining operations. Total volume derived from refined products reported to the FEA on form P302 adjusted for import volumes.

b_{jh} = Percentage of total middle distillate sales to ultimate consumers accounted for by nonrefiners in region j estimated from 1974 market shares data reported to the FEA.

b_d = Percentage of total diesel fuel sales to ultimate consumers accounted for by nonrefiners. Estimated from diesel fuel direct sales by refiners reported to the FEA on form P302 for the period July, 1975, through April, 1976.

W^{t-2} = Bureau of Labor Statistics wage index for Truckers and Warehousemen (SIC42) for the month t-2.

W^A = Bureau of Labor Statistics wage index for Truckers and Warehousemen (SIC42) for April 1976.

M_h^J = Margin for nonrefiners selling No. 2 heating oil for the period June 1976 estimated from statistically valid survey of heating oil resellers.

M_d^J = June 1976 margin for truck stop operators and retail service stations that sell diesel fuel estimated from Lundberg Survey, Inc. survey of truck stops and retail gasoline stations conducted for the FEA.

ΔP_I = Change in the weighted average cost of imports for the months April through month t-2 reported to the FEA on form FEA P302.

R_j^t = Historical proportion of middle distillate imports in month t into region j based on 1972 experience.

C. Summary of Constants in Formulas

The following is a summary of the current estimates of the constants to be used in calculating the index prices:

1. Fractions of middle distillate sales which are heating oil and diesel fuel:

	Northeast	North Central	South	West	Total U.S.
Heating oil (f_h)	.90	.77	.78	.68	.79
Diesel fuel (f_d)	.10	.23	.22	.32	.21

Source: BOM for 1974: Diesel is for on-highway use only. All other middle distillates are in the heating oil category.

2. Seasonal adjustment factors for heating oil and diesel fuel:

	Heating oil (S_h^t)	Diesel Fuel (S_d^t)
1976		
June	1.000	1.00
July	.999	1.00
August	.999	1.00
September	.998	1.00
October	.997	1.00
November	.999	1.00
December	1.000	1.00
1977		
January	1.004	1.00
February	1.006	1.00
March	1.005	1.00

Source: Heating oil factors computed using BLS, CPI indices of No. 2 Heating oil for years 1968 through 1971 and X-11 variant of the Bureau of Census computational technique. In an analysis of diesel fuel prices collected in FEA's survey of truck stops and service stations for the period January 1974 through June 1976, FEA was unable to identify a significant seasonal pattern for diesel fuel prices due to the lack of sufficient data. Thus, the seasonal factor has been set at 1.00 for all months.

3. Nonrefiner Operating Costs:

a. The fractions of heating oil and diesel fuel sold by nonrefiners:

	Northeast	North Central	South	West	Total U.S.
Fraction of Heating oil sold by non-refiners (b_{jh})	.63	.16	.19	.12	.33
Fraction of diesel fuel sold by non-refiners (b_d)	*	*	*	*	.93

b. Gross margins for heating oil and diesel fuel oil:

Heating oil margin (M_h)	**	**	**	**	c/gal. ***
Diesel fuel margin (M_d)	**	**	**	**	7.2

* National fraction used for all regions.
** National gross margin to be used for all regions.
***To be obtained from initial heating oil price survey.

Source: Percentages of nonrefiner direct sales for heating oil derived from FEA survey of 1974 market shares of middle distillate sales to ultimate consumers.

National percentage for diesel fuel oil sales computed from refiner direct sales of diesel fuel oil reported to FEA by refiners on Form FEA-P-302.

Diesel fuel margin derived from June 1976 survey of truckstop operators and retail gasoline stations that sell diesel fuel.

4. Historical fraction of middle distillate demand met by imports. (Based on 1972 data.)

The historical fraction of middle distillate demand met by imports (R^t or R^t_j) is as follows:

Seasonal Variation*	Northeast	North Central	South	West	Total U.S.
June-August	.11	.00	.00	.00	.03
September-November	.24	.00	**	.01	.08
December-February	.19	.00	.01	.00	.07
March-May	.13	.00	.00	.00	.05

* The fractions are limited to quarterly variations rather than monthly variations to eliminate the effect of large monthly shifts.

**Less than .005.

The year 1972 was selected as the representative base year. The years after 1972 were considered anomalous due to the effects of Arab Embargo in 1973 and early 1974, and the FEA's Product Entitlement Program. Imports from the Virgin Islands and Puerto Rico are excluded as they are price controlled.

Source: Ethyl Corp. and FEA Office of Oil Imports.

5. Diesel Fuel Prices, June, 1976.

	Northeast	North Central	South	West	Total U.S.
June 1976	56.6	51.4	52.5	51.8	52.7

Source: Lundberg Survey, Inc. (conducted for FEA).

D. Illustrative Index Prices

To illustrate how the price index mechanism will be utilized and to indicate the potential magnitude of the various factors included in the index, FEA has used some assumed figures to calculate index prices. In the actual application of the index price, real data will be collected on a monthly and weekly basis. For illustrative purposes, two cases are provided with different assumptions about cost increases. The following specific assumptions have been made:

1. June prices for heating oil and diesel fuel for the following regions and the national average are as follows:

	Heating Oil cents/gal.	Diesel Fuel cents/gal.	Middle Distillate* Average cents/gal.
Northeast	39.8	56.6	41.5
North Central	38.0	51.4	41.1
South	39.2	52.5	42.1
West	40.2	51.8	43.9
Total U.S.	39.4	52.7	42.2

*Averages are calculated using the fractional factors from Section C.1 of this Appendix.

2. Crude oil costs are assumed to increase at the rate of 2.4 cents per gallon per year or about 9-1/2 percent per year in Case 1, and 1.0 cents per gallon or about 4 percent per year in Case 2. Case 1 assumes foreign crude costs increase at the expected rate of inflation, whereas Case 2 assumes foreign crude costs will not increase.

3. Refinery operating costs are assumed to increase at the approximate average rate of growth from 1973 to 1976; about 1.2 cents per gallon per year in Case 1. In Case 2 they are assumed to increase at one half this rate, about .6 cents per gallon per year.

4. The wage rate for Truckers and Warehousemen is assumed to increase at the rate of about 7 percent per year in both cases. The heating oil margin (M_h) is assumed to be 4.6 cents per gallon in both cases.

5. The price of imported middle distillates is assumed to increase at the same absolute change as for imports of crude: 1.8 cents per gallon per year in Case 1 and no increase in Case 2. These price changes are consistent with the crude cost assumptions made in Section D.2, above. With these assumptions, plus the constant and monthly figures based on historical experience used in the equations (which are set forth and explained earlier in this Appendix), it is possible to calculate how the index prices could change through March 1977 for each region and for the country as a whole.

The results for the illustrative assumptions are as follows:

Illustrative Index Prices
Case 1
cents/gallon

	Northeast	North Central	South	West	Total U.S.
1976					
June	43.5	43.1	44.1	45.9	44.2
July	43.8	43.4	44.4	46.2	44.5
August	44.1	43.7	44.7	46.5	44.8
September	44.5	44.0	45.0	46.8	45.1
October	44.8	44.2	45.3	47.1	45.4
November	45.2	44.6	45.7	47.5	45.8
December	45.6	45.0	46.0	47.8	46.1
1977					
January	46.1	45.4	46.5	48.2	46.6
February	46.5	45.8	46.8	48.6	47.0
March	46.7	46.1	47.1	48.9	47.3

Illustrative Index Prices
Case 2
cents/gallon

	Northeast	North Central	South	West	Total U.S.
1976					
June	43.5	43.1	44.1	45.9	44.2
July	43.6	43.2	44.2	46.0	44.3
August	43.7	43.3	44.4	46.2	44.5
September	43.9	43.5	44.5	46.3	44.6
October	44.0	43.6	44.6	46.4	44.7
November	44.2	43.8	44.8	46.6	44.9
December	44.4	44.0	45.0	46.8	45.1
1977					
January	44.7	44.2	45.3	47.1	45.4
February	44.9	44.4	45.5	47.3	45.6
March	45.0	44.5	45.6	47.4	45.7

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E. Sampling Procedures for Monitoring Actual Prices

1. No. 2 Heating Oil

A stratified sample of companies will be drawn from the universe of No. 2 distillate fuel oil refiners and marketers who responded to the historical market shares surveys (forms FEA P-305-S-0 and FEA P-308-S-0). There were a total of over 8,000 companies reporting for these surveys. The universe will be divided into three strata.

Stratum 1 will consist of all companies reporting national total annual sales of 10,000,000 gallons or more of No. 2 distillate fuel oil. There are approximately 230 of these companies and they will all be included in the sample. These firms account for approximately 85 percent of total sales of No. 2 distillate fuel oil.

The remaining universe will be stratified by broad geographic region and by volume of sales of No. 2 distillate fuel oil. Stratum 2 will consist of those companies having sales of 2,000,000 or more but under 10,000,000 gallons of No. 2 distillate fuel oil. There are approximately 1200 companies in this stratum and they will be systematically sampled using a ratio of 1 to 10. Stratum 3 will consist of those companies having annual sales of under 2,000,000 gallons of No. 2 distillate heating oil. These companies will be

systematically sampled using a selection ratio of 1 in 30. The entire sample from all strata will consist of at least 50 firms per region and a minimum of 2 firms per state and a total of about 600 firms.

A detailed description will be mailed to each selected firm describing the data to be collected and the reporting frequency. In general, the June data to establish the base month, will be reported telephonically to FEA no later than August 15, 1976. FEA will then telephone each of the selected firms on a monthly basis to determine the weighted average Selling Price for heating oil for July, August and September, 1976. Starting approximately September 15, 1976, FEA will conduct weekly surveys of these selected firms to determine the change in price of heating oil through the winter heating season.

2. Diesel Fuel

The monthly Lundberg truckstop survey includes 80 truckstops located near 18 large markets distributed throughout the U.S. The monthly Lundberg retail gasoline station survey includes data for diesel fuel that is sold in 18,000 retail gasoline stations surveyed located in 33 cities throughout the U.S. For the weekly survey only a subsample will be used.

3. Auditing and Verification of Data

A number of steps will be taken to help assure that the company-reported data used in the index are reliable and accurate. These steps will include:

(a) Provisions for respondents to certify in writing the accuracy of the data obtained by FEA in the weekly phone survey.

(b) Establishment of objective parameters within which the weekly price quotations are expected to fall. If the parameters are not met, further verification of the data will be conducted.

(c) Periodic company audits by FEA Regional Office personnel to validate the data.

(d) Crosschecking of weekly reported phone data with written copies of the same data to be provided monthly by respondents.

4. Comparison of Surveyed Data to Index Prices

In comparing the surveyed data to the index prices (both weekly and monthly) the percentages of heating oil and diesel fuel used in the index price equations will also be used to weight the price data collected in the survey to average regional and national prices. A 4-week moving average of the weekly survey data will be used in making comparisons with the index prices.

The monthly index will be adjusted by the average weekly change in the index price during the previous month. For example, referring to Case 1 in Section D of the Appendix, the national index price for the first week in November will equal the October index price (45.4) plus one-fourth of the change in the index price from September to October (45.4 + 1/4 (45.4-45.1) = 45.5¢/gal).

F. Definition of Regions

1. Northeast Region: The six New England states plus New York, New Jersey, Pennsylvania, Puerto Rico and the Virgin Islands.

2. North Central Region: North and South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana and Ohio.

3. Southern Region: All of the states to the south of the North Central and Northeast Regions, extending to and including Texas and Oklahoma, plus the District of Columbia.

4. Western Region: All of the states to the west of the North Central and Southern Regions, including Alaska and Hawaii, plus Guam, American Samoa, and the Trust Territory of the Pacific Islands.

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federal register

THURSDAY, JULY 22, 1976



PART IV:

NATIONAL CREDIT UNION ADMINISTRATION

■

PRIVACY ACT

Systems of Records

NATIONAL CREDIT UNION ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Existence and Character of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974 (P.L. 93-579), the National Credit Union Administration's finalized notice of the existence and character of its "systems of records" (as that term is defined at 5 U.S.C. 552a(a)(5)) was published on pages 47426-47434 of the October 8, 1975, edition of the FEDERAL REGISTER. Subsequent to that publication, and in the course of further implementing the Privacy Act, it has been determined that certain revisions to the notice are necessary, in order to more clearly and comprehensively describe both (1) those categories of records and individuals covered by NCUA's various systems of records, and (2) those routine uses which may be made of the records in the systems, consistent with 5 U.S.C. 552a(a)(7).

These revisions do not entail establishment or alteration of a system of records within the meaning of 5 U.S.C. 552a(o). The revisions may, however, encompass certain "new uses" of records within the meaning of 5 U.S.C. 552a(e)(11), and thus the revisions are herein published in proposed form, subject to a 30 day public comment period. The proposed revisions are as follows:

The "routine uses" portion of each of NCUA's system notices is revised by adding the following language, to be inserted succeeding all other language, including any additions or revisions set forth herein below: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual." This language is proposed to be added in order to ensure that the Privacy Act does not have the unintended effect of precluding constituents from receiving the assistance of their congresspersons in obtaining information from Federal agencies. While this proposed addition was separately published in a recent edition of the FEDERAL REGISTER, it is set forth again herein, in order that these proposed revisions might be fully comprehensive. It should be notedd, however, that this one aspect of these proposed revisions may be given effect prior to the expiration of the comment period set forth below.The notice for NCUA System 5 (Loan Management Records System) is proposed to be revised as follows:

Due to changes in NCUA's organizational structure, System 5 is retitled by deleting the designation "Loan Management Records System" and inserting instead the designation "Acquired Assets and Share Payouts Records System."

Under the "System location" portion of the notice for System 5, the words "Division of Financial Management" are deleted and the words "Office of Administration." The first two lines of the "System manager" portion of the notice are deleted and the words "Assistant Administrator for Fiscal Affairs" are substituted in lieu thereof. These revisions are also necessitated by the aforementioned change in the organizational structure of NCUA.

The "Routine uses" portion of the notice for NCUA System 5 is revised by adding the words "and carry out all appropriate liquidation related functions of NCUA," between the word "union" and the word "including." The "Storage" portion of the notice is revised by adding the following language at the end thereof: "Copies of share and loan documents, incoming payments and the loan portfolios may also be maintained on microfilm copy." The above two revisions are proposed for purposes of clarification only. These revisions do not reflect substantive changes in the maintenance of this system of records, but rather, they are proposed in order that the system notice might more accurately reflect NCUA's past and continuing practices with respect to the system.

In the "System location" portion of the notice for NCUA System 6 (Member Account Records of Federally Insured Credit Unions Closed for Involuntary Liquidation), the addresses of three of NCUA's six regional offices are incorrectly stated, due to relocation. The previously stated address for NCUA's Region III Regional Office is deleted and the following is inserted in lieu thereof:

NCUA Region III Regional Office
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309

The previously stated address for NCUA's Region V Regional Office is deleted and the following is inserted in lieu thereof:

NCUA Region V Regional Office
515 Congress Avenue
Suite 1400
Austin, Texas 78701

The previously stated address for NCUA's Region VI Regional Office is deleted and the following is inserted in lieu thereof:

NCUA Regionl VI Regional Office
2 Embarcadero Center
Room 1800
San Francisco, California 94111

The "Categories of individuals" portion of the notice for NCUA System 6 is revised by inserting the following language at the end thereof:

"Records in this system are subject to the provisions of the Privacy Act only upon completion of the liquidation of a closed federally insured credit union and cancellation of the charter thereof. Prior to such time, records of a closed insured credit union which are held by the Administrator, NCUA, only in his capacity as liquidating agent for the closed credit union are not 'agency records' within the meaning of the Privacy Act, and thus the provisions of the Act have no applicability. Prior to charter cancellation, however, records or information may be transmitted from this system into another NCUA system of records, such as NCUA System 5—Acquired Assets and Share Payouts Records System, and in such a case, the records as contained in the second system will be considered agancy records to the extent that they are maintained for any purpose other than attributable to functions of the liquidating agent (e.g., for share insurance payout purposes, collection of purchased assets, etc.)."

This language is added to clarify that the Privacy Act of 1974 is inapplicable to reords held by the Administrator of NCUA, and his designated agents, solely in his capacity as Liquidating Agent of a closed insured credit union.

The "Categories of records" portion of the notice for System 6 is revised by adding the following at the end thereof:

"As further explained above, in the 'Categories of individuals . . .' portion of this descriptive system notice, records of a closed insured credit union are generally subject to the provisions of the Privacy Act only upon completion of the liquidation of the credit union and cancellation of the charter thereof."

This language is added for the same clarification purposes discussed above and related to the Administrator's responsibilities as Liquidating Agent.

The notice for NCUA System 7 (Minority Group Designator System) is revised by deleting the words "Office of Administration" from the "Systems location" portion thereof, and inserting the words "Office of Management and Planning" in lieu thereof. This revision is necessitated by recent changes in NCUA's organizational structure.

The notice for NCUA System 9 (Payroll Records System) is proposed to be revised as follows:

Substitute "Office of Fiscal Affairs" for "Office of Administration" in the "System location" portion.

Delete the "period" at tne end of the "Categories of records" portion, insert a "comma" in lieu thereof, and add the following language immediately after the comma: "including time and attendance information."

Insert the following language at tne end of the "Routine uses" portion:

"Also, to document time worked and provide a record of attendance to support payment of salaries, use of annual and sick leave and nonpayed leave. Record of attendance is also maintained for use of supervisor in supervising the employee. Users of the time and attendance information include the office's time keeper, the supervisors, the payroll officer, and the GSA Pyaroll Processing Branch in Kansas City, Missouri. Further, information in this system is used to make reportings to state and local taxing authorities."

The "Storage" portion is revised by deleting the "period" after the word "tape," inserting a "comma" in lieu thereof and inserting the following language after the comma: "paper hard copy, microfiche."

The "System Manager" portion is revised by inserting the word "Primary," followed by a semicolon, above the words "Payroll Officer" and by inserting the following at the end thereof:

Secondary;
Timekeepers
National Credit Union Administration
Central and Regional Offices

The "Records source" portion is revised by inserting the following at the end thereof: "Also, time and attendance information is prepared by the timekeeper in a given employee's office."

The above changes in NCUA System 9 are proposed primarily to clarify that time and attendance records are considered for Privacy Act purposes to be a component part of NCUA's overall Payroll records system. Other minor revisions relate to changes in NCUA's organizational structure.

NCUA System 13 (Region III Regional Office Staff Development/Correspondence Records) is revised by deleting the final three lines thereof and inserting instead the following:

1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309

The notice for NCUA System 15 (Region V Regional Office Staff Development/Correspondence Records) is revised by deleting the third and fourth lines thereof and inserting instead the following:

515 Congress Avenue
Suite 1400

The notice for NCUA System 16 (Region VI Regional Office Staff Development/Correspondence Records) is revised by deleting the final three lines thereof and inserting instead the following:

2 Embarcadero Center
Room 1800
San Francisco, California 94111

The notice for NCUA System 17 (Security Clearance Records) is revised by deleting the words "Office of Administration" from the "System location" portion thereof and inserting instead the words "Office of Management and Planning." This revision is necessitated by changes in NCUA's organizational structure.

Also due to internal organizational changes, the notice for NCUA System 18 (Trusteed Account Records) is revised by deleting the words "Office of Administration" from the "System location" portion and inserting instead the words "Office of Fiscal Affairs." Also, the first line of the "System Manager" portion is deleted and the words "Director, Division of Financial Management" are inserted instead.

The "Routine uses" portion of the notice for System 18 is revised by inserting the following language at the end thereof: "Signature crds and account records are also maintained on microfiche copy." This language was previously omitted from the notice as an oversight.

The notice for NCUA System 19 (Verified Employee Mailing List) is revised as follows:

The "System location" portion is revised by inserting the following at the end thereof:

Contractor's address:
Mail America
Bumpy Oak Road
Bryan's Road, Maryland

The "Categories of records" portion is revised by inserting the following at the end thereof: "Contractor is provided a tape containing each employee's name, address, employee number, regional or central office location and GS grade." This and the above revision are made to remedy prior inadvertent omissions.

For purposes of clarification and more comprehensive disclosure, the "Routine uses: portion is revised as follows: Delete all language after the words "Make reportings to" and insert instead the language "EEO Director and other NCUA employees with an official need for a listing of NCUA employees, such as the ranking panel. Assistant Administratiors, etc. Also, to generate an NCUA telephone directory for distribution to all NCUA employees."

System Number 20, entitled "NCUA—20, Travel System" is described as set forth below in the full text of NCUA's proposed revised system notices. This notice describes all documentary support generated in the course of arranging and reimbursing official travel by NCUA employees. While it was previously thought that required notice of these travel records was most expediently satisfied by considering them to be included within the NCUA Payroll Records System, it has now been determined that, due to the comparatively remote nexus with Payroll records, the travel records should be described as a discrete system.

Accordingly, pursuant to Sections 3(e), (4) and (11) of the Privacy Act of 1974 (5 U.S.C. 552a 3(e), (4), (11)), the National Credit Union Administration proposes to revise the first annual public notice of the existence and character of its systems of records, said revised notices to read as fully set forth below.

Interested persons are invited to submit written data, views, arguemtns and comments related to this proposal, to the Administrator, National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456. Such comments received on or before August 23, 1976, will be given full consideration prior to the adoption of these proposals.

HERMAN NICKERSON, JR.
Administrator

June 22, 1976

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1966) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

TABLE OF CONTENTS
List of System Names

(1) Equal Employment Opportunity Grievance and Discrimination Complaint Records, NCUA.
(2) Federal Employee Security Investigations Containing Adverse Information, NCUA. (This system is subject to Subsection (K)(5) to the extent it contains information provided by confidential sources.)
(3) Intergovernmental Personnel Act Records, NCUA.
(4) Investigative Reports Involving Possible Felonies and/or Violations of Federal Credit Union Act. (This system is subjected to a specific exemption pursuant to Subsection 552(K)(2) as it consists of investigatory material compiled for law enforcement purposes.)
(5) Acquired Assets and Share Payouts Records System, NCUA.
(6) Member Account Records of Federally Insured Credit Unions Closed for Involuntary Liquidation, NCUA.
(7) Minority Group Designator System (MGD), NCUA.
(8) New Examiner Training Files, NCUA.
(9) Payroll Records System, NCUA.
(10) Promotion Qualification Ranking List of Career NCUA Examiners, by Pay Grade, NCUA.
(11) Region I Regional Office Staff Development/ Correspondence Records, NCUA.
(12) Region II Regional Office Staff Development/Correspondence Records, NCUA.
(13) Region III Regional Office Staff Development/Correspondence Records, NCUA.
(14) Region IV Regional Office Staff Development/Correspondence Records, NCUA.
(15) Region V Regional Office Staff Development/Correspondence Records, NCUA.
(16) Region VI Regional Office Staff Development/Correspondence Records, NCUA.
(17) Security Clearance Records Concerning NCUA Personnel Who Occupy Critical-Sensitive Positions, NCUA. (This system is subject to a specific exemption pursuant to Subsection (K)(5) to the extent it contains information provided by confidential sources.)
(18) Trusteed Account Records System, NCUA.
(19) Verified Employee Mailing List, NCUA.
(20) Travel System, NCUA.

NCUA-1

System name: Equal Employment Opportunity Grievance and Discrimination
Complaint Records, NCUA.

System location: National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA personnel who have filed a grievance or formal complaint of discrimination under the Equal Employment Opportunity Act.

Categories of records in the system: Reports made by supervisors, EEO counselors; formal letters advising of receipt of discrimination complaint/grievance; notices of final agency decision; formal requests to and responses from CSC for complaints examiner.

Authority for maintenance of the system: Executive Order N. 11478, Aug. 8, 1969, 34 F.R. 12985.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Formal or informal settlement of discrimination complaints/grievances. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained in the form of paper hard copy. Retrievability—system is indexed by name. Safeguards—records are maintained in separate, locked room accessible only to the Security Officer and his designated assistants. Retention and disposal—in accordance with GSA regula-

tions, the complaint file is retained seven years, duplicates or copies are retained one year and background information not needed in the complaint file is disposed of or returned to the originator after three years.

System manager(s) and address: Security Officer
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual who has filed grievance/complaint, supervisors of individual, EEO counselors.

NCUA-2

System name: Federal Employee Security Investigations Containing Adverse Information, NCUA.

System location: National Credit Union Administration
2025 M Street, NW.
Room 3202
Washington, DC 20456

Categories of individuals covered by the system: NCUA employees on whom a routine CSC security investigation has been conducted, the results of which contain adverse information.

Categories of records in the system: May consist of police records and/or information on moral character, integrity or loyalty to the United States.

Authority for maintenance of the system: Records maintained pursuant to Civil Service Commission requirements. Separate notice is published due to separate maintenance of these records which has been effected to provide extraordinary safeguards against unwarranted access and disclosures.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are reviewed by the NCUA Security Officer, and if determined to be of substantive nature, they are forwarded to the Administrator, NCUA, for whatever action, if any, is deemed necessary. Referral of relevant information in this system may be made, as a routine use, to any appropriate agency or official in the course of an employment or security clearance investigation, or to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law, rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—paper hard copy. Retrievability—system is indexed by name. Safeguards—records maintained in a separate, locked room accessible only to the Security Officer and his designated assistants. Records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—once disposition, if any, has been made, a record is maintained until the individual whom it concerns has left the employ of NCUA, whereupon it is either returned to the originating agency or destroyed.

System manager(s) and address: Security Officer
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Bureau of Personnel Investigations
Civil Service Commission
Federal Bureau of Investigations

Systems exempted from certain provisions of the act: In addition to any exemption to which this system is subjected by Notices published by or regulations promulgated by the Civil Service Commission, the system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosures would reveal a source who furnished information under an express promise of confidentiality, or, prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-3

System name: Intergovernmental Personnel Act Records, NCUA.

System location: Division of Training
National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC 20456

Categories of individuals covered by the system: Participants in Intergovernmental Personnel Act Conferences and Mobility Assignments.

Categories of records in the system: Required Civil Service Commission Report.

Authority for maintenance of the system: 5 U.S.C. 4101, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To carry out joint Federal-State programs, and make reporting internally and to the Civil Service Commission. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—records are stored in file cabinets in secured offices of the Division of Training. Retention and disposal—records are purged annually for those employees no longer participating in the program.

System manager(s) and address: Director, Division of Training
National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the recore is maintained, supervisors of the individual and Covil Service Commission.

NCUA-4

System name: Investigative Reports Involving Possible Felonies and/or Violations of Federal Credit Union Act.

System location: National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Credit union employees who have misused or are suspected of having misused their trust in the credit union, with subsequent investigation and/or prosecution. Also, records may be maintained concerning credit union members involved or suspected of involvement in felonies or infractions under the Federal Credit Union Act, and records are maintained on robberies, burglaries and other rimes against credit unions. Information in this system only rarely includes names or other identities for suspected perpetrators.

Categories of records in the system: Investigative reports relating to possible felonies and violations of the Federal Credit Union Act (embezzlements, improper allocation of credit union funds, etc.).

Authority for maintenance of the system: 12 U.S.C. 1766, 1789.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine disposition to be made, if any, of information contained in investigative reports. Referral of information in this system may be made, as a routine use, to any appropriate agency or official in the course of an employment or security clearance investigation, to any appropriate agency or official in the course of collection of an outstanding claim, to any appropriate agency, official, court, magistrate, or administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are maintained on paper hard copy. Retrievability—system is indexed by

credit union name. Safeguards—records are maintained in a separate locked room accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—after records have served the operational needs of NCUA and after disposition of the subject matter of the records, they are returned to the originating agency or destroyed.

System manager(s) and address: Security Officer

National Credit Union Administration
2025 M Street, NW.
Room 3202
Washington, DC 20456

Notification procedure: Same as above, subject to exemption discussed below.

Record access procedures: Same as above, subject to exemption discussed below.

Contesting record procedures: Same as above, subject to exemption discussed below.

Record source categories: Federal Bureau of Investigation, investigative branches of the three armed services of the Department of Defense.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

NCUA-5

System name: Acquired Assets and Share Payouts Records System, NCUA.

System location: Office of Fiscal Affairs

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Members of liquidating federally-insured credit unions

Categories of records in the system: Share and account balances, personal data regarding income and debts, payment history.

Authority for maintenance of the system: 12 U.S.C. 1787.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data used for payment of insurance claims to shareholders in liquidating federally-insured credit unions, for use in the collection of outstanding loans, which may include, inter alia, referral of information to the General Accounting Officer or the Department of Justice, and generally for all purposes necessary to wind up the affairs of the closed credit union and carry out all appropriate liquidation related functions of NCUA, including referral of necessary information to facilitate a purchase of its assets by NCUA or sale to a third party, before or after such purchase, referral of noncredit information to outside address locaters, and referral of information to a surety company in pursuit of a fidelity bond claim. Referral of information in this system may also be made, as a routine use, to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—information is initially compiled on data conversion sheets prepared by NCUA examiners acting as on-site liquidators. That data is stored on computer tape, from which loan registers may be prepared and furnished to NCUA regional offices or prospective purchasers of the assets of closed credit unions. In addition to data stored on computer tape, data conversion sheets, loan registers, essential share and loan documents and members' filed claim forms are maintained on paper hard copy. Copies of share and loan documents, incoming payments and loan portfolios may also be maintained on microfilm copy. Retrievability—indexed by name of member and closed insured credit union. Safeguards—records are maintained in secured offices of the National Credit Union Administration's Division of Financial Management. Retention and disposal—information is disposed of after ten years retention.

System manager(s) and address: Assistant Administrator for Fiscal Affairs

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above. Written inquiries should include name of inquirer, name of closed insured credit union of which inquirer was a member, and share and loan account numbers, if known, in addition to any requirements set by 12 CFR Part 720, Subpart B.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, outside address locaters and share and loan account files of the liquidating credit union of which the individual was a member.

NCUA-6

System name: Member Account Records of Federally Insured Credit Unions

Closed for Involuntary Liquidation, NCUA.

System location: Records within this system of records are located at one of the National Credit Union Administration Regional Offices as indicated below for a period of time necessary to answer inquiries of credit union members and transfer share and loan records and information to NCUA's Division of Financial Management, Washington, DC, or an outside purchaser. After such time, the remaining records are transferred for storage to one of twelve General Services Administration records storage centers.

I. NCUA Region I Regional Office State Street South Building, Room 3E 1776 Heritage Drive Boston, Massachusetts 02171 Phone: (617) 223-6807

Records of a federally-insured credit union which has been closed for liquidation, and for which the Administrator, NCUA, serves as liquidating agent, are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of such credit union was located within one of the following states or territories: Connecticut, Maine, Massachusetts, New Hampshire, New York, Puerto Rico, Rhode Island, Virgin Islands, Vermont.

II. NCUA Region II Regional Office
Federal Building
228 Walnut St., Box 926
Harrisburg, Pennsylvania 17108
Phone: (717) 782-4595

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located within one of the following states: District of Columbia, Delaware, Maryland, New Jersey, Pennsylvania.

III. NCUA Region III Regional Office
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309
Phone: (404) 526-3127

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as a liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located within one of the following states or territories: Alabama, Panama Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, Virginia, South Carolina, West Virginia.

IV. NCUA Region IV Regional Office
New Federal Building
234 N. Summit St., Room 103
Toledo, Ohio 43604
Phone: (419) 259-7511

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of such credit union was located within one of the following states: Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, Wisconsin.

V. NCUA Region V Regional Office
515 Congress Avenue
Suite 1400

Austin, Texas 78701
Phone: (512) 397-5131

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located in one the following states: Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Utah, Wyoming.

VI. NCUA Region VI Regional Office
2 Embarcadero Center
Room 1800
San Francisco, California 94111
Phone: (415) 556-6277

Records of a liquidating, federally-insured credit union for which the Administrator, NCUA, serves as liquidating agent are located at the above address prior to transfer to a GSA storage center, NCUA's Loan Management System, or an outside purchaser, if the main office of the credit union was located within onr o was located within one of the following states or territories: Alaska, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Arizona.

Categories of individuals covered by the system: Records in this system of records are maintained only on those individuals who were members of a federally-insured credit union closed for liquidation and for which the Administrator, NCUA, served as liquidating agent pursuant to 12 U.S.C. 1787. Records in this system are subject to the provisions of the Privacy Act only upon completion of the liquidation of a closed federally-insured credit union and cancellation of the charter thereof. Prior to such time, records of a closed insured credit union which are held by the Administrator, NCUA, only in his capacity as liquidating agent for the closed credit union are not 'agency records' within the meaning of the Privacy Act, and thus the provisions of the Act have no applicability. Prior to charter cancellation, however, records or information may be transmitted from this system into another NCUA system of records, such as NCUA System 5—Acquired Assets and Share Payouts Records System, and in such a case, the records as contained in the second system will be considered agency records to the extent that they are maintained for purpose other than attributable to functions of the liquidating agent (e.g., for share insurance payout purposes, collection of purchased assets, etc.).

Categories of records in the system: Records on individuals within this system of records contain information concerning an individual's membership in and share and loan transactions with the credit union which has been closed for liquidation. Such information is maintained in the following forms: membership card, individual share and loan ledgers, and promissory notes and extension agreements, if any. As further explained above, in the 'Categories of individuals. . .' portion of this descriptive system notice, records of a closed insured credit union are generally subject to the provisions of the Privacy Act only upon completion of the liquidation of the credit union and cancellation of the charter thereof.

Authority for maintenance of the system: Sections 120(b) and 207 of the Federal Credit 0nion Act (12 U.S.C. 1766(b), 1787).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information and records in this system of records are used to close out the affairs of liquidating federally-insured credit unions, including (i) referral of information to credit union members, the NCUA Loan Management System, and any purchasers, or prospective purchasers, of the closed credit union's assets, in the interest of payment of insured share accounts and sale of assets of the credit union, or collection on loans purchased by the National Credit Union Share Insurance Fund, (ii) referral of information to the credit union's surety in pursuit of fidelity bond claims, (iii) referral of relevant information to any appropriate agency or official in the course of collection of a claim of the United States, and (iv) referral of relevant information to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order, or in the course of enforcement of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. While it is the Administrator of the National Credit Union Administration's full intent to comply with the spirit of the Privacy Act with regard to records maintained within this described system, it should again be noted, as discussed above in the 'Categories of Individuals' portion of this notice, that the provisions of the Privacy Act of 1974, including a limitation of routine uses to those described herein, do not technically apply to the records until they become 'agency' records, i.e., until such time as they are transferred to another system within NCUA or at such time as they escheat to NCUA upon cancellation of the charter of a closed credit union.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records on individual credit union members in this system of records are maintained on member account documents as compiled by individual credit unions prior to entering liquidation. These documents may include, but are not necessarily limited to, membership cards, individual share and loan ledgers, notes, security documents and extension agreements. Retrievability—member records are generally ordered or indexed by member name or account number. Safeguards—records within this system of records are maintained under the control of a designated agent for the liquidating agent who makes only such disclosures from the records as are necessary or requisite to enable the Administrator, NCUA, to carry out his responsibilities under the Federal Credit Union Act, 12 U.S.C. 1751, . Retention and disposal—the records are maintained in a National Credit Union Administration Regional Office as indicated under the Location section of this notice, for a period necessary to answer inquiries of credit union members and transfer appropriate share and loan information to the NCUA Loan Management System, Washington, DC. After such time the records are transferred for permanent storage to one of twelve General Services Administration records storage centers.

System manager(s) and address: The system managers for this system of records are the six National Credit Union Administration Regional Directors located at the business addresses set forth in the Location section of this notice.

Notification procedure: An individual may determine whether the records of a closed credit union within this system include records pertaining to him (her) by addressing an inquiry to the appropriate Regional Director at the address set forth in the Location section of this notice, i.e., an individual inquiry should be addressed to the Regional Director whose Regional Office has jurisdiction over federally-insured credit unions operating in the state of location of the main office of the closed credit union which the inquirer was a member of. A jurisdictional breakdown of states is provided in the Location section of this notice. Inquiries should contain the name of the inquirer, the name of the credit union closed for liquidation pursuant to 12 U.S.C. 1787 which the inquirer was a member of, and the credit union account number of the inquirer, if known, in addition to any requirements set by 12 CFR Part 720, Subpart B.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The sole sources of the information in this system of records are the member-related files and accounting records of federally-insured credit unions which have been closed for liquidation and for which the Administrator, NCUA, or his designee, serves as liquidating agent.

NCUA-7

System name: Minority Group Designator System (MGD), NCUA.

System location: Office of Management and Planning
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Employees of NCUA who are members of a minority group.

Categories of records in the system: Statistical Employment Information on all NCUA employees by race, national origin and gender based on visual identification.

Authority for maintenance of the system: 5 U.S.C. 4101, et seq., 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Minority identification is used for composite statistically purposes only. Reports are produced for use of NCUA (Affirmative Action Plan, Internal Evaluations) or Civil Service Commission, Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are in the form of computer printouts (Mag tapes). Retrievability—information from computer runs can be obtained in various forms, e.g., in alphabetical order by name, or by employee number or type. Safeguards—data processing facility is located in the data management division of the Office of Research and Analysis. The data for the MGD system is coded, and access to the code is limited to a small number of people: regional office managers, EEO Directors, and the Division of Personnel (one DOP staff member). Retention and disposal—minority identification information is immediately erased from the computer once the individual leaves the employ of NCUA.

System manager(s) and address: Director, Equal Employment Opportunity

National Credit Union Administration
2025 M Street, NW
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Visual identification is made by Division of Personnel official in the central office and by office managers in the regions.

NCUA-8

System name: New Examiner Training Files, NCUA.

System location: National Credit Union Administration

Division of Training
1111 18th Street, NW.
Room 400
Washington, DC 20456

Categories of individuals covered by the system: NCUA examiners—entry level to one year on staff.

Categories of records in the system: Biweekly training reports, training progress reports, on-job trainers' evaluations of classroom training, trainees' evaluations of training program.

Authority for maintenance of the system: 5 U.S.C. 4101, .

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine retention or termination after 23 weeks on job. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—by employee name. Safeguards—maintained in metal file cabinets in secured offices of Division of Training. Retention and disposal—records are purged annually for those employees no longer participating in the program.

System manager(s) and address: Director, Division of Training

National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, on-job trainers, supervisors, Civil Service Commission.

NCUA-9

System name: Payroll Records System, NCUA.

System location: Office of Fiscal Affairs

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456
General Services Administration
Region VI
Kansas City, Missouri

Categories of individuals covered by the system: Employees of NCUA.

Categories of records in the system: Salary and related payroll data, including time and attendance information.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To make all necessary and appropriate financial reporting analysis and planning involving disclosures both intraagency and tto the General Services Administration, and generally to insure proper conpensation to all NCUA employees. Also, to document time worked and provide a record of attendance to support payment of salaries, use of annual and sick leave and nonpayed leave. Record of attendance is also maintained for information of superviser in supervising the employee. Users of the time and attendance information include the office's timekeeper, the supervisor, the payroll officer and the GSA Payroll Processing Branch in Kansas City, Missouri. Further, information in this system is used to make reportings to state and local taxing authorities. Finally, disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—computer tape, paper hard copy, microfilm. Retrievability—by name or social security number. Safeguards—maintained in secured offices, access by written authorization only. Retention and disposal—in accordance with GSA policy.

System manager(s) and address: Primary ;

Payroll Officer
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456
Secondary ;
Timekeepers
National Credit Union Administration
Central Office and
Regional Offices

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual whom the record concerns, Civil Service Commission, General Services Administration. Also, time and attendance information is prepared by the timekeeper in a given employee's office.

NCUA-10

System name: Promotion Qualification Ranking List of Career NCUA

Examiners, by Pay Grade, NCUA.

System location: Office of Personnel

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA employees at the level of GS-12 and above.

Categories of records in the system: List of names,in promotion priority order, and rating sheets.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used intraagency only. Users may include the Administrator, NCUA, and all Assistant Administrators and Regional Directors. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—paper hard copy. Retrievability—alphabetical or by promotion priority. Safeguards—maintained in secured office. Access by authorized users only. Retention and disposal—List is updated annually or as directed by the Administrator, NCUA. Superseded list is destroyed.

System manager(s) and address: Assistant Administrator for Inspection and Audit

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Eavaluation reports, employee personnel files, and Assistant Administrator and Regional Directors comments and recommendations.

NCUA-11

System name: Region I Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region I Regional Office
National Credit Union Administration
State Street South Building
Room 3E
1776 Heritage Drive
Boston, Massachusetts 02171

Categories of individuals covered by the system: NCUA Region I Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information, information concerning training, work performance, suggestions, awards, and travel vouchers, and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluations by superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability-indexed by name. Safeguards—physical security consists of maintaining records in metal file cabinets within secured of ices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of at least one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager
Region I Regional Office
National Credit Union Administration
State Street South Building
Room 3E
1776 Heritage Drive
Boston, Massachusetts 02171

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual may encounter in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-12

System name: Region II Regional Office Staff Development/Correspond— ence Records, NCUA.

System location: Region II Regional Office
National Credit Union Administration
Federal Building
228 Walnut Street, Box 926
Harrisburg, Pennsylvania 17108

Categories of individuals covered by the system: NCUA Region II Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager
Region II Regional Office
National Credit Union Administration
Federal Building
228 Walnut Street, Box 926
Harrisburg, Pennsylvania 17108

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-13

System name: Region III Regional Office Staff Development/Correspond— ence Records, NCUA.

System location: Region III Regional Office
National Credit Union Administration
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309

Categories of individuals covered by the system: NCUA Region III Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region III Regional Office
National Credit Union Administration
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-14

System name: Region IV Regional Office Staff Development/Correspond—

ence Records, NCUA.

System location: Region IV Regional Office

National Credit Union Administration
New Federal Building
234 North Summit Street
Room 103
Toledo, Ohio 43604

Categories of individuals covered by the system: NCUA Region IV Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region IV Regional Office
National Credit Union Administration
New Federal Building
234 North Summit Street
Room 103
Toledo, Ohio 43604

Notification procedure: Regional Director. Same address as above.

Record access procedures: Rebional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-15

System name: Region V Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region V Regional Office

National Credit Union Administration
515 Congress Avenue
Suite 1400
Austin, Texas 78701

Categories of individuals covered by the system: NCUA Region V Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region V Regional Office
National Credit Union Administration
515 Congress Avenue
Suite 1400
Austin, Texas 78701

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-16

System name: Region VI Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region VI Regional Office

National Credit Union Administration
2 Embarcadero Center
Room 1800
San Francisco, California 94111

Categories of individuals covered by the system: NCUA Region VI Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region VI Regional Office
National Credit Union Administration
2 Embarcadero Center
Room 1800
San Francisco, California 94111

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-17

System name: Security Clearance of Records Concerning NCUA Personnel

Who Occupy Critical Sensitive Positions.

System location: Office of Management and Planning

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA personnel who occupy critical sensitive positions in the Agency, including the Security Officer and his designated assistants.

Categories of records in the system: Background investigations on individuals to determine appropriateness for security clearance. Information consists chiefly of records of interviews conducted by Civil Service Commission and Federal Bureau of Investigation officials with parties acquainted with the individual under investigation. Questions are geared to character, integrity and loyalty to the United States.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To facilitate a determination as to appropriateness for security clearance. Referral of relevant information in this system may be made, as a routine use, to any appropriate agency or official in the course of an employment of security clearance investigation or to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are in the form of paper hard copy. Retrievability—system is indexed by name. Safeguards—records are maintained in a separate, locked room accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—records are maintained until the individual leaves the employ of NCUA, whereupon they are returned to the originating agency.

System manager(s) and address: Security Officer

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Federal Bureau of Investigation, Bureau of Personnel Investigation (Civil Service Commission), Central Intelligence Agency.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosure would reveal a source who furnished information under an express promise of confidentiality, or, prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-18

System name: Trusteed Account Records System, NCUA.

System location: Division of Financial Management

Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Members of liquidating federally-insured credit unions.

Categories of records in the system: Share balances and last known addresses of individuals by whom or on whose behalf insured share account payout claims have been filed.

Authority for maintenance of the system: 12 U.S.C. 1787.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used to ensure proper payment of all trusteed account funds. Signature cards and account records are also maintained on microfiche copy. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are main-

tained on computer printout forms. Information in the system is also stored on computer tape by a private contractor pursuant to an agreement which provides that the information will remain confidential. Retrievability—by individual name, credit union name or a combination thereof. Safeguards—records are sotred in secured offices. Retention and disposal—records are maintained until processing of claims is completed.

System manager(s) and address: Director, Division of Financial Management

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Files of federally-insured credit unions which are closed for liquidation.

NCUA-19

System name: Verified Employee Mailing List, NCUA.

System location: National Credit Union Administration

2025 M Street, NW.
Washington, DC 20456
Contractor's Address:
Mail America
Bumpy Oak Road
Bryan's Road, Maryland

Categories of individuals covered by the system: NCUA Employees.

Categories of records in the system: Name, address, telephone number, birthday, ethnic and sex codes, GS grade, employee type, employee identification number. Contractor is provided a tape containing all employees' names, addresses, employee numbers, regions and GS grades.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To produce mailing labels and make reportings to the EEO Director and other NCUA employees with an official need for a listing of NCUA employees, such as the ranking panel, Assistant Administrators, etc. Also, to generate an NCUA telephone directory for distribution to all NCUA employees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—computer disc 3330. Retrievability—by employee identification number. Safeguards—SCL decks available only to three persons in Division of Data Management, and terminal is maintained in a room which is secured by a padlock after hours. Retention and disposal—information is maintained on active, retired and deceased employees for an indefinite period.

System manager(s) and address: Director, Division of Data Management

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: NCUA form 1042 completed for each new employee by employee, personnel, staff and supervisors. Form 1051 completed by same to report changes.

NCUA-20

System name: Travel System, NCUA.

System location: Division of Financial Management

Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: All professional and semi-professional NCUA employees who have performed travel in the course of performing their duty and have been reimbursed for the expense of such travel.

Categories of records in the system: Travel Advance Cards (SF 1038), Travel Vouchers (SF 1012), Reimbursement for COS Expenses (NCUA 1302), Authorization of Moving and Related Travel Expenses for COS (NCUA 1301), Travel Orders (NCUA 1500), Suspension Statements (NCUA 1311).

Authority for maintenance of the system: 5 U.S.C. Chapter 57 (as amended), Executive Order 11609 of July 22, 1971, and Executive Order 11012 of March 27, 1962. 5 U.S.C. 4101, Federal Travel Regulation, FPMR 101-7 Chapter 2, Section 6.3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide documentary support for disbursement of funds for the purpose of reimbursing employees for expenses incurred in travel in performance of their duties. Users of the information—first and second line supervisors, NCUA accounting staff and budgeting staff. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are stored in paper hard copy form. Retrievability—records are retrievable alphabetically by surname. Safeguards—maintained in secured offices. Retention and disposal—records are kept on-site in DFM until the annual GAO audit is completed after which records are sent to a Federal Records Center for storage for a minimum of three years.

System manager(s) and address: Accounting Officer

Division of Financial Management
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Records are prepared by the individual whom the record concerns.

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