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55845–56191

federal register

THURSDAY, DECEMBER 23, 1976

highlights

PART I:

ALIENS
Justice/INS implements Immigration and Nationality Act amendments of 1976; effective 1–1–77 55847

CRUDE OIL
FEA issues interim rules on computation of landed costs; effective 1–1–77 55851

SERIES D–1982 NOTES
Treasury announces auction 55961

REAL PROPERTY INSURANCE
USDA/FmHA establishes reporting requirements on insured and uninsured losses; effective 12–23–76 55846

COMMUNITY PROGRAMS
USDA/FmHA amends rules on industrial development grants, transfers and valuation of security; effective 12–23–76 55846

CHATTEL SECURITY
USDA/FmHA amends eligibility requirements and interest rate determination for transfers; effective 12–23–76 .. 55847

VETERANS BENEFITS
VA increases disability, dependency and indemnity compensation; effective 10–1–76 55872

GOVERNMENT IN THE SUNSHINE ACT
FTC proposes to implement provisions regarding open meetings; comments by 1–25–77 55885

PRIVACY ACT OF 1974
DOD/AF proposed system of records (2 documents); comments by 1–15–77 ..... 55885, 55928
Pennsylvania Avenue Development Corporation adopts systems of records; effective 11–9–76 55955
Water Resources Council proposed new systems of records and new routine uses; comments by 1–24–77 55963

MEETINGS—
Commerce/DIBA: Management-Labor Textile Advisory Committee, 2–9–77 55921
NOAA: Caribbean Regional Fishery Management Council, 1–10 thru 1–13–77 55925
Pacific Fishery Management Council, Scientific and Statistical Committee, Salmon Advisory Panel, and Anchovy Advisory Panel, 1–12 and 1–13–77 .. 55927

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Standard instrument approach procedures; changes and additions. 49806; 11–11–76

Interior/FWS—Endangered fish and wildlife, Hawaiian Monk Seal..... 51611; 11–23–76

Labor/FCCPO—Guidelines on Employee Selection Procedures.. 51744; 11–23–76

LSC—Class actions, purpose, definition, approval required, and standards for approval..... 51608; 11–23–76

Eligibility, maximum income levels and guidelines..... 51604; 11–23–76

Enforcement procedures, purpose, definition, complaints, duties of recipient and Corporation.... 51609; 11–23–76

Priorities in allocation of resources. 51610; 11–23–76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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

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

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

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FEDERAL REGISTER, Daily Issue:

Subscriptions and distribution	202–783–3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

DOD: Electron Devices Advisory Group, 2–4–77 55930
Working Group B (Mainly Low Power Devices), 2–3–77 55930
Working Group C (Mainly Imaging and Display), 1–27–77 55930
Working Group D (Mainly Laser Devices), 1–26 and 1–27–77 55930
AF: USAF Scientific Advisory Board, 1–20 and 1–21–77 55929
DOT/CG: Rules of Road Advisory Committee, 1–25–77 55961
NHTSA: Truck and Bus Safety Subcommittees, 1–11 and 1–12–77 55961
ERDA: General Advisory Committee, Solar Working Group, 1–13–77 55930
Geothermal Energy Advisory Committee, 1–10–77 55931
FEA: Advisory Committee Subcommittees, 1–12–77 55936
Historic Preservation Advisory Council, 1–13–77 55941
Interior/Mines: Coal Mine Safety Research Advisory Committee, Subcommittees, 1–10 and 1–11–77 55945
NPS: Midwest Regional Advisory Committee, 1–27 and 1–28–77 55946
ITC: Government in the Sunshine, 12–28–76 55949
Justice/LEAA: Advisory Committee to Administrator on Standards for Administration of Juvenile Justice, 1–14 thru 1–16–77 55935
LSC: Committee on Regulations, 1–4–77 55935
NSF: Human Cell Biology Advisory Panel, 1–27 and 1–28–77 55949
Science for Citizens Advisory Committee, 1–14 and 1–15–77 55949
SBA: National Advisory Council, Executive Committee, 1–11–77 55958
State: Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, 2–21 thru 2–25–77 55958
AID: Voluntary Foreign Aid Advisory Committee, 1–10–77 55959
VA: Wage Committee, 1–13, 1–27 and 3–10–77 55963

PART II:

AIRCRAFT NOISE
DOT/FAA issues limitations for turbojets and propeller driven small airplanes (2 documents); effective 1–24–77 ..... 56046, 56056
DOT/FAA proposed requirements for agricultural and firefighting airplanes; comments by 2–28–77 56065

PART III:

CITIZENS RADIO SERVICE
FCC revises rules on operation of Class D stations; effective 1–27–77 56067

PART IV:

EMPLOYEE RESPONSIBILITIES AND CONDUCT
Interior revises rules; effective 12–23–76 56099

PART V:

TRADING STANDARDS
CFTC rules for floor brokers and futures commission merchants; effective 2–14–77 56133

PART VI:

LOCAL PUBLIC WORKS
Commerce/EDA proposed projects selected subject to clearance 56145

PART VII:

PRIVACY ACT OF 1974
Foreign Claims Settlement Commission notice of systems of records 56173

PART VIII:

PRIVACY ACT OF 1974
Occupational Safety and Health Review Commission report of records systems and new routine uses 56187

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Authority delegations:
Honduras, Director ... 55959
Near East Bureau, Director and Deputy, Office of Capital Development ... 55959
Nicaragua, Director ... 55959
Meetings:
Voluntary Foreign Aid Advisory Committee ... 55959

AGRICULTURAL MARKETING SERVICE

Rules

Lemons grown in Calif. and Ariz. ... 55845
Oranges (navel) grown in Ariz. and Calif ... 55845

Proposed Rules

Lettuce grown in So. Tex ... 55880

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Farmers Home Administration; Forest Service; Soil Conservation Service.

Notices

Committees; establishment, renewals, etc.:
Perishable Agricultural Commodities Act Industry Advisory Committee; renewal; correction ... 55915

AIR FORCE DEPARTMENT

Proposed Rules

Privacy Act; implementation ... 55885

Notices

Meetings:
Scientific Advisory Board ... 55929
Privacy Act; systems of records ... 55928

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices

Committees; establishment, renewals, etc.:
Alcohol Abuse and Alcoholism National Advisory Council et al ... 55941
Drug Abuse National Advisory Council ... 55941

ARMY DEPARTMENT

Notices

Environmental statements; availability, etc.:
RDX/HMX expansion facility; Dover, N.J ... 55930

CIVIL AERONAUTICS BOARD

Rules

Fare summaries; publishing and distribution requirements ... 55865

Proposed Rules

Air carriers and foreign route carriers; freight loss and damage claims data reporting ... 55891
Charters:
Overbooking by carriers; remedies ... 55896

Notices

Fares, domestic common; investigation ... 55916
Hearings, etc.:
International Air Transport Association (2 documents) ... 55916, 55917

COAST GUARD

Rules

Security zones:
Virginia ... 55872

Proposed Rules

Anchorage regulations:
California ... 55897
Benzene carriage requirements; inquiry ... 55897
Drawbridge operations:
Florida ... 55897

Notices

Equipment, construction, and materials; approvals and terminations ... 55960
Meetings:
Rules of Road Advisory Committee ... 55961

COMMERCE DEPARTMENT

See Domestic and International Business Administration; Economic Development Administration; National Oceanic and Atmospheric Administration.

COMMODITY FUTURES TRADING COMMISSION

Rules

Commodity Exchange Act regulations, etc.:
Floor brokers and futures commission merchants, trading standards, and records ... 56134

Proposed Rules

Commodity Exchange Act regulations, etc.:
Futures commission merchants, trading standards, and records ... 55888

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Hazardous substances and articles, banned; modification or replacement as alternative to repurchase ... 55869

Notices

Meetings:
Aluminum Wire System Subpoenas ... 55928

CUSTOMS SERVICE

Rules

Organization and functions; field organization; ports of entry, etc.:
Erie, Pa.; extension of limits ... 55872
Grand Rapids, Mich ... 55871
Vessels in foreign and domestic trades:
Palestine et al.; special tonnage tax and import exemption, deletions and name changes ... 55872

DEFENSE DEPARTMENT

See also Air Force Department; Army Department.

Notices

Meetings:
Electron Devices Advisory Group (4 documents) ... 55930

DISEASE CONTROL CENTER

Notices

Occupational safety and health standards for certain chemical agents:
Exposure levels, safe standards for employment; inquiry (2 documents) ... 55941, 55942

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Meetings:
Importers Textile Advisory Committee ... 55921
Management-Labor Textile Advisory Committee ... 55921
Scientific articles; duty free entry:
Geological Survey, Denver ... 55921
Sandia Laboratories ... 55921
University Hospitals of Cleveland ... 55922
University of Iowa et al ... 55923
University of Virginia ... 55924
Washington University ... 55925

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Local public works capital development and investment program:
Proposed projects ... 56145

EDUCATION OFFICE

Notices

Library services and construction; Federal shares to various States, etc ... 55943

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Notices

Meetings:
General Advisory Committee ... 55930
Geothermal Energy Advisory Committee ... 55931

ENVIRONMENTAL PROTECTION AGENCY

Notices

Containers; use and labeling for transportation and temporary storage of pesticides ... 55932
Pesticide applicator certification; State plans:
North Dakota ... 55932
Water pollution control:
Violating facilities; list ... 55931

CONTENTS

FARMERS HOME ADMINISTRATION

Rules

Account servicing:
Routine; loans, transfer or securities, etc. 55846
Real property insurance; insured and uninsured losses, reporting requirements 55846
Security servicing and liquidations:
Chattel property; transfer eligibility requirements; clarification 55847

FEDERAL AVIATION ADMINISTRATION

Rules

Air traffic operating and flight rules:
Turbojets; noise standards compliance 56046
Airworthiness directives:
Boeing 55860
Messerschmitt-Bolkow-Blohm 55860
Moraine Saulnier 55861
Piper 55861
Pratt & Whitney 55862
Scottish Aviation Ltd 55862
Jet routes 55863
Noise standards:
Propeller-driven small airplanes 56056
Standard instrument approach procedures 55864
Transition areas 55863
VOR Federal airways, jet routes and reporting points 55863

Proposed Rules

Air traffic operating and flight rules, etc.:
Agricultural operation and fire fighting propeller - driven small airplanes; noise abatement operating restriction 56065
Airworthiness directives:
Bell 55889
Noise standards:
Measurement and evaluation specifications 55889
Transition areas (4 documents) 55890, 55891

FEDERAL COMMUNICATIONS COMMISSION

Rules

Citizens radio service, etc.:
Class A, C, and D stations; operating rules; redesignations 56067

Notices

Canadian broadcast stations 55936

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Disaster areas:
Vermont 55943

FEDERAL ENERGY ADMINISTRATION

Rules

Petroleum price regulations, mandatory:
Crude oil, transportation; computation of landed costs 55851

Proposed Rules

Petroleum price regulations, mandatory:
Gasoline, leaded and unleaded, extension of time 55884

Notices

Environmental statements; availability, etc.:
Bayou Choctaw Salt Dome Storage Site 55937
Meetings:
Advisory Committee Subcommittees 55936
Natural Gas Transmission and Distribution Advisory Committee; charter amendment 55936

FEDERAL HIGHWAY ADMINISTRATION

Proposed Rules

Motor carrier safety regulations:
Driver qualifications; minimum physical requirements, hearing 55898

FEDERAL HOME LOAN BANK BOARD

Rules

Organization and functions:
Membership and FHLBB office changes 55858

FEDERAL MARITIME COMMISSION

Proposed Rules

Practice and procedure:
Administrative law judges; rulings, filing permission, etc.; extension of time 55898

Notices

Agreements filed, etc.:
Ali-Son International Co 55937
California Association of Port Authorities and Northwest Terminal Association, Inc 55937
States Steam Ship Co 55937

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Gulf Oil Corp 55938

FEDERAL RAILROAD ADMINISTRATION

Proposed Rules

Assistance to States; in-kind benefits, standards and procedures; correction 55898

FEDERAL RESERVE SYSTEM

Rules

Authority delegations:
Board members, specific functions 55857
Truth-in-lending:
Statutory base finance charge and service charge; clarification of definitions; interpretations 55857

Notices

Board actions; applications and reports 55938
Applications, etc.:
Commercial National Corp 55940
Page Bank Holding Co 55941

FEDERAL TRADE COMMISSION

Proposed Rules

Sunshine Act implementation; open meetings 55885

FISH AND WILDLIFE SERVICE

Rules

Hunting:
Piedmont National Wildlife Refuge, Ga.; correction 55879
Public access, entry, use, and recreation:
Mackay Island National Wildlife Refuge, N.C. and Va 55879
Trustom Pond National Wildlife Refuge, R.I.; correction 55879

Proposed Rules

Migratory bird hunting:
Steel shot, use for waterfowl hunting in 1977 season 55901
Toxic shot material, usage for waterfowl hunting in certain areas 55903

FOREIGN CLAIMS SETTLEMENT COMMISSION

Notices

Privacy Act; system of records 56173

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
Clarkdale-Williams Highway, Ariz 55915
Medicine Bow National Forest, Huston Park Sub-Unit land management plan, Wyo 55915
Ouachita National Forest, Tiak Unit, Ark 55915

GEOLOGICAL SURVEY

Notices

Outer Continental Shelf; oil and gas development:
South Atlantic area 55945

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Alcohol, Drug Abuse, and Mental Health Administration; Disease Control Center; Education Office; National Institutes of Health.

HISTORIC PRESERVATION ADVISORY COUNCIL

Notices

Meeting 55941

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Disaster Assistance Administration.

IMMIGRATION AND NATURALIZATION SERVICE

Rules

Immigration regulations:
Alien classification, documentary requirements, nonimmigrant classes, etc. 55847

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; Land Management Bureau; Mines Bureau; National Park Service.

Rules

Conduct standards:
Employee conduct and responsibilities ---- 56099

Notices

Colorado River Storage Project; proposed allocation of peaking power ---- 55947
Committees; establishment, renewals, etc.:
California Desert Conservation Area Advisory Committee--- 55947

INTERNAL REVENUE SERVICE

Proposed Rules

Income taxes:
Tuition remission programs; hearing change---- 55896

INTERNATIONAL TRADE COMMISSION

Notices

Commodity description and coding system, harmonized:
Draft chapters; hearings---- 55948
Import investigations:
Color television receiving sets (3 documents) ---- 55947, 55948
Television receivers from Japan- 55949
Meetings:
Government in the Sunshine-- 55949

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders:
Freight cars, distribution---- 55878

Notices

Hearing assignments---- 55965
Motor carriers:
Irregular route property carriers; elimination of gateways ---- 55965
Petitions, applications, finance matters, railroad abandonments, alternate route deviations and intrastate applications ---- 55971

JUSTICE DEPARTMENT

See Immigration and Naturalization Service; Law Enforcement Assistance Administration.

LAND MANAGEMENT BUREAU

Rules

Public land orders:
Wisconsin ---- 55875

Notices

Applications, etc.:
New Mexico (2 documents)---- 55944
Wyoming ---- 55944
Coal lease offering by sealed bid and oral auction, Montana; hearing ---- 55944
Withdrawal and reservation of lands, proposed, etc.:
Colorado ---- 55943

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

Meetings:
Standards for Administration of Juvenile Justice, Advisory Committee to Administrator- 55935

LEGAL SERVICES CORPORATION

Notices

Meetings:
Regulations Committee---- 55935

MATERIALS TRANSPORTATION BUREAU

Rules

Shippers:
Shipment and packaging requirements; individual exemption conversion---- 55876

MINES BUREAU

Notices

Meetings:
Coal Mine Safety Research Advisory Committee---- 55945

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Meetings:
Truck and Bus Safety Subcommittees; time change---- 55961

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
Animal Resources Advisory Committee ---- 55942
General Research Support Program Advisory Committee--- 55942

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules

Fishery conservation and management:
Foreign fishing---- 55904

Notices

Fishing by foreign vessels in U.S. waters; fee schedule draft---- 55925
Marine mammal permit applications, etc.:
Shallenberger, Edward W---- 55927
Meetings:
Caribbean Regional Fishery Management Council,---- 55925
Pacific Regional Fishery Management Council---- 55927

NATIONAL PARK SERVICE

Notices

Meetings:
Midwest Regional Advisory Committee ---- 55946
Snowmobile routes and areas:
Grand Teton National Park, Wyo ---- 55945
Rockefeller, John D., Jr. Memorial Parkway---- 55946

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Human Cell Biology Advisory Panel ---- 55949
Science for Citizens Advisory Committee ---- 55949

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Safety recommendations and accident reports; availability, responses, etc---- 55954

NUCLEAR REGULATORY COMMISSION

Rules

Radiation protection standards, plant and materials protection, and advisory committees; changes in reference, etc---- 55851

Proposed Rules

Meetings, public attendance; rules governing ---- 55880

Notices

Environmental statements; availability, etc.:
Metropolitan Edison Co., et al-- 55952
Meetings:
Reactor Safeguards Advisory Committee, Reactor Safety Study Working Group; agenda change---- 55950
Applications, etc.:
Arkansas Power and Light Co-- 55950
Baltimore Gas and Electric Co- 55950
Boston Edison Co---- 55950
Carolina Power and Light Co-- 55951
Consolidated Edison Co. of New York, Inc. (2 documents)---- 55951
Duquesne Light Co. et al---- 55951
Florida Power Corp. et al---- 55952
Memphis State University---- 55952
Northeast Nuclear Energy Co. et al (2 documents)---- 55953
Public Service Electric and Gas Co. et al---- 55954
Southern California Edison Co- 55954

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Notices

Privacy Act; systems of records-- 56187

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Notices

Privacy Act; systems of records-- 55955

RAILROAD RETIREMENT BOARD

Notices

Protective payments under Regional Rail Reorganization Act, reimbursement; procedure---- 55955

SECURITIES AND EXCHANGE COMMISSION

Notices

Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc. (2 documents) -- 55956
Hearings, etc.:
Childs, Donald S. (Southwest Muskrat Prospect) ---------- 55957

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
Brittany Capital Corp -------- 55958
Mercantile Texas Capital Corp ---------- 55958
Meetings:
National Advisory Council (Executive Committee) ------ 55958

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
Washington Mountain Brook, Mass ---------- 55915

STATE DEPARTMENT

See also Agency for International Development.

Notices

Meetings:
Shipping Coordinating Committee ---------- 55958

TELECOMMUNICATIONS POLICY OFFICE

Notices

Committees; establishment, renewals, etc:
Electromagnetic Radiation Management Advisory Council ---------- 55960
Frequency Management Advisory Council---------- 55960

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See also Customs Service; Internal Revenue Service.

Notices

Notes, Treasury:
Series D-1982---------- 55961

VETERANS ADMINISTRATION

Rules

Adjudication; pensions, compensation, dependency, etc.:
Widows, widowers, and children; increased compensation, etc---------- 55872

Notices

Meetings:
Wage Committee---------- 55963

WATER RESOURCES COUNCIL

Notices

Privacy Act; systems of records-- 55963

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

Weekly Briefings at the Office of the Federal Register

(For Details, See 41 FR 46527, Oct. 21, 1976)

RESERVATIONS: DEAN L. SMITH, 523-5282

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR

907 55845
910 55845
1806 55846
1861 55846
1871 55847

PROPOSED RULES:

971 55880

8 CFR

204 55847
205 55849
211 55849
212 55850
245 55850

10 CFR

7 55851
20 55851
73 55851
212 55851

PROPOSED RULES:

9 55880
212 55884

12 CFR

226 55857
265 55857
500 55858
522 55858

14 CFR

36 56056
39 (6 documents) 55860, 55862
71 (2 documents) 55863
75 (2 documents) 55864
91 56046
97 55064
221a 55865

PROPOSED RULES:

21 56065
36 (2 documents) 55889, 56065
39 55889
71 (4 documents) 55890, 55891
91 56065
239 55891
250a 55896

16 CFR

1500 55869

PROPOSED RULES:

0 55885
2 55885
3 55885
4 55885
14 55885

17 CFR

1 56134
155 56134

PROPOSED RULES:

1 55887
155 55887

19 CFR

1 (2 documents) 55871, 55872
4 55872

26 CFR

PROPOSED RULES:

1 55896

32 CFR

PROPOSED RULES:

806b 55885

33 CFR

127 55872

PROPOSED RULES:

110 55897
117 55897

38 CFR

3 55872

43 CFR

20 56100

PUBLIC LAND ORDERS:

5610 55875

46 CFR

PROPOSED RULES:

Ch. I 55897
502 55898

47 CFR

0 56068
1 56069
2 56070
5 56071
15 56071
23 56071
25 56071
73 56072
74 56072
89 56072
91 56072
93 56073
95 56073
99 56073

49 CFR

173 55876
1033 55878

PROPOSED RULES:

267 55898
391 55898

50 CFR

26 (2 documents) 55879
32 55879

PROPOSED RULES:

20 (2 documents) 55901, 55903
611 55904

CUMULATIVE LIST OF PARTS AFFECTED DURING DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR

PROPOSED RULES:

445 ... 54947
455 ... 54001

3 CFR

EXECUTIVE ORDERS:

11948 ... 55705
11126 (Committee continued by EO 11948) ... 55705
11145 (Committee continued by EO 11948) ... 55705
11183 (Committee continued by EO 11948) ... 55705
11287 (Committee continued by EO 11948) ... 55705
11342 (Committee continued by EO 11948) ... 55705
11415 (Committee continued by EO 11948) ... 55705
11472 (Committee continued by EO 11948) ... 55705
11562 (Committee continued by EO 11948) ... 55705
11583 (Committee continued by EO 11948) ... 55705
11625 (Committee continued by EO 11948) ... 55705
11667 (Revoked by EO 11948) ... 55705
11753 (Committee continued by EO 11948) ... 55705
11776 (Committee continued by EO 11948) ... 55705
11807 (Committee continued by EO 11948) ... 55705
11809 (Revoked by EO 11948) ... 55705
11827 (Superseded by EO 11948) ... 55705
11860 (Revoked by EO 11948) ... 55705
11868 (Revoked by EO 11948) ... 55705

PROCLAMATIONS:

4304 (Terminated in part by Proc. 4480) ... 53967
4478 (Amended by Proc. 4480) ... 53967
4479 ... 52977
4480 ... 53967

MEMORANDUMS:

August 27, 1976 (Supplemented by Memorandum of November 19, 1976) ... 53315
November 19, 1976 ... 53315

4 CFR

56 ... 53769

5 CFR

213 ... 52979, 53969, 55147, 55507
300 ... 52979
305 ... 52979
591 ... 52857, 53461, 53969

PROPOSED RULES:

295 ... 55537

7 CFR

25 ... 53802
29 ... 53649
52 ... 54161

7 CFR—Continued

250 ... 55171
272 ... 55171
301 ... 53461, 53462
401 ... 52643, 53463, 53969–53971
408 ... 53803
722 ... 53006, 53463, 55171
724 ... 55507
729 ... 53006
905 ... 53007, 53649, 53650, 54917
907 ... 52886, 53805, 54162, 54917, 54918, 55845
909 ... 52887
910 ... 53008, 53463, 53973, 55172, 55845
911 ... 54751
944 ... 54751
945 ... 53008
948 ... 54475
981 ... 53650
982 ... 54163
987 ... 54163
989 ... 52645, 53651
999 ... 52646
1032 ... 54164
1063 ... 53317
1464 ... 52647
1806 ... 55846
1822 ... 53009
1823 ... 53973
1832 ... 53009
1845 ... 55172, 55321
1861 ... 55846
1871 ... 55847
1872 ... 53010
1901 ... 53973

PROPOSED RULES:

16 ... 53672
52 ... 53341, 53346
180 ... 54492
225 ... 55539
245 ... 54493
723 ... 55549
724 ... 55550
725 ... 53035
726 ... 55551
912 ... 53035
917 ... 54948, 55359
928 ... 53035, 53346, 53672
930 ... 54493
959 ... 53807, 54948
971 ... 55880
981 ... 54949
1002 ... 53346
1205 ... 53350, 54494
1701 ... 54494, 55198
1803 ... 55359
1821 ... 55359
1822 ... 55359
1832 ... 55359
1861 ... 52888

8 CFR

204 ... 55847
205 ... 55849
211 ... 55849
212 ... 55850
245 ... 55850

9 CFR

73 ... 55173
78 ... 55173
201 ... 53769
204 ... 55321

PROPOSED RULES:

201 ... 55828
203 ... 55828

10 CFR

2 ... 53328
7 ... 55851
9 ... 55322
20 ... 55851
40 ... 53330
50 ... 53333
73 ... 55851
205 ... 55322
210 ... 55322
212 ... 53333, 54919, 55851

PROPOSED RULES:

2 ... 54206
9 ... 55880
212 ... 54774, 55884

12 CFR

1 ... 55324
5 ... 54477
18 ... 53977
22 ... 52979
201 ... 52979
202 ... 55173
221 ... 52980
226 ... 54477, 55329, 55857
265 ... 53775, 54480, 55857
329 ... 52857
500 ... 55858
522 ... 55858
339 ... 55507
563c ... 52982

PROPOSED RULES:

7 ... 54600
9 ... 55717
220 ... 55552
226 ... 55198
310 ... 55717
704 ... 55198

13 CFR

107 ... 52647
120 ... 55508
315 ... 52648, 53317

PROPOSED RULES:

106 ... 54002
107 ... 54002
108 ... 54002
115 ... 54002
118 ... 54002
119 ... 54002
120 ... 54002
121 ... 55202
122 ... 54002
123 ... 54002
124 ... 54002
500 ... 55553
520 ... 55553
551 ... 55553
552 ... 55553

13 CFR—Continued

PROPOSED RULES—Continued

553 55553
554 55553
555 55553
560 55553

14 CFR

1 53777
13 54164
21 55463
23 55463
25 55466
27 55468
29 55471
31 55474
33 55474
35 55474
36 56056
39 ..... 53777–43779, 54165, 55331, 55322, 55860, 55862
71 ..... 52857, 52858, 53317, 53318, 53779. 53780, 54165, 54167, 54921, 55332, 55863
73 ..... 52858, 53318
75 ..... 54921, 55864
91 ..... 55475, 56046
95 ..... 52858, 52861
97 ..... 53318, 54166, 55333, 55864
107 53777
121 ..... 53319, 53777, 55475
123 53319
127 55475
133 55475
135 ..... 53319, 55476
191 ..... 53777, 55334
212 53651
221a 55865
249 52865
253 52658
371 ..... 52987, 54776
372 54776
732a 54776
373 54480
378 54776
378a 54776
385 54483
1208 53652
1212 52866

PROPOSED RULES:

21 56065
36 ..... 53807, 55889, 56065
39 ..... 53353, 55365, 55889
71 ..... 54187, 54950, 55890, 55891
91 ..... 53354, 56065
221 ..... 53488, 54495
239 55891
250a 55896
399 52698

15 CFR

235 54167
350 54751

PROPOSED RULES:

920 53418
931 53673
932 55786
1810 53596

16 CFR

0 ..... 54483, 54922
2 54485
3 54485
4 52867
5 ..... 54483, 54922

16 CFR—Continued

13 ..... 52659, 52660, 53464–53471, 53653–53659, 53780–53783
702 53472
1500 55869

PROPOSED RULES:

0 55885
2 55885
3 55885
4 55885
14 55885
450 53355
801 55488

17 CFR

1 56134
32 53475
155 56134
200 ..... 53473, 53784, 55334
210 54922
239 ..... 52662, 53473
240 ..... 52994, 53784, 53785, 54923
249 53473
270 52668

PROPOSED RULES:

1 ..... 53355, 55887
145 53355
155 55888
230 ..... 52701, 53808, 55203, 55718
239 ..... 53356, 53488, 55203, 55366, 55718
240 ..... 53036, 53356, 55203, 55366, 55718
249 ..... 53488, 55718
270 ..... 53356, 55366
275 ..... 53356, 53808, 55366

18 CFR

2 ..... 55174, 55334, 55707
3 55335
701 54926

PROPOSED RULES:

1 54777
141 55120

19 CFR

1 ..... 54926, 55871, 55872
4 55872
111 53001
148 54167
159 55707
201 54168

PROPOSED RULES:

1 ..... 53039, 54777
123 53810
133 54188
201 53039
205 55203

20 CFR

345 53475
404 ..... 53790, 54752, 54755
405 ..... 53320, 54753
410 ..... 53790, 53981, 54753
416 ..... 54753, 54755

PROPOSED RULES:

401 55556
404 53042
405 55718
416 53042
422 55556
614 53048

21 CFR

5 55509
8 55509
121 ..... 53001, 53475, 53600–53621, 53981, 55509
460 53476
510 ..... 53002, 55175
520 ..... 53477, 55175
522 55175
555 55175
556 53002
558 53002
701 53477
1308 ..... 52867, 53477, 55176

PROPOSED RULES:

121 53622
310 ..... 53630, 54495
1308 54604
1309 55558

22 CFR

42 54927
602 53982

PROPOSED RULES:

93 54495
505 54003

23 CFR

160 54169
200 53982
520 55176
522 55176
524 55177
530 55177
540 55178
542 55178
544 55179
560 55179
655 53003
740 54756
1215 54170

PROPOSED RULES:

Ch. I 52703
1214 54188
1215 54188

24 CFR

275 55707
280 53626
890 55676
1914 ..... 53004, 53478
1915 53664
1916 ..... 52868, 52869
1917 ..... 52668, 52669, 52870–52876, 53320, 53984–53990, 54486, 54487, 55084–55095
1920 ..... 53991, 54170–54175
3282 54597

PROPOSED RULES:

24 54302
235 55484
812 55080
880 54856
881 54856
888 55204
1917 ..... 52703–52705, 53049–53055, 53360, 54496–54499, 55096–55103, 55652–55661

25 CFR

41 54487
231 53320

PROPOSED RULES:

233 55212

26 CFR

1 ..... 53321, 53480, 55336, 55710
7 55344
11 ..... 53322, 53660, 54176, 55510

PROPOSED RULES:

1 ..... 53360, 53681, 55896

27 CFR

PROPOSED RULES:

4 53055
270 53055
275 53055
290 53055
295 53055
296 53055

28 CFR

0 ..... 53005, 53660, 54176, 55179
22 54846
42 ..... 52669, 53478
301 55710

PROPOSED RULES:

2 ..... 52889, 53811

29 CFR

94 54066
95 54067
96 54068
98 54068
99 54070
1910 55696
1926 55696
2100 53010
2200 53015
2202 53010
Ch. XXV 55510
2520 55510

PROPOSED RULES:

1601 55366
2201 53067
2300 53067
2550 55206
2608 52890

30 CFR

211 53793
250 53016

PROPOSED RULES:

75 52890
77 52890
211 ..... 53360, 53811
926 53814
231 ..... 54003, 54004

31 CFR

13 55179
349 53335
350 53336

PROPOSED RULES:

8 54191

32 CFR

737 55511
746 55711
865 53992
890 52672

PROPOSED RULES:

40 53673
230 53488
242a 55724
806b 55885

33 CFR

110 ..... 54176, 55344
117 ..... 53325, 55344
127 55872
157 54177
209 55524

PROPOSED RULES:

110 ..... 54199, 54200, 55366, 55897
117 ..... 53362, 53823, 55367, 55897
181 55478
204 54777

34 CFR

Ch. II 54487

35 CFR

253 53325

36 CFR

1150 55442

PROPOSED RULES:

211 54200
903 53492

37 CFR

PROPOSED RULES:

1 ..... 52705, 55367

38 CFR

3 ..... 53797, 55872

PROPOSED RULES:

Ch. I 54950
1 ..... 54777, 55558
6 54004
8 54004
21 ..... 53824, 54201

39 CFR

10 54864
111 ..... 53478, 55524

PROPOSED RULES:

111 53677
3001 54950

40 CFR

50 52676
51 ..... 52692, 55524
52 ..... 53325, 53326, 53661, 54756, 55530, 55714
53 52692
55 ..... 55191, 55192
60 ..... 53017, 54757, 55531
61 ..... 53017, 54758
80 ..... 55345, 55646
87 54861
136 52779
413 53018
421 54850
429 53930
455 54181

PROPOSED RULES:

51 55558
52 ..... 54954–54956, 55561
60 55792
260 53363
413 53070
1515 54005

41 CFR

1–1 53662
1–5 53662
1–16 53662
3–3 54929

41 CFR—Continued

3–16 52676
3–50 52676
9–51 55195
14–2 54758
14–3 54758
Ch. 18 53436
24–1 55796
24–2 55801
24–3 55805
24–4 55811
24–7 55812
24–11 55813
24–13 55814
24–16 55816
24–30 55817
24–50 55817
101–40 54762
114–35 55345
114–38 54487

PROPOSED RULES:

60–1 54499
60–2 54499
101–25 54202

42 CFR

51c 53204

PROPOSED RULES:

101 53215
124 52891

43 CFR

20 56100
3300 53019

PUBLIC LAND ORDER:

5610 55875

PROPOSED RULES:

3041 53360
3800 53428
3830 54084

45 CFR

177 54487
205 55345
228 55668
233 54489
250 53994
302 55248
303 55348
305 55348
1061 52876
1209 53483
1340 ..... 53663, 54762
1351 54296
1800 52677

PROPOSED RULES:

74 53412
205 55727
250 55727
614 54956
1903 53495

46 CFR

148 55352
252 54934
514 53969
310 55715

PROPOSED RULES:

Ch. I 55897
151 55367
160 55480
502 55898

46 CFR—Continued

PROPOSED RULES—Continued

503 55207
522 54778
531 53364

47 CFR

0 ..... 53326, 53995, 54766, 56068
1 ..... 53019, 53022, 54766, 54934, 55531, 56069
2 ..... 54491, 54941, 56070
5 56071
15 56071
21 55352
23 56071
25 56071
61 54766
73 ..... 52677, 53022, 53995, 55531, 55715, 56072
74 ..... 52879, 56072
76 ..... 53027, 53797, 53995
81 ..... 53327, 54491
83 54491
89 ..... 54940, 56072
91 ..... 54940, 56072
93 ..... 54941, 56073
94 53028
95 56073
97 52685
99 56073

PROPOSED RULES:

15 52705
21 54203
61 54500
63 54505
73 ..... 54203, 54778

47 CFR—Continued

PROPOSED RULES—Continued

76 ..... 54506, 54778
97 52709

49 CFR

1 53798
91 54769
173 55876
175 54942
211 54181
228 53028
260 53996
393 53031
571 ..... 52880, 54942, 54945
1003 53798
1033 ..... 52695, 52696, 52880, 54771, 55878
1056 53485
1100 ..... 53798, 54772
1125 55686
1253 54772
1307 55716
1310 55716

PROPOSED RULES:

170 53824
171 53824
172 ..... 52891, 54959
173 ..... 53824, 54958, 54959
174 ..... 53824, 54959
175 53824
176 ..... 53824, 54959
177 53824–54959
178 53824–54958
179 53824
180 53824
181 53824
182 53824
183 53824

49 CFR—Continued

PROPOSED RULES—Continued

184 53824
185 53824
186 53824
187 53824
188 53824
189 53824
228 53070
267 ..... 54007, 55898
391 55898
523 55368
525 53827
533 53832
571 ..... 52892, 54204–54959, 54961
575 54205
1047 ..... 52893, 54009, 54517
1100 53832
1300 53380

50 CFR

17 53032
26 ..... 52696, 52697, 52881–52884, 53663, 53802, 54490, 54767, 54768, 55357, 55531, 55879
32 ..... 52884, 52885, 55879
33 ..... 52697, 52885, 52886, 53327, 53486, 53487, 53664, 53977, 54490, 54768, 55358, 55531, 55534
216 ..... 54946, 55536
253 55534

PROPOSED RULES:

17 ..... 53074, 53075, 55729
20 ..... 55901, 55903
611 55904

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
52643–52855	Dec. 1	53769–53966	9	55147–55319	17
52857–52975	2	53967–54159	10	55321–55505	20
52977–53314	3	54161–54473	13	55507–55704	21
53315–53459	6	54475–54749	14	55705–55843	22
53461–53647	7	54751–54916	15	55845–56191	23
53649–53767	8	54917–55146	16		

rules and regulations

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

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

Title 7—Agriculture

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

[Navel Orange Reg. 393]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 24–30, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.693 Navel Orange Regulation 393.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is very soft. Prices f.o.b. averaged $4.14 a carton on a reported sales volume of 1,441 carlots last week, compared with $4.28 per carton on sales of 889 carlots a week earlier. Track and rolling supplies at 574 cars were up 97 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 Navel 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 rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 21, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 24, 1976, through December 30, 1976, are hereby fixed as follows:

(i) District 1: 615,000 cartons;

(ii) District 2: 52,000 cartons;

(iii) District 3: 83,000 cartons."

(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: December 22, 1976.

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

[FR Doc.76-37961 Filed 12-22-76;11:48 am]

[Lemon Reg. 72]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period December 26, 1976–January 1, 1977. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.372 Lemon Regulation 72.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has improved slight-

ly early this week. Average f.o.b. price was $4.82 per carton the week ended December 18, 1976 compared to $4.81 per carton the previous week. Track and rolling supplies at 100 cars were down 45 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section 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 lemons 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 section, 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 lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 21, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 26, 1976, through January 1, 1977, is hereby fixed at 195,000 cartons.

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

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

Dated: December 22, 1976.

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

[FR Doc.76-37960 Filed 12-22-76;11:48 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 426.1]

PART 1806—INSURANCE

Subpart A—Real Property Insurance

Section 1806.6 of Subpart A of Part 1806, Title 7, Code of Federal Regulations (41 FR 34571) is amended. The purpose of this amendment is to add paragraph (d) to this section in order to establish reporting requirements on insured and uninsured real property losses. It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This revision, however, is not published for proposed rulemaking because the addition of internal Agency reporting requirements is a procedural change, and for that reason notice and public procedure thereon are unnecessary.

Section 1806.6 is amended by adding paragraph (d) to read as set forth below:

§ 1860.6 Failure of Borrower To Provide Insurance.

* * * * *

(d) *Reporting.* The County Supervisor will complete Form FmHA 426–8, "Uninsured Real Property Loss Report," for each FP and Section 502 RH uninsured loss. This report will be completed within 30 days of the date the property was damaged. If information required by Form FmHA 426–8 is not available within 30 days, the County Supervisor should use his best judgment in completing all form sections.

(2) On the last business day of each month, the County Supervisor will transmit to the State Office:

(i) All completed Forms FmHA 426–8.

(ii) A transmittal memorandum that includes the following tabulation:

Real Property Insurance Report for Month_____ Year ____

Loan program	Caseload (number)	Insurance cancellations
Incidence of borrower failure to maintain insurance in force:		
Farmer programs		
Rural housing sec. 502		

	Number of losses covered by insurance	Amount of losses covered by insurance (dollars)
Insured losses:		
Farmer programs		
Rural housing sec. 502		

(3) The State Director is responsible for reviewing Forms FmHA 426–8 received for reasonableness; computing a State summary of insurance cancellations and insured losses; and transmitting the State summary and Forms FmHA 426–8 to the National Office, ATTN: Program Evaluation Staff, by the 10th of the following month.

* * * * *

(7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C 2942, 5 U.S.C. 301, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70, delegations of authority by Director, Office of Economic Opportunity, 29 FR 14764, 33 FR 9850.)

Effective date: This revision shall become effective December 28, 1976.

Dated: December 6, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-37683 Filed 12-22-76;8:45 am]

SUBCHAPTER E—ACCOUNT SERVICING

PART 1861—ROUTINE

Subpart F—Servicing of Community Program Loans and Grants

On page 27851 of the FEDERAL REGISTER dated July 7, 1976, there was published a notice of proposed rulemaking to § 1861.81, and various paragraphs of § 1861.82, § 1861.85, and § 1861.93 of Subpart F of Part 1861, Title 7, Code of Federal Regulations (37 FR 15502). These amendments proposed to do the following:

(1) Section 1861.81 is amended to include Community Facility Loans and Industrial Development Grants.

(2) Section 1861.82, paragraph (e)(1)(v) is amended to update the cross-reference to Part 1823 of this chapter pertaining to proposed development work.

(3) Section 1861.85, paragraph (b)(2) is amended to permit loans to be transferred to public bodies at the same interest rate as the original loan.

(4) Section 1861.93, paragraph (a), is amended to require the State Director to determine the value of security when facilities are to be merged.

Interested persons were given until August 6, 1976, to submit written comments, suggestions, or objections regarding the proposed amendments.

No unfavorable comments, suggestions or objections have been received and therefore the amendments are adopted as originally proposed and are set forth below:

§ 1861.81 Purpose.

This Subpart prescribes the policies, authorizations, and procedures for servicing the following: Community water and waste disposal system loans and grants, community facility loans, comprehensive water and sewer planning grants, industrial development grants, loans for grazing and other shift-in-land use projects, association recreation loans, association irrigation and drainage loans, watershed loans and advances, resource conservation and development loans, economic opportunity

cooperative loans, loans to Indian tribes and tribal corporations, and loans to timber development organizations. Servicing will be directed toward assisting the borrower to meet the objectives of the loan, repaying loans on schedule, complying with agreements, and protecting the Farmers Home Administration's (FmHA) financial interest.

§ 1861.82 Loan servicing.

* * * * *

(e) * * *

(l) * * *

(v) Any proposed development work will be planned and performed in accordance with §§ 1823.21 through 1823.33 of this Chapter or in a manner which reasonably attains the objectives of Subpart A, Part 1823 of this Chapter.

* * * * *

§ 1861.85 Transfer of security and assumption of loans.

* * * * *

(b) * * *

(2) If the interest rate or terms of the loan are changed, Form FmHA 460–5, "Assumption Agreement (New Terms)," will be executed by the transferee. The new repayment period may not exceed the repayment period for a new loan of the type involved. If the current interest rate for such loans is higher than the rate specified in the note(s) being assumed, the current rate will apply, except in cases of transfers to public bodies and mergers.

* * * * *

§ 1861.93 Determining present market value.

(a) The value of security to be subordinated, sold, merged, transferred, voluntarily conveyed, or foreclosed under this Subpart will be determined by the State Director as follows:

* * * * *

(7 U.S.C. 1989, 42 U.S.C. 2942, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70 delegations of authority by Director, OEO, 29 FR 14764, 33 FR 9850.)

Effective date: This amendment is effective December 28, 1976.

Dated: December 8, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-37684 Filed 12-22-76;8:45 am]

[FmHA Instruction 455.1]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

PART 1871—CHATTEL SECURITY

Subpart B—Liquidation of Chattel Property and Related Actions

Amendments

On pages 45576–45577 of the FEDERAL REGISTER dated October 15, 1976, there was published a notice of proposed rulemaking to revise § 1871.40 of Subpart B, Part 1871, Title 7, Code of Federal Regulations (36 FR 1118) by amending paragraphs (b)(3) and (c)(3). The amendment of paragraph (b)(3) clarifies the eligibility requirements for transfer of an Emergency loan to an eligible applicant; the amendment of (c)(3) provides the interest rates to be paid by an ineligible transferee for Operating, Economic Opportunity, and Emergency loans.

Interested persons were invited to submit written comments, suggestions, or arguments. No unfavorable comments have been received, therefore, as proposed § 1871.40 (b)(3) and (c)(3) are hereby adopted without change and are set forth below.

§ 1871.40 Transfer of chattel security and EO property and assumption of debts not provided for in § 1871.39 and release of liability.

* * * * *

(b) *Transfer to eligible.* * * *

(3) Transfer of Emergency (EM) actual loss loans, or EM loans made before September 12, 1975, can only be made as provided under paragraph (c) of this section for transfers to ineligibles. Except that a transfer to a remaining borrower(s) or partner(s) may be made as to an eligible transferee when one or more of the joint borrowers or jointly obligated partners withdraw from the operation and the remaining borrower(s) or partner(s) desire to assume the total indebtedness and continue the operation.

(c) *Transfer to ineligibles.* * * *

(3) FmHA debts assumed will be scheduled for repayment in amortized installments not to exceed five years using Form FmHA 460–5. The transferred property (including EO property) will be made subject to any existing FmHA lien. In the absence of an existing FmHA lien a new lien instrument will be executed. Interest rates to the transferee will be as follows:

(i) Interest rates for Operating loans will be the current interest rate in effect at the time of approval of the transfer or the rate specified in the note(s) evidencing the loan(s) being assumed, whichever is the greater.

(ii) Interest rate for EO loans will be 6 percent.

(iii) Interest rate for EM loans will be the current prevailing market rate, as established by the Secretary, in effect at the time of the transfer or the rate specified in the note(s) evidencing the loan(s) being assumed, whichever is the greater.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 P.L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.)

Effective date: This amendment is effective December 28, 1976.

Dated: December 9, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-37685 Filed 12-22-76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

IMMIGRANT AND NONIMMIGRANT STATUS; PETITIONS AND WAIVERS

Implementation of the Immigration and Nationality Act Amendments of 1976 (Pub. L. 94–571 Enacted October 20, 1976; 90 Stat. 2703)

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER on November 12, 1976, (41 FR 49994) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which theer were set forth proposed amendments to Parts 204, 205, 211, 212, and 245 of Chapter I of Title 8 of the Code of Federal Regulations implementing the Immigration and Nationality Act Amendments of 1976 enacted October 20, 1976, as Pub. L. 94–571 (90 Stat. 2703).

The representations received in response to the Notice of Proposed Rule Making of November 12, 1976, have been considered.

In addition to nonsubstantive clarifying and editorial changes, the proposed rules have been modified in the following respects:

Proposed § 204.6(a) would require the filing of a new petition where an approved third preference visa petition is deemed invalid because the beneficiary thereof no longer intends to accept employment with the prospective employer or the offer of employment is withdrawn. Proposed §204.6(a) is modified to eliminate the requirement for the filing of a new petition in such a case and to provide for the reinstatement of the invalidated petition with the original priority date upon submission of a new Job Offer for Alien Employment, and an individual labor certification under section 212(a)(14) in the case of an occupation not listed in Schedule A. In light of this modification, proposed § 205.1(b)(5) which provides for the automatic revocation of a third or sixth preference visa petition "upon termination of the employer's business" is modified to provide for such revocation only "upon termination of the employer's business in a sixth preference case".

A new amendment is made to § 245.2(a)(2) to provide that where a visa petition and adjustment of status application are simultaneously filed, the adjustment of status application shall be retained for processing only if the petition, if later approved, would make a visa immediately available.

The proposed rules, as modified and set forth below, are hereby adopted:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. In Part 204, § 204.1 (a) and (c) are revised.

§ 204.1 Petition.

(a) *Relative.* A petition to accord preference classification under section 203(a)(1), (2), (4), or (5) of the Act or classification as an immediate relative

under section 201(b) of the Act, other than a child as defined in section 101(b)(1)(F) of the Act, shall be filed on a separate Form I–130 for each beneficiary and shall be accompanied by the fee required under § 103.7(b) of this Chapter. The petition shall be filed in the office of the Service having jurisdiction over the place where the petitioner is residing in the United States. When the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition which can be ascertained by consulting an American consul. American consular officers assigned to visa-issuing posts abroad, except those in Austria, Germany, Greece, Italy, Japan, the Philippines, Hong Kong, and Mexico are also authorized to approve any petition on Form I–130 when the petitioner and beneficiary are physically present in the area over which the consular officers have jurisdiction. While such consular officers are authorized to approve such petitions, they shall refer any petition which is not clearly approvable to the appropriate Service office outside the United States for decision. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 15 days after mailing of the notification of the decision in accordance with the provisions of Part 3 of this chapter. Without the approval of a separate petition in his behalf, an alien spouse or a child defined in section 101(b)(1)(A), (B), (C), (D), or (E) of the Act, may be accorded the same preference classification under section 203(a) as his spouse or parent whom he is accompanying or following to join, if the immediate issuance of a visa or conditional entry is not otherwise available under the provisions of section 203(a)(1) through (8) of the Act. However, the alien spouse or child of an alien parent who has been classified as an immediate relative is not within the purview of section 203(a)(9) of the Act and may not be accorded derivative immediate relative status. No alien may be classified as an immediate relative unless he himself is entitled to such status and is the beneficiary of an approved visa petition according him such classification.

* * * * *

(c) *Petition under section 203(a)(3) or (6)*—(1) *General.* A petition to classify the status of an alien under section 203(a)(3) or (6) of the Act shall be filed on Form I–140. For each beneficiary a separate Form I–140 must be submitted, accompanied by the fee required under § 103.7(b) of this chapter. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer or an immigration officer. Before it may be accepted and considered properly filed, the petition must be accompanied by Labor Department forms entitled "Statement of Qualifications of Alien" and "Job Offer for Alien Employment" to which the certification under section 212(a)(14) of the Act has been affixed by the Secretary of Labor or his designated representative, except that such certification may be omitted if the beneficiary is qualified for and will be engaged in an occupation currently listed in the Department of Labor's Schedule A (20 CFR Part 656). The petition shall be filed in the office of the Service having jurisdiction over the place of intended employment.

(2) *Filing date.* In the case of a third or sixth preference petition (except for an occupation listed in Schedule A), the filing date of the petition within the meaning of section 203(c) of the Act shall be the date the request for certification was accepted for processing by any office within the employment service system of the Department of Labor. In the case of a third or sixth preference petition for an occupation listed in Schedule A the filing date of the petition shall be the date it was properly filed with the appropriate Service office.

(3) *Sixth-preference petition for member of the professions or person having exceptional ability in the sciences or arts.* Nothing contained in this Part shall preclude an employer who desires and intends to employ an alien who is a member of the professions or a person having exceptional ability in the sciences or the arts from filing a petition for a sixth-preference classification; however, any such petition shall be subject to the requirements of this Part governing sixth-preference petitions.

(4) *Interview and decision.* Prior to decision by the district director, the beneficiary and the petitioner may be required as a matter of discretion to appear in person before an immigration or consular officer and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefore and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying a petition for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act.

2. In Part 204, § 204.2(e)(1) is amended, (e)(4) is revised, and (e–1)–(e–5) are revoked.

§ 204.2 Documents.

* * * * *

(e) *Evidence of eligibility for third- or sixth-preference classification*—

(1) *General.* The documentary evidence which the petitioner must submit to establish the beneficiary's eligibility under section 203(a)(3) or (6) of the Act shall include the Statement of Qualifications of Alien and the Job Offer for Alien Employment forms as provided in § 204.1(c), and any documents required to be presented with those forms. * * *

* * * * *

(4) *Certification under section 212(a)(14).* No third or sixth preference petition shall be approvable unless it is supported by a valid labor certification issued under section 212(a)(14) of the Act. An alien whose occupation is currently listed in Schedule A (20 CFR Part 656) will be considered as having obtained a certification under section 212(a)(14) of the Act upon determination by the district director that the alien is qualified for and will be engaged in such occupation. In the case of an alien whose occupation is currently listed in Schedule B, the Secretary of Labor has announced that the determination and certification required by section 212(a)(14) of the Act cannot now be made (20 CFR Part 656). In the case of any other alien, his employer or prospective employer may apply for certification under section 212(a)(14) of the Act by submitting properly executed Statement of Qualifications of Alien and the Job Offer for Alien Employment forms together with the documentary evidence required by the instructions for completion of the forms, to the local office of the State Employment Service serving the area of intended employment. Information concerning the categories of employment listed in Labor Department Schedules (20 CFR Part 656) may be obtained from principal offices of the Service, from State Employment Services offices and from United States consular offices.

* * * * *

(e–1) [Revoked]
(1) [Revoked]
(2) [Revoked]
(3) [Revoked]
(4) [Revoked]
(5) [Revoked]

* * * * *

3. In Part 204, § 204.4(a), (b), and (c) are revised.

§ 204.4 Validity of approved petitions.

(a) *Relative petitions.* Unless revoked pursuant to section 203(e) of the Act or Part 205 of this chapter, the approval of a petition to classify an alien as a preference immigrant under section 203(a)(1), (2), (4), or (5) of the Act, or as an immediate relative under section 201(b) of the Act, shall remain valid for the duration of the relationship to the petitioner, and status, as established in the petition.

(b) *Petitions under sections 203(a)(3) and (6).* Unless revoked pursuant to section 203(e) of the Act or Part 205 of this chapter, the approval of a petition to classify an alien as a preference immigrant under section 203(a)(3) or (6) of the Act shall remain valid for as long as the supporting labor certification is valid and unexpired and provided there is no change in the respective intentions of the prospective employer and the beneficiary that the beneficiary will be employed by the employer in the capacity indicated in the supporting job offer. The approval of a petition to classify an alien under section 203(a)(3) or (6) of the Act which had heretofore become invalid solely because of expiration of the period of validity, is hereby

reinstated provided the conditions of this paragraph are met.

(c) *Subsequent petition by same petitioner for same beneficiary.* When a visa petition has been approved, and subsequently a new petition by the same petitioner is approved for the same preference classification in behalf of the same beneficiary, the latter approval shall be regarded as a reaffirmation or reinstatement of the validity of the original petition, except when the original petition has been revoked under section 203(e) of the Act.

* * * * *

4. In Part 204, § 204.5(a)(1) and (b) are revised.

§ 204.5 Automatic conversion of classification of beneficiary.

(a) *By change in beneficiary's marital status.* (1) A currently valid petition previously approved to classify the beneficiary as the unmarried son or daughter of a United States citizen under section 203(a)(1) of the Act shall be regarded as approved for preference status under section 203(a)(4) of the Act as of the date the beneficiary marries. A currently valid petition previously approved to classify the child of a United States citizen as an immediate relative under section 201(b) of the Act shall also be regarded as approved for preference status under section 203(a)(4) of the Act as of the date the beneficiary marries.

* * * * *

(b) *By beneficiary's attainment of the age of 21 years.* A currently valid petition classifying the child of a United States citizen as an immediate relative under section 201(b) of the Act shall be regarded as approved for preference status under section 203(a)(1) of the Act as of the beneficiary's attainment of his twenty-first birthday if he is still unmarried.

* * * * *

5. In Part 204, § 204.6 is revised.

§ 204.6 Effect of changed employment on priority date.

(a) *Petition for third preference classification.* When the beneficiary of an approved third preference petition no longer intends to accept employment with the prospective employer or the offer of employment is withdrawn, the petition shall be deemed invalid and the beneficiary shall no longer be entitled to a priority date as of the date of filing of the petition. However, upon submission of a new Job Offer for Alien Employment form, and an individual labor certification under section 212(a)(14) in the case of an occupation not listed in Schedule A, the petition shall be deemed reinstated with the original priority date. The provisions of this paragraph shall not apply when the original petition has been revoked under section 203(e) of the Act.

(b) *Petition for sixth preference classification.* When a new petition by another employer is approved in behalf of the beneficiary of a previously approved sixth-preference petition, and the beneficiary has accepted or intends to accept employment with the new petitioner, the beneficiary shall no longer be entitled to a priority date as of the date of filing of the original petition and that petition shall be deemed invalid. Instead, his priority date shall be the date of filing of the subsequently approved petition for sixth-preference classification. However, the original petition shall be deemed reinstated and the original priority date shall be restored if the beneficiary returns to the original petitioner's employment or establishes that he intends upon arrival in the United States to be employed by the original employed as specified in the original petition. The provisions of this paragraph shall not apply when the original petition has been revoked under section 203(e) of the Act.

6. In Part 204, § 204.7 is added to read as follows:

§ 204.7 Preservation of benefits contained in savings clause of Immigration and Nationality Act Amendments of 1976.

In order to be considered eligible for the benefits of the savings clause contained in section 9 of the Immigration and Nationality Act Amendments of 1976, an alien must show that the facts established prior to January 1, 1977 upon which the entitlement to such benefits was based continue to exist.

PART 205—REVOCATION OF APPROVAL OF PETITIONS

In Part 205, § 205.1 (a) and (b) are revised to read as follows, and § 205.1(d) is redesignated as § 205.1(c).

§ 205.1 Automatic revocation.

The approval of a petition made under section 204 of the Act and in accordance with Part 204 of this chapter is revoked as of the date of approval if the Secretary of State shall terminate the registration of any beneficiary pursuant to the provisions of section 203(e) of the Act or if any of the following circumstances occur before the beneficiary's journey to the United States commences or, if the beneficiary is an applicant for adjustment of status to that of a permanent resident, before the decision on his application becomes final:

(a) *Relative petitions.* (1) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition.

(2) Upon the death of the beneficiary.

(3) Upon the death of the petitioner unless the Attorney General in his discretion determines that for humanitarian reasons revocation would be inappropriate.

(4) Upon the legal termination of the relationship of husband and wife when a petition has accorded status as the spouse of a citizen or lawful resident alien, respectively, under section 201(b), or section 203(a)(2) of the Act.

(5) Upon a child beneficiary reaching the age of 21, when he has been accorded immediate relative status under section 201(b) of the Act; however, such petition is valid for the duration of the relationship to accord preference status under section 203(a)(1) of the Act if the beneficiary remains unmarried, or to accord preference status under section 203(a)(4) of the Act if he marries.

(6) Upon the marriage of a beneficiary accorded status as the child of a United States citizen under section 201(b) of the Act; however, such petition is valid for the duration of the relationship to accord preference status under section 203(a)(4) of the Act.

(7) Upon the marriage of a beneficiary accorded preference status as a son or daughter of a United States citizen under section 203(a)(1) of the Act; however, such petition is valid for the duration of the relationship to accord preference status under section 203(a)(4) of the Act.

(8) Upon the marriage of a beneficiary accorded a status as a son or daughter of a lawful resident alien under section 203(a)(2) of the Act.

(9) [Revoked]

(b) *Petitions under section 203(a) (3) or (6).* (1) Upon invalidation pursuant to 20 CFR Part 656 of the labor certification in support of the petition.

(2) Upon the death of the petitioner or beneficiary.

(3) Upon formal notice of withdrawal filed by the petitioner or the beneficiary with the officer who approved the petition in a third-preference case.

(4) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition in a sixth-preference case.

(5) Upon termination of the employer's business in a sixth-preference case.

(c) *Notice.* When it shall appear to the district director that the approval of a petition has been automatically revoked, he shall cause a notice of such revocation to be sent promptly to the consular office having jurisdiction over the visa application and a copy of such notice to be mailed to the petitioner's last known address.

* * * * *

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

In Part 211 existing § 211.4, "Inapplicability of section 212(a)(24) to certain immigrants" is revoked, and existing §§ 211.5 and 211.6 are redesignated as §§ 211.4 and 211.5. Section 211.5(a) is revised to read as follows:

§ 211.4 Recording the entry of certain immigrant children admitted without immigrant visas. * * *

§ 211.5 Alien commuters.

(a) *General.* Notwithstanding any other provision of this part, an alien lawfully admitted for permanent residence may commence or continue to reside in foreign contiguous territory and commute as a special immigrant defined in section 101(a)(27)(A) of the Act to

his place of employment in the United States to engage in daily or seasonal work which, on the whole, is regular and stable: *Provided*, That at the time of each reentry he presents a valid Form I–151 in lieu of an immigrant visa and passport. An alien commuter engaged in seasonal work would be presumed to have taken up residence in the United States if he is present in this country for more than six months, in the aggregate, during any continuous 12-month period. An alien commuter's address report under section 265 of the Act must show his actual residence address even though it is not in the United States.

* * * * *

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In Part 212, § 212.8, paragraph (a) is revised to read as follows:

§ 212.8 Certification requirement of section 212(a)(14).

(a) *General.* The certification requirement of section 212(a)(14) of the Act applies to aliens seeking admission to the United States or adjustment of status under section 245 of the Act for the purpose of performing skilled or unskilled labor, who are preference immigrants as described in section 203(a)(3) or (6) of the Act, or who are nonpreference immigrants as described in section 203(a)(8). The certification requirement shall not be applicable to a nonpreference applicant for admission to the United States or to a nonpreference applicant for adjustment of status under section 245 who establishes that he will not perform skilled or unskilled labor. A native of the Western Hemisphere who established a priority date with a consular officer prior to January 1, 1977 and who was found to be entitled to an exemption from the labor certification requirement of section 212(a)(14) of the Act under the law in effect prior to January 1, 1977 as the parent, spouse or child of a United States citizen or lawful permanent resident alien shall continue to be exempt from that requirement for so long as the relationship upon which the exemption is based continues to exist.

* * * * *

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

In Part 245, §§ 245.1 (a), (e), (g)(1) and (g)(2), 245.2 (a)(2), (b), and 245.7 are revised to read as follows:

§ 245.1 Eligibility.

(a) *General.* An alien who entered the United States in transit without visa; or who, on arrival in the United States was serving in any capacity on board a vessel or aircraft, or was destined to join a vessel or aircraft in the United States to serve in any capacity thereon; or who was not admitted or paroled following inspection by an immigration officer is not eligible for the benefits of section 245 of the Act. Any alien (other than an immediate relative as defined in section 201(b) of the Act) who continues in or accepts any unauthorized employment after January 1, 1977 and prior to filing an application for adjustment of status is not eligible for the benefits of section 245 of the Act. An alien who has been allocated an immigrant visa number and who entered the United States conditionally pursuant to section 203(a)(7) of the Act, is not eligible for the benefits of section 245 of the Act unless he qualifies as an immediate relative pursuant to section 201(b) of the Act on the basis of a visa petition approved in his behalf.

* * * * *

(e) *Nonpreference aliens.* An applicant who is a nonpreference alien seeking adjustment of status for the purpose of engaging in gainful employment in the United States, and who is not exempted under § 212.8(b) of this chapter from the labor certification requirement of section 212(a)(14) of the Act, is ineligible for the benefits of section 245 of the Act unless an individual labor certification is issued by the Secretary of Labor or his designated representative, or unless the applicant establishes that he is within Schedule A (20 CFR Part 656).

* * * * *

(g) *Availability of immigrant visas under section 245 and priority dates.*—(1) *Availability of immigrant visas under section 245.* An alien is ineligible for the benefits of section 245 of the Act unless an immigrant visa is immediately available to him at the time the application is filed. If the applicant is a preference or nonpreference alien, the current Department of State Visa Office Bulletin on Availability of Immigrant Visa Numbers will be consulted to determine whether an immigrant visa is immediately available. An immigrant visa is considered available for accepting and processing the application Form I–485 if the preference or nonpreference category applicant has a priority date on the waiting list which is no later than the date shown in the Bulletin or the Bulletin shows that numbers for visa applicants in his category are current. Information as to the immediate availability of an immigrant visa may be obtained at any Service office.

(2) *Priority dates.* The priority date of an applicant who is seeking the allotment of an immigrant visa number under one of the first six preference classes specified in section 203(a) of the Act by virtue of a valid visa petition approved in his behalf shall be fixed by the date on which such approved petition was filed. The priority date of an applicant who is seeking the allotment of a nonpreference immigrant visa number shall be fixed by the following factors, whichever is the earliest: (i) the priority date accorded the applicant by the consular officer as a nonpreference immigrant; (ii) the date on which Form I–485 is filed if the applicant establishes that he is qualified for and will be engaged in an occupation currently listed in Schedule A (20 CFR Part 656), or that the provisions of section 212(a)(14) of the Act do not apply to him; or (iii) the date on which an approved valid third or sixth preference visa petition in his behalf was filed; or (iv) the date an applicantion for certification based on a job offer was accepted for processing by any office within the employment service system of the Department of Labor, provided the certification applied for was issued. A nonpreference priority date, onec established, is retained by the alien even though at the time a visa number becomes available and he is allotted a nonpreference visa number he meets the provisions of section 212(a)(14) of the Act by some means other than that by which he originally established entitlement to the nonpreference priority date.

§ 245.2 Application.

(a) *General.*—(1) * * *

(2) *Filing application.* Before an application for adjustment of status under section 245 of the Act may be considered properly filed, a visa must be immediately available. If a visa would be immediately available only upon approval of a visa petition, the application will not be considered properly filed unless such petition has first been approved. If a visa petition is submitted simultaneously with the adjustment application, the adjustment application shall be retained for processing only if approval of the petition when reached for adjudication would make a visa immediately available at the time of filing of the adjustment application. If such petition is subsequently approved, the date of filling the adjustment application shall be deemed the date on which the accompanying petition was filed. If the applicant is claiming that the provisions of section 212(a)(14) of the Act do not apply to him because he is within the exemption described in § 212.8(b)(4) of this chapter, the application shall not be considered properly filed unless it is accompanied by Form I–526. An application for adjustment of status under section 245 of the Act as a nonpreference alien shall not be considered properly filed unless the applicant establishes that he is entitled to a priority date for allotment of a nonpreference visa number in accordance with § 245.1(g)(2) and that a visa is immediately available within the contemplation of § 245.1(g)(1). A nonpreference alien for whom a visa is not immediately available may not file an application for adjustment of status, but may seek to establish a nonpreference priority date through an application for an immigrant visa at a United States consular office. The application under section 245 of the Act shall be made on Form I–485, while the application under section 1 of the Act of November 2, 1966, shall be made on Form I–485A. Each application shall be accompanied by executed Form C–325A, if

the applicant has reached his 14th birthday, which shall be considered as part of the application. An application under this subparagraph shall be accompanied by the documents specified in the instructions which are attached to the application.

* * * * *

(b) *Application by nonpreference alien seeking adjustment of status for purpose of engaging in gainful employment.*—(1) *Alien whose occupation is included in Schedule A (20 CFR Part 656).* An applicant for adjustment of status as a nonpreference alien under section 245 of the Act who is subject to the labor certification requirement of section 212(a)(14) of the Act must submit Statement of Qualifications of Alien form with his application, if he is qualified for and will be engaged in an occupation currently listed in Schedule A (20 CFR Part 656). The Statement of Qualifications of Alien form must be executed in accordance with the instructions for completion of that form, and must be accompanied by the evidence of the applicant's qualifications specified in the instructions attached to the application for adjustment of status. The other documents specified in § 245.2(a) must also be submitted in support of the application for adjustment of status. Determination concerning certification under section 212(a)(14) of the Act will be made in accordance with the pertinent provisions of § 204.2(e)(4) of this chapter.

(2) *Other nonpreference aliens who will engage in gainful employment.* An applicant for adjustment of status as a nonpreference alien under section 245 of the Act, who is subject to the labor certification requirement of section 212(a)(14) of the Act and whose occupation is not listed in Schedule A, must submit the certification with his application. In such case the applicant's employer or prospective employer makes the application for the certification to the local State Employment Service.

* * * * *

§ 245.7 Interview.

Each applicant for adjustment of status under this part shall be interviewed by an immigration officer. The interview may be waived in the case of a child under the age of 14, or when the applicant is clearly ineligible under section 245(c) of the Act or § 245.1.

(Pub. L. 94-571 enacted October 20, 1976, (90 Stat. 2703) and sec. 103 of the Immigration and Nationality Act (8 U.S.C. 1103). Interpret or apply secs. 101, 201, 202, 203, 204, 205, 211, 212, and 245. (8 U.S.C. 1101, 1151, 1152, 1153, 1154, 1155, 1181, 1182, and 1255).)

The basis and purpose of the rules prescribed in this order is to implement the Immigration and Nationality Act Amendments of 1976 (Pub. L. 94-571; 90 Stat. 2703).

Effective date: The effective date of the rules prescribed in this order will be January 1, 1977. It is necessary that these rules be made effective on less than 30 days notice because Pub. L. 94-571 (90 Stat. 2703) which these rules implement becomes effective January 1, 1977.

Dated: December 17, 1976.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.76-37630 Filed 12-22-76;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

Advisory Committees; Standards for Protection Against Radiation; Physical Protection of Plants and Materials

The amendments of Appendix D of 10 CFR Part 20 and Appendix A of 10 CFR Part 73 set forth below change the telephone number for daytime and nights and holidays of the Region II Inspection and Enforcement Office and change the suite number from 818 to 1217.

Section 7.13 of 10 CFR Part 7 currently refers to "the actual cost of duplication prescribed in § 9.9 of this chapter." The amendment of § 7.13 set forth below changes this reference to "the actual cost of duplication prescribed in Part 9 of this chapter."

Because these amendments relate solely to corrections and minor matters the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary and for making the amendments effective on December 23, 1976.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Parts 7, 20, and 73 are published as a document subject to codification.

PART 7—ADVISORY COMMITTEES

1. Section 7.13 of 10 CFR Part 7 is amended by deleting "at the actual cost of duplication prescribed in § 9.9 of this chapter." and substituting therefor "at the actual cost of duplication prescribed in Part 9 of this chapter.".

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

2. Appendix D of 10 CFR Part 20 is amended by changing the telephone number for daytime and nights and holidays of the Region II Inspection and Enforcement Office to "(404) 221-4503" and changing the Suite number in the address of the Region II Inspection and Enforcement Office to "Suite 1217".

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

3. Appendix A of 10 CFR Part 73 is amended by changing the telephone number for daytime and nights and holidays of the Region II Inspection and Enforcement Office to "(404) 221-4503" and changing the Suite number in the address of the Region II Inspection and Enforcement Office to "Suite 1217".

Effective date: These amendments become effective on December 23, 1976.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Maryland this 17th day of December 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.76-37760 Filed 12-22-76;8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Computation of Landed Costs: Transportation; Interim Regulations

On August 27, 1976, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking to amend Part 212 of Chapter II of Title 10 of the Code of Federal Regulations, to establish standard measures of the cost of transportation of crude oil as a component of the landed cost of that crude oil (41 FR 37131, September 2, 1976). This proposal was a further elaboration of an earlier proposal designed to provide a simply audited standard for all companies (41 FR 10075, March 9, 1976), and was intended to more nearly accommodate the varying accounting practices utilized by the industry. FEA has now evaluated the comments received in connection with this later, modified proposal, and hereby adopts such proposal on an interim basis with further revisions as explained below. Although the revisions fall within the scope of previous proposals, some changes are significant and consequently further public comment is being sought before final regulations are promulgated.

SUMMARY OF COMMENTS AND REVISIONS

Under the proposal as modified, firms were permitted to use either of two methods to compute transportation costs, depending upon which method more closely resembled their current accounting practices. The "AFRA Method," which was intended to reflect nominal costs, utilized the London Tanker Broker's Panel average freight rate assessment, an index derived from market transactions. The AFRA Method allowed the rate implied by the AFRA assessment for the class of vessel used times the Worldscale rate between the two ports, plus demurrage, lightering and transshipment costs. The "Net Cost Method," which was intended to reflect the actual expenditures for crude oil transportation, was based upon the difference between the firm's gross transportation costs, calculated according to

the ownership status of the vessel, and certain exclusions for income from unaffiliated entities and costs not related to crude oil transportation. In lieu of the "Net Cost Method," persons were permitted to use their customary accounting procedures, provided that FEA determined that such procedures were not materially different from those proposed, or were able adequately to reflect long-term transportation costs.

The comments received demonstrated that the AFRA Method was generally acceptable to most persons, except to the extent that it excluded costs for such items as cargo insurance, tonnage dues, and tug charges, not included in Worldscale. Some persons also suggested that FEA permit firms required to adopt the AFRA Method to continue to use their customary accounting procedures, subject to FEA approval. The Net Cost Method was also generally acceptable, except that several persons objected to FEA's exclusion of costs relating to land-based personnel, and proposed, in response to FEA's request for views on the matter, that an accounting procedure based on the costs of vessel financing be adopted for costs incurred by vessels actually owned by a firm. Certain general comments, such as those requesting an allowance for deadfreight, and suggesting that the proposal did not permit complete dollar-for-dollar passthrough of costs, were also received.

In response to these comments, FEA has further revised proposed Section 212.85. In general, several costs which had been excluded from the previously proposed methods of computation have now been included, and a greater flexibility has been provided both with respect to firms' continued use of their customary accounting practices, and with respect to the number of prescribed procedures which are available. The section dealing with "equity-status" vessels under the Net Cost Method has also been significantly revised and expanded. In the following section, each comment will be analyzed in detail, together with an explanation of the revisions, if any, which have been made to the text of the proposal.

Analysis of Comments and Revisions

I. General

1. *Dollar-for-dollar passthrough of costs.* Some comments suggested that to the extent that the proposed regulations provided a notional basis for computing costs, they would deny the dollar-for-dollar passthrough of increased product costs required by the Emergency Petroleum Allocation Act of 1973, as amended. FEA believes that this suggestion reflects a misunderstanding of the statute, which permits dollar-for-dollar passthrough of the "cost" of crude oil to refiners. This "cost" for domestic crude oil is the market price subject to the applicable price ceilings established by Congress and administered by FEA. It is not measured on the basis of the actual costs of finding, producing, and lifting crude. Similarly the "landed cost" of imported crude is determined by reference to world market prices.

By these regulations, FEA is establishing only a method to determine the transportation component of "landed cost." For this purpose FEA has generally attempted to provide measures which would approximate those occurring in market transactions entered into at arms-length. To this extent firms obtaining transport through arms-length transactions are ordinarily allowed to recover fully their "costs," but where affiliate transactions or equity investments are involved, reference has had to be made to standards based upon arms-length transactions by third parties, e.g., AFRA. These measures may be above or below the "transfer-price" charged one affiliated entity to another or the "cost" incurred in a particular investment.

2. *Recomputation of transportation element of landed cost for May, 1973.* Some comments pointed out that since it is the purpose of the price rules to measure changes in cost between May, 1973 and the month of measurement, the transportation component of a firm's landed costs must be recalculated in accordance with accounting procedures required to be adopted under § 212.85. This comment misunderstands the nature of the proposed regulation. The standards established in this regulation are expected to more accurately reflect transportation cost for future months, but FEA is not now attempting to prescribe measures in the precontrolled period of May 1973. More generally, the comment suggests the mistaken notion that only relative prices are important. FEA's concern cannot be solely with relative prices in May 1973 and current months since these prices are weighted by the quantities imported at the two respective dates. Thus, any systematic error in FEA's determination of landed costs in current months would artificially increase or decrease a company's landed costs to the extent that imports have increased over the base period even if the May 1973 prices were adjusted accordingly. Consequently, FEA in these regulations has attempted to define what it considers an appropriate measure of these costs without regard to the May 1973 practices which individual companies may have employed. If a company now believes that it priced its imports in May 1973 (when controls were not in effect) at excessive levels, it has available to it the exceptions process for any necessary adjustment.

3. *Resale Rule.* Some firms objected to the proposed extension to these regulations of the "resale rule," § 212.84(g). Under the resale rule, the treatment of oil purchased from third parties by affiliates differs, depending upon whether the affiliated entities have concessionary related crude in the country of origin. FEA intends to reevaluate the resale rule in the near future, but until that time a workable program requires that the transportation regulations be consistent with the resale rule. This has been accomplished by treating all purchases of crude oil from countries where a company has a concessionary-derived interest as composed of the same two parts, an f.o.b. cost of crude determined pursuant to § 212.84, and a transportation component based upon § 212.85. This rule will apply even where delivery is made at a point other than the country of origin. In such instances, the transportation cost is set equal to the firm's average cost experience with direct shipments from the country of origin. It will no longer be necessary in such cases to impute a transportation component between the country of origin and the country of loading.

4. *Deadfreight.* Several firms suggested that in light of the utility of using larger light-loaded ships in the many shallow ports of the United States, deadfreight should be recognized as an element of cost. Although recognition of deadfreight may be appropriate in some cases, FEA believes that recognition of such costs on an unlimited basis could be abused, especially in light of the current tanker surplus. Accordingly, FEA has determined to allow deadfreight as an element of cost, but only to the extent that the cost per barrel thereby incurred does not exceed the cost per barrel for the vessel class of the largest vessel which can make the voyage between the ports of loading and unloading under normal operating conditions. Although explicit authority to recognize deadfreight is being made effective now, FEA invites further public views on this question, since the particular form is new. Views should be submitted in accordance with the procedure specified at the end of this notice.

5. *Parity Calculation.* Some comments objected to specification in proposed section 212.84(e)(6)(i), of the LR–1 class of vessels for the purpose of calculating the transportation adjustment in connection with FEA's determination of maximum and representative prices for crude oil from a country where there is no reference crude. FEA believes that specification of this commonly-used class of vessel, where a hypothetical voyage is necessary to impute landed cost, will simplify its audit procedures. Where its use is inappropriate firms may seek a different transportation adjustment in accordance with § 212.84(e)(7). Therefore, the parity calculation will remain as proposed.

6. *Delivered Sales.* As in the parity calculation, some firms objected to specification of the LR–1 class of vessel in connection with FEA's determination, at § 212.84(e)(3), of representative and maximum prices for delivered sales of a reference crude oil. Since in this case it is possible to identify the actual vessel used, FEA has amended the provision on delivered sales to provide that the calculation may be made on an actual vessel basis (or vessels and imputed transshipment fee where transshipment is used) where the class of the relevant vessels are known; where the relevant figures are not known the cost of the voyage will not be reflected in the calculation of the reference price. Since the elimination of such sales does reduce the data base

available for calculating reference prices, FEA intends to monitor this situation and may reimpose a hypothetical standard if the data base is too limited.

7. *Change in Accounting Methods.* Some firms commented that the restriction in § 212.85(b)(1) that changes in accounting method may be made only within ninety days of the issuance of § 212.85 was unnecessarily restrictive. FEA has reflected further on the circumstances which would justify a change in accounting methods between the AFRA and the Net Cost Methods. Because results under the two methods may differ somewhat, FEA in general believes that firms should continue to use whatever method more closely approximates their existing practice. Consequently there is no need for an unrestricted election. There may, however, be limited circumstances when a change from the Net Cost to the AFRA Method should be permitted. In particular, a firm whose marketing activities become diversified so that it is shipping substantial quantities of crude oil to markets other than the U.S. might appropriately shift to AFRA in order to avoid the allocation problems inherent in the Net Cost Method. To this limited extent, FEA has provided general authority to change accounting methods. Any other changes would have to be made through the exceptions process pursuant to the standards there applicable.

8. *Scope of § 212.85.* One firm suggested that § 212.85 is overly broad, since it applies to all oil transported to the United States. The firm argued that as drafted, the section requires a firm which owns a shipping company to deduct from its costs the profits of that company resulting from transportation from an unrelated producer to an unrelated refiner. It was suggested that this is unjustified, and that in order to prevent this result § 212.85 should cover only shipments "to the firm or any domestic affiliate." However, the operations of a shipping subsidiary not connected to crude shipments to the U.S. would not enter into calculations under either the AFRA or the Net Cost Methods; under the former, only actual voyages with respect to a firm's own imports are reflected, and, under the latter, offsetting revenues must be recognized only with respect to vessels used to transport oil for the firm. Therefore, the suggestion was not adopted.

9. *Affiliated Entities.* In the development of the regulations some persons have pointed out that there may be special difficulties for firms controlled by a foreign entity. Although the principles which should apply ought not to differ where transactions between affiliated entities are involved, there are special jurisdictional questions where a foreign parent is involved. In particular, a U.S. subsidiary may not have access to information in the possession of the foreign parent which may be necessary to calculate transportation costs.

FEA has modified the proposed rule in several ways to handle these problems. First, § 212.85(a) has been amended to make clear that a foreign parent is part of a firm for the purposes of calculating transportation costs. Foreign parents may, however, be treated as an unaffiliated entity if the U.S. affiliate can demonstrate that transactions with regard to transportation have been at arms-length. Such demonstration shall be made by showing that prices in such transactions are equivalent to those in other comparable arms-length transactions. Showings would have to be made on a transaction-by-transaction basis.

If the necessary showing is not made, § 212.85(c) has been modified to allow calculation of the cost of transport on a voyage basis using AFRA, where the cost information necessary to apply alternative accounting procedures is not available to the U.S. subsidiary. This approach, the same as used in the AFRA Method, can be applied without any information from the foreign parent and avoids the assertion by FEA of jurisdiction over the foreign parent.

II. AFRA METHOD

1. *Customary accounting procedures in lieu of prescribed AFRA Method.* Some companies requested that they be permitted to use their customary accounting practices in lieu of the prescribed AFRA Method, where those practices accomplish similar results or reflect accurately the company's long-term transportation costs. Such an option had been proposed with respect to companies required to use the Net Cost Method. FEA agrees that in light of the differing AFRA-based accounting practices utilized in the industry, such an option would be appropriate in order to avoid the unnecessary establishment of separate transportation accounting for FEA purposes. Accordingly, FEA has revised § 212.85 as proposed to provide that firms required to use either the Net Cost or AFRA Method may, with FEA's approval, continue to use their customary accounting procedures. To assure, however, that this degree of flexibility will not result in abuse, FEA has strengthened the standards for authorizing firms to retain their customary accounting procedures, so that now a firm may do so only where those procedures result in transportation costs less than or not materially different from costs determined by application of FEA's procedures. To assist in this determination, firms seeking to retain their customary accounting procedures are asked to submit comparative data for an 18-month test period. FEA has included the "materially different" standard to allow for cases in which during the test period costs may exceed the FEA standard but would not be expected to exceed the standard in the future. In seeking to use their own procedures, firms can request use in whole or in part. For instance, a firm may prefer to use its existing accounting system to determine allocation of annual charges to particular months.

2. *Actual cost not included in AFRA and Worldscale.* Several firms urged FEA to allow costs that are not included in published AFRA and Worldscale rates (such as deadfreight, discussed above), but which are actually incurred on a given voyage. FEA recognizes the equity of this request, notwithstanding that adoption of the approach diminishes the simplicity of the proposed AFRA Method. Accordingly, § 212.85(d) has been revised to permit firms to recognize those items not included in AFRA. These include cargo inspection charges; cargo, war risk, and marine insurance on hull and machinery where purchased for routes to or from ports outside normal trading warranties; canal tolls and expenses if not incorporated in the rates; freight and similar ad valorem taxes; standby tug charges exceeding those incorporated in the rates; shifting charges; and those items enumerated in Section 7 of the Notes and Conditions of the Worldscale schedule for the Charterers' Account.

3. *AFRA rate relative to higher-cost U.S.-flag vessels.* Some companies stated that the AFRA Method proposed should include an adjustment for U.S.-flag vessels, which are not taken into account in the calculation of the AFRA rate and which are generally costlier to operate than foreign vessels. However, since the Merchant Marine Act of 1920 (the "Jones Act") does not require that U.S.-flag vessels be used except between United States ports, FEA does not believe that the proposed AFRA Method, applicable only to international transportation, should be modified to compensate companies using U.S. ships. If use of U.S.-flag ships is subsequently required for certain shipments, FEA will then consider appropriate modifications of this rule.

4. *Long-term charter factor in composite AFRA rate.* One party suggested that the AFRA index should be modified to include company-owned tonnage at the same rate used for long-term charters. The proposal has considerable merit on economic grounds since long-term charters would seem to be the alternative most nearly equivalent to direct ownership. Because of the proprietary nature of the AFRA index, however, the figures necessary to make that adjustment are not readily available. More importantly, over time the adjustment would tend to make little difference in permitted rates since long-term charters compose the vast majority of the non-company-owned tonnage included in the AFRA index and since spot rates may move either above or below the long-term rate. On the basis of these reasons, the suggestion was not adopted.

5. *Credit for unused laytime.* As proposed, § 212.85(d) requires companies to credit against their costs any credit for allowed laytime not actually used. Some comments pointed out that it is not industry practice to grant such credits. However, where the vessel is owned by the firm, or on long-term charter to it, unused laytime accrues to the firm's benefit by permitting greater utilization of the vessel. This is not true where the vessel is on a spot or voyage charter, but such charters account for a relatively small percentage of voyages. Accordingly, the credit against costs for unused laytime has been retained.

6. *Calculation of cost.* One comment noted that as drafted, § 212.85(d)(1) contained an oversight, in that while it specified a rate of calculation (AFRA times Worldscale), it failed to specify that this rate must be multiplied by a loaded volume. FEA has corrected this oversight, and § 212.85(d)(1) now provides that the loaded volume shall be "the gross long tons of cargo loaded." FEA has also further elaborated the method of arriving at the rate of calculation.

7. *Backhauls.* In response to FEA's request for information concerning revenue received by firms for use of the vessel on the return leg of the voyage, several comments indicated that such backhauls are very infrequent, and provide relatively insignificant income. Moreover, FEA believes that most backhauling occurs on vessels specifically designed to carry other bulk cargoes as well as crude oil. These vessels may require significantly greater capital investment than regular crude carriers, and companies employing them may have higher operating costs than those associated with ordinary tankers. Therefore, FEA has tentatively determined that under the AFRA Method no credit should be required for backhauls in this connection. FEA believes, however, that more detail is required before this question is permanently resolved, and has issued informational orders to several large firms for this purpose. These orders ask the companies to provide the following information:

(1) For each "backhaul" of cargo originating in the United States and shipped on a vessel making delivery of crude oil or petroleum products to the United States from a foreign country during the months October 1973 to July 1976, the following information:

(a) Month of backhaul;

(b) Transportation revenues attributable to such backhaul;

(c) Incremental expenditures attributable to such backhaul (show items separately);

(d) Destination port;

(e) Cargo;

(f) Ton-miles of cargo carried on backhaul;

(g) Type of vessel used, e.g., oil bulk ore carrier;

(h) Special features, e.g., carriage pursuant to long term contracts.

(2) Total transportation charges with respect to all crude oil and petroleum products landed in the U.S. for any month in which a backhaul is listed pursuant to item (1) above.

(3) If specialized vessels were used for backhaul trade:

(a) What, if any, additional capital charges were incurred for the purchases, construction, or lease of such vessels as compared with the purchase, construction, or lease of conventional tankers of similar capacity.

(b) Any incremental expenses (or savings) experienced in the operation of such vessels with respect to oil shipments as compared to ordinary tankers. (Do not include here expenditures listed in item (1) above.)

(c) The incremental per barrel cost (savings) for shipments over the routes in which these vessels are typically used equivalent to the amounts listed in item 3(a) and 3(b).

(4) The basis of the computations provided in response to item (3).

FEA also hereby requests pertinent information from other interested persons. This information should be furnished in accordance with the procedures set forth below. Once FEA has evaluated all of the data received, it will determine whether any further amendment of the regulation is required.

III. NET COST METHOD

1. *Alternative method of treating equity-status vessels.* In response to FEA's request for views on this matter, several comments were received proposing an alternative method of treating company-owned or certain sale/leaseback vessels. In § 212.85(c)(2)(ii), FEA had proposed that for this ("equity status") class of vessels, the allowed transportation charges would be the sum of the annual-hire rate plus certain actual payments to unaffiliated entities. Most firms proposing an alternative method, suggested that it be based on amortization and an appropriate measure, such as the prime rate, of the cost of invested capital.

FEA has adopted such an approach, for use as an alternative to that originally proposed. Under the amortization method adopted today, the allowed transportation cost will be equal to the sum of a firm's operating expenses as paid to unaffiliated entities, the cost of bunkers, and depreciation as determined for general financial accounting purposes. FEA has not, however, included a cost of capital component, even though such is arguably appropriate in a market measure. A cost of capital allowance would raise difficult regulatory questions which to this point have not been addressed elsewhere in FEA regulations. Moreover, such an approach is unnecessary here when firms have available to them an alternative AFRA measure based directly on market transactions. In this respect the amortization option for equity-status vessels simply provided a form of recovery for firms of their capital costs when those expenditures turn out, in aggregate, to be in excess of recovery rates actually permitted in the market. In this context an additional recovery for return on capital appears inappropriate.

The regulation makes clear that depreciation for these purposes must be based upon the firm's accounting in its financial reports to stockholders, i.e., reports filed with the SEC when a firm is subject to the SEC's jurisdiction. To avoid any possible ambiguity in this regard, FEA has amplified its usual language relating to the use of a firm's customary accounting procedures.

For equity-status vessels, firms may choose this amortization alternative or the modified AFRA approach set out below. The election must, however, apply overall and may not be exercised on a vessel-by-vessel basis.

Although comments were earlier requested on this alternative the specific form is new and comments from interested persons are specifically invited pursuant to the procedures set out below.

2. *Allowed transportation costs.* Also some comments stated that the method proposed for calculating costs relating to equity status vessels only vaguely described the "annual-hire rate", and that it was likely to produce economic distortion by relying on the AFRA rate in effect when the vessel first went into service. Accordingly, FEA has revised the rule to provide that where the amortization method discussed above is not adopted, the allowed transportation costs relating to equity-status vessels shall be calculated on a voyage basis, by applying the AFRA rate effective for the month in which the vessel is being used by the firm as determined in accordance with the AFRA Method in § 212.85(d). This will greatly simplify the calculation and audit, and provide greater parity between the AFRA and Net-Cost Methods.

3. *Land-based personnel.* Several comments were received objecting to FEA's exclusion of costs relating to overhead and land-based personnel. With respect to overhead, FEA does not believe that it should be considered as an element of product costs, and therefore § 212.85(c)(1) has not been revised in this regard. On the other hand, the regulation has been revised to permit inclusion of salaries relating to land-based personnel where such personnel are directly and solely engaged in marine transportation of crude oil. Such personnel may include those responsible for chartering vessels, discharging cargo, compliance with safety and registration requirements, and other similar activities but not those who, for example, have managerial responsibilities in several areas including marine transportation. FEA believes that it is appropriate to include as a product cost these limited land-based costs, since conceptually "landed costs" should include all of the costs directly attributable to actually landing the product in the U.S. More extensive costs have not been allowed in order to minimize enforcement problems.

4. *Bunker fuel costs for charter status vessels.* Some firms pointed out that under the proposed § 212.85(c)(2)(iii), allowed costs for charter status vessels did not include the cost of bunker fuel supplied to the vessel by the chartering firm. FEA has determined that such costs should be allowed, and has therefore revised the regulation to include the cost of bunker fuel, which is supplied by the firm to the vessel for the purpose of transporting crude oil to the United States. For these purposes bunker fuel should be priced as it is to other similar customers at the particular location.

5. *Tonnage exchanges.* One firm commented that § 212.85(c)(2) failed to deal with costs relating to vessels obtained by a firm under a tonnage exchange agree-

ment. FEA agrees that such agreements should be dealt with by the regulations. Section 212.85(c)(2) has therefore been revised to provide that the costs relating to vessels obtained from unaffiliated entities under exchange agreements, shall be the costs relative to vessels given by the firm in exchange, subject to adjustment for payments made and received. The section has also been revised to require that non-monthly charges be adjusted to a monthly basis.

6. *Application of allocation to charter status vessels.* One firm commented that while the cost allocation provisions in § 212.85(c)(3) appeared to be designed only for application to equity status vessels, there was no specific exclusion of vessels in which a firm did not hold any equity. In order to clarify this issue, FEA has revised the regulations so that cost allocation is not required for single voyage charters. Such allocation is also not required for equity status vessels where the AFRA option is used.

7. *Credit against costs for income received for use of the vessel.* One firm objected to the provision that income received by a firm for use of the vessel by other persons be credited against allowable costs. FEA believes such credit to be fair and appropriate since under the Net-Cost Method (unlike the AFRA method) firms are allowed to recover all of their expenditures, and therefore the provision remains as proposed.

COMMENT PROCEDURE

These regulations will become effective January 1, 1977. Nevertheless, FEA will receive comments on the regulations, and the rulemaking is kept open for that purpose. In particular FEA will receive comments on those portions of the regulations issued today affecting the deadweight allowance, the treatment of backhauls, and the capital amortization method for equity-status vessels. FEA also recognizes that the regulations issued today may raise other questions concerning which comments may be appropriate. Interested persons are invited to submit written data, views, or arguments with respect to these issues to Executive Communications, Room 3309, Federal Energy Administration, Box JX, the Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Computation of Landed Costs: Transportation II". Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., January 17, 1976, will be considered by the Federal Energy Administration in determining whether any further rulemaking is required with respect to these issues.

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.

(Federal Energy Administration Act of 1974, P.L. 93-275, as amended by P.L. 94-385; E.O. 11790, 39 FR 23185; Emergency Petroleum Allocation Act of 1973, P.L. 93-159, as amended by P.L. 94-163.)

In consideration of the foregoing, Part 212 of Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective January 1, 1977.

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

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 212.82 is amended by amending paragraphs (1), (2), (5), and (6) of the definition of "Landed Cost", by adding definitions of "AFRA" and "Class" immediately preceding "Cost of crude oil", and a definition of "World-scale" immediately following "Transactions between affiliated entities," to read as follows:

§ 212.82 Definitions.

* * * * *

"AFRA" means the London Tanker Broker's Panel's average freight rate assessment.

"Class" of a vessel means the designation of a vessel based on its capacity in deadweight tons, according to the schedule set forth by the London Tanker Broker's Panel.

* * * * *

"Landed cost" means:

(1) For purposes of covered products other than crude oil, both purchased and shipped pursuant to arms-length transactions, the purchase price at the point of origin plus the actual transportation cost to the refinery, plus import fees and duties incurred.

(2) For purposes of covered products other than crude oil, purchased in an arms-length transaction and shipped pursuant to a transaction between affiliated entities, the purchase price at the point of origin plus the transportation cost computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned, plus import fees and duties incurred.

* * * * *

(5) For purposes of crude oil purchased in an arms-length transaction or purchased in a transaction to which § 212.84(g) is applicable, the purchase price (or the cost if § 212.84(g) is applicable) plus the cost of transportation, if any, computed pursuant to § 212.85, from the point of delivery to the firm to the U.S. port of entry (or the actual cost of transportation to the U.S. border in the case of crude oil not transported by sea), plus the cost of domestic transportation to the refinery, plus import fees and duties incurred.

(6) For purposes of crude oil purchased in a transaction between affiliated entities (other than crude oil to which § 212.84(g) is applicable), the cost of crude oil f.o.b. the port of loading in the country of origin computed pursuant to § 212.84 plus the cost of transportation computed pursuant to § 212.85 from the port of loading in the country of origin to the U.S. port of entry (or the actual cost of transportation to the U.S. border in the case of crude oil not transported by sea), plus the cost of domestic transportation to the refinery, plus import fees and duties incurred.

When delivery is taken at a point other than in the country of loading and § 212.84(g) is not applicable, the crude oil shall be treated as though the crude oil has been shipped to the U.S. port of entry from the country of origin of the crude oil, on the route and in the class of vessels most commonly used by the firm and its affiliated entities for shipments between the country of origin and the U.S. port.

* * * * *

"Worldscale" means the Worldwide Tanker Nominal Freight Scale, jointly sponsored and issued by the Association of Ship Brokers and Agents (Worldscale) Inc. and the International Tanker Nominal Freight Scale Association Limited.

2. Section 212.84 is amended in paragraph (c), and in subparagraph (3), subparagraph (4) and clause (i) of subparagraph (6) of paragraph (e) to read as follows:

§ 212.84 Disallowance of costs.

* * * * *

(c) *Cost of crude oil.* Except as provided in paragraph (g) of this section, the cost of crude oil allowed in transactions between affiliated entities shall be equal to the price which would prevail if the affiliated entities consistently and continuously dealt with each other at arms-length. A refiner purchasing crude oil from an affiliated entity shall initially set the cost of crude oil at the f.o.b. price at the port of loading in the country of origin which is representative of those prices prevailing in arms-length transactions according to the best information available to the refiner.

* * * * *

(e) * * *

(3) In determining the representative and maximum prices for a reference crude oil, FEA will consider all transactions reported to FEA for the reference and related crude oils loaded during the month of measurement, except as provided in paragraph (e)(4) of this section. For purposes of determining representative and maximum prices for a reference crude oil, the prices of a related crude oil shall be adjusted to the equivalent price of the related reference crude oil on the basis of the difference in the posted prices, tax-reference prices or other official selling prices, as established by the host government for those two crude oils. For delivered sales, the price shall be adjusted to an f.o.b. price at the port of loading in the country of origin by using the actual transportation cost, if stipulated, or by subtracting the imputed cost of transportation calculated

as provided in § 212.85(d)(1) (the reference loading date being the month of loading and the vessel class being that actually used). If there is insufficient information to calculate the transportation cost as provided in § 212.85(d)(1), and the actual transportation cost is not stipulated, the sale shall not be used in determining the representative and maximum prices.

(4) * * *

(viii) delivered sales to the extent provided in paragraph (3) of this section.

* * * * *

(6) * * *

(i) The transportation adjustment shall be equal to the difference in the cost of shipping from the points of loading, to the appropriate points of landing, calculated in accordance with § 212.85(d)(1) with the reference loading date being the month for which the adjustment is made, and the vessel class being LR–1.

* * * * *

3. Part 212 is amended by adding a new § 212.85 to read as follows:

§ 212.85 Transportation costs.

(a) *Purpose and scope.* This section prescribes the standards which refiners shall use to establish the cost of transportation by sea to the United States of imported crude oil, for the purpose of determining the landed cost of that crude oil. For purposes of this section "firm" means a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, whether or not the parent is a U.S. entity, provided that a U.S. entity controlled directly or indirectly by a foreign entity may request permission from FEA to treat the foreign entity as not part of the same firm. FEA shall allow such treatment only if it finds that all transactions with the foreign entity regarding transportation are conducted at arms-length as evidenced by comparable arms-length transactions.

(b)(1) *Selection of method.* For the purpose of this section, a firm shall utilize either the Net-Cost Method specified in paragraph (c) of this section, or the AFRA Method specified in paragraph (d) of this section, depending on that firm's historical accounting procedures, for the determination of its crude-oil transportation costs. A firm shall utilize the net-cost method if those procedures, have been based predominantly on actual costs; it shall utilize the AFRA method if they have been based predominantly on a nominal-cost approach such as AFRA-Worldscale. Each reporting firm shall notify FEA within 30 days of the effective date of this regulation as to which method it is required to utilize, and where applicable shall specify which of the two methods permitted to be utilized under paragraph (c)(2)(ii), it has adopted. A firm using the Net-Cost Method may at any time request permission to make a one-time-only change to the AFRA Method. FEA will allow that change where a firm demonstrates that due to changes in its distribution patterns use of the Net-Cost Method is no longer practicable. Any change permitted under this section may be conditioned on a recalculation of transportation costs for earlier months pursuant to the new method adopted.

(2) Within 30 days of the effective date of this regulation firms may request approval to use their customary accounting procedures in lieu of those specified in paragraph (c) or (d) of this section provided that those procedures are generally accepted and have been consistently and historically applied. FEA will grant approval for such use to the extent that it finds that such use results in transportation costs less than or not materially different from those resulting from application of the procedures prescribed in paragraph (c) or (d). Firms requesting such approval may retain their current accounting procedures for 90 days after the effective date of this regulation, unless such time period is extended by FEA. Applications pursuant to this subparagraph must set out in detail the accounting procedures used and the authority for their use and to the extent possible shall include a comparison of the cost of transportation calculated using such procedures and those prescribed by FEA for a period of 18 months preceding the month of application. Applications must also be accompanied by an opinion from the firm's independent auditors that such procedures are generally accepted and have been consistently and historically applied by the firm.

(c)(1) *The Net-Cost Method.* A firm using the Net Cost Method for determination of its transportation costs shall establish its net transportation cost by (i) determining its allowed transportation costs, as specified in subparagraph (2), and (ii) subtracting therefrom, the sum of: (A) Any income received by the firm from unaffiliated entities for the use of vessels (other than "equity" status vessels where transportation costs are calculated in accordance with paragraph (c)(2)(ii)(A)) whose costs are included in the total allowed transportation costs, plus (B) the product of that firm's cost per ton mile for the fiscal year, determined according to subparagraph (3) of this paragraph, times the total ton-miles of shipping during the fiscal year which does not produce income from unaffiliated companies, does not involve crude oil imported into the United States, and uses vessels (other than "equity" status vessels where transportation costs are calculated in accordance with paragraph (c)(2)(ii)(A)) whose costs are included in its allowed transportation costs. Transportation costs not otherwise allocated to particular shipments shall be allocated according to subparagraph (3) of this paragraph. The cost of general overhead may not be included, except that a firm may include the salaries of land-based personnel directly and solely engaged in marine transportation of crude oil from foreign ports to the United States.

(2)(i) With regard to all vessels used in whole or in part by the firm for shipment of its crude oil to the United States, allowed transportation costs relating to a particular vessel shall be calculated in a manner dependent on whether the ownership of the vessel is characterized as "equity" status or "charter" status. A vessel has equity status if it is owned by the firm or leased by the firm under terms of a lease in which title reverts to the firm at the end of the lease period without additional payment, or upon the additional payment of a sum which does not approximate the then-current market value of the vessel. A vessel has charter status if it does not have equity status.

(ii) Allowed transportation cost relating to an equity status vessel shall be either:

(A) on a voyage basis as provided in paragraph (d), or

(B) the sum of (aa) all payments made by the firm to unaffiliated entities incurred in connection with the use and operation of the vessel, (bb) the cost of bunker fuel which is supplied by the firm to the vessel for the purpose of transporting crude oil to the United States, priced at the current market price at the location where supplied, and (cc) annual depreciation as determined in accordance with the customary accounting procedures generally accepted and consistently and historically applied by the firm in financial reports to stockholders.

(iii)(A) Allowed transportation costs for a charter-status vessel shall be the sum of all payments made by the firm to unaffiliated entities incurred in connection with the use and operation of the vessel, plus the cost of any bunker fuel which is supplied by the firm to the vessel for the purpose of transporting crude oil to the United States, priced at the current market price at the location where supplied.

(B) Where the U.S. entities of a firm do not have adequate information, subject to FEA audit, to determine the allowed transportation costs for a charter-status vessel due to the control of such information by a foreign entity not subject to control by the U.S. entities, the allowed transportation costs shall be calculated in accordance with paragraph (d), provided that in such cases FEA may require that all allowed transportation costs of the firm be computed in accordance with paragraph (d).

(iv) Allowed transportation costs of a vessel received by a firm from another firm under the terms of a tonnage exchange agreement shall be the costs relating to the equity or charter-status vessel given to the other firm under the terms of that tonnage exchange agreement, increased by any payments to be made to the other firm and reduced by any payments to be received from the other firm in connection with such exchange.

(3) Non-monthly charges shall be adjusted to a monthly basis. Except for single voyage charters, or when costs for equity status vessels are calculated as provided in 2(ii)(A), allocation of transportation costs to a shipment of crude oil shall be determined as the product of the number of cargo ton-miles of

crude oil transported in that shipment times that firm's "cost per ton mile" (CTM) estimate for that month. The CTM estimate of a firm for a given month shall be the ratio of:

(i) The firm's best estimate of its net transportation cost for the fiscal year, minus the transportation costs the firm has allocated to shipping for all previous months of the fiscal year, to:

(ii) The firm's best estimate of its total shipping quantity in ton-miles for the fiscal year using vessels whose costs are included in that firm's gross transportation cost, minus the number of ton-miles of such shipping for which the firm has allocated costs in all previous months of the fiscal year. Upon determination of its actual net transportation cost for a fiscal year, but not later than 60 days beyond the end of that fiscal year, each firm shall report as an adjustment to its cost the difference between the actual value of its net transportation cost for that fiscal year and the total transportation costs allocated by the firm for the fiscal year. The ratio of the firm's net transportation costs for a fiscal year to the total amount of that firm's shipping in ton-miles for that fiscal year, is that firm's CTM for that fiscal year.

(d)(1) *The AFRA method.* A firm using the AFRA Method for determination of its transportation costs, or subject to paragraph (c)(2)(ii)(A) or (c)(2)(iii)(B), shall establish as its cost for the shipment of crude oil between two ports in a particular vessel, given either a reference or actual loading date and class of vessel, the sum of:

(i) Voyage freight, determined by multiplying the AFRA rate applicable (A) to the month in which notice of readiness to load is tendered and (B) to the class of vessel, by the Worldscale rate for the voyage, and by the gross long tons of cargo loaded;

(ii) deadfreight, determined by multiplying the product of the AFRA rate and the Worldscale rate determined as in (i) by the difference between the deadweight available to cargo and the gross long tons of cargo loaded, provided that the cost per barrel thereby incurred does not exceed the cost per barrel for the vessel class of the largest fully loaded vessel which can make the voyage between the ports of loading and unloading under normal operating conditions;

(iii) demurrage costs above the laytime allowed in the Worldscale rate, calculated as the product of the applicable AFRA and Worldscale rates, provided that if demurrage is claimed under this item, an equivalent credit on other voyages for allowed but unused laytime must be made;

(iv) actual lightering and transhipment costs; and

(v) other costs actually incurred, which are not included in published or Worldscale rates, including to that extent cargo inspection charges; cargo, war risk, and marine insurance on hull and machinery where purchased for routes outside normal trading warranties; canal tolls and expenses if not incorporated in the rates; freight and ad valorem taxes; standby tug charges exceeding those incorporated in the rates; shifting charges; and those items enumerated in Section 7 of the Notes and Conditions of the Worldscale Schedule for the Charterers' Account.

(2) The Worldscale rate to be used for shipments in which a particular vessel loads and/or unloads at more than one port shall be the multiport Worldscale rate for that combination of ports, if it is listed; if not, the value to be used shall be calculated in a manner consistent with the calculation of Worldscale multi-port rates. Allocation of costs for multi-port deliveries shall be on a ton-mile basis. Transportation costs for shipments in which more than one vessel is used shall be the sum of the costs of transportation in each vessel used.

(e) No item of cost shall enter into any calculation under this section such that the landed cost computed under § 212.82 reflects more than a single entry of that item. In no case shall any transportation cost be allowed for a period when a vessel is not in active use.

(f) All requests or required notices pursuant to this section shall be directed to the Assistant Administrator, Office of Regulatory Programs, "Attention: Transportation Costs." Requests or required notices shall be submitted in accordance with Subpart A of Part 205.

[FR Doc.76-37732 Filed 12-20-76;4:29 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0029]

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 226—TRUTH IN LENDING

Official Staff Interpretations

In accordance with 12 CFR Part 226.1(d), the Board is publishing the following official staff interpreations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6.

Official staff interpretations may be reconsidered by the Board upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

This interpretation shall be effective as of December 20, 1976.

[FC-0029]

§ 226.8(c) Statutory "base finance charge" and "service charge" may not be combined and disclosed as a single type of finance charge; it is proper to use the statutory terms as descriptions.

§ 226.4(a) Statutory "base finance charge" and "service charge" may not be combined and disclosed as a single type of finance charge; it is proper to use the statutory terms as descriptions.

DECEMBER 6, 1976.

This is in reply to your letter of . . . , requesting an official staff interpretation of the requirements of recently amended § 226.8(c)(8) of Regulation Z with regard to retail installment sales contracts typically in use in the State of Ohio.

Ohio Revised Code § 1317.06, which regulates the finance charge in retail sales, provides for a "base finance charge" at the rate of $8 per $100 of principal per year and a "service charge" of 50 cents per month for the first $50 of the principal and an additional 25 cents per month for each of the next five $50 units of principal. You point out that these two rates are defined in § 1317.01 O.R.C. as follows:

"(N) 'Finance Charge' means the amount which the retail buyer pays or contracts to pay the retail seller for the privilege of paying the principal balance in installments over a period of time. . . .

"(O) 'Service Charge' means the amount which the retail buyer pays or contracts to pay the retail seller for the privilege of paying the principal balance in installments over a period of time in addition to the finance charge for the same privilege."

You contend that the "service charge" is not a service charge in the true sense of the term, but rather is interest or a time price differential. You stressed in a telephone conversation with a member of this staff that it was essentially an accident of history that the finance charge was divided into two segments with different names. You argue that since the "base finance charge" and the "service charge" are actually the same type of finance charge, there should be no itemization of the finance charge under § 226.8(c)(8)(i).

Staff's review of this matter does not lead it to concur with your contention that the base finance charge and the service charge are the same type of finance charge and therefore need not be itemized under § 226.8(c)(8)(i). The fact that the charges are dealt with separately in the Ohio statute and that they are computed in different manners is the basis for our differing view. Accordingly, it is staff's opinion that it would be proper to make the disclosure under § 226.8(c)(8)(i) by using the statutory terms of "base finance charge" and "service charge" to describe the two types of charges.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the Regulation, and I trust that it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Board of Governors of the Federal Reserve System, December 16, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-37636 Filed 12-22-76;8:45 am]

[Docket No. R-0068]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Approval of Amendments

The Board of Governors of the Federal Reserve System has amended its Rules Regarding Delegation of Authority to

delegate to any member of the Board designated by the Chairman the authority to approve amendments to notices of charges, proposed orders to cease and desist, and temporary cease-and-desist orders, previously approved by the Board pursuant to the Financial Institutions Supervisory Act, 12 U.S.C. 1818 (b) and (c) (sections 8(b) and (c) of the Federal Deposit Insurance Act).

The provisions of 5 U.S.C. 553, relating to notice and public participation and deferred effective date, are not followed in connection with the adoption of these amendments because the rules involved relate solely to matters of agency procedure and practice, and do not constitute substantive rules subject to the requirements of such section.

12 CFR Part 265 is amended by adding thereto a new § 265.1a(b)(2) to read as follows:

§ 265.1a Specific functions delegated to Board members.

* * * * *

(b) Any Board member designated by the Chairman is authorized:

* * * * *

(2) To approve, after receiving the recommendations of the Director of the Division of Banking Supervision and Regulation and the General Counsel, amendments to any notice of charges, proposed order to cease and desist, or temporary cease-and-desist order, previously approved by the Board of Governors pursuant to the Financial Institutions Supervisory Act, 12 U.S.C. 1818(b), (c) (Federal Deposit Insurance Act, Sections 8(b) and (c)).

By order of the Board of Governors, effective December 16, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-37635 Filed 12-22-76;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL

[No. 76-922]

PART 500—ORGANIZATION AND CHANNELING OF FUNCTIONS

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 522—ORGANIZATION OF BANKS

Amendments Relating to Board Organization

DECEMBER 16, 1976.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. PRESENT REGULATIONS

(a) Part 500 of the General Regulations describes the organization and channeling of functions of the Board.

(b) Section 522.81 of the Regulations for the Federal Home Loan Bank System describes the functions of the Office of Finance.

II. AMENDED REGULATIONS

(a) Part 500 is updated to reflect current Board organization and channeling of its functions.

(b) Section 522.81 is amended to conform to § 522.87 which prescribes for the Office of Finance additional functions in connection with the Office of Neighborhood Reinvestment.

The Federal Home Loan Bank Board considers it advisable to amend Part 500 of the General Regulations (12 CFR Part 500) and § 522.81 of the Regulations for the Federal Home Loan Bank System (12 CFR 522.81).

Section 500.2, which describes the functions of the Board with respect to the Federal Home Loan Banks, is amended to provide for appointment by the Board of six rather than four directors to the board of directors of each Bank.

Section 500.13, which describes the Office of Management Systems and Administration, is amended to more clearly define the present function of that Office.

Section 500.18, which describes the Office of Examinations and Supervision, is amended by adding the Civil Rights Act of 1968 and the Home Mortgage Disclosure Act of 1975 to the list of acts enforced by the Office.

Section 500.19, which describes the Office of Industry Development, is amended by adding electronic fund transfer systems to the matters concerning which the Director of the Office is responsible for applications.

Section 500.21, which describes the Office of the Federal Home Loan Banks, is amended to more clearly define the present functions of that Office.

Section 500.22, which describes the Office of Housing and Urban Affairs, is amended to describe an additional function of the Office regarding disclosure of records maintained by the Board containing personal information on individuals.

Section 500.31, which lists the forms currently in use, is amended by (1) adding a new Form 107A, (2) deleting five forms—Nos. 167, 457, 551, 638, and HC-F, (3) changing the reference in the description of Form H-(d)(2), and (4) deleting reference to forms in the HC series from paragraph (a)(1) thereof.

Section 522.81, which describes the functions of the Office of Finance, is amended to reflect the additional functions of that Office regarding the Office of Neighborhood Reinvestment.

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. 553(b) and 12 CFR 508.11, because the amendments relate to Board organization, procedure, or practice, and (2) publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to effective date is unnecessary for the same reason.

Accordingly, the Federal Home Loan Bank Board hereby amends §§ 500.2, 500.13, 500.18, 500.19, 500.21, 500.22, 500.31, and 522.81 as set forth below, effective December 22, 1976.

1. Revise §§ 500.2, 500.13, 500.18, 500.19, 500.21, and 500.22 to read as follows:

§ 500.2 The Federal Home Loan Bank System.

The Board supervises the Federal Home Loan Banks created by the Federal Home Loan Bank Act and issues regulations and orders for carrying out the purposes of the provisions of that Act. Savings and loan associations and other institutions specified in section 4 of the Federal Home Loan Bank Act that make long-term home mortgage loans are eligible to become members of a Federal Home Loan Bank. The functions of the Board with respect to the Banks and their members include, but are not limited to, the following: prescribing the conditions upon which a Federal Home Loan Bank is authorized to make advances to its members and to nonmember borrowers; prescribing rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts that may be paid by Bank members, other than those members the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act; prescribing rules and conditions upon which a Federal Home Loan Bank shall be authorized to borrow, to pay interest upon its borrowings, and to issue obligations; issuing upon such conditions as the Board may prescribe consolidated Federal Home Loan Bank bonds, notes, or debentures which are the joint and several obligations of all Federal Home Loan Banks; requiring examination of each Federal Home Loan Bank at least annually; appointing six directors to the board of directors of each Bank and conducting the election of the remaining directors by the members; approving dividends paid by each Federal Home Loan Bank; and acting on applications for Bank membership.

§ 500.13 Director of the Office of Management Systems and Administration.

The Director of the Office of Management Systems and Administration is the Board's Chief Administrative Officer and advisor regarding management and organizational matters, and as such is responsible for all management, organizational and administrative matters affecting Board offices and the Federal Savings and Loan Insurance Corporation. The responsibility includes the supervision and administration of the office which is divided into five divisions: The Financial Management Division, the Administration and Methods Division, the Personnel Management Division, the Information Systems Division, and the Management Systems Division.

* * * * *

(b) The Administration and Methods Division is responsible for contracting

and procurement operations; purchasing and supply procedures and implementation; receiving, sorting and distributing mail; safety and security programs; maintenance; transportation; acquisition and allocation of space; and other housekeeping activities for the Board. The Division operates a printing and reproduction plant as authorized by the Congressional Joint Committee on Printing. The Division also has responsibility for the Board's emergency planning program and for assuring relocation and continuity of operations in the event of an emergency.

(c) The Personnel Management Division is responsible for development and execution of the personnel management program of the Board. The program includes position management; recruitment, placement and staffing; position classification and wage administration; employee development, career counseling and training; employee relations; labor-management relations; health insurance, life insurance and retirement benefits; and incentive awards. The Director of the Personnel Management Division is also responsible for carrying out the purposes of Executive Order No. 10450, as amended, as Personnel Security Officer of the Board, and for acting as agency liaison to the Civil Service Commission on all personnel matters of interest to the Commission.

* * * * *

§ 500.18 Director of the Office of Examinations and Supervision.

The Director of the Office of Examinations and Supervision is responsible for the performance of the responsibilities of the Board and the Federal Savings and Loan Insurance corporation with respect to examination and supervision of Federal savings and loan associations under the Home Owners' Loan Act of 1933 and of State-chartered insured institutions, savings and loan holding companies, and subsidiaries of savings and loan holding companies under Title IV of the National Housing Act. The Director is also responsible for advising the Board with respect to matters of policy decision, legislation, and regulation to which his functions of supervision and examination are related. The Director is responsible for management of the examination process and development and improvement of examination techniques and for the direction of supervisory and enforcement activities of the staff and agents of the Board and the Federal Savings and Loan Insurance Corporation. This Office supervises the security programs of insured institutions required by the Bank Protection Act of 1968 and enforcement of the Truth in Lending Act, the Fair Credit Reporting Act, the Currency and Foreign Transactions Reporting Act, the Equal Credit Opportunity Act, the Real Estate Settlement Procedures Act, the Flood Disaster Protection Act, the Civil Rights Act of 1968, and the Home Mortgage Disclosure Act of 1975.

§ 500.19 Director of the Office of Industry Development.

The Director of the Office of Industry Development is responsible for processing, review, and evaluation of certain applications to the Board and the Federal Savings and Loan Insurance Corporation, except for applications which are approved by another agent or officer of the Board pursuant to delegated authority. Applications for which the Director is responsible concern the following matters: permission to organize a Federal savings and loan association; facility offices (including regular branch offices, limited facility branch offices, satellite offices, and mobile facilities) of existing Federal savings and loan associations; insurance of accounts; conversion from Federal to State or from State to Federal charter; membership in the Federal Home Loan Bank System; mergers involving a Federal savings and loan association; voluntary dissolution of a Federal savings and loan association; increase in accounts of an insurable type through merger, consolidation, or purchase of bulk assets; investment in a service corporation by a Federal savings and loan association; change in office location; investment in an office building; waiver or modification of a condition for insurance of accounts or issuance of a Federal charter; release of pledged savings accounts or escrowed stock; extension of a lending area; approval of amendments to charter, bylaws, or security forms; approval or disapproval of marketable certificates of deposits with the concurrence of the Office of the General Counsel; permission to issue subordinated debt securities; electronic fund transfer systems; and other applications for which the Director of this Office may be assigned responsibility. The Director is also responsible for planning and coordinating new programs to stimulate development of the savings and loan industry by encouraging financially sound restructuring. Further, it is the responsibility of the Director to coordinate inter-office programs in regard to development, extension, and reporting of electronic fund transfer systems.

§ 500.21 Director of the Office of the Federal Home Loan Banks.

The Director of the Office of the Federal Home Loan Banks is responsible for reviewing the activities of the Banks, for supervising and co-ordinating their operating procedures to ensure conformity with applicable laws and Board regulations and policies, and for arranging annual audits of each of the Banks. The Director is responsible for establishing standards of accounting, reporting, and financial analysis for the Banks and for providing advice and assistance to the Banks. He is responsible for formulating policy recommendations and regulatory changes affecting the Bank System and for making recommendations concerning such matters as budgets and salary levels. The Director is responsible for conducting elections of elected directors and for identifying and recommending the appointment of appointed directors of each Federal Home Loan Bank. The Director serves on the Credit and Investment Committee and on the Steering Committee of the Conference of Federal Home Loan Bank Presidents.

§ 500.22 Director of the Office of Housing and Urban Affairs.

The Director of the Office of Housing and Urban Affairs is responsible for advising the Board on housing, urban problems, and minority affairs and for recommending policies pertaining thereto. This Office develops, implements, and evaluates programs to encourage housing investment and rehabilitation in older urban neighborhoods, prevent discrimination in lending and employment by the savings and loan industry, and assist minority owned or operated savings and loan associations which have Federal charters or insurance of accounts by the Federal Savings and Loan Insurance Corporation. The Office provides assistance to any individual in preparing a request for review of a refusal to disclose or amend a record maintained by the Board containing personal information pertaining to such individual.

§ 500.31 [Amended]

2. Amend paragraph (a)(1) of § 500.31 by deleting therefrom the words "and HC".

Further amend paragraph (a)(1) of § 500.31 by deleting from the list of forms therein Forms 167, 457, 551, and 638, and adding after Form 107 the following new form:

107A	Supplement to Monthly Report (Sample of Insured Associations)

3. Amend paragraph (a)(2) of § 500.31 by deleting from the list of forms therein Form HC–F, and changing the reference "§ 584.3(a)(6)" in the description of Form H(d)(2) to read "§ 584.3(a)(7)."

4. Revise paragraph (a) of § 522.81 to read as follows:

§ 522.81 Functions of Office of Finance.

(a) The Office of Finance shall: (1) conduct all negotiations relating to the public or private offering and sale of consolidated Federal Home Loan Bank obligations, as may be authorized by the Board; (2) conduct all negotiations for the purchase and/or sale of any securities on behalf of a Federal Home Loan Bank, as may be requested by such Bank after receiving the approval of the Board in the event such approval is required or as may be requested by the Board; (3) perform such other related duties as may be requested of such Office by a Federal Home Loan Bank or Banks and/or the Board; and (4) perform such functions for the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage Corporation, and/or the Office of Neighborhood Reinvestment as may be requested of such Office by the Board. In addition to the foregoing, any

other function, duty, or authority heretofore vested in or performed by the Fiscal Agent shall be vested in, and may be performed by, the Office of Finance.

* * * * *

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. § 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.76-37725 Filed 12-22-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-NW-3-AD; Amdt. 39-2795]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 737 Series Airplanes

There have been failures of the forward and aft cargo door lower stop fittings on Boeing Model 737 series airplanes. Failure of a stop fitting results in a significant loss of door strength. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspections of the stop fittings and repair/replacement, as necessary, on affected Boeing Model 737 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.

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

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

BOEING: Applies to all Model 737 series airplanes certificated in all categories. Compliance required as indicated.

To detect cracks in the forward and aft cargo door lower stop fittings, (4 total) accomplish the following:

A. Upon accumulation of 15,000 flights or within the next 500 flights from the effective date of this AD, whichever occurs later, inspect the aft cargo door lowest side stop fittings per paragraph C.

B. Upon accumulation of 20,000 flights or within the next 500 flights from the effective date of this AD, whichever occurs later, inspect the forward cargo door lowest side stop fittings per paragraph C.

C. Visually or eddy current inspect the lowest side stop fittings in accordance with Boeing Service Bulletin No. 737–52–1065, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repeat the inspections at intervals not to exceed 500 flights from the last inspection for the visual method and 2,500 flights from the last inspection for the eddy current method.

D. If a cracked fitting is detected: 1. Replace the fitting and visually or eddy current inspect the adjacent fitting prior to further flight in accordance with Boeing Service Bulletin No. 737–52–1065, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region; or

2. Continue service with no more than one cracked fitting for up to 50 flights under the following conditions:

a. Assure the stop fittings adjacent to the cracked fitting are crack-free by visual or eddy current inspection specified in the service bulletin.

b. Within 25 flights repeat the visual or eddy current inspection of the adjacent fitting.

c. Within 50 flights replace the fitting in accordance with the service bulletin.

E. Installation of a new improved fitting in accordance with Boeing Service Bulletin No. 737–52–1065, Revision 1, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action for this AD at that fitting.

F. For the purpose of this AD, when conclusive records are not available to show the number of flights accumulated by a particular fitting, the number of flights may be computed by dividing the airplane time-in-service since the fitting was installed in the airplane by the operator's fleet average time per flight for his Model 737 airplanes.

G. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals in this AD, if the request contains substantiating data to justify the increase for that operator.

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 Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective January 14, 1977.

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

Issued in Seattle, Washington, December 16, 1976.

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

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the FEDERAL REGISTER on June 19, 1967.

[FR Doc.76-37738 Filed 12-22-76;8:45 am]

[Docket No. 16378; Amdt. 39-2794]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm (MBB) Model BO–105A and BO–105C Helicopters

There has been a report of the brake blocks of the main rotor brake saddle being found loose or detached on Messerschmitt-Bolkow-Blohm (MBB) Model BO–105A and B105C helicopters that could result in possible rotor damage upon actuation of the main rotor brake or possible engine failure if a brake block becomes detached and ingested into an engine. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to impose operating limitations on the use of the main rotor brake, to require inspection and replacement of the brake block saddle, and to require inspection of engines for possible damage on certain Messerschmitt-Bolkow-Blohm (MBB) Model BO–105A and BO–105C helicopters.

Since a situation exists that requires the 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:

MESSERSCHMITT-BOLKOW-BLOHM (MBB). Applies to all Model BO–105A and BO–105C helicopters, certificated in all categories, incorporating main rotor brake systems, MBB P/N 105–10501.

Compliance is required as indicated, unless already accomplished.

To prevent possible rotor failure with consequent engine damage, accomplish the following:

(a) Before further flight, except that the helicopter may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, accomplish the following:

(1) Install an operating limitation placard on the instrument panel in full view of the pilot, setting forth the following limitation: "DO NOT OPERATE ROTOR BRAKE."

(2) Inspect the main rotor brake saddle Goodrich P/N 2–1188, for loose or detached brake blocks, Goodrich P/N 27–516.

(b) If, during the inspection required by paragraph (a)(2) of this AD a loose brake block is found, before further flight, remove the main rotor brake saddle in accordance with the procedures contained in paragraph (c)(2) of this AD.

(c) If, during the inspection required by paragraph (a)(2) of this AD a brake block is found detached, before further flight, accomplish the following:

(1) Inspect the main gearbox compartment for the brake block or brake block debris. If the entire brake block is not recovered, inspect the compressor section of each engine for foreign object damage, and repair, as necessary, in accordance with the Allison Maintenance and Overhaul Manual for the Model 250 engine.

(2) Remove the main rotor brake saddle as follows:

(i) Detach pressure hose, P/N 105-10610, at rotor brake saddle.

(ii) Operate brake lever until flow of fluid from detached hoses ceases.

(iii) Detach hose, P/N 105-10610, from pressure relief valve, P/N 105-10511.

(iv) Seal outlet of pressure relief valve, P/N 105-10511, with nonmetallic blind plug or with tape.

(v) Remove bolts attaching main rotor brake saddle to main gearbox.

(vi) Remove main rotor brake saddle.

(d) If, during the inspection required by paragraph (a)(2) of this AD, the brake block is found not to be loose or detached, within the next 10 hours time in service after the effective date of this AD, remove the brake block saddle in accordance with the procedures contained in paragraph (c)(2) of this AD.

(e) The operating limitation placard required by paragraph (a) of this AD, may be removed upon the installation of an improved main rotor brake saddle, Goodrich P/N 2-1188-J.

NOTE.—The helicopter is approved for operation without the main rotor brake saddle.

This amendment becomes effective January 6, 1977.

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

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

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-37426 Filed 12-22-76;8:45 am]

[Docket No. 16377; Amdt. 39-2792]

PART 39—AIRWORTHINESS DIRECTIVES

Morane Saulnier (Socata) Models MS 892A-150, 892 E-150, 893A, 893E, 894A, and 894E Airplanes

There have been reports of the carburetor heat flap retaining screws found loose or missing on certain Morane Saulnier (Socata) airplanes that could result in loss of carburetor heat control and possible carburetor icing. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and replacement, as necessary, of the carburetor heat flap retaining screws on certain Morane Saulnier (Socata) Models MS 892A-150, 892E-150, 893A, 893E, 894A, and 894E airplanes.

Since a situation exists that requires the 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 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:

MORANE SAULNIER (SOCATA). Applies to Models MS 892 A-150, 892E150, 893A, 893E, 894A, and 894E airplanes, equipped with Avco-Lycoming or Franklin engines, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible carburetor icing, due to loose or missing carburetor heat flap retaining screws, accomplish the following:

(a) Before further flight, inspect the carburetor heat flap retaining screws for loose or lost screws in accordance with Socata Service Bulletin No. 125/1, dated September 1976, or an FAA-approved equivalent.

(b) If, during the inspection required by paragraph (a) of this AD, any carburetor heat flap retaining screw is found loose or missing, replace all the screws and nuts in accordance with Socata Service Bulletin No. 125/1, dated September 1976, or an FAA-approved equivalent.

(c) If, during the inspection required by paragraph (a) of this AD, no screws are found loose or missing, within the next 50 hours time in service after the effective date of this AD, replace all the carburetor heat flap retaining screws and nuts in accordance with Socata Service Bulletin No. 125/1, dated September 1976, or an FAA-approved equivalent.

This amendment becomes effective January 6, 1977.

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

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

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-37425 Filed 12-22-76;8:45 am]

[Docket No. 71-SO-142; Amdt. 39-2788]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-28-140 Series Airplanes

Amendment 39-1394 (37 FR 3508 and 37 FR 3509), AD 72-4-3, requires inspection and replacement, if necessary, of the flexible oil cooler hose assemblies on certain PA-28-140 airplanes. After issuing Amendment 39-1394, due to service experience, the agency determined that the 100 hour repetitive inspection interval is not effective in removing those hoses that are subject to failure. Therefore, the AD is being superseded by a new AD that requires the replacement of certain oil hose assemblies.

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:

PIPER AIRCRAFT CORPORATION. Applies to PA-28-140 airplanes serial numbers 28-20000 through 28-7125471 equipped with flexible engine-to-oil radiator hose assemblies Piper Part Numbers 63794-16 or 61413-02 certificated in all categories.

Compliance required as indicated.

To prevent a possible rupture of oil hose assemblies 63794X16 or 61413-02, and subsequent engine stoppage, accomplish the following:

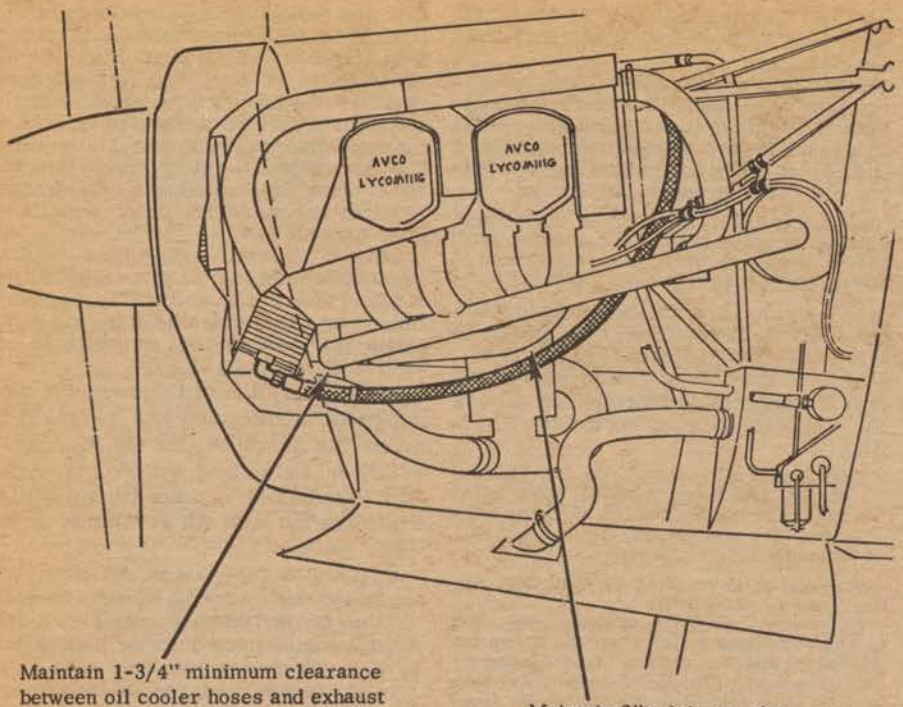
(a) For airplanes with 950 or more hours time in service on the effective date of this AD, comply with paragraphs (c), (d) and (e) within the next 50 hours time in service.

(b) For airplanes with less than 950 hours time in service on the effective date of this AD, comply with paragraphs (c), (d) and (e) before the accumulation of 1000 hours time in service.

(c) Unless already accomplished, remove both oil radiator hose assemblies, Piper Part Number 63794-16 or 61413-02, whichever is installed.

(d) Install two oil radiator hose assemblies, Piper Part Number 63901-72 or equivalent oil hose assemblies approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

Adjust the oil hoses to insure at least a minimum clearance of 1¾" between the oil hoses and the front exhaust stacks. Both oil lines must be tied firmly together where they pass below the exhaust stacks. As the hose is routed to the rear of the engine, it must pass underneath and behind the electrical ground cable in front of the lower of the two engine mount struts. The hose must be tied to the engine mount strut at this location so that a minimum clearance of at least two inches is maintained between the oil hose and exhaust stack (see sketch below).



Maintain 1-3/4" minimum clearance between oil cooler hoses and exhaust stack in this area

Maintain 2" minimum clearance between oil cooler hose and exhaust stack in this area.

(e) After installing the replacement hose assemblies, run the engine for a few minutes to insure that there are no oil leaks and that required clearance between oil hoses and the exhaust system will be maintained when the engine is warm.

This supersedes Amendment 39-1394 (37 F.R. 3508 and 37 F.R. 3509), AD 72-4-3.

Piper Service Bulletin 531 pertains to this same subject.

This amendment becomes effective December 23, 1976.

(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)).)

Issued in East Point, Georgia, on December 8, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Dec.76-37356 Filed 12-22-76;8:45 am]

[Docket No. 76-NE-23; Amdt. 39-2791]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney R 2800 B Series Military Engines (R2800-21, -27, -31, -41, -43, -51, -59, -63, -71, -75, -79)

AD 50-22-01 as amended by Amendment 39-2622 and further amended by Amendment 39-2647 (41 FR 24880), requires 40 hour repetitive supercharger impeller shaft end clearance inspections until modified at overhaul on all military Model R2800 B series engines. After issuing Amendment 39-2647, a further evaluation was made of the current service history of these engines. Records available at the manufacturer and the FAA indicate thrust bearing failures are not a current problem. This is attributed to the use of dispersant oils and engine modifications which have been incorporated over the years. Therefore, the need for AD 50-22-01, as amended, is obviated.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made 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 rescinding Amendment 39-2622 as further amended by Amendment 39-2647 (41 FR 24880), AD 50-22-01.

This amendment becomes effective December 31, 1976.

(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)).)

Issued in Burlington, Massachusetts on December 13, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-37355 Filed 12-22-76;8:45 am]

[Docket No. 16376; Amdt. 39-2793]

PART 39—AIRWORTHINESS DIRECTIVES

Scottish Aviation Limited Model HP-137 Mk.1 Jetstream Airplanes

Amendment 39-2465 (40 FR 58129), AD-75-26-16, requires repetitive visual inspection, reinforcement, and replacement, as necessary, of the outer flap assembly on Scottish Aviation Ltd. Model HP-137 Mk.1 Jetstream airplanes. After issuing Amendment 39-2465, due to service experience, the FAA determined that repetitive radiographic inspections are necessary in addition to the repetitive visual inspections to detect cracks in the outer flap assembly. The FAA further determined that the repetitive inspections may be discontinued upon the installation of a modified outer flap assembly. Therefore, the AD is being superseded by a new AD that requires repetitive visual and radiographic inspections, and replacement as necessary, of the outer flap assembly. The new AD also provides for the discontinuance of repetitive inspections upon the installation of a modified outer flap assembly.

Since this amendment, in part, provides an alternative means of compliance which imposes no additional burden on any person and, in part, reflects a situation that requires the immediate adoption of this regulation, it is found that notice and public procedure are unnecessary and 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:

SCOTTISH AVIATION LIMITED. Applies to Model HP-137 Mk. 1 Jetstream airplanes, certificated in all categories, except those airplanes which incorporate Scottish Aviation Limited Modification No. 5111.

Compliance is required as indicated.

To detect cracks in the outer end of each outer wing flap and to prevent possible flap separation from the airplane and possible loss of airplane control, accomplish the following:

(a) For airplanes with 500 or more total landings on the effective date of this AD:

(1) Comply with paragraph (c) of this AD, before further flight, (except that the airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, provided that the flaps remain in the fully retracted position for the duration of the flight), unless already accomplished within the last 50 landings and thereafter continue to comply with paragraph (c) of this AD at intervals not to exceed 50 landings.

(2) Comply with paragraph (d) of this AD, within the next 50 landings and thereafter continue to comply with paragraph (d) at intervals not to exceed 500 landings.

(b) For airplanes with less than 500 total landings on the effective date of this AD:

(1) Comply with paragraph (c) of this AD before the accumulation of 500 landings and thereafter continue to comply with paragraph (c) at intervals not to exceed 50 landings.

(2) Comply with paragraph (d) of this AD before the accumulation of 500 landings or within the next 50 landings after the effective date of this AD whichever occurs later, and thereafter continue to comply with paragraph (d) at intervals not to exceed 500 landings.

(c) Visually inspect the outer end of each outer wing flap, Part No. 13760B–405 (left) and 13760B–406 (right), for cracks along the lower flange of the end rib and rib doubler using a magnifying glass with at least 5 power in accordance with the instructions contained in Paragraph 3, Part B of Scottish Aviation Limited Service Bulletin No. 9/5, issue 2, dated August 4, 1976, or an FAA-approved equivalent.

(d) Inspect the outer end of each wing flap, Part No. 13760–B–405 (left) and 13760B–406 (right), for cracks along the lower flange of the end rib and rib doubler using the radiographic technique in accordance with the instructions contained in Paragraph 3, Part C of Scottish Aviation Limited Service Bulletin No. 9/5, issue 2, dated August 4, 1976, or an FAA-approved equivalent.

(e) If, during the inspections required by paragraphs (c) and (d) of this AD, cracks are found, replace the affected part with a serviceable part of the same part number.

NOTE: A "serviceable part" is defined in Note 1, Parts (a) and (b) of Scottish Aviation Limited Service Bulletin, No. 9/5, issue 2, dated August 4, 1976.

(f) Compliance with paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) may be discontinued upon the incorporation of Scottish Aviation Limited Modification 5111.

This amendment supersedes Amendment 39–2465, (40 FR 58129), AD 75–26–16.

This amendment becomes effective January 6, 1977.

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

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

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76–37424 Filed 12–22–76;8:45 am]

[Airspace Docket No. 76–SW–55]

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

Designation of Transition Area

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

On November 11, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 49829) stating the Federal Aviation Administration proposed to designate a transition area at Clarksville, Ark.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 Gmt, February 24, 1977, as hereinafter set forth.

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

CLARKSVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 7-statute-mile radius of Clarksville Municipal Airport, Clarksville, Ark. (latitude 35°28'15" N., longitude 93°26'00" W.); and within 3.5 statute miles each side of the 136° bearing from Clarksville NDB (latitude 35°28'05" N., longitude 93°25'47" W.), extending from the 7-mile-radius area to 12 statute miles southeast of the NDB.

Issued in Fort Worth, Tex., on December 15, 1976.

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

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc.76–37739 Filed 12–22–76;8:45 am]

[Airspace Docket No. 76–SW–48]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Airways, Jet Routes and Area High Routes

On September 30, 1976, a Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 43186) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter several airways, jet routes and area high routes in the vicinity of Greater Southwest, Tex.

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

In the proposed description of Jet Route J–131 "Dallas-Fort Worth" was inadvertently omitted between the words "radials" and "to Texarkana." The amendment adopted herein includes this point of designation.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 GMT, February 24, 1977, as hereinafter set forth.

§ 71.123 [Amended]

§ 71.123 (42 FR 307) is amended as follows:

1. In V–18, all before "Shreveport, La.," is deleted and "From Millsap, Tex., via Dallas-Fort Worth, Tex; Quitman, Tex.;" is substituted therefor.

2. In V–358 "Greater Southwest, Tex.;" is deleted and "Dallas-Fort Worth, Tex.;" is substituted therefor.

§ 71.203 [Amended]

In § 71.203 (42 FR 626) "Greater Southwest, Tex." is deleted and "Dallas-Fort Worth." is added.

§ 71.207 [Amended]

In § 71.207 (42 FR 633) "Greater Southwest, Tex." is deleted and "Dallas-Fort Worth, Tex." is added.

§ 75.100 [Amended]

§ 75.100 (42 FR 722) is amended as follows:

1. In Jet Route No 4, Jet Route No. 25, Jet Route No. 42, Jet Route No. 52, Jet Route No 58, Jet Route No. 66, Jet Route No 72, Jet Route No. 76 and Jet Route No. 105 "Greater Southwest, Tex." is deleted and "Dallas-Fort Worth, Tex." is substituted therefor.

2. In Jet Route No. 21 "Greater Southwest, Tex.; INT Greater Southwest 356 " is deleted and "Dallas-Fort Worth, Tex.; INT Dallas-Fort Worth 355°" is substituted therefor.

3. Jet Route No 33 is amended to read as follows: "Jet Route No. 33 From Humble, Tex., via INT Humble 347° and Dallas-Fort Worth, Tex., 138° radials to Dallas-Fort Worth."

4. In Jet Route No. 87 all before "Tulsa, Okla.;" is deleted and "From Humble, Tex., via Dallas-Fort Worth, Tex;" is substituted therefor.

5. In Jet Route No. 131 all before "Texarkana, Ark.;" is deleted and "From San Antonio, Tex., via INT San Antonio 007° and Dallas-Fort Worth, Tex., 218° radials; Dallas-Fort Worth;" is substituted therefor.

§ 75.400 [Amended]

§ 75.400 (42 FR 722) is amended as follows:

1. In J–842R the title is deleted and "J–842R Dallas-Fort Worth, Tex, to New York, N.Y." is substituted therefor. Also the first waypoint is deleted and "Dallas-Fort Worth, Tex. 32°51'57"N. 97°01'40" W. Dallas-Fort Worth, Tex." is substituted therefor.

2. In J–843R the title is deleted and "J–843R New York, N.Y., to Dallas-Fort Worth, Tex." is substituted therefor. Also the last waypoint is deleted and "Dallas-Fort Worth, Tex. 32°51'57" N., 97°-01'40" W. Dallas-Fort Worth, Tex." is substituted therefor.

3. In J–912R the title is deleted and "J–912R Dallas-Fort Worth, Tex., to Chicago, Ill." is substituted therefor. Also the first waypoint is deleted and "Dallas-Fort Worth, Tex. 32°51'57" N., 97°-01'40" W. Dallas-Fort Worth, Tex." is substituted therefor.

4. In J–914R the title is deleted and "J–914R Dallas-Fort Worth, Tex., to New Orleans, La." is substituted therefor. Also the first waypoint is deleted and "Dallas-Fort Worth, Tex. 32°51'57" N., 97°-01'40" W. Dallas-Fort Worth, Tex." is substituted therefor.

5. In J–934R the title is deleted and "J–934R Dallas-Fort Worth, Tex., to Atlanta, Ga." is substituted therefor. Also the first waypoint is deleted and "Dallas-Fort Worth, Tex., 32°51'57" N., 97°-01'40" W. Dallas-Fort Worth, Tex." is substituted therefor.

6. In J–941R the title is deleted and "J–941R Dallas-Fort Worth, Tex., to Las Vegas, Nev." is substituted therefor. Also the first waypoint is deleted and "Dallas-Fort Worth, Tex. 32°51'57" N., 97°-01'40" W. Dallas-Fort Worth, Tex." is substituted therefor.

7. In J–942R the title is deleted and "J–942R Dallas-Fort Worth, Tex., to Lubbock, Tex." is substituted therefor. Also the first waypoint is deleted and "Dallas-Fort Worth, Tex. 32°51'57" N.,

97°01'40" W. Dallas-Fort Worth, Tex." is substituted therefor.

8. In J-949R the second waypoint is deleted and "Dallas-Fort Worth, Tex. 32°51'57" N., 97°01'40" W. Dallas-Fort Worth, Tex." is substituted therefor.

9. In J-950R the second waypoint is deleted and "Scurry, Tex. 32°27'52" N., 96°20'14" W. Dallas-Fort Worth, Tex." is substituted therefor.

10. In J-991R the title is deleted and "J-991R Minneapolis, Minn., to Dallas-Fort Worth, Tex." is substituted therefor. Also the last waypoint is deleted and "Dallas-Fort Worth, Tex. 32°51'57" N., 97°01"40" W. Dallas-Fort Worth, Tex." is substituted therefor.

11. In J-992R the second waypoint is deleted and "YANTI 32°54'39" N., 95°-31'36" W. Dallas-Fort Worth, Tex." is substituted therefor.

(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 December 17, 1976.

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

[FR Doc.76-37737 Filed 12-22-76;8:45 am]

[Airspace Docket No. 76-WE-11]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of RNAV Routes

On October 21, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 46459) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign J-964R, J-967R, J-937R, J-938R, J-965R and J-966R western termination points to coincide with the eastern termination points of Pacific Composite routes R63 and R65.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 Gmt, February 24, 1977, as hereinafter set forth.

§ 75.400 [Amended]

Section 75.400 (42 FR 722) is amended as follows:

a. In J-937R "LEAFS 37°48'13" N., 125°49'57" W." is deleted and "LEAFS 37°50'00" N., 125°50'00" W." is substituted therefor.

b. In J-938R "LEAFS 37°48'13" N., 125°49'57" W." is deleted and "LEAFS 37°50'00" N., 125°50'00" W." is substituted therefor.

c. In J-964R "MERLE 37°11'16" N., 122°-47'08" W", "FRUIT 36°15'00" N., 124°50'00" W." are deleted and "MERLE 37°20'54" N., 122°50'36" W., "FRUIT 36°05'00" N., 124°50'-00" W." are substituted therefor.

d. In J-965R "LEAFS 37°48'13" N., 125°49'-57" W." is deleted and "LEAFS 37°50'00" N., 125°50'00" W." is substituted therefor.

e. In J-966R "LEAFS 37°48'13" N., 125°49"-57" W." is deleted and "LEAFS 37°50'00" N., 125°50'00" W." is substituted therefor.

f. In J-967R "FRUIT 36°15'00" N., 124°-50'00" W.", "MERLE 37°11'16" N., 122°47'08" W." are deleted and "FRUIT 36°05'00" N., 124°50'00" W.", "MERLE 37°20'54" N., 122°50'36" W." are substituted therefor.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on December 20, 1976.

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

[FR Doc.76-37736 Filed 12-22-76;8:45 am]

[Docket No. 16375; Amdt. No. 1052]

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, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

§ 97.23 [Amended]

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective February 24, 1977.

Hawthorne, CA—Hawthorne Municipal, VOR Rwy 7, Amdt. 11.
Durango, CO—Durango-La Plata County, VOR-A, Amdt. 2.
Durango, CO—Durango-La Plata County, VOR Rwy 2, Amdt. 3.
Waco, TX—James Connally Arpt., VOR-A, Amdt. 3.
Waco, TX—Waco-Madison Cooper Arpt., VOR Rwy 14, Amdt. 17.

* * * effective February 10, 1977.

Lodi, CA—Linds Arpt., VOR-A, Amdt. 1.
Tucumcari, NM—Tucumcari Municipal, VOR Rwy 21, Amdt. 4.
Tucumcari, NM—Tucumcari Municipal, VOR Rwy 26, Amdt. 4.
Woodward, OK—West Woodward Arpt., VOR/DME-A, Amdt. 1.
Hanksville, UT—Hanksville (FAA Site 54), VOR-A, Amdt. 6, cancelled.
Jackson, WY—Jackson Hole Arpt., VOR/DME Rwy 36, Original.

* * * effective February 3, 1977.

Wilmington, DE—Greater Wilmington Arpt., VOR Rwy 9, Amdt. 1.
Mt. Carmel, IL—Mt. Carmel Muni., VOR Rwy 22, Amdt. 2.
Spencer, IA—Spencer Muni., VOR Rwy 11, Amdt. 2.
Spencer, IA—Spencer Muni., VOR Rwy 29, Amdt. 2.
Boston, MA—General Edward Lawrence Logan Int'l Arpt., VOR Rwy 27, Amdt. 12, cancelled.
Boston, MA—General Edward Lawrence Logan Int'l Arpt., VOR/DME Rwy 27, Original.
Hancock, MI—Houghton County Memorial, VOR Rwy 13, Amdt. 8.
Hancock, MI—Houghton County Memorial, VOR Rwy 25, Amdt. 10.
Hancock, MI—Houghton County Memorial, VOR Rwy 31, Amdt. 7.
Jackson, MS—Allen C. Thompson Field, VORTAC Rwy 33R, Amdt. 1.
Kansas City, MO—Kansas City Int'l Arpt., VOR Rwy 27, Amdt. 9.
Zanesville, OH—Zanesville Muni.., VOR Rwy 4, Amdt. 3.
Zanesville, OH—Zanesville Muni., VOR Rwy 22, Original.
Burlington, WI—Burlington Muni., VOR Rwy 29, Amdt. 2.

* * * effective December 13, 1976.

Mansfield, MA—Mansfield Muni., VOR-A, Amdt. 10.
Gulfport, MS—Gulfport Muni., VOR Rwy 13 (TAC) Amdt. 17.

§ 97.25 [Amended]

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective February 3, 1977.

Kailua-Kona, HI—Ke-Ahole Arpt., LOC Rwy 17, Original.
Kansas City, MO—Kansas City Int'l Arpt., LOC(BC) Rwy 27, Amdt. 7.

Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Int'l Arpt., LOC(BC) Rwy 22, Amdt. 5.

* * * *effective January 6, 1977.*

Youngstown, OH—Youngstown Muni Arpt., LOC Rwy 14, Original.
Youngstown, OH—Youngstown Muni Arpt., LOC(BC) Rwy 14, Amdt. 1, cancelled.

* * * *effective December 10, 1976.*

Milwaukee, WI—General Mitchell Field, LOC Rwy 25L, Amdt. 1.

§ 97.27 [Amended]

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective February 24, 1977.*

Waco, TX—James Connally Arpt., NDB Rwy 17, Amdt. 2.
Waco, TX—James Connally Arpt., NDB Rwy 35, Amdt. 3.
Waco, TX—Waco-Madison Cooper Arpt., NDB Rwy 19, Amdt. 12.

* * * *effective February 3, 1977.*

Spencer, IA—Spencer Muni Arpt., NDB Rwy 29, Amdt. 2.
Phillipsburg, KS—Phillipsburg Muni Arpt., NDB Rwy 31, Amdt. 4.
Louisville, KY—Standiford Field, NDB Rwy 1, Amdt. 1.
Detroit, MI—Willow Run Arpt., NDB Rwy 5R, Amdt. 2.
Oshkosh, NE—Oshkosh Muni Arpt., NDB Rwy 12, Amdt. 2.
Youngstown, OH—Landsdowne Arpt., NDB-B, Amdt. 5.
Zanesville, OH—Zanesville Muni Arpt., NDB Rwy 4, Amdt. 9.

* * * *effective January 13, 1977.*

Sonora, TX—Sonora Municipal Arpt., NDB Rwy 18, Original.

* * * *effective December 13, 1976.*

Gulfport, MS—Gulfport Muni Arpt., NDB Rwy 13, Amdt. 5.

* * * *effective December 9, 1976.*

Muncie, IN—Delaware County-Johnson Field, NDB Rwy 32, Amdt. 2.

§ 97.29 [Amended]

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPS, *effective February 24, 1977.*

Waco, TX—James Connally Arpt., ILS Rwy 17, Amdt. 3.
Waco, TX—Waco-Madison Cooper Arpt., ILS Rwy 19, Amdt. 9.

* * * *effective February 10, 1977.*

Corpus Christi, TX—Corpus Christi Int'l Arpt., ILS Rwy 35, Amdt. 1.

* * * *effective February 3, 1977.*

Detroit, MI—Willow Run Arpt., ILS Rwy 5R, Amdt. 4.
Hancock, MI—Houghton County Memorial, ILS Rwy 31, Amdt. 4.
Columbus, OH—Ohio State University Arpt., ILS Rwy 9R, Amdt. 1.

* * * *effective January 13, 1977.*

Monroe, LA—Monroe Muni Arpt., ILS Rwy 4, Amdt. 14.

* * * *effective January 6, 1977.*

Chicago, IL—Chicago O'Hare Int'l Arpt., ILS Rwy 9L, Amdt. 1.

* * * *effective December 13, 1976.*

Gulfport, MS—Gulfport Muni Arpt., ILS Rwy 13, Amdt. 6.

* * * *effective December 10, 1976.*

Milwaukee, WI—General Mitchell Field, ILS Rwy 19R, Amdt. 2.

§ 97.31 [Amended]

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPS, *effective January 6, 1977.*

Muskegon, MI—Muskegon County, Radar-1, Original.

* * * *effective December 10, 1976.*

Milwaukee, WI—General Mitchell Field, Radar-1, Amdt. 19.

§ 97.33 [Amended]

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective February 3, 1977.*

Wilmington, DE—Greater Wilmington Arpt., RNAV Rwy 9, Amdt. 1.
Joplin, MO—Joplin Muni Arpt., RNAV Rwy 31, Amdt. 1.

(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 December 17, 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.76-37753 Filed 12-22-76;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Docket No. 27769; Reg. ER-979]

PART 221a—FARE SUMMARIES

Issuance of A New Part

DECEMBER 2, 1976.

Effective: June 1, 1977.

Adopted: December 2, 1976.

The Civil Aeronautics Board hereby issues a new Part 221a, *Fare Summaries*, in its Economic Regulations (14 CFR Part 221a). The new regulation requires certificated air carriers to publish and maintain at all their ticket-selling locations simplified summaries of their various fares for scheduled services between selected origin and destination points in interstate and overseas air transportation.

This rulemaking was initiated by a petition from Aviation Consumer Action Project (ACAP), in response to which the Board issued an Advance Notice of Proposed Rulemaking (EDR-285, June 10, 1975, 40 F.R. 24740), inviting comments with respect to the general problem described by ACAP. Following receipt of those comments, the Board then issued a Notice of Proposed Rulemaking (EDR-285C, June 22, 1976, 41 F.R. 25020), in which comments were invited on a specific proposed rule, which was set forth and explained. Comments on the proposed rule were received from Congressmen John E. Moss and Robert F. Drinan, Consumer Federation of America, Consumers Union, ACAP, U.S. Department of Transportation, Administrator of the (U.S.) General Services Administration, Office of Consumer Affairs (HEW), Pennsylvania Public Utility Commission, American Society of Travel Agents (ASTA), and 12 airlines,[1] as well as from some 85 members of the general public.

In addition, United, Delta, and ACAP filed reply comments.

Upon consideration, the Board has decided to adopt the rule as proposed, with two slight modifications in response to comments. The tentative findings and conclusions set forth in EDR-285C are made final, and except to the extent granted herein, all requests contained in the comments are denied. The Board also hereby dismisses the proceeding instituted by EDR-222 (37 F.R. 5964; Docket 24328) and denies the petition by the Airline Charter Tour Operators Association (Docket 27897), both of which concern suggested requirements for carriers to disseminate information concerning prospective tariff changes. Although the subject matter of those proceedings differs somewhat from this one, it appears most appropriate to gain experience with the new fare summaries rule before issuing further requirements for publishing price information.

As proposed, the new regulation would require each certificated scheduled air carrier to maintain fare summaries concerning its routes in interstate or overseas air transportation, but not for foreign routes. They would be kept at each ticket-selling location of the carrier, available at no cost, and in such a manner that they are visible and accessible to the public. They would contain in an easy-to-read form a summary, typically but not necessarily in tabular form, of each of the various fares, including discount fares, of that carrier as offered from a specific origin point, with dollar amounts and the main rules and restrictions applicable to each type of fare. The origin points for which each carrier would have to have summaries would be each city included in the carrier's top 100 city-pairs, ranked on the basis of on-line origin-destination revenue passengers. For each origin-point summary, the destinations for which the information would have to be included would be the 10 cities generating the most traffic to and from the origin point, plus any other destinations that with the origin city are included in the carrier's top 100 city-

[1] American Airlines, a separate comment by M. Sullivan of American Airlines, Eastern Air Lines, Braniff Airways, United Air Lines, Delta Air Lines, Western Air Lines, Allegheny Airlines, Southern Airways, Trans World Airlines, Northwest Airlines, Alaska Airlines, and Continental Air Lines.

pairs. Any destination, however, that generated less than 10 passengers per day, on the average, between it and the origin point would not have to be covered.

The summaries to be stocked at each ticket-selling location would be those for the nearest origin point of that carrier, plus any other origin points within 100 miles of that location. Carriers would be required to have enough summaries on hand to meet expected demand, and to replenish them when exhausted. Summaries could also be ordered by mail for any origin point for which they are published, by use of forms available at each ticket location, with a maximum response time of 7 days.

Summaries would be required to be corrected within 30 days of any major change, defined as a change in at least one-quarter of the fares shown or the addition or deletion of a fare type, and within 6 months of any other changes in material contained in the summaries. In addition to the actual dollar amount of the fares, the summaries would have to include any of the following rules or restrictions: restrictions as to dates of the year on which the fare applies, such as holidays and peak or off-peak seasons; hour-of-the-day and day-of-the-week limitations; minimum- and maximum-stay periods; round-trip requirements; advance reservation, deposit, and refund or forfeit provisions; children's fares; any rules regarding the identity or number of passengers, such as occupation (military, clergy, etc.) or minimum number in group; and any land-package or other requirements for purchases in addition to the air fare. Fares that are only available to pre-formed groups of 10 or more would not have to be included in the summaries; where a group of any size could be formed by the carrier or a travel agent, however, such a fare would be required to be shown.

Descriptions would be required to be concise and readily understandable by the lay public; abbreviations, symbols, and footnotes would be kept to a minimum, and any abbreviations or symbols not obvious or widely understood would be explained on the same page. In addition to its usual powers of enforcement of its regulations, the Board could issue an order specifying changes to be made in a summary if it found it at variance with the regulation.

The proposal was either supported or not generally objected to by all the formal non-airline commenters except the Office of Consumer Affairs, HEW. Among the airlines, Eastern, Braniff, and United did not generally oppose the proposal, although United in its reply comment reiterated previously expressed doubts concerning the Board's authority in the area. The remaining airlines opposed the issuance, although several offered specific suggestions in the event it was adopted. Among the individual comments, the ratio of support to opposition was about 10 to 1.

Several of the opposing comments argued that the need for such information had not been shown. The Office of Consumer Affairs, HEW, cited a 1974 poll showing that 46% of the persons who flew during the previous 12 months had incomes of $15,000 or more, and claimed that this poll demonstrated that airline passengers were "sophisticated" and could "fend for themselves." If these poll data are valid, they do not appear to support the conclusion suggested, since $15,000 is not far above the median family income. Regardless of their validity, however, the Board does not agree with the underlying premise that only "unsophisticated" travelers can benefit from the information. In fact, the more educated portion of the public may find the summaries most useful; their purpose is to make the entire population of potential airline travelers better informed as to their travel options.

Opposing airlines argued that their computerized reservations systems, the assistance provided by airline ticket-selling personnel, and the efforts being made to clarify the presentation of tariffs, obviate the need for requiring the publication of fare summaries. Some of these arguments had been previously raised in the comments in response to the Advance Notice of Proposed Rulemaking. On the other hand, the comments that have been received, at both stages of this proceeding, from consumer-representative groups, directly from the general public, and from government agencies including the U.S. Department of Transportation and the General Services Administration, indicate the opposite. To some extent, the multitude of fare classes offered between two points and the complexity of the restrictions, speak for themselves. Regardless of whether information given out on the spot by airline or travel agency personnel is often inaccurate or incomplete, as suggested in some comments, the Board finds that a clear and comprehensive view of the many different fares offered can, in most situations, only be practically obtained by consumers in the form of printed material designed to be easily readable.

Delta argued that the record contains "no substantial support," in the form of "empirical evidence," to justify the issuance of the rule, and suggested that the Board hold formal hearings to "find the facts" on the issue. The Board finds that argument to be without merit. As discussed, the record contains very substantial support for the rule. The governing statutes clearly specify that informal notice-and-comment proceedings are appropriate for rulemaking such as this, and there is no reason to believe that evidence adduced at formal hearings is any more valid than that gathered through informal proceedings.

Some of the opposing comments suggested that the summaries would be costly to the airlines and therefore to the traveling public. Many of the airlines submitted cost figures for the summaries. Upon examination of these figures, the Board finds that the summaries would actually be quite low in cost, considering the amount of information provided to the public. The annual cost of issuing the summaries will depend primarily on the frequency with which they must be reissued, which in turn depends primarily on the frequency with which the airlines change their fares. Even on the extreme assumption that fares are changed in a manner which would require the reissuance of summaries around six times per year (as they were during the past 12 months), the cost figures submitted by the airlines indicate that the fare summary program will cost the trunk carriers on the order of one cent per ticket (*i.e.*, per enplaning revenue passenger).[2] This compares with their general advertising expenditures that are on the order of one to five *dollars* per ticket.[3]

Several of the carriers argued that they should be allowed to express the various discount fares offered as a percentage of a basic fare, without providing dollar fares for each fare and each destination. This would eliminate the need for reissuing the fare summaries every time there is a fare change, thereby saving much of the cost of the program. ACAP, on the other hand, declared that dollar fare amounts are essential to carry out the goals of the rule. The Board agrees with ACAP's position. The main impetus for this rule is that carrier restrictions have become complex, many different fares are being offered, and there is presently no convenient way for consumers to view quickly and clearly the whole range of options. The full impact of discounts on a family's travel budget, and the range of fares to different destinations under various fare plans, can be easily appreciated only if the actual fares are provided. Providing actual fares also makes it clear which discounts are available to particular destinations, information that will not be presented where only general percentages were provided. The requirement for actual dollar fares is therefore retained in the rule.

Another issue on which several carriers commented was the requirement that ticket-selling locations be required to stock summaries for the nearest origin point, and for any other origin point within 100 miles of the location. United and Eastern suggested that they only be required to stock the summary for one origin-point city if the ticket-selling location is in that city, arguing that most consumers would not be interested in information for more distant origin points. Alaska Airlines argued that the 100-mile rule is inappropriate for Alaska, since ground travel to an origin other than the closest one is unlikely under

[2] For example United Airlines estimated that four to six issues per year "could cost as much as" $180,000 for printing. Other data submitted suggested additional costs approximating 25% of printing costs, indicating a total cost for United of around $225,000. United enplanes some 30 million revenue passengers per year, indicating a cost for the summaries of approximately three-quarters of a cent per passenger ticket.

[3] Based on carriers' data submitted on CAB Form 41, Schedule P-8, and summarized in ACAP's reply comment in this docket.

Alaskan conditions. Upon consideration, the Board has decided to issue the availability rule as proposed. It is true that many different situations will be encountered in practice, and the usefulness of having more than one summary available may also differ. In general, however, considering that the convenience of using various airports will vary widely among different consumers depending on such factors as where they live and work, that the types of discounts offered may vary among different nearby origin points, and that the usefulness of the summaries will be greatest if consumers can depend on obtaining relevant information about the widest variety of available travel options, the Board finds that the broad rule proposed appears the most desirable.

United and Eastern also argued that they should not be required to stock any summary at all at a ticket-selling location from which the nearest origin point of that carrier is more than 100 miles distant. This argument is also rejected. Even if many travelers may not utilize the origin point whose summary is stocked in that situation, such a summary can be of considerable use to consumers in informing them of the fare types available from the carrier, and simply of the nature of the summary itself, with the inducement to order other summaries through the mail as needed.

Some comments asked that the Board allow fare summaries to be combined with timetables. Alaska Airlines asked for clarification that the fare sections of the summaries could be issued separately, to eliminate waste in reissuances. Alaska Airlines also asked that the Board require a statement to the effect that in the event of conflict between the summary and an official tariff, the tariff would govern. In regard to all of these comments interested persons should note that the rule does not specify in detail the format to be followed. As long as each of the rule's requirements is met, the carriers may include other information, at their discretion, such as in the timetable approach. The rule states explicitly (§ 221a.5(a)) that the fare amounts may either be integrated with the rules and conditions, or may be set forth in a separate table. In the latter case only the table need be reissued if there are no changes in the rules and conditions; the only qualification is that if there are two documents, they must be stocked for public pickup in such a way that it is made clear that a person must take both to obtain a clear summary of the fares.

Allegheny Airlines and Southern Airways argued that fare summaries would be less useful for passengers on local service carriers, since many of their passengers are on interline connecting trips, for which the fare information for their portion, stated separately, would not be applicable. Southern pointed out that some airports that are a short distance apart might have enough traffic to qualify for fare summaries under the rule's tests, but that that traffic would consist mostly of interline connecting passengers. These statements are doubtless correct, but the Board does not agree that they lead to the conclusion that the local service carriers should not be covered by the fare summaries rule. Although local service carriers service many short routes, many of their routes are relatively long, and those carriers are the only ones serving communities in which millions of citizens live. Even if the information for certain short-hop city-pairs is not as useful as that for others, the incremental cost of supplying it, given the existence of the summaries, must be negligible. In this light, the extreme variety of traffic situations throughout the country makes it impracticable to attempt to devise rules to determine whether certain city-pairs should be omitted on the basis of predominantly connecting traffic. For these reasons the application of the rule will remain as proposed, to all certificated carriers serving domestic or overseas routes.

In response to Southern's suggestion that the proposed definition of "origin-destination" was ambiguous, it is being changed slightly to make clear that it means the entire portion of a trip by one carrier ("on-line"), not the separate flights where there are plane changes ("on-flight"). Southern and Allegheny both noted that that meaning might give them difficulty, because they do not presently keep their traffic data on an on-line basis. The only reason in the rule, however, for the use of the phrase "origin-destination" is to ascertain which city-pairs should be covered by the summaries: *i.e.*, which are a carrier's top 100 city-pairs and which are the top 10 destinations from a given origin city. Thus, the consequences of an erroneous determination by a carrier will not be serious. Carriers will be expected simply to use the best data, surveys, or estimates that are available to them in making these rankings, and a good-faith error in such a case will not be considered material by the Board.

Several detailed criticisms and suggestions were made in the comments. Some suggested that the type size for the summaries be specified in points, as is commonly done; ACAP suggested 9-point type. The Board finds that 8-point type is easily readable to the average person, and in the interest of avoiding unnecessary costs, the rule specifies that size as a minimum.

ACAP and ASTA both suggested that the 30-day and 6-month permitted reissuance times for major and minor changes, respectively, are too long. Upon consideration of their arguments, the Board has decided to retain the times as proposed. It should be remembered that these are maximum times, which probably will be undercut by the carriers in the interest of ensuring compliance. They are intended to strike a balance between reasonable accuracy and reasonable cost. If, after the start-up period, it appears from experience that they may be unnecessarily long, the Board will consider changing them.

With respect to the requirement to mail requested summaries within 7 days, United argued that a carrier should not be subjected to this requirement if a change is imminent after the 7-day period. This suggestion is found to be impractical; if a carrier were allowed to delay responding because of some change it considered imminent, the certainty that is intended by the requirement would be lost. In most cases, it would seem that an answer could be mailed within 1 or 2 days, and the 7-day period should provide any needed flexibility. United also asked permission to reject "wasteful" requests, such as for each of a carrier's summaries. The rule as proposed allows a carrier to reasonably limit the number of copies furnished; whether further specificity is needed in this aspect of the rule must be determined on the basis of experience. It would be difficult if not impossible to formulate an objective test, in a regulation, for requests that are wasteful and those that are not. Since the general intent of the rule is widespread availability of the information, it does not appear justified at this time to impose limits such as those suggested by United, and in this respect it will be issued as proposed.

Several requests by the airlines to relax the rule in various ways are rejected on grounds that on consideration of all available information, the Board finds that the provisions in question are justified by the need, and the reasons for their inclusion are not outweighed by the countervailing arguments. Eastern suggested that only cities appearing twice in a carrier's top 100 city-pairs be used as origin points, thus cutting down substantially on the number of different summaries produced; the Board is not inclined to lower the number of communities with summaries, however, since diffusion of fare information to the largest extent is one of the main goals of the regulation. Braniff suggested eliminating group fares altogether and deleting the inclusion of groups "assembled by the carrier or by a travel agent." This suggestion is rejected because group fares on scheduled service, including carrier- or agent-assembled groups, are an important type of travel that can be advantageous to consumers in various situations. Braniff also suggested modifying the enforcement provision in § 221a.8 that empowers the Board to specify changes to be made in a noncomplying summary; this provision, similar to that in 14 CFR 252.5, relating to required company manuals concerning smoking on aircraft, will be retained, however, as a useful supplement to the Board's other enforcement methods that can be used to resolve problems of language and format in an expeditious manner. American suggested that sending three copies to the Board is unnecessary; actually, considering that several different offices and bureaus within the Board will be concerned with the regulation, three copies appear to be barely adequate.

The comments contained other suggested additions to or strengthening of the requirements. ACAP suggested prohibiting the use of symbols except where they are self-explanatory. It also would require the airlines to mention the summaries to all persons inquiring as to fares, and to send them out in response to telephone requests. Congressman Robert F. Drinan suggested general summaries with types of fares and conditions for lower-traffic routes not otherwise covered, further rulemaking to require summaries applicable to foreign transportation, foreign-language summaries for communities more than 5% bilingual, and prescription of a uniform summary format. The Board has decided not to adopt these suggestions at this time, but to observe how well the fare summary requirement serves its intended purposes, with a view to making modifications that appear desirable on the basis of experience. "Hard" information on the cost and difficulty, or lack of it, in producing and distributing the summaries, after the start-up problems are worked out of the carriers' systems, will be especially valuable in deciding on future changes.

ASTA requested that the summaries be required to be distributed directly to travel agents. The Board recognizes that fare summaries will be particularly useful in the hands of travel agents, both for the agents' own information and for distribution to their customers. In deciding to leave this area unregulated for the present, the Board assumes that the requirement to distribute to any person (including travel agents) on request, along with the commercial interests of both the carriers and the travel agents, will lead to arrangements that accommodate the travel agents' needs satisfactorily. To attempt now to regulate distribution to travel agents would entail devising entirely new formulas, which might not be simple, with respect to the numbers of copies and the coverage of the summaries that should be distributed to each agent.

In light of the foregoing, a new Part 221a, *Fare Summaries*, is added to the Board's Economic Regulations (14 CFR Part 221a), effective June 1, 1976, to read as set forth below.

Sec.
221a.1 Purpose.
221a.2 Applicability.
221a.3 Availability and public notice.
221a.4 Contents.
221a.5 Format.
221a.6 Coverage.
221a.7 Reissuance of summaries.
221a.8 Filing with the Board.

AUTHORITY: Secs. 204, 403, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, as amended, 49 U.S.C. 1324, 1373.

§ 211a.1 Purpose.

The purpose of this part is to require certificated air carriers to make available to the public concise and easily understandable information concerning the various normal and discount passenger fares they offer in scheduled service that they perform in interstate and overseas air transportation, so that persons contemplating air travel can make an informed choice of the alternative fares and select those best suited to their needs. The requirements are stated in general terms in order to allow variation, innovation, and competition by the carriers in designing their summary formats for maximum dissemination and greatest usefulness to the general public. The specific intent is to have each air carrier provide to the public, at each ticket-selling location, information regarding fares from that city, or a reasonably nearby city, to at least a representative selection of destinations served by that carrier, in sufficient detail to enable consumers to make an informed choice of fare plan, upon consideration of the variations in the conditions and rules attached to each such fare.

§ 221a.2 Applicability.

This part applies to each air carrier authorized to provide scheduled passenger service by a certificate issued by the Board under section 401 of the Act (hereafter referred to as "carrier"), with respect to its routes in interstate and overseas air transportation.

§ 221a.3 Availability and public notice.

(a) Each carrier shall provide applicable fare summaries, as specified in § 221a.6(d), conforming to this part, at each of its stations, offices, or other locations that is in the charge of a person employed exclusively by the carrier, or by it jointly with another person, and at which tickets for passenger transportation are sold (hereafter referred to as "locations").

(b) Each carrier shall require the fare summaries to be placed in a spot, such as a ticket counter, that is in plain view of persons utilizing the location's services, and from which such persons can and may take a summary during the location's working hours without the assistance of personnel employed at the location.

(c) No charge shall be made for a fare summary, although a carrier may reasonably limit the number of copies to be given to each person.

(d) Carriers shall provide enough copies of the applicable fare summaries to each location described in paragraph (a) of this section to meet continuously the expected public demand. Each carrier shall have procedures whereby the supply of the applicable summary at any such location will be promptly replenished if it is exhausted.

(e) In the immediate vicinity of the supply of summaries specified in paragraph (b) of this section, the carrier shall post a notice conspicuously and clearly describing the summaries, in general terms, and inviting members of the public to take them. The notice may reasonably limit the number to be taken by each person.

(f) Employees of the carrier shall be required, in response to inquiries or requests by any person, to advise of the fare summaries' availability, and to lend assistance to any persons seeking information from or related to the summaries.

(g) Each fare summary shall provide an address from which any person can obtain by mail a copy of any other fare summary issued by that carrier, and shall contain a statement to that effect. In addition, each carrier shall provide, at each of its locations, forms by which a person may request copies of any summaries issued by the carrier, by filling out the form and submitting it to the carrier's employee in attendance. Any such request shall be satisfied by the carrier by putting the requested summaries in the mail, addressed to the person making the request, not more than 7 days after receipt of the request. This is only a general summary of the rules and conditions that apply to the listed fares as of the date shown above. The official tariffs of current fares for air travel to or from a location where tickets are sold are available for examination at that location. A full statement of all current fares, with their associated rules and conditions, is contained in the official tariffs that are in effect and on file with the Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

§ 221a.5 Format.

(a) The fare amounts may be included in the description of rules and conditions, or may be set forth in a separate table.

(b) The description of rules and conditions shall be set forth in a form, such as a table, that allows ready comparison of the various types of fares offered.

(c) Descriptions of rules and conditions shall be concise and readily understandable by the lay public. Abbreviations, symbols, and footnotes shall be kept to a minimum. Any abbreviations or symbols that are not obvious or widely understood by the lay public shall be explained on the page on which they appear.

(d) All information required by this part shall appear in at least 8-point type.

§ 221a.6 Coverage.

(a) *Origin points.* The origin points on which fare summaries are based shall as a minimum include each of the cities in the 100 origin-destination city-pairs between which the carrier carries the largest number of its revenue passengers.

(b) *Destination points.* Except as provided in paragraph (c) of this section, each fare summary shall cover destinations that include as a minimum—

(1) The 10 cities or metropolitan areas to or from which the carrier carries the largest number of revenue passengers from or to the origin point; and

(2) Any other cities or metropolitan areas that, with the origin point, are included in the 100 origin-destination city-pairs between which the carrier carries the largest number of revenue passengers.

(c) *Minimum traffic.* Notwithstanding the provisions of paragraph (b) of this section, a carrier is not required to furnish information for destinations

whose traffic carried by that carrier to or from the origin point averages less than 10 passengers per day.

(d) *Applicable summaries.* The fare summary that is stocked at each ticket outlet in accordance with § 220.3(a) shall be the summary for the origin point, included in the group described in paragraph (a) of this section, that is closest to the ticket outlet. However, if a carrier has more than one such origin point within 100 miles of a ticket outlet, it shall make summaries available at that outlet for each such origin point.

(e) For purposes of this section, "origin-destination" refers to the initial and final points between which the carrier in question carries a passenger on a given trip, and not to intermediate stops by that carrier, with or without plane changes, or to points before or after those initial and final points, respectively.

Illustration: A passenger whose trip could be diagrammed as follows:

Carrier X Carrier A Carrier A Carrier Y

A ---------→ B ---------→ C ---------→ D ---------→ E

for purposes of this section, would be counted by Carrier A as a passenger carried from point B to point D, even if the passenger changed planes at point C.

§ 221a.7 Reissuance of summaries.

(a) When a major change occurs in a carrier's fares, the carrier shall, within 30 days after the change becomes effective, reissue new summaries reflecting the change and superseding previously issued summaries, and shall withdraw from circulation any superseded summaries. For purposes of this requirement, a "major change" means one or more changes that cumulatively affect at least one-quarter of the fare amounts shown in any one summary, or the addition or deletion of one or more of the types of fares shown in a summary.

(b) In addition to reissuances resulting from major changes, as required by paragraph (a) of this section, a carrier shall reissue its fare summaries so as to correct any information contained in any fare summary not later than 6 months after the information becomes incorrect. The superseded summaries shall promptly be removed from all locations.

§ 221a.8 Filing with the Board.

Each carrier shall send three copies of each of the fare summaries that it is required by this part to issue, or to reissue, to the Civil Aeronautics Board, Tariffs Section, Washington, D.C. 20428, not later than the time at which the carrier is required by this part to make the summary available to the public. If the Board finds that any fare summary is at variance with any provision of this part, the Board may by order specify changes to be made in the fare summary so that it will conform to the provisions of this part.

By the Civil Aeronautics Board,

PHYLLIS T. KAYLOR,
Secretary.

NOTE.—The Civil Aeronautics Board decided to submit this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, 44 U.S.C. 3512. The effective date of this rule accordingly reflects inclusion of the 45-day period which that statute allows for such review. 44 U.S.C. 3512(c)(2).

[FR Doc.76-37713 Filed 12-22-76;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES: ADMINISTRATION AND ENFORCEMENT REGULATIONS

Modification or Replacement of Banned Hazardous Substances

In this document the Consumer Product Safety Commission issues a regulation under the Federal Hazardous Substances Act (FHSA) to clarify the fact that modification or replacement of banned hazardous substances under that act is permitted as an alternative to repurchase of those products.

BACKGROUND

Section 15 of the FHSA (15 U.S.C. 1274) provides that manufacturers, distributors, and dealers shall repurchase any product which is a "banned hazardous substance" in accordance with regulations issued by the Commission. Those regulations were published in the FEDERAL REGISTER on February 4, 1974 (39 FR 4472) and appear at 16 CFR 1500.202. They specify the manner in which any manufacturer, distributor, or retailer who has sold a product which is a "banned hazardous substance" shall give notice and repurchase the product. As issued in 1974, these regulations did not indicate that a "banned hazardous substance" which has been introduced into interstate commerce may be modified so that it no longer violates a banning regulation, in lieu of repurchase, if the parties to a transaction involving such a product agree to the modification.

In the FEDERAL REGISTER of April 29, 1976 (41 FR 17936), the Commission proposed to add a new § 1500.203 to the regulations governing repurchase under section 15 of the FHSA to provide that if any product which was a "banned hazardous substance" at the time it was introduced into interstate commerce, or which became a "banned hazardous substance" because of some alteration which occurred after its introduction into interstate commerce (but before its sale to an ultimate consumer), is thereafter modified by agreement of the parties involved in the sale or distribution of the product so that it is no longer a "banned hazardous substance," that product shall not be subject to repurchase under section 15 of the FHSA and 16 CFR 1500.202.

In this proposal, the Commission noted that in the case of certain products which are subject to banning regulations issued under the FHSA, the particular aspect of a given product which results in its classification as a "banned hazardous substance" might be amenable to correction by adjusting or repairing the product, or by adding, removing, or replacing one or more of its component parts. Examples of such products include electrically operated toys, baby cribs, and bicycles. The Commission also stated that in some cases, the interests of manufacturers, distributors, retailers, and consumers would be better served if an article which fails to meet the requirements of an applicable banning regulation were modified to meet all of those requirements rather than repurchased.

RESPONSE TO THE PROPOSAL

In response to this proposal, the Commission received comments from a bicycle manufacturer, a retailer, a manufacturer and importer of bicycles, a member of the public, an association of bicycle manufacturers, an association of toy manufacturers, and an association of newspaper publishers.

Most of the commenters support the proposal and all of them suggest changes.

1. A member of the public expresses the view that, in permitting modification, the proposal indicates that not all banning regulations issued by the Commission under the FHSA will be enforced, and requests modification of the proposal so that it is applicable only to products which were not banned hazardous substances at the time they were sold.

This comment apparently does not take into consideration the fact that the introduction of any product into interstate commerce which is a banned hazardous substance is a violation of section 4 of the FHSA (15 U.S.C. 1263) and is made punishable by fine or imprisonment or both by section 5 of the FHSA (15 U.S.C. 1264). As stated in the preamble of the proposal of April 29, 1976, nothing contained in the regulation issued below would excuse any violation of section 4 of the FHSA which resulted from the introduction of a "banned hazardous substance" into interstate commerce, or would preclude the Commission from seeking any of the criminal penalties authorized by section 5 of the act from any such violation of section 4.

The Commission concludes that the change requested by this comment cannot be adopted because section 15 of the FHSA itself makes repurchase applicable to banned hazardous substances, notwithstanding the fact that such substances were banned prior to their introduction and sale. In considering this comment, however, the Commission realizes that the proposed language would seemingly permit modification only in those cases where the article was banned at the time of its introduction into commerce, or where it became banned through some alteration to the article which occurred before its sale to an ultimate consumer. This result was not intended by the Commission. Nor is there a logical reason why modification should not be permitted in those cases where an article becomes a banned hazardous substance after its introduction into com-

merce because an applicable FHSA regulation has become effective after its introduction into commerce. Therefore, the language of the regulation issued below has been changed to clarify this point.

2. The comment from the retailer requests addition of language to the proposed regulation to state that replacement of a product which is a "banned hazardous substance" with an equivalent complying product is allowed in addition to repair or modification of the product in lieu of repurchase of the banned product.

The Commission observes that section 15 of the FHSA specifies that each party in the chain of distribution of a banned product "shall repurchase it from the person to whom he sold it" by refunding the purchase price paid for the product. If at the time of the repurchase, the party required to make the repurchase offered an equivalent complying product for sale at exactly the same price as the amount refunded, section 15 would not prohibit the sale of the complying product. The Commission views the offer to replace a banned product with an equivalent complying product to be essentially the same as the transaction described above. For that reason the Commission agrees with the commenter that replacement with an equivalent product as well as modification of the banned product is permissible as an alternative to repurchase of the banned product. Accordingly, § 1500.203 below provides that replacement of a banned product with an equivalent complying product is allowable instead of repurchase if the owner of the banned product will consent to replacement.

3. Comments from the bicycle manufacturer, retailer, the bicycle manufacturer and importer, the association of bicycle manufacturers, and the association of toy manufacturers urge deletion of those provisions of proposed § 1500.203 specifying that modification of a banned product in lieu of repurchase is authorized only when the owner of the banned product will consent to its modification. All of these commenters express concern that a relatively expensive product, such as a bicycle, classified as a banned product by failing to comply with an applicable regulation, could sometimes be corrected for a small fraction of the purchase price of the article. These commenters state that if consumers who own banned products arbitrarily insist on repurchase rather than consent to modification, great economic harm could result to manufacturers and other parties in the chain of distribution, but that no increase in public safety would result. The retailer contends that the economic consequences which might result if all owners insisted on repurchase rather than modification of the product could drive the manufacturer of the product out of business, thereby depriving the consumer of the opportunity for repair or repurchase.

The retailer suggests further that proposed § 1500.203 be changed to permit a manufacturer, distributor, or retailer involved in the sale of a banned product to submit a plan for modification or replacement of the product to the Commission for approval, and if the plan were approved by the Commission, the owner of the product involved would have no right to insist on repurchase. This comment observes that when the Commission makes a determination that a consumer product presents a "substantial product hazard" under provisions of section 15 of the Consumer Product Safety Act (15 U.S.C. 2064), the party involved in the manufacture or sale of the product rather than the owner of the product makes the election of whether to offer to repair, replace, or repurchase the product.

The comments from the bicycle manufacturer and bicycle importer and manufacturer also suggest that Commission approval of the plan to modify or repair the product might be required if the right of the owner of the product to insist on repurchase were removed from the regulation.

The Commission declines to change the proposal in the manner requested by these commenters because section 15 of the FHSA confers the right to demand repurchase of any product which is a "banned hazardous substance" on the owner of that product. The regulation issued below interprets section 15 of the FHSA to allow any party in the chain of distribution to offer to replace it with an equivalent complying product or to repair or modify the product so that it is no longer a "banned hazardous substance" subject to repurchase provided that the owner consents. The Commission concludes that these alternatives to repurchase do not conflict with the rights and duties created by section 15. However, to the extent that the comments under consideration request provisions to remove the right of an owner of a banned product to demand and receive its repurchase, the change requested would cause the regulation to conflict with the statute it is intended to interpret. The proposition that a regulation cannot conflict with the statute under which it is issued is basic to the regulatory process. The Commission observes that if § 1500.203 were changed to allow manufacturers, distributors, or retailers to offer replacement or modification of a banned product instead of repurchase, and to excuse repurchase if such an alternative were offered, the regulation would be restricting private rights granted by the statute.

The Commission also declines to change the proposal to require Commission approval of any plan to offer replacement or modification instead of repurchase. As indicated in the preamble of the proposal of April 29, 1976, the Commission finds that the provisions of § 1500.203 issued below which state that any offer to replace or modify a banned product shall be subject to the approval of the owner of that product, and the authority given to the Commission by section 6 of the FHSA (15 U.S.C. 1265) to institute proceedings to seize banned products and by section 8 of the FHSA (15 U.S.C. 1267) to bring suit for injunctions to enforce the provisions of the act, provide adequate safeguards to insure that any plan for replacement or modification will be effective to eliminate the hazard presented. The Commission also concludes that the absence of any provisions requiring Commission approval of a plan to replace or modify a banned product in lieu of repurchase is desirable to enable any party who elects to offer alternatives to repurchase to do so quickly, without any delay for Commission approval.

4. The bicycle manufacturer suggests that where the manufacturer of a banned article elects to offer repurchase as a remedy, the manufacturer should be permitted to reduce the amount of refund in proportion to the amount of use the consumer has had of the product before the noncompliance became apparent. This revision to existing requirements under 16 CFR 1500.202 is urged to be consistent with a Federal Trade Commission proposal under the Magnuson-Moss Warranty Act (Pub. L. 93-637; 88 Stat. 2183).

The Commission notes that the issue of amount of refund is beyond the scope of the proposal of April 29, 1976, which deals solely with alternatives to repurchase and refund of purchase price. Moreover, reference to the Magnuson-Moss Warranty Act as an example of a scheme to offer partial refunds is not persuasive because that act specifically defines a refund as the purchase price less reasonable depreciation based on actual use and is primarily concerned with economic loss rather than safety. The FHSA, on the other hand, specifically provides that a purchaser has a right to receive a refund of the purchase price paid, with no mention of an allowance for depreciation. Therefore, the Commission declines to adopt the suggestion.

5. A comment from a member of the public objects to that language in the proposal which allows any party in the chain of distribution to offer to modify a banned product as an alternative to repurchase. This commenter expresses the opinion that this language could lead to a situation in which a consumer with a banned product would be told by the retailer, distributor, and manufacturer, in turn, that some other party in the chain of distribution has offered to modify the product as an alternative to repurchase. This commenter requests the Commission to change proposed section 1500.203 to require in all instances that the manufacturer must be the party to offer to modify the product as an alternative to repurchase.

The Commission observes that section 15 of the FHSA confers an absolute right on the owner of a product which is a "banned hazardous substance" to demand a refund of the purchase price from the party who sold the product. In the absence of an acceptable offer to replace or modify the product, the owner of the product may always insist on repur-

chase from the party who sold the product to the owner and reimbursement of reasonable transportation costs incurred in returning the product in accordance with provisions of § 1500.202.

The Commission concludes that the greatest benefit would result to both consumers and industry if any party in the chain of distribution were allowed to offer replacement or modification as an alternative to repurchase. The Commission can foresee that if a manufacturer went out of business before a defect in the product were discovered which caused that product to be a "banned hazardous substance," the duty to repurchase that product would continue for all other parties in the chain of distribution. Notwithstanding the absence of the manufacturer, section 15 of the FHSA would continue to require retailers to repurchase the banned product from consumers to whom they sold it; similarly, the act would require distributors to repurchase from their retail customers. In these circumstances, some party other than the manufacturer might be able to devise a satisfactory alternative to repurchase. For these reasons, the Commission declines to modify the proposal in the manner requested in this comment.

6. Comments from the association of newspaper publishers and the member of the public request changes in the provisions of 16 CFR 1500.202 and proposed § 1500.203 relating to notification of owners of banned products that repurchase or modification is offered.

The association of newspaper publishers urges a change to require publication of the notice in at least one newspaper of general circulation in each area where the product was distributed, one day a week for three consecutive weeks. A brochure accompanying this comment cites several newspaper readership studies in support of the proposition that the newspaper is the best medium to convey inexpensively a precise and timely message to the general public.

The comment from the member of the public suggests that the notice requirements should be changed to require the notification of defect and the offer to modify or repurchase to be attached to each of the banned products displayed for sale, and mailed to each purchaser of the banned product in question. This comment urges that the notification include a statement regarding the nature of the defect and the hazard presented by the product.

Section 1500.202(f) prescribes a mechanism by which manufacturers and all other parties in the chain of distribution, including retailers, are to notify their customers when a product is subject to repurchase as a "banned hazardous substance." This section requires retailers to post signs at the place of sale to advise consumers of the specific products which the retailer sells or has sold which are subject to repurchase, the nature of the hazard presented by each such product, and the procedures to be followed to obtain repurchase of any banned product.

The Commission is presently unaware of information indicating that the present notification system by the posting of signs required under § 1500.202(f) is inadequate to reach those persons to whom the retailer's duty to repurchase extends. The Commission will, however, investigate the effectiveness of the present notification requirements and propose changes to the regulations if an evaluation indicates that such changes are warranted. Accordingly, the Commission declines to modify the notification requirements as requested by these comments.

Having considered the comments received and other relevant information, the Commission concludes that the proposal, with changes, should be adopted as set forth below (in addition to the changes discussed above, other changes, for purposes of clarification, have been made).

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 10(a), 15, 74 Stat. 378, 380, as amended, 83 Stat. 189–90; 15 U.S.C. 1269 (a), 1274), and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Pub. L. 92–573, 86 Stat. 1231; (15 U.S.C. 2079 (a)), a new section is added to 16 CFR Part 1500 as follows:

§ 1500.203 Modification or replacement of banned hazardous substances in lieu of repurchase.

(a) *Scope.* This section clarifies and sets forth the conditions whereby repurchase of a banned hazardous article or substance will not be required under section 15 of the act and section 202 of this Part 1500. Generally, repurchase will not be required whenever, with the consent of the owner, the banned hazardous article or substance is replaced or modified so as to no longer be considered banned.

(b) *Modification.* Any article or substance which is a "banned hazardous substance" as that term is used in the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the regulations issued thereunder in this Subchapter C, (including any article or substance which became a banned hazardous substance because of some alteration which occurred after its introduction into interstate commerce and before its sale to an ultimate consumer) but which is thereafter modified so that it is no longer a banned hazardous substance shall not be subject to repurchase under provisions of section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and § 1500.202. Provided, however, that if the owner of a particular product which is a banned hazardous substance (for a reason other than an alteration by the owner) will not consent to modification of the product as an alternative to repurchase, the obligation of the party who sold that product to repurchase that product in accordance with section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and § 1500.202 shall not be affected by the provisions of this § 1500.203.

(c) *Replacement.* Any party who is obligated to repurchase an article which is a banned hazardous substance may replace it with an equivalent product which is not a banned hazardous substance in satisfaction of the requirements of section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and the provisions of 16 CFR 1500.202. Provided however, that if the owner of the particular product which is a banned hazardous substance (for reasons other than an alteration by the owner) will not consent to replacement with an equivalent product which is not a banned hazardous substance, the obligation of the party who sold the banned hazardous substance to repurchase that product and refund the purchase price in accordance with section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) and § 1500.202 shall not be affected by the provisions of this § 1500.203.

(d) *Notification.* In any case where a manufacturer, distributor, or dealer elects to offer to modify a banned hazardous substance or to replace it with an equivalent product which is not a banned hazardous substance as an alternative to repurchase, the notice provided pursuant to the requirements of section 1500.202(f) may be written to indicate the availability of the alternative of modification or replacement of the banned hazardous substance. Such notice, however, shall indicate that the owner of the banned hazardous substance may insist on repurchase.

(e) *Expenses.* In any case where a manufacturer, distributor, or dealer elects to offer to modify a banned hazardous substance or to replace it with an equivalent product which is not a banned hazardous substance as an alternative to repurchase, all expenses incurred in connection with the modification or replacement, absent any agreement between the parties to the contrary, shall be borne by the party originally offering the modification or replacement.

Effective date. The regulation promulgated above (16 CFR 1500.203) shall become effective January 24, 1977.

(Secs. 10(a), 15, 74 Stat. 378, 380, as amended 83 Stat. 189–90; 15 U.S.C. 1269(a), 1274.)

Dated: December 20, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-37714 Filed 12-22-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 77-4]

PART 1—GENERAL PROVISIONS

Grand Rapids, Mich.

On October 14, 1976, there was published in the FEDERAL REGISTER (41 FR 45015) a notice of a proposal to establish a Customs port of entry at Grand Rapids, Michigan, in the Detroit, Michigan, Customs district (Region IX). No comments

were received in response to this proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 12 (41 FR 47970), Grand Rapids, Michigan, is hereby designated as a Customs port of entry in the Detroit, Michigan, Customs district (Region IX).

The geographical limits of Grand Rapids, Michigan, port of entry shall include all that area beginning at the northwesternmost corner of the City of Walker, Michigan, and extending in an easterly direction along the northern boundaries of the City of Walker, the City of Grand Rapids, Grand Rapids Township, and Ada Township, all in Michigan, to the northeasternmost point of Ada Township, then proceeding in a southerly direction along the eastern boundaries of Ada Township, Cascade Township, and Caledonia Township, Michigan, to 84th Street, then proceeding in a westerly direction along 84th Street to its intersection with the boundary line between Kent County and Ottawa County, Michigan, then proceeding in a northerly direction along the boundary line between Kent County and Ottawa County, Michigan, to the northwesternmost corner of the City of Walker, Michigan.

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by inserting "Grand Rapids, Michigan (T.D. 77–4)" directly below "Battle Creek, Michigan," in the column headed "Ports of entry" in the Detroit, Michigan, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2).)

Effective date. This amendement shall become effective January 24, 1977.

Dated: December 16, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-37723 Filed 12-22-76;8:45 am]

[T.D. 77-5]

PART 1—GENERAL PROVISIONS

Erie, Pennsylvania

On September 14, 1976, a notice of proposal to extend the port limits of Erie, Pennsylvania, in the Cleveland Ohio, Customs district (Region IX) was published in the FEDERAL REGISTER (41 FR 39030). No comments were received regarding the proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 12 (41 FR 47970), the port limits of Erie, Pennsylvania, in the Cleveland, Ohio, Customs district (Region IX), are extended to include all the territory within the corporate limits of the City of Erie and all of Mill Creek Township in Erie County, Pennsylvania.

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by adding the language "(including territory described in T.D. 77–5)." directly after "Erie, Pa." in the column headed "Ports of entry" in the Cleveland, Ohio, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2).)

Effective date. This amendment shall become effective January 24, 1977.

Dated: December 16, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-37724 Filed 12-22-76;8:45 am]

[T.D. 77-3]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money

Amendment of the listing of countries entitled to suspension and discontinuance of foreign discriminating duties of tonnage and impost with respect to vessels and certain imports; § 4.22 of the Customs Regulations, amended.

Section 4.22 of the Customs Regulations (19 CFR 4.22) lists the nations whose vessels are exempted by treaties, Presidential proclamations, or orders of the Secretary of the Treasury from the payment of higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. On October 7, 1976, the Department of State requested the Department of the Treasury to remove the Republic of Viet-Nam and Palestine from the list. On October 15, 1976, the Department of State requested the Department of the Treasury to change the listing for "China" to "Republic of China".

Accordingly, to reflect these changes, the list set forth in § 4.22 of the Customs Regulations is amended by deleting "Palestine" and "Viet-Nam, Republic of" therefrom and by substituting "China, Republic of" for "China".

(R.S. 251, as amended, R.S. 4219, as amended, R.S. 4225, as amended, R.S. 4228, as amended, sec. 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 3, 121, 128, 141).)

Since these amendments reflect either the change in name of a country currently on the list or the deletion of names of countries in conformity with the law allowing an exception only as long as reciprocity is possible, notice and public procedure is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective December 23, 1976.

Dated: December 16, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-37722 Filed 12-22-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CCGD5-76-08R]

PART 127—SECURITY ZONES

Hampton Roads, James River, Newport News, Virginia

This amendment to the Coast Guard's Security Zone Regulations establishes the waters of the James River in the area of the Newport News Shipbuilding and Drydock Company, Newport News, Virginia as a security zone. This security zone is established to prevent interference with the launching of the USS CINCINNATI at the Newport News Shipbuilding and Drydock Company, Newport News, Virginia.

This amendment is issued without publication of a notice of proposed rule making, because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.510 to read as follows: § 127.510 Hampton Roads, James River, Newport News, Virginia.

The waters within the following boundary is a security zone: A line beginning at a point on Newport News Shipbuilding Pier 2 at position 36°58'48" N, 76°26'26" W, to a position at 36°57'53" N, 76°26'42" W, thence to a position at 36°59'07" N, 76°27'57" W, thence to a point on shore at position 36°59'35" N, 76°26'55" W, thence to the point of beginning.

(40 Stat. 220, as amended, (§ 1, 63 Stat. 503), § 6(b), 80 Stat. 937; 50 U.S.C. § 191 (14 U.S.C. § 91), 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, .O. 10352, E.O. 11249; 3 CFR 1947–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b).)

Effective date. This amendment is effective from 10:30 a.m. to 2 p.m., Saturday 19 February 1977.

Dated: Dceember 16, 1976.

C. R. THOMPSON,
Captain, U.S. Coast Guard,
Hampton Roads, Captain of the Port.

[FR Doc.76-37705 Filed 12-22-76;8: 45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Increased Disability Compensation and Dependency and Indemnity Compensation; Burial Benefits

An page 48747 of the FEDERAL REGISTER of November 5, 1976, there was published

a notice of proposed regulatory changes in Part 3 of Title 38, Code of Federal Regulations, to implement provisions of Pub. L. 94–433 (90 Stat. 1374).

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA regulations are effective October 1, 1976 except § 3.21 which is effective December 16, 1976.

Approved: December 16, 1976.

R. L. ROUDEBUSH,
Administrator.

1. In § 3.5, paragraphs (e) (3) and (4) are revised to read as follows:

§ 3.5 Dependency and indemnity compensation.

* * * * *

(e) *Widow's or widower's rate.* * * *

(3) If there is a widow or widower with one or more children under the age of 18 (including a child not in the widow's or widower's actual or constructive custody and a child who is in active military, air, or naval service), the total amount payable shall be increased by the amount set forth in 38 U.S.C. 411(b) for each child.

(4) If the widow or widower is determined to be in need of aid and attendance under the criteria in § 3.352 or is a patient in a nursing home, the total amount payable shall be increased by the amount set forth in 38 U.S.C. 411(c).

2. Section 3.21 is added to read as follows:

§ 3.21 Monetary rates.

The rates of compensation, dependency and indemnity compensation, and pension as well as the income limitations applicable to pension and parent's dependency and indemnity compensation as published in tabular form in Appendix B of Department of Veterans Benefits Manual M21–1 [1] are to be given the same force and effect as if published in the regulations (Title 38, Code of Federal Regulations).

3. In § 3.309, paragraphs (a) and (b) are revised to read as follows:

§ 3.309 Disease subject to presumptive service connection.

(a) *Chronic diseases.* The following diseases may be considered for service connection although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limits under § 3.307 following service in a period of war or following peacetime service on or after January 1, 1947.

Anemia, primary.
Arteriosclerosis.
Arthritis.
Atrophy, progressive muscular.
Brain hemorrhage.
Brain thrombosis.
Bronchiectasis.
Calculi of the kidney, bladder, or gallbladder.
Cardiovascular-renal disease, including hypertension. (This term applies to combination involvement of the type of arteriosclerosis, nephritis, and organic heart disease, and since hypertension is an early symptom long preceding the development of those diseases in their more obvious forms, a disabling hypertension within the 1-year period will be given the same benefit of service connection as any of the chronic diseases listed.)
Cirrhosis of the liver.
Coccidioidomycosis.
Diabetes mellitus.
Encephalitis lethargica residuals.
Endocarditis. (This term covers all forms of valvular heart disease.)
Endocrinopathies.
Epilepsies.
Hansen's disease.
Hodgkin's disease.
Leukemia.
Myasthenia gravis.
Myelitis.
Myocarditis.
Nephritis.
Other organic diseases of the nervous system.
Osteitis deformans (Paget's disease).
Osteomalacia.
Palsy, bulbar.
Paralysis agitans.
Psychoses.
Purpura idiopathic, hemorrhagic.
Raynaud's disease.
Sarcoidosis.
Scleroderma.
Sclerosis, amyotrophic lateral.
Sclerosis, multiple.
Syringomyelia.
Thromboangiitis obliterans (Buerger's disease).
Tuberculosis, active.
Tumors, malignant, or of the brain or spinal cord or peripheral nerves.
Ulcers, peptic (gastric or duodenal) (A proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.).

(b) *Tropical diseases.* The following diseases may be considered for service connection as a result of tropical service, although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limit under § 3.307 or § 3.308 following service in a period of war or following peacetime service.

Amebiasis.
Blackwater fever.
Cholera.
Dracontiasis.
Dysentery.
Filariasis.
Hansen's disease.
Leishmaniasis, including kala-azar.
Loiasis.
Malaria.
Onchocerciasis.
Oroya fever.
Pinta.
Plague.
Schistosomiasis.
Yaws.
Yellow fever.
Resultant disorders or diseases originating because of therapy administered in connection with such diseases or as a preventative thereof.

* * * * *

4. In § 3.350, the introductory portion of paragraphs (a), (b), (c), (e) and (i) preceding subparagraph (1) and paragraphs (d), (f) (1) and (2) (i) through (iv) and (h) are revised to read as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation under 38 U.S.C. 314(k) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye, having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed $879 monthly when authorized in conjunction with any of the provisions of 38 U.S.C. 314(a) through (j), or (s). When there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed $1,231 per month. The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r).

* * * * *

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for anatomical loss or loss of use of both hands, both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance.

* * * * *

(c) *Ratings under 38 U.S.C. 314(m).* The special monthly compensation provided by 38 U.S.C. 314(m) is payable for anatomical loss or loss of use of two extremities at a level or with complications preventing natural elbow or knee action with prosthesis in place; or for blindness in both eyes having light perception; or for blindness in both eyes rendering the veteran so helpless as to be in need of regular aid and attendance.

* * * * *

[1] Available in VA regional offices and VA centers.

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or anatomical loss of both eyes. Amputation is a prerequisite. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level the requirements of this paragraph are not met; instead, consideration will be given to loss of natural elbow or knee action.

(e) *Ratings under 38 U.S.C. 314(o).* The special monthly compensation provided by 38 U.S.C. 314(o) is payable for conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314 (l) through (n) or for bilateral deafness rated at 60 percent or more disabling, and the hearing impairment in one or both ears is service connected, in combination with service-connected blindness with bilateral visual acuity 5/200 or less.

* * * * *

(f) *Intermediate or next higher rate; 38 U.S.C. 314(p)*—(1) *Extremities.* (i) Anatomical loss or loss of use of one extremity with the anatomical loss or loss of use of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is $924.

(ii) Anatomical loss or loss of use of one extremity with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate equal to 38 U.S.C. 314(m).

(iii) Anatomical loss or loss of use of extremity at a level preventing natural elbow or knee action with prosthesis in place with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is $1,034.

(2) *Eyes, bilateral, and blindness in connection with deafness.* (i) Blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is $924.

(ii) Blindness of one eye with 5/200 visual acuity or less and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the other eye, will entitle to a rate equal to 38 U.S.C. 314(m).

(iii) Blindness of one eye having only light perception and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the eye, will entitle to a rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is $1034.

(iv) Total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement will entitle to a rate equal to 38 U.S.C. 314(n).

* * * * *

(h) *Special aid and attendance benefit in maximum monthly compensation cases; 38 U.S.C. 314(r).* A veteran receiving the maximum rate ($1,231) of special monthly compensation under any provision or combination of provisions in 38 U.S.C. 314 who is in need of regular aid and attendance is entitled to an additional allowance during periods he or she is not hospitalized at United States Government expense. (See § 3.552(b)(2) as to continuance following admission for hospitalization.) The rate is $528. Determination of this need is subject to the criteria of § 3.352. This additional allowance is payable whether or not the need for regular aid and attendance was a partial basis for entitlement to the maximum $1,231 rate, or was based on an independent factual determination.

(i) *Total plus 60 percent, or housebound; 38 U.S.C. 314(s).* The special monthly compensation provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent without resort to individual unemployability and,

* * * * *

5. In § 3.351, the section heading, paragraph (a) and the introductory portion of paragraph (c) preceding subparagraph (1) are revised to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation, pension and spouse's compensation ratings.

(a) *Aid and attendance; general.* Additional pension for veterans in need of regular aid and attendance is provided for Spanish-American War Veterans (38 U.S.C. 512) and for veterans of the Mexican border period, World War I, World War II, the Korean conflict or the Vietnam era (38 U.S.C. 521). Additional pension for widows and widowers in need of regular aid and attendance is provided for widows and widowers of veterans of all periods of war, including those entitled to pension under the law in effect on June 30, 1960, based on service in World War I, World War II or the Korean conflict (38 U.S.C. 544). Additional compensation is provided for a married veteran receiving compensation of the 50 percent rate or greater whose spouse is in need of regular aid and attendance. (38 U.S.C. 315(1)(I)) Additional dependency and indemnity compensation and death compensation for widows and widowers and for parents in need of regular aid and attendance is provided for widows and widowers and for parents of veterans of all periods of service. (38 U.S.C. 322(b); 411(c); 415(h))

* * * * *

(c) *Aid and attendance; criteria.* The veteran, spouse, widow, widower, or parent will be considered in need of regular aid and attendance if he or she:

* * * * *

6. In § 3.401 the introductory language, paragraphs (a) and (c) are revised to read as follows:

§ 3.401 Veterans.

Awards of pension or compensation payable to or for a veteran will be effective as follows:

(a) *Aid and attendance (§3.552).* (1) Date of receipt of claim or date entitlement arose, whichever is later. (See also § 3.400(b)(2). (2) Date of departure from hospital, institution, or domiciliary, (3) Spouse, additional compensation for aid and attendance: Date of receipt of claim or date entitlement arose, whichever is later. (See also § 3.400(b)(2).)

* * * * *

(c) *Divorce (Annulment) of veteran and wife (husband).* See § 3.501(d).

* * * * *

7. In § 3.501, the introductory text, paragraph (b)(3) is added and paragraphs (d) and (i)(2) are revised to read as follows:

§ 3.501 Veterans.

The effective date of discontinuance of pension or compensation to or for a veteran will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

* * * * *

(b) *Aid and attendance.* * * *

(3) *Aid and attendance for spouse.* End of month in which award action is taken if need for aid and attendance has ceased.

* * * * *

(d) *Divorce or annulment (38 U.S.C. 3012(b)(2)).* Last day of the calendar year in which divorce or annulment occurred.

* * * * *

(i) *Hospitalization.* * * *

(2) *§ 3.551(c).* First day of third calendar month following admission if veteran without spouse or child or, though married, is receiving pension at rate provided by 38 U.S.C. 521(b).

* * * * *

8. In § 3.502, the section heading, the introductory portion preceding paragraph (a), and paragraph (c) are revised to read as follows:

§ 3.502 Widows (widowers).

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a widow (widower) will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

* * * * *

(c) *Legal widow (widower) entitled.* Date of last payment on award to another woman (man) as widow (widower). See § 3.657.

* * * * *

9. In § 3.503, the introductory portion preceding paragraph (a) and paragraphs (b) and (i) are revised to read as follows:

§ 3.503 Children.

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a child, or to or for a veteran or widow (widower) on behalf of such child, will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

* * * * *

(b) *Enters service (§§ 3.450(b), 3.458 (e)).* Date of last payment of apportioned disability benefits for child not in custody of estranged spouse. Full rate payable to veteran. No change where payments are being made for the child to the veteran, his (her) estranged spouse, his widow (her widower), or to the fiduciary of a child not in the widow's (widower's) custody.

* * * * *

(i) *Widow (widower) becomes entitled.* Date of last payment. See § 3.657.

* * * * *

10. In § 3.552, paragraphs (g) and (h) are revised to read as follows:

§ 3.552 Adjustment of allowance for regular aid and attendance.

* * * * *

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314 (1), (m), or (n) by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation of $1,231 because of entitlement to another rate under section 314(1) on account of need for aid and attendance the compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314 (1) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be $968 since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p))

(2) If entitlement is under section 314 (m), $1,099.

(3) If entitlement is under section 314 (n), $1,231 would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling the veteran to the maximum rate under 38 U.S.C. 314 (p).

(h) If, because of blindness, a veteran requires regular aid and attendance, but has better vision than "light perception only" the award under 38 U.S.C. 314 (m) will be reduced while hospitalized to the rate payable under 38 U.S.C. 314 (1).

* * * * *

11. In § 3.660, paragraph (a)(2) is revised to read as follows:

§ 3.660 Dependency, income and estate.

(a) *Reduction or discontinuance.* * * *

(2) *Contingency.* Where reduction or discontinuance of a running award is required because of an increase in income, which increase could not reasonably have been anticipated based on the amount actually received from that source the year before, or because of an increase in corpus of estate or net worth or because dependency of a parent ceased or because dependency ceased due to the dependent's marriage, annulment, divorce or death the award will be reduced or discontinued effective the last day of the calendar year in which the increase occurred or dependency ceased. (38 U.S.C. 3012)

* * * * *

12. In § 3.808, paragraph (a) is revised to read as follows:

§ 3.808 Automobiles or other conveyances; certification.

* * * * *

(a) *Service.* The claimant must have had active military, naval or air service on or after September 16, 1940.

* * * * *

13. In § 3.810, the introductory portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 3.810 Clothing allowance.

(a) A veteran whose service-connected disability is compensable under laws administered by the Veterans Administration is entitled, upon application therefor, to an annual clothing allowance as specified in 38 U.S.C. 362 (payable in a lump sum).

* * * * *

14. In § 3.1600, paragraph (a) is revised and paragraph (g) is added to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

* * * * *

(a) *Wartime veterans.* When a veteran of any war dies, an amount not to exceed $250 ($800 if death is service-connected) (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to $125 or $400 if death is service-connected) is payable on the burial and funeral expenses and transportation of the body to the place of burial, of otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the United States military forces in Russia, through April 1, 1920. (38 U.S.C. 902; 907; 107(a).)

* * * * *

(g) *Transportation expenses for burial in national cemetery.* Where a veteran dies as the result of a service-connected disability, or at the time of death was in receipt of disability compensation (or but for the receipt of military retired pay or non-service-connected disability pension would have been entitled to disability compensation at time of death) there is payable, in addition to the burial allowance (either $250 or $800 if cause of death was service connected), an additional amount for payment of the cost of transporting the body to a national cemetery for burial. This amount may not exceed the cost of transporting the body from the veteran's place of death to the national cemetery nearest the veteran's last place of residence in which burial space is available. The amounts payable under this paragraph are subject to the limitations set forth in §§ 3.1604 and 3.1606.

15. In § 3.1606, the section heading, the introductory portion preceding paragraph (a) and paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 3.1606 Transportation items.

The transportation costs of those persons who come within the provisions of §§ 3.1600(g) and 3.1605(a), (b), (c) and (d) may include the following:

(a) *Shipment by common carrier.* (1) Charge for pickup of remains from place hospitalized or place of death but not to exceed the usual and customary charge made the general public for the same service.

* * * * *

(b) *Transported by hearse.* (1) Charge for pickup of remains from place hospitalized, or place of death, and

* * * * *

16. In § 3.1609, paragraph (a) is revised to read as follows:

§ 3.1609 Forfeiture.

(a) Forfeiture of benefits for fraud by a veteran during his or her lifetime will not preclude payment of burial and plot or interment allowance if otherwise in order. No benefits will be paid to a claimant who participated in the fraud which caused the forfeiture by the veteran.

* * * * *

[FR Doc.76-37765 Filed 12-22-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[PUBLIC LAND ORDER 5610]

[ES 12792]

WISCONSIN

Partial Revocation of Executive Order of June 8, 1840

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of 1976, P.L. 94-579, October 21, 1976, it is ordered as follows:

1. The Executive Order of June 8, 1840, withdrawing public lands for lighthouse purposes, is hereby revoked so far as it affects the following described lands:

FOURTH PRINCIPAL MERIDIAN

T. 34 N., R. 30 E.,
Fractional sec. 14, lots 2 and 3;
Fractional sec. 15, all except approximately 0.01 of an acre (400 square feet) more particularly described as follows:
Commencing at the SE corner of fractional sec. 15, T. 34 N., R. 30 E., thence due

North 1,885 feet, thence due West 130 feet, to the point of beginning, being the SE corner of the parcel, thence due West 20 feet, thence due North 20 feet, thence due East 20 feet, thence due South 20 feet, to the point of beginning; also excepting an easement of visibility over the land lying in an arc between 200° true, measured from the center of the above described excepted parcel, around clockwise to 95° true, with the right of the United States Coast Guard to enter upon the above described land and raze, cut, and/or remove any structure, vegetation, or object of any shape or form which has been determined by the Commander, Ninth Coast Guard District, his designee or successor, to obstruct such visibility of the Pottawatomi Light to mariners at sea.

The areas described aggregate 129.36 acres in Door County, on the Northwestern shore of Rock Island.

2. Subject to valid existing rights, at 10 a.m. on January 20, 1977, the lands revoked in paragraph 1 of this order shall be open to the operation of the public land laws generally, the provisions of existing withdrawals, and the requirements of applicable law. The lands have been and will continue to be open to applications and offers under the mineral leasing laws, but not the mining laws.

3. The revocation made by this order does not alter the jurisdiction of the U.S. Coast Guard over the lands excepted in paragraph 1 above for lighthouse purposes as provided by the Executive Order of June 8, 1840.

Inquiries should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland.

Dated: December 15, 1976.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.76-37667 Filed 12-22-76;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-139; Amdt. 173-102]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Conversion of Individual Exemptions to Regulations of General Applicability

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to incorporate therein, a number of changes based on data and analysis supplied in selected exemption applications, or from existing special permits and exemptions. Adoption of these exemptions into the regulations provides wider access to the benefits of transportation innovations recognized as being effective and safe.

On September 30, 1976, the Materials Transportation Bureau published a notice of proposed rulemaking, Docket HM-139, Notice 76-7 (41 FR 43188), which proposed these amendments. The background and the basis for incorporating these exemptions into the regulations were discussed in that notice. Interested persons were invited to give their views prior to the closing date of October 30, 1976.

The majority of comments received by the Bureau favored the amendments as proposed. The only comments received which favored modification of the proposed amendments came from the holders of the special permits or exemptions themselves. The holder of Special Permit Number 4354 requested that the proposed amendments of § 173.245(a)(16) and § 173.288 to allow chloroformates in additional packagings be changed to authorize vented closures to prevent accumulation of pressure in the containers. The commenter pointed out that the proposed amendments would not eliminate SP 4354 since vented closures are now authorized in the permit. The Bureau does not believe that vented containers should be authorized for chloroformates in the regulations at this time. Since the proposed change to § 173.245(a)(16) and § 173.288 would not obviate the need for SP 4354 without authorization for vented closures, the Bureau has decided to withdraw these proposed rule changes from this docket. The holders of SP 4354 will be notified of this action and renewal of the permit is being considered to obtain more shipping experience and to allow the Bureau more time to study this proposal.

The holder of Special Permit 4429 endorsed the rule change to § 173.289(a)(2) but suggested a change in the proposed wording. Specifically the commenter suggested that the use of the 103ALW and 111A60ALW tank cars be restricted to concentrations of formic acid of 97 percent or greater and that the reference to the corrosive rate on the aluminum used in the construction of the tank cars be deleted as unnecessary. The Bureau agrees with the change in wording based on test data submitted by the commenter in support of their special permit application and these changes have been incorporated in the amendment to § 173.289(a)(2).

Several commenters, including the National LP-Gas Association, requested that § 173.314(e) be completely rewritten to allow all shippers more latitude in using gauging devices to verify the contents of liquefied gas in tank cars. The proposed change to § 173.314(e) would authorize the use of only a fixed tube gauging device for determining the weight of methyl mercaptan in 105A300W tanks.

The proposed wording offered by the commenters would authorize a variety of gauging devices to be used for any liquefied gas in any tank car. The Bureau maintains that such a rule change is far beyond the scope of the proposed amendment published in Notice 76-7 which was based on Special Permit 1107. Consequently, the amendment to § 173.314(e) remains unchanged from the proposed amendment in Notice 76-7 and the Bureau will consider the comments by the National LP-Gas Association and others at another time.

Notice 76-7 proposed an amendment to § 173.182(a)(1) to authorize DOT Specification 23G cylindrical fiberboard boxes for nitro carbo nitrate based on Special Permit 4271. The notice should have proposed an amendment of paragraph (c) in § 173.182 to authorize this package instead of an amendment of paragraph (a) since paragraph (c) relates specifically to nitro carbo nitrate. Accordingly, paragraph (c)(4) has been added in § 173.182 to more appropriately effect this change.

Analysis of these amendments and comments thereon indicate that the costs of regulatory enforcement will not be significantly affected, nor will additional costs be imposed on the private sector, consumers, or Federal, State, or local governments, since these amendments will authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record or analysis of shipments under the exemptions, identified in Notice 76-7, demonstrate that significant environmental impacts will not result from any of these amendments.

Since these amendments are relaxations of existing rules, and place no additional burden on any person, they are being made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

1. In § 173.64 paragraph (a)(5) is revised to read as follows:

§ 173.64 High explosives with no liquid explosive ingredient and propellant explosives, Class A.

(a) * * * (5) When such explosives contain over 5 percent moisture, box must have an inside polyethylene bag having a minimum thickness of 6 mils; or the box must be lined with strong paraffined paper or other authorized material, spec. 2L (§ 178.30 of this subchapter). Box hand-holes are not authorized.

* * * * *

2. In § 173.119 paragraph (a)(26) is added to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) * * * (26) Specification 57 (§ 178.253 of this subchapter). Portable tanks. Not authorized for transportation by water.

* * * * *

3. In § 173.124 paragraph (a)(3) is revised to read as follows:

§ 173.124 Ethylene oxide.

(a) * * * (3) In addition to specification packagings prescribed in this section, ethylene oxide may be shipped when packed in strong noncombustible outside packagings, with inside containers which must be securely sealed glass ampules or vials, contents not over 100 grams each, or inside aluminum cartridges, contents not over 135 grams each, cushioned in vermiculite or equally efficient noncombustible cushioning material. Not more than 100 grams of ethylene oxide shall be packed in any

outside packaging except a maximum of 12 aluminum cartridges may be packed in a DOT Specification 12B (§ 178.205 of this subchapter) fiberboard box having top and bottom pads and an inside perimeter liner. A maximum of 10 such boxes may be overpacked in a master carton under the provisions of § 173.25(a).

* * * * *

4. In § 173.182 paragraphs (c)(3) and (c)(4) are added to read as follows:

§ 173.182 Nitrates.

* * * * *

(3) * * * (3) Specification 44P (§ 178.241 of this subchapter). Plastic bag made of film not less than 0.005-inch thick. Authorized net weight not over 51 pounds. Each bag must be capable of withstanding the test requirements of § 178.241-4 of this subchapter.

(4) Specification 23G (§ 178.218 of this subchapter). Cylindrical fiberboard box. Maximum net weight not over 50 pounds.

5. In § 173.224 paragraphs (a)(3) and (a)(4) are revised to read as follows:

§ 173.224 Cumene hydroperoxide, dicumyl peroxide, diisopropylbenzene hydroperoxide, paramenthane hydroperoxide, and tertiary butylisopropylbenzene hydroperoxide.

(a) * * * (3) Specification 103,[1] 103W, 103A,[1] 103AW, 111A60F1, 111A60W1, 111A100F2, or 111A100W2, (§§ 179.200, 179.201 of this subchapter). Tank cars. Authorized for 90 percent or less cumene hydroperoxide in a nonvolatile solvent, dicumyl peroxide of strength not exceeding 50 percent in a nonvolatile solvent, paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent and diisopropylbenzene hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent only. Specifications 103,[1] 103W, 111A60F1 and 111A60W1 tank cars must have botton outlets effectively sealed from the inside.

(4) Specification MC 310, MC 311 or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles. Authorized for paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent only. Authorized for cumene hydroperoxide of strength not exceeding 90 percent in a nonvolatile solvent in MC 311 or MC 312 cargo tanks only.

6. In § 173.247 paragraph (a)(2) is added to read as follows:

§ 173.247 Acetyl bromide, acetyl chloride, acetyl iodide, antimony pentachloride, benzoyl chloride, boron trifluorideacetic acid complex, chromyl chloride, dischloroacetyl chloride, diphenylmethyl bromide solution, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), titanium tetrachloride, and trimethyl acetyl chloride.

(a) * * * (2) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside Specification 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene packaging. Polyethylene used must be Type III as set forth in Appendix B—Specification for Plastics to Part 178 of this Title. Authorized for acetyl chloride, dichloroacetyl chloride and sulfuryl chloride only.

* * * * *

7. In § 173.252 paragraph (g)(1) is revised to read as follows:

§ 173.252 Bromine.

* * * * *

(g) * * * (1) Specification 5K or 5M (§§ 178.88, 178.90 of this subchapter). Specification 5K nickel drums of not over 10 gallons capacity each and containing not more than 225 pounds net weight of bromine or Specification 5M monel drums of not over 25 gallons capacity each and containing not more than 600 pounds net weight of bromine. Drums must be of metal at least 14-gauge United States standard throughout and must have chime reinforcement adequate for their protection. All openings must be in one head and closing parts (plug, cap, flange, etc.) must be of the same metal as the drum. One opening not over 2.3 inch diameter and one opening not over ¾-inch standard pipe size are permitted. Each drum must be completely emptied and dried before reuse and must be equipped with gaskets of a material approved by the Bureau of Explosives.

* * * * *

8. In § 173.262 paragraph (b)(2) is revised to read as follows:

§ 173.262 Hydrobromic acid.

* * * * *

(b) * * * (2) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside Specification 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene container.

* * * * *

9. In § 173.271 paragraph (a)(3) is added and paragraph (a)(8)(ii) is revised to read as follows:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus, trichloride and thiophosphoryl chloride.

(a) * * * (3) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with inside Specification 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene packaging. Polyethylene used must be Type III as set forth in Appendix B—Specifications for Plastics to Part 178 of this Title. Authorized for phosphorus oxychloride and thiophosphoryl chloride only.

* * * * *

(8) * * * (ii) Tanks fabricated from Type 316 stainless steel or clad with Type 316 stainless steel having a minimum thickness of 0.2 times the design thickness of the parent metal, are authorized only for phosphorus oxychloride, phosphorus trichloride and thiophosphoryl chloride.

* * * * *

10. In § 173.288 paragraph (e) is added to read as follows:

§ 173.288 Chloroformates.

* * * * *

(e) Specification 34 (§ 178.19 of this subchapter). Polyethylene container without overpack, not over 5 gallons capacity.

11. In § 173.289 paragraphs (a)(2) and (a)(2)(i) are revised to read as follows:

§ 173.289 Formic acid and formic acid solutions.

(a) * * * (2) Specification 103ALW, 103CW, 103EW or 111A60ALW (§§ 179.200, 179.201 of this subchapter). Tank cars. Specification 103EW tanks must be of Type 316 stainless steel. Specification 103ALW tanks without bottom outlets, and Specification 111A60ALW tanks are authorized only for concentrations of 97 percent or greater and must be equipped with top loading and unloading devices. Specifications 103ALW and 111A60ALW are not authorized for transportation by water.

(i) Each tank car must be marked "FORMIC ACID" in accordance with requirements in § 172.330 of this subchapter.

* * * * *

12. In § 173.301 paragraph (d)(2) is revised to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.[1]

* * * * *

(d) * * * (2) Manifolding is authorized for cylinders of the following nonliquefied gases: Boron trifluoride, carbon monoxide, ethylene, hydrogen, hydrocarbon gases, methane, and nitrogen trifluoride, provided individual cylinders are equipped with approved safety relief devices as required by § 173.34(d) or § 173.315(i): *And provided further,* That each cylinder is equipped with individual shutoff valve, or valves, that must be tightly closed while in transit. Manifold branch lines to these and individual shutoff valves must be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted in one cylinder of a manifold installation in place of the shutoff valve.

* * * * *

13. In § 173.314 Note 12 to Table in paragraph (c) is revised; and paragraph (e) is revised to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

NOTE 12.—For special tank requirements applying to chlorine, see § 179.102-2 of this subchapter. The quantity of chlorine loaded into a single-unit tank car must not exceed

90 tons. Nominal 16-, 30-, 55-, 85,- or 90-ton tank car tanks must not be loaded in excess of the nominal lading weights. Tank cars built to ICC–105A500 may be stenciled either ICC–105A300 or ICC–105A500; tank cars built to ICC or DOT–105A500W may be stenciled either 105A300W or 105A500W; each tank must be equipped with the safety relief valve required by the stenciled specification. Existing tank cars, not larger than 30-ton chlorine capacity built to ARA–V, or not larger than 55-ton chlorine capacity built to ICC–105A300, or ICC–105A300W may be continued in service if equipped with excess flow valves in accordance with § 179.102–2. ARA–V and ICC–105A cars having forge welded anchors must not be used for the transportation of chlorine.

* * * * *

(e) *Verification of content.* The amount of liquefied gas loaded into each tank may be determined either by measurement or calculation of the weight. If by measurement, the weight must be checked after disconnecting the loading line by the use of proper scales. If by calculation, the weight of liquefied petroleum gas, methylacetylene-propadiene, stabilized, dimethylamine, monomethylamine, or trimethylamine may be calculated using the outage tables supplied by the tank car owners and the specific gravities as determined at the plant, and this computation must be checked by determination of specific gravity of product after loading. Carriers may verify calculated weights by use of proper scales. The use of a fixed tube gauge device is authorized for determining the weight of methyl mercaptan in Specification 105A300W tanks instead of weighing.

* * * * *

14. In § 173.315 Note 11 to Table in paragraph (a)(1) is revised to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *

(1) * * *

NOTE 11: MC 330 or MC 331 cargo tanks must be insulated. Cargo tanks must meet all of the following requirements. Each tank must be designed for a service temperature no higher than minus 100°F. and must comply with the low-temperature requirements of the ASME Code. The maximum allowable transportation distance before venting will occur, must be that normally accomplished within the holding time of the cargo tank as loaded with an added margin of 100 percent of the normal travel time. However, if the normal travel time exceeds 24 hours, the maximum allowable transportation distance before venting will occur may be that normally accomplished within the holding time of the cargo tank with an added margin of 24 hours. Before transportation in an empty condition each cargo tank having previously transported inhibited vinyl fluoride must have been drained and vented or blown down sufficiently so that there will be no venting during movement of the empty tank. Shipments by common motor carrier must be specifically approved by the Office of Hazardous Materials Operations (OHMO).

* * * * *

15. In § 173.346 paragraph (a)(27) is added to read as follows:

§ 173.346 Poison B liquids not specifically provided for.

(a) * * * (27) Specification 51 (§ 178.245 of this subchapter). Portable tank. For rail transportation see § 174.63 of this subchapter.

16. In § 173.358 paragraph (a)(5) is revised and paragraph (a)(13) is added to read as follows:

§ 173.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, organic phosphorous compound, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) * * * (5) Specification 21C (§ 178.224 of this subchapter). Fiber drums, with inside glass or metal containers not over 1-gallon capacity each.

* * * * *

(13) Specification 51 (§ 178.245 of this subchapter). Portable tanks. Tanks must have no bottom opening except one 3-inch maximum plugged opening for maintenance purposes is authorized. Contents of the tank must be under no gas pressure except its own vapor pressure and the commodity must be loaded into, and unloaded from, the tank while the tank is mounted on the vehicle chassis. Authorized for parathion, methyl parathion, and organic phosphate compound only and by private motor carrier only.

17. In § 173.359 paragraphs (a)(6) and (b)(5) are revised; paragraphs (a)(15) and (b)(11) are added to read as follows:

§ 173.359 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorus compound mixtures; organic phosphate compound mixtures; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, liquid (includes solutions, emulsions, or emulsifiable liquids).

(a) * * * (6) Specification 21C (§ 178.224 of this subchapter). Fiber drums, with inside glass on metal containers not over 1-gallon capacity each.

* * * * *

(15) Specification 51 (§ 178.245 of this subchapter). Portable tanks. Tanks must have no bottom opening except one 3-inch maximum plugged opening for maintenance purposes is authorized. Contents of the tank must be under no gas pressure except its own vapor pressure and the commodity must be loaded into, and unloaded from, the tank while the tank is mounted on the vehicle chassis. Authorized for methyl parathion mixtures, organic phosphate compound mixtures, and parathion mixtures only and by private motor carrier only.

(b) * * * (5) Specification 21C (§ 178.-224 of this subchapter). Fiber drums, with inside glass or metal containers not over 1-gallon capacity each.

* * * * *

(11) Specification 12B30 (§ 178.205 of this subchapter). Fiberboard boxes of not less than 275-pound test double wall corrugated with a 5-mil one piece polyethylene bag form-fitted to the inner wall. Authorized only for pressure sealed polyethylene capsules containing not over 3 milliliters each.

* * * * *

18. In § 173.360 paragraph (a)(5) is added to read as follows:

§ 173.360 Perchloro-methyl-mercaptan.

(a) * * * (5) Specification 51 (§ 178.-245 of this subchapter). Portable tanks, monel-clad. Tanks with bottom discharge outlets are prohibited. For rail transportation see § 174.63 of this subchapter.

19. In § 173.366 paragraph (b)(3) is added to read as follows:

§ 173.366 Arsenic (arsenic trioxide) or arsenic acid (solid).

* * * * *

(b) * * * (3) In tight metal drums of not over 25-gallon capacity and a maximum gross weight of 460 pounds. Drums must be constructed of at least 22-gauge steel.

20. In § 173.635 paragraph (a)(5) is added to read as follows:

§ 173.635 Ferrophosphorus.

(a) * * * (5) Fiber drums having an aluminum foil barrier.

Effective date: This amendment is effective on December 23, 1976.

21. AUTHORITY: (18 U.S.C. 834, 46 U.S.C. 170(7), 49 U.S.C. 1472(h)(1); 49 CFR 1.53(f)–(h)). Under a final rule making (41 FR 381175) on January 3, 1977 the authority citation for this amendment is changed to read: (49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 (e)).

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

Issued in Washington, D.C., on December 16, 1976.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.76-37421 Filed 12-22-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Seventh 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 17th day of December, 1976.

It appearing, That there is an acute shortage of freight cars for transporting shipments of [1] citrus pulp, [1] citrus pellets,

[1] Addition.

fertilizer, phosphate (dried or ground, treated or untreated), fish meal, grain, grain products, soybeans, soybean products, cottonseed hulls, peanut hulls, or soybean hulls; 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 Seventh revised service order No. 1234.

(a) *Distribution of freight 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 ' citrus pulp, ' citrus pellets, fertilizer, phosphate (dried or ground, treated or untreated), fish meal, grain, grain products, soybeans, soybean products, cottonseed hulls, peanut hulls or soybean hulls regardless of tariff requirements specifying minimum cubic or weight carrying capacity. (See exceptions (b) and (c).)

(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 Section (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 Section (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 Seventh 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., December 21, 1976.

(k) *Expiration date.* This order shall expire at 11:59 p.m., February 28, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 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), and 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 Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne. Member Joel E. Burns not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-37728 Filed 12-22-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 26—PUBLIC ENTRY AND USE

Mackay Island National Wildlife Refuge; North Carolina and Virginia

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use, and recreation for individual wildlife refuges.

NORTH CAROLINA AND VIRGINIA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Entry to the observation tower from the Knotts Island Causeway is permitted year round during daylight hours. Entry to other portions of the refuge on designated travel routes is permitted from March 15, 1977 through October 15, 1977 for the purpose of nature study, photography, hiking, horseback riding, and bicycling. The landing of boats from navigable waters on designated portions of the refuge is permitted only from March 15, 1977 through October 15, 1977. Pets on a leash not exceeding 10 feet in length are permitted. Boats may be launched from the Knotts Island Causeway throughout the year at the Corey's ditch bridge. Boat launching at other points on the causeway is permitted only from March 15 through October 15, 1977. Airboats are not permitted.

Organized groups of more than ten persons requesting use of the refuge for nature study are required to contact the Refuge Manager for a permit.

The refuge, comprising 7,024 acres, is delineated on a map available from the Refuge Manager, Back Bay National Wildlife Refuge, Pembroke #2 Bldg., Suite 218, Pembroke Office Park, Virginia Beach, Virginia 23462, or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts, 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

DAVID F. RILEY,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 16, 1976.

[FR Doc.76-37064 Filed 12-22-76;8:45 am]

PART 26—PUBLIC ENTRY AND USE

Trustom Pond National Wildlife Refuge, Rhode Island

Correction

In FR Doc. 76-35300 appearing in the issue of Thursday, December 2, 1976 on page 52884, "Trustom" was inadvertently misspelled, and that word should be corrected to read as it appears in the heading.

PART 32—HUNTING

Piedmont National Wildlife Refuge, Georgia; Correction

In FR Doc. 76-22697, appearing on page 32753 of the issue for Thursday, August 5, 1976, under item 32.22 there appears the Special Regulations governing hunting of upland game on the refuge. Those regulations are hereby corrected by the addition of item (9) as follows:

(9) Daily bag limits: Quail, 12; Squirrel, 10.

RAY R. VAUGHN,
Deputy Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 17, 1976.

[FR Doc.76-37665 Filed 12-22-76;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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 971]

[Amdt. 1]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Notice of Proposed Increase In Rate of Assessment

Consideration is being given to a proposal submitted by the South Texas Lettuce Commitee, established pursuant to Marketing Agreement No. 144 and Marketing Order 971 (7 CFR Part 971). This marketing order program regulates the handling of lettuce grown in the Lower Rio Grande Valley in South Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

It is proposed that the Secretary of Agriculture approve an increase in the rate of assessment to be paid by each handler to 2½ cents ($0.025) per carton of lettuce handled by him as the first handler thereof during said fiscal period, from the 1½ cents ($0.015) published November 10, 1976 (41 F.R. 49625).

Unfavorable weather conditions in the Lower Rio Grande Valley have materialy reduced planted lettuce acreage and yields this season. As a result, the committee will not be able to meet its budgeted expenses unless the assessment rate is increased.

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than January 7, 1977. All written comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Revise § 971.216(b) (41 F.R. 49625, Nov. 10, 1976) as follows:

§ 971.216 Expenses and rate of assessment.

* * * * *

(b) The rate of assessment to be paid by each handler in accordance with this part shall be two and one-half cents ($0.025) per carton of assessable lettuce handled by him as the first handler during the fiscal period.

* * * * *

Dated: December 17, 1976.

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

[FR Doc.76-37688 Filed 12-22-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 9]

RULES GOVERNING PUBLIC ATTENDANCE

Meetings of the Nuclear Regulatory Commission

Pursuant to 5 U.S.C. 553, 5 U.S.C. 552b (g), and section 161 of the Atomic Energy Act of 1954, 42 U.S.C. 2201, the Nuclear Regulatory Commission gives notice that it proposes to amend Part 9 of the Commission's rules by adopting a new subpart C and by making certain conforming amendments to Part 9 and Part 2 of those rules to implement the requirements of the Government in the Sunshine Act of 1976, 5 U.S.C. 552b, Pub. L. No. 94-409.

The purpose of the new subpart C of Part 9 is to implement the open meeting requirements of sections (b) through (f) of the Government in the Sunshine Act, 5 U.S.C. 552(b)-(f) (hereinafter the "Act"). It is proposed to make these regulations effective on March 12, 1977, the effective date for sections (b)-(f) of the Act. Pub. L. No. 94-409 § 6(a). Prior to that date Commission policy on public attendance at its meeting will continue to be governed by Commission determinations on a case by case basis. However, the Commission proposes during the period before the Act becomes effective to employ criteria similar to those in the Act to determine whether to open particular Commission meetings to public observation.

These proposed regulations generally follow the language of the Act, but with some necessary adaption and extension to fit the generalized language of the Act to the specific operations of the Commission and to clarify exactly how certain procedures required by the Act will be carried out.

One area where such adaption was necessary was in § 9.101(c) defining "meeting." It has been Commission practice to hold staff briefings of individual Commissioners or the full Commission not only as part of the decisionmaking process in specific matters, but also purely to inform the Commissioners of matters of interest and general relevance to the performance of their duties. While such staff briefings may well not come with the definition of "meeting" in the Act, 5 U.S.C. 552b(a)(3) ("* * * deliberations [that] determine or result in the joint conduct of disposition of official business * * *"), the Commission has determined to include such briefings of a quorum of the Commissioners within these regulations. This has been done because the Commission believes such briefings of the Commission by the staff are a vital portion of the Commission's supervision of its staff and of Commission business in general, and because of the presumption in favor of opening agency business to public observation established by the Act.

The situation is quite different with regard to other briefings the Commission receives from time to time from sources outside the Commission. Where such briefings concern a specific item of Commission business such as a particular rulemaking or license application, then they properly are "meetings" and are treated as such in these regulations. However, some Commission briefings are by other agencies or by representatives of foreign governments and are not focused on specific items of Commission business, but are intended purely to provide general background information to the Commission. Often such briefings are on such sensitive topics that any application of the Act, even with use of the mitigative procedures of that Act, would prevent the briefing from being held at all.

Accordingly, the proposed definition of meeting in § 9.101(c) specifically excludes "* * * briefings of the Commission by representatives of other agencies or departments of the United States Government or by representatives of foreign governments or international bodies, where such briefings are information in nature and do not relate to any matter pending before the Commission." Public comment on this proposal is specifically sought.

Also excluded from the definition of "meeting" in § 9.101(c), in addition to the gatherings excluded by the Act, are gatherings of a social or ceremonial nature such as luncheons with representatives of other governments or to honor some person, public addresses by one Commissioner attended by two or more other Commissioners, and social gatherings such as Christmas parties. It was not the intent of Congress to impose the notice and scheduling requirements of the Act on these types of gatherings.

In summary, the proposed regulations will provide the procedures, consistent with the Act, governing public attendance at Commission meetings, governing public access to transcripts, recordings or minutes of such meetings and detailing compliance with other provisions of the Act.

Outline of Proposed Regulations. Proposed § 9.100 outlines the scope of the proposed subpart and the relationship between the Freedom of Information Act regulations (subpart A of Part 9) and this subpart.

Proposed § 9.101 gives definitions of "Commission," "Commissioner," "Meeting," "Closed," and "Open" meeting, "Secretary" and "General Counsel." The definition of "meeting" has been discussed above. The definition of Commission is taken from the definition of "agency" in the Act, 5 U.S.C. 552b(a)(1). Subdivisions of the Commission not composed of Commission members such as the Atomic Safety and Licensing Board, or the Advisory Committee on Reactor Safety, are specifically excluded from the definition. This is consistent with the legislative history of the Act. The proviso in § 9.101(g) relating to the offices of the General Counsel is required by the personal responsibility imposed on the General Counsel by the Act and the impracticality of that individual carrying out those responsibilities while his office is located at a distance from the offices of the Commission.

Proposed § 9.102 is based upon the Act, 5 U.S.C. 552b(b) with the substitution of "Commissioners" for "Agency members" and "Commission" for "agency." Similar substitutions are made in other places in these regulations.

Proposed § 9.103 is necessary to carry out the requirement of § 9.102 without unnecessarily disrupting Commission business. The legislative history of the Act makes clear that no additional right to participate in Commission meetings is granted by the Act. The third sentence is intended to emphasize that Commission actions are based on the written justification that accompany them and not on oral discussion at meetings. The experience of the Federal Power Commission has demonstrated that there is a real possibility that unnecessary and potentially dilatory papers and motions may be filed by persons observing Commission meetings. Section 9.103 will prevent this. Of course, the Commission may request papers to be filed with it in connection with an open meeting. For example, the Commission might require counsel in an adjudicatory proceeding to prepare memoranda on a question that arises in the oral argument. The last sentence in the section is intended to allow the Commission to maintain control over meetings.

Proposed § 9.104 is primarily taken from the Act, 5 U.S.C. (b)(c). Exemptions 8 and 9(A) of the Act which deal with an "agency responsible for the regulation or supervision of financial institutions * * *" or an agency "which regulates currencies, securities, commodities or financial institutions" have been deleted as being inapplicable to the Commission. Subsection 8 is derived from exception 9(B) of the Act. Subsection (b) of § 9.104 provides two examples of circumstances in which subsection 9.104(8) would be applicable. The first example reflects considerations similar to those characterized as qualified executive privilege and recognized by courts as exempt from disclosure under the Freedom of Information Act. *Brockway* v. *Department of the Air Force*, 518 F.2d 1184 (10th Cir. 1975). These examples are illustrative only and are not intended to be exhaustive. It is anticipated that § 9.104(a)(8) will be applicable to other situations which are not discussed in § 9.104(b).

Proposed § 9.105 outlines Commission procedures for closing meetings or withholding information for the protection of the considerations set forth in § 9.104. Subsections 9.105 (a) and (b) are derived from the Act, 5 U.S.C. 552b (d)(1) and (d)(3). Subsection 9.105(c) is intended to clarify the procedures necessary for the withholding of information about a meeting as provided by the Act, 5 U.S.C. 552b(c). For example, provision of a list of attendees, or portions thereof, could on occasion compromise the values recognized by subsections (a)(1), (a)(3), (a)(5), (a)(6), (a)(7) or (a)(8) of § 9.104. The legislative history of the Act recognizes the propriety of withholding an attendee list, or parts of it in such cases. Section 9.105(c) provides that the procedures for withholding information shall be the same as those necessary to close a meeting, but that decisions regarding withholding shall be made and justified independently of any decision to close a meeting.

Proposed § 9.106(a) is based directly on the Act. 5 U.S.C. 552b(d)(2). Subsection 9.106(b) is intended to give any person an opportunity to request reconsideration of a decision on whether or not to close a meeting. Subsection 9.106(c) on the form of such a petition for reconsideration is based on the current Commission regulation on reconsideration, 10 CFR 2.771.

Proposed subsections 9.107(a)–(c) are based directly on the Act, 5 U.S.C. 552b (e)(1)–(e)(3). Subsection 9.107(d) is derived from suggestions in the legislative history of the Act and current Commission practice. Comments on alternate or additional means of accomplishing effective and widespread public announcement of Commission meetings are sought. Subsection 9.107(e) is intended to provide some criteria which the Commission shall use in deciding whether to hold short-notice or "emergency" meetings.

Proposed subsections 9.108 (a) and (b) are derived from the Act, 5 U.S.C. 552b (f)(1) and (f)(2). Subsection 9.108(c) is intended to provide a simple and efficient mechanism for the Commission itself to make the determination required by subsection 9.108(b) at a time when the actual discussion is fresh in the minds of the Commissioners and in most cases after receipt of a report prepared by an attorney who observed the meeting specifically for the purpose of preparing such a report. A Commission determination pursant to this subsection is excluded from the definition of "meeting" in subsection 9.101(c) which is consistent with the legislative history of 5 U.S.C. 552b(f).

Proposed § 9.109 is derived directly from the Act, 5 U.S.C. 552b(j), and the Secretary is delegated authority to prepare such a report.

In addition to the new subpart C of Part 9, a number of other amendments to the Commission's regulations are proposed. Most of these are relatively minor conforming amendments. Subsections 2.790(a)(3) and 9.5(a)(3) will be changed to reflect the amendment to exemption 3 of the Freedom of Inforchanges will be made to part 7, the regmation Act, 5 U.S.C. 552(b)(3). Three ulations governing advisory committees, since the Act substitutes its list of exemptions for those of the Freedom of Information Act, as a basis for closing advisory committee meetings. Changes to the authority section of Part 9, the table of sections, and §§ 9.1 and 9.1a will be necessary to reflect the addition of subpart C.

A new § 9.2a which will apply to each subpart of Part 9 is proposed to insure that only written interpretations of the regulations by the General Counsel will be binding on the Commission. This is designed to eliminate any possibility of confusion or disagreement within the Commission or on the part of the public as to the meaning of these regulations.

The Commission is considering possible revisions to §§ 2.719 and 2.780 of its regulations dealing with separation of functions and ex parte contacts to bring them into harmony with the Administrative Procedure Act as amended by section 4 of the Government in the Sunshine Act, 5 U.S.C. 557(d). Proposed regulations on those subjects will be published soon.

Pursuant to section 161 of the Atomic Energy Act of 1954, as amended, 5 U.S.C. 552b(g) and 5 U.S.C. 553, notice is hereby given that adoption of the following amendments to 10 CFR Parts 2 and 9 are contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Section. Persons who wish to be included on the mailing list to be maintained by the Secretary pursuant to § 9.107(d)(2) should send their names to the same address. All comments must be received by February 1, 1977. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC.

PART 9—PUBLIC RECORDS.

1. A new Subpart C is added to 10 CFR Part 9 to read as follows:

Subpart C—Government in the Sunshine Act Regulations

Sec.

9.100 Scope of subpart.
9.101 Definitions.
9.102 General requirement.
9.103 General provisions.
9.104 Closed meetings.
9.105 Commission procedures.
9.106 Persons affected and motions for reconsideration.
9.107 Public announcement of commission meetings.
9.108 Certification, transcripts, recordings and minutes.
9.109 Report to Congress.

Subpart C—Government In the Sunshine Act Regulations

§ 9.100 Scope of subpart.

This subpart prescribes procedures pursuant to which NRC meetings shall be open to public observation pursuant to the provisions of 5 U.S.C. 552b. This subpart does not affect the procedures pursuant to which NRC records are made available to the public for inspection and copying which remain governed by subpart A, except that the exemptions set forth in § 9.104(a) shall govern in the case of any request made pursuant to § 9.8 to copy or inspect the transcripts, recordings or minutes described in section 9.108. Access to documents considered at NRC meetings shall continue to be governed by subpart A.

§ 9.101 Definitions.

As used in this subpart: (a) "Commission" means the collegial body of five Commissioners or a quorum thereof as provided by § 201 of the Energy Reorganization Act of 1974, or any subdivision of that collegial body authorized to act on its behalf, and shall not mean any body not composed of members of that collegial body.

(b) "Commissioner" means an individual who is a member of the Commission.

(c) "Meeting" means the deliberations of at least a quorum of Commissioners where such deliberations determine or result in the joint conduct or disposition of official Commission business, but does not include deliberations required or permitted by §§ 9.105, 9.106, or 9.108 (c); gatherings of a social or ceremonial nature; or briefings of the Commission by representatives of other agencies or departments of the United States Government or by representatives of foreign governments or international bodies where such briefings are informational in nature and are not received with specific reference to any particular matter then pending before the Commission.

(d) "Closed meeting" means a meeting of the Commission closed to public observation as provided by § 9.104.

(e) "Open meeting" means a meeting of the Commission open to public observation pursuant to this subpart.

(f) "Secretary" means the Secretary to the Commission.

(g) "General Counsel" means the General Counsel of the Commission as provided by section 25(b) of the Atomic Energy Act of 1954 and section 201(f) of the Energy Reorganization Act of 1974, and, until such time as the offices of that officer are in the same location as those of the Commission, any member of his office specially designated in writing by him pursuant to this subsection to carry out his responsibilities under this subpart.

§ 9.102 General requirement.

Commissioners shall not jointly conduct or dispose of Commission business in Commission meetings other than in accordance with this subpart. Except as provided in section 9.104, every portion of every meeting of the Commission shall be open to public observation.

§ 9.103 General provisions.

The Secretary shall ensure that all open Commission meetings are held in a location such that there is reasonable space, and adequate visibility and acoustics, for public observation. No additional right to participate in Commission meetings is granted to any person by this subpart. An open meeting is not part of the formal or informal record of decision of the matters discussed therein except as otherwise required by law and no pleading or other paper may be filed with the Commission in any proceeding as the result of or addressed to any oral argument or discussion of any matter during an open meeting except as the Commission shall direct. No electronic recording devices, cameras, photographic equipment or other similar devices shall be operated during a Commission meeting except such as have been approved in writing in advance by the Secretary.

§ 9.104 Closed meetings.

(a) Except where the Commission finds that the public interest requires otherwise, Commission meetings shall be closed, and the requirements of §§ 9.105, 9.106 and 9.107 shall not apply to any information pertaining to such meeting otherwise required by this subpart to be disclosed to the public, where the Commission determines in accordance with the procedures of § 9.105 that opening such meetings or portions there of or disclosing such information, is likely to:

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

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

(3) disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. § 552) provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) estblishes particular criteria for withholding or refers to particular types of matters to be withheld;

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

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

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

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

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

(9) Specifically concern the Commission's issuance of a subpoena, or the Commission's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct or disposition by the Commission of a particular case of formal agency adjudication pursuant to 5 U.S.C. § 554 or otherwise involving a determination on the record after an opportunity for a hearing pursuant to part 2 or similar provisions.

(b) Examples of situations in which Commission action may be deemed to be significantly frustrated are (1) if opening any Commission meeting would be likely to disclose information provided or requests made to the Commission in confidence by persons outside the Commission and which would not have been provided or made otherwise; or (2) if opening a meeting would reveal legal or other policy advice, public knowledge of which could substantially affect the outcome or conduct of pending or reasonably anticipated litigation. The examples in the above sentence are for illustrative purposes only and are not intended to be exhaustive.

§ 9.105 Commission procedures.

(a) Action under § 9.104 shall be taken only when a majority of the entire membership of the Commission votes to take such action. A separate vote of the Commissioners shall be taken with respect to each Commission meeting a portion or portions of which are proposed to be closed to the public pursuant to § 9.104, or with respect to any information which is proposed to be withheld under § 9.105 (c). A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular

matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each Commissioner participating in such vote shall be recorded and no proxies shall be allowed.

(b) Within one day of any vote taken pursuant to paragraph (a) of this section, §9.106(a) or § 9.108(c) the Secretary shall make publicly available in the Public Document Room a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the Secretary shall, within one day of the vote taken pursuant to paragraph (a) of this section or § 9.106(a), make publicly available in the Public Document Room a full written explanation of its action closing in the portion together with a list of all persons expected to attend the meeting and their affiliation.

(c) The notices and lists required by subsection (b) of this section to be made public may be withheld from the public to the extent that the Commission determines that public disclosure of such information would itself compromise the values recognized by paragraphs (a)(1), (a)(3), (a)(5), (a)(6), (a)(7), or (a)(8) of § 9.104. Any such determinations shall be made independently of the Commission's determination pursuant to paragraph (a) of this section to close a meeting, but in accordance with the procedure of that subsection. Any such determination, including a written explanation for the action, must be made publicly available to the extent permitted by the circumstances.

§ 9.106 Persons affected and motions for reconsideration.

(a) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the Commission close such portion to the public for any of the reasons referred to in paragraph (5), (6), or (7) of § 9.104, the Commission, upon request of any one Commissioner, shall vote by recorded vote whether to close such meeting.

(b) Any person may petition the Commission to reconsider its action under § 9.105(a) or paragraph (a) of this section by filing a petition for reconsideration with the Commission within seven days after the date of such action and before the meeting in question is held.

(c) A petition for reconsideration filed pursuant to paragraph (b) of this section shall state specifically the grounds on which the Commission action is claimed to be erroneous, and shall set forth, if appropriate, the public interest in the closing or opening of the meeting. The filing of such a petition shall not act to stay the effectiveness of the Commission action or to postpone or delay the meeting in question unless the Commission orders otherwise.

§ 9.107 Public announcement of Commission meetings.

(a) In the case of each meeting, the Secretary shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the Commission to respond to requests for information about the meeting. Such announcement shall be made unless a majority of the members of the Commission determines by a recorded vote that Commission business requires that such meeting be called at an earlier date, in which case the Secretary shall make public announcement of the time, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable time.

(b) The time or place of a meeting may be changed following the public announcement required by subsection (a) of this section only if the Secretary publicly announces such changes at the earliest practicable time. The subject matter of a meeting, or the determination of the Commission to open or close a meeting, or portion of a meeting, to the public, may be changed following the public announcement required by this subsection only if (1) a majority of the entire membership of the Commission determines by a recorded vote that Commission business so requires and that no earlier announcement of the change was possible, and (2) the Secretary publicly announces such change and the vote of each member upon such change at the earliest practicable time.

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

(d) The public announcement required by paragraph (a) of this section shall consist of the Secretary:

(1) Publicly posting a copy of the document in the Public Document Room at 1717 H Street, N.W., Washington, D.C.;

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

(3) Submitting a copy for possible publication to at least two newspapers of general circulation in the Washington, D.C. metropolitan area;

(4) Operating a recorded telephone announcement system giving the announcement; and

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

(e) Action under the second sentence of paragraph (a) or (b) of this section shall be taken only when the Commission finds that the public interest in prompt Commission action or the need to protect the common defense or security or to protect the public health or safety overrides the public interest in having full prior notice of Commission meetings.

§ 9.108 Certification, transcripts, recordings and minutes.

(a) For every meeting closed pursuant to paragraphs (1) through (9) of § 9.104(a) and for every determination pursuant to § 9.105(c), the General Counsel shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the Commission. The Commission shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (9) of § 9.104(c), the Commission shall maintain such a transcript or recording or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each Commissioner on the question). All documents considered in connection with any action shall be identified in such minutes.

(b) The Commission shall make promptly available to the public, in the Public Document Room, the transcript, electronic recording, or minutes (as required by subsection (a) of this section) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Commission determines pursuant to subsection (c) of this section to contain information which may be withheld under § 9.104 or § 9.105(c). Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person upon payment of the actual cost of duplication or transcription. The Secretary shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion was held, whichever occurs later.

(c) In the case of any meeting closed pursuant to § 9.104, a member of the Office of the General Counsel shall observe each portion of such meeting unless the Commission determines that the nature of the matter to be discussed precludes such participation. The last item on the agenda of each such closed meeting shall be an oral report from that person to the Commission. The report shall indicate that person's recommendation as to which, if any, portions of the transcript,

electronic recording or minutes and which, if any, items of information withheld pursuant to § 9.105(c) contain information which may not be withheld pursuant to § 9.04. Immediately after receiving such report, or if no report is received, as the last item of business, the Commission shall vote on which, if any, portions of the electronic recording, transcript or minutes and which, if any items of information withheld pursuant to § 9.105(c) contain information which may not be withheld pursuant to § 9.104. Any portions or items determined to contain such information shall be made available pursuant to paragraph (b) of this section, and the Commission's determination shall specify whether it has been made on the advice of an observer. If the Commission determines that further study is required, those questions shall be resubmitted for determination at the first opportunity.

§ 9.109 Report to Congress.

The Secretary shall annually report to the Congress regarding the Commission's compliance with the Government in the Sunshine Act, including a tabulation of the total number of open meetings, the total number of closed meetings, the reasons for closing such meetings and a description of any litigation brought against the Commission pursuant to the Government in the Sunshine Act, including any costs assessed against the Commission in such litigation (whether or not paid by the Commission).

2. Section 2.790 is amended by revising paragraph (a)(3) to read as follows:

§ 2.790 Public inspections, exemptions, requests for withholding.

(a) * * * (3) specifically exempted from disclosure by statute (other than 5 U.S.C. 552(b), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types or matters to be withheld.

§ 7.8 [Amended]

3. In § 7.8(b) the second sentence is changed to read:

It shall also indicate when any part of the meeting will concern matters within the exceptions of the Government in the Sunshine Act, 5 U.S.C. 552b and § 9.104 of this chapter.

§ 7.9 [Amended]

4. In Paragraph 7.9(a) the phrase "listed in 5 U.S.C. 552(b) and § 9.5(a) of this chapter" is changed to read:

listed in 5 U.S.C. 552b(c) and § 9.104 of this chapter.

5. In the first sentence of Paragraph 7.9(e) the phrase "policy of 5 U.S.C. 552 (b) and Part 9 of this chapter" is changed to read: "* * * policy of 5 U.S.C. 552b (c) and Subpart C of Part 9 of this chapter."

6. The authority section of Part 9 is amended by changing the period at the end to a semicolon and adding the following:

Subpart C also issued under 5 U.S.C. 552b.

7. Sections 9.1 and 9.1(a) are revised to read as follows:

§ 9.1 Scope.

The regulations in this part implement: (a) The provisions of the Freedom of Information Act, 5 U.S.C. 552, with respect to the availability to the public of Nuclear Regulatory Commission records for inspection and copying; (b) the provisions of the Privacy Act of 1974, Pub. L. 93-579, with respect to disclosure and availability of certain Nuclear Regulatory Commission records maintained on individuals; and (c) the provisions of the Government in the Sunshine Act, 5 U.S.C. 552b, with respect to opening Commission meetings to public observation.

§ 9.1a Subparts.

Subpart A sets forth special rules applicable to matters pertaining to the Freedom of Information Act. Subpart B sets forth special rules applicable to matters pertaining to the Privacy Act of 1974. Subpart C sets forth special rules applicable to matters pertaining to the Government in the Sunshine Act.

8. A new § 9.2a is added to Part 9 to read as follows:

§ 9.2a Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the commission.

9. Paragraph (a)(3) of § 9.5 is revised to read as follows:

§ 9.5 Exemptions.

(a) * * * (3) Records specifically exempted from disclosure by statute (other than 5 U.S.C. 552(b)), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld.

Dated at Washington, DC, this 20th day of December, 1976.

For the United States Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-37637 Filed 12-22-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

MANDATORY PETROLEUM PRICE REGULATIONS PRICING BY REFINERS OF LEADED AND UNLEADED GASOLINE; EXTENSION OF TIME FOR

Comments and Rescheduling of Public Hearing

On December 13, 1976 the Federal Energy Administration issued a Notice of Proposed Rulemaking and Public Hearing regarding the pricing by refiners of leaded and unleaded gasoline (41 FR 54774, December 15, 1976).

The notice stated that written comments were to be received by December 29, 1976; that requests to participate in the public hearing were to be received by December 21, 1976; that questions to be asked of participants were to be received by December 23, 1976; and that the public hearing was to be held on December 29, 1976 and continued on December 30, 1976, if necessary.

FEA has received several requests for a delay in the foregoing time schedule, based on problems anticipated in preparing comments and testimony and in obtaining travel reservations during the holiday time period. Accordingly, in order to facilitate full participation in this proceeding, FEA hereby gives notice of a one-week extension in the time schedule for this proceeding.

The public hearing will be held at 9:30 a.m. on Wednesday, January 5, 1977, and will be continued, if necessary, on Thursday, January 6, 1977, in Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

Data, views or arguments with respect to the proposal should be submitted to Executive Communications, Room 3309, Federal Energy Administration, Box JU, Washington, D.C., 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Pricing of Gasoline." Fifteen copies should be submitted. All comments received by Thursday, January 6, 1977, before 4:30 p.m. will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Written requests for an opportunity to make oral presentations should be directed to Executive Communications, FEA, and must be received before 4:30 p.m. on Tuesday, December 28, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washinton, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Monday, January 3, 1977. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Thursday, December 30, 1976 and must submit 100 copies of his statement to FEA, Regulations Management, Room 2105, 200 M Street, N.W., Washington, D.C., 20461, before 4:30 p.m. on Tuesday, January 4, 1977.

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., Thursday, December 30, 1976.

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

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-37744 Filed 12-21-76;10:01 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 806b]

PRIVACY ACT OF 1974

Proposed Exemption

On November 28, 1975, there was published in the FEDERAL REGISTER on pages 55580 to 55593 (40 FR 55580 to 55593), the Department of the Air Force notice of adopted rulemaking. An adopted amendment to that rulemaking was subsequently published on April 27, 1976 in the FEDERAL REGISTER on page 17549 (41 FR 17549).

Notice is hereby given that the Secretary of the Air Force proposes to amend § 806b.58 of Subpart H, 40 FR 55592, by proposing as a rule under 5 U.S.C. 552a (k) to exempt an additional system of records within the Department of the Air Force from the specified subsections of 5 U.S.C. 552a. Interested persons may participate in this proposed rulemaking by submitting either in person or through the mail, written data, views, or arguments to the Director of Administration, Headquarters, United States Air Force (HQ USAF/DA), Room 5A266, Pentagon Building, Washington, D.C. 20330, on or before January 15, 1977. All relevant material received will be considered.

This rule is proposed under the authority of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a.

Accordingly, the Department of the Air Force proposes to establish a new paragraph (l) to Section 806b.58 in Subpart H of Part 806b, 32 CFR, as follows:

§ 806b.58 Specific Exemptions.

* * * * *

(l) 16802 Child Advocacy Case Files.

(1) *Exemption.* Portions of this system of records are exempt from the following subsections of Title 5, *United States Code*, section 552a:(c)(3) and (d).

(2) *Authority.* 5 U.S.C. 552a(k)(2) and (5).

(3) *Reasons.* Exemptions are needed in order to encourage persons having knowledge of abusive or neglectful acts toward children to report such information and to protect such sources from embarrassment or recriminations as well as to protect their right to privacy. It is essential that the identities of all individuals who furnish information under an express promise of confidentiality be protected. Additionally, granting individuals access to information relating to criminal and civil law enforcement, as well as the release of certain disclosure accountings, could interfere with ongoing investigations and the orderly administration of justice in that it could result in the concealment, alteration, destruction or fabrication of information; could hamper the identification of offenders or alleged offenders and the disposition of charges; and could jeopardize the safety and well-being of parents and their children.

THOMAS C. REED,
Secretary of the Air Force.
MAURICE W. ROCHE,
Director, C. & D., OASD (Comptroller).

DECEMBER 15, 1976.

[FR Doc.76-37615 Filed 12-22-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Parts 0, 2, 3, 4, 14]

GOVERNMENT IN THE SUNSHINE ACT

Notice of Proposed Rulemaking

Notice is hereby given that the Federal Trade Commission, pursuant to 15 U.S.C. 46(g) and 5 U.S.C. 552b, is proposing to revise its Organization and Rules of Practice to implement the open meeting provisions of the Government in the Sunshine Act, Pub. L. 94-409.

Sections 0.5 and 0.6 of the Commission's Organization would be deleted and their substance incorporated into §§ 4.14 and 4.15.

Section 2.14(c) would be revised to clarify the procedure by which investigations are closed pursuant to delegated authority. Similarly, Section 3.61(b) would be revised to clarify the procedures by which certain actions regarding compliance investigations are taken pursuant to delegated authority.

Section 3.52(f) would be modified to permit the closing of oral arguments before the Commission where appropriate.

Section 4.14 would describe the general methods by which the Commission conducts its business. Section 4.15 would govern the conduct of Commission meetings. In general, Commission meetings would be open to members of the public except for portions that may be closed pursuant to 5 U.S.C. 552b(c). The rule also describes the content and timing of the announcement of meetings. A procedure would also be established whereby persons directly affected by a portion of a scheduled open meeting may request that the Commission close that portion.

The Commission also proposes to employ the procedures of 5 U.S.C. 552b(d)(4) to close portions of Commission meetings pursuant to 5 U.S.C. 552b(c)(10). The Commission has tentatively determined that it qualifies for the 552b(d)(4) exemption because portions of at least a majority of its meetings held over the last three years could have been closed pursuant to 552b(c)(10).

The Commission also proposes revisions in §§ 4.9 and 4.10 to confirm the availability, pursuant to 5 U.S.C. 552b(f)(2), of portions of transcripts of closed meetings, and to provide that the exemptions of 552b(c) govern the availability of such transcripts.

Section 14.10 will be deleted as unnecessary in view of § 4.15.

Interested persons may submit written comments on these proposed rules changes to the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580, before January 25, 1977. Such comments will be entered on the public records of the Commission and will be available for public inspection along with the General Counsel's analysis of the Sunshine Act and these proposed rules in Room 130 at the above address during normal business hours. Because of the effective date of Pub. L. 94-409, it is unlikely that the Commission will grant requests for extensions of time to file comments.

In consideration of the foregoing, it is proposed to amend 16 CFR Chapter I as follows:

PART 0—ORGANIZATION

§ 0.5 [Deleted]

§ 0.6 [Deleted]

1. By deleting §§ 0.5 and 0.6.

PART 2—NONADJUDICATIVE PROCEDURES

2. To amend § 2.14 by revising paragraph (c) to read as follows:

§ 2.14 Disposition.

* * * * *

(c) The Commission has delegated to the Directors, Deputy Directors, and Assistant Directors of the Bureaus of Competition and Consumer Protection, with-

out power of redelegation, limited authority to close investigations. The closing action of a Bureau Director, Deputy Bureau Director or Assistant Bureau Director does not become effective until the files have been sent to the Secretary of the Commission and he shall have advised the Commission of the closing action and, within five (5) working days after receiving the notice to close from the Secretary, no Commissioner has directed that the matter be placed on a meeting agenda or otherwise stayed for further consideration. Thereupon, the Secretary shall enter upon the records of the Commission the closing of the matter and take such other action as is required.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

3. Section 3.52 is amended by adding the following sentence at the beginning of § 3.52(f).

§ 3.52 Appeal from initial decision.

* * * * *

(f) *Oral argument*—All oral arguments shall be public unless otherwise ordered by the Commission. * * *

4. To amending § 3.61 by revising paragraph (b) to read as follows:

§ 3.61 Reports of compliance.

* * * * *

(b) The Commission has delegated to the Directors of the Bureaus of Competition and Consumer Protection, without power of redelegation, the authority to approve compliance reports, reject compliance reports, and to close compliance investigations. This delegation does not apply to compliance with orders involving section 7 of the Clayton Act, to any matter which has received previous Commission consideration as to compliance or in which the Commission or any Commissioner has expressed an interest, any matter proposed to be closed by reason of expense of investigation or testing, or any matter involving substantial questions as to the public interest, Commission policy or statutory construction, in each of which type of case a report with recommendation will be made to the Commission. The approvals, rejections, and closings shall not be effective until the file relating to the subject matter has been transmitted to the Secretary and he shall have advised the Commission of the Bureau Director's determination and, within five (5) working days after receiving notice of the determination from the Secretary, no Commissioner has directed that the matter be placed on a meeting agenda or otherwise stayed for further consideration. Thereupon, the Secretary shall enter upon the records of the Commission the determination of the matter and take such other action as is required.

* * * * *

PART 4—MISCELLANEOUS RULES

5. To amend § 4.9 by revised paragraph (b)(4) and by adding (b)(26) to read as follows:

§ 4.9 Public Records.

* * * * *

(b) * * *

(4) The pleadings and prehearing conferences (to the extent made available under § 3.21(c)), motions, certifications, orders, and the transcripts of hearings, including public conferences, testimony, oral arguments, and other material made a part thereof, and exhibits and all documents received in evidence or made a part of the record in adjudicative proceedings (except matters heard or filed in camera).

* * * * *

(26) Portions of transcripts of closed meetings required to be made available pursuant to 5 U.S.C. 552b(f)(2).

6. To amend § 4.10(a) and to revise paragraph (b) to read as follows:

§ 4.10 Confidential information.

(a) Except as provided in paragraph (b) of this section the following records of the Commission are exempt from availability for public inspection and copying pursuant to 5 U.S.C. 552; however, records exempt from disclosure by the provisions of this section may be made available to a requestor for inspection and copying upon request for records under the procedures set forth in § 4.11 or by the Commission upon its own motion: * * *

* * * * *

(b) With respect to information contained in transcripts of Commission meetings, the exemptions contained in paragraph (a) of this section except for (a)(3) and (a)(7), shall apply; in addition, such information will not be made available if it is likely to have any of the effects described in 5 U.S.C. 552b (c)(5), (c)(9), or (c)(10).

* * * * *

7. By adding § 4.14, to read as follows:

§ 4.14 Conduct of business.

(a) Matters before the Commission for consideration may be resolved either at a meeting under § 4.15 or by written circulation. Any Commissioner may direct that a matter presented for consideration be placed on the agenda of a Commission meeting.

(b) *Quorum.* A majority of the members of the Commission, duly appointed and confirmed, constitutes a quorum for the transaction of business.

(c) Any Commission action, either at a meeting or by written circulation, may be taken only with the affirmative concurrence of a majority of the participating Commissioners, except where a greater majority is required by statute or rule or where the action is taken pursuant to a valid delegation of authority.

8. By adding § 4.15, to read as follows:

§ 4.15 Commission meetings.

(a) *In general:* (1) Meetings of the Commission, as defined in 5 U.S.C. 552b (a)(2), are held at the principal offices of the Commission, unless otherwise directed.

(2) *Initial Announcements of Meetings:* (i) Except as provided in paragraphs (a)(2)(ii) and (iii) of this section, the Commission shall announce, as least one week before each meeting: (A) The time, place and subject matter of the metting, (B) Whether the meeting will be open or closed to the public, and (C) The name and phone number of the official who will respond to requests for information about the meeting.

(ii) If the Commission votes pursuant to 5 U.S.C. 552b(e)(1) to call a meeting on less than one week's notice, it shall make publicly available a copy of such vote and shall make the announcement required by paragraphs (c)(2)(i)(A) and (B) of this section at the earliest practicable time.

(iii) If the Commission votes to close a meeting pursuant to paragraph (c)(2) of this section, the Commission shall make publicly available a copy of such vote and shall announce the time, place, subject matter of the meeting at the earliest practicable time.

(3) *Announcements of Changes in Meetings:* (i) Following the initial announcement of a meeting, any change in the time and place of the meeting shall be announced at the earliest practicable time, and, except as provided in paragraph (a)(2)(ii) of this section, any change in the subject matter or the determination to open or close a meeting shall be made only as provided in 5 U.S.C. 552b(e)(2).

(ii) Changes relating to matters closed pursuant to 5 U.S.C. 552b(c)(10) shall be announced at the earliest practicable time.

(4) *Deletions From Announcements.* The requirements of paragraphs (a)(2) and (a)(3) of this section do not apply to require the disclosure of any information pertaining to a portion of a closed meeting where such disclosure is likely to concern a matter within the scope of 5 U.S.C. 552b(c).

(b) *Open Meetings:* (1). Commission meetings shall be open to public observation except where the Commission determines that portions may be closed pursuant to 5 U.S.C. 552b(c).

(2) Any person whose interest may be directly affected if a portion of a meeting is open, may request that the Commission close that portion for any of the reasons described in 5 U.S.C. 552b(c). The Commission shall vote on such requests if at least one member desires to do so. Such requests shall be in writing, filed promptly after the Commission's announcement of an open meeting, and describe how the matters sought to be discussed will have any of the effects enumerated in 5 U.S.C. 552b(c). Requests shall be addressed as follows:

Closed Meeting Request, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

(c) *Closed Meetings*—(1) Except as provided in paragraph (c)(2) of this section when the Commission votes to close a meeting or a series of meetings to the public pursuant to 5 U.S.C. 552b (c), it shall make publicly available within one day a copy of such vote, a full, written explanation of its action, the

certification by the General Counsel required by 5 U.S.C. 552b(f)(1), and a list specifying the names and affiliations of all persons, other than Commission employees or consultants, who are expected to attend.

(2) If a portion of a Commission meeting may be closed pursuant to 5 U.S.C. 552b(c)(10), the Commission may, by vote recorded at the beginning of the meeting, close the portion or portions thereof exempt under that subsection.

(d) The presiding officer shall be responsible for preserving order and decorum at meetings and shall have all powers necessary to that end.

PART 14—ADMINISTRATIVE INTERPRETATIONS, GENERAL POLICY STATEMENTS, AND ENFORCEMENT POLICY STATEMENTS [1]

§ 14.10 [Deleted]

9. Section 14.10 will be deleted.

By direction of the Commission dated December 21, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-37800 Filed 12-22-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Parts 1 and 155]

TRADING STANDARDS AND RECORDS OF CASH COMMODITY AND FUTURES TRANSACTIONS

Proposed Amendments

The Commodity Futures Trading Commission ("Commission") today amended § 1.35 of the regulations under the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 1–22 (Supp. V, 1975), and adopted new §§ 155.1–155.3 and 155.10 of those regulations. 41 F.R. See Part V of this issue. The newly adopted rules make certain amendments in the record-keeping requirements imposed upon contract markets under regulation 1.35 and establish certain specific trading standards for floor brokers and those futures commission merchants which are members of a contract market. As a result of its consideration of the issues raised during the course of the rule making procedures which led to the adoption of these regulations, the Commission has determined to propose the adoption of three further rule changes.

Non-member FCM's. Regulation 155.3 establishes certain trading standards which are applicable to futures commission merchants ("FCM's"). In announcing the adoption of regulation 15.3, the Commission noted:

[t]o a large extent, * * * many of the requirements of regulation 155.3 are, in the Commission's view, no more than specific codifications of minimal safeguards which a futures commission merchant must employ to carry out its responsibilities to customers under common-law agency principles. Consequently, while the Commission's original proposal would have imposed specific requirements on only those futures commission merchants which hold memberships on contract markets permitting their FCM members to dual trade, the Commission believes that customers of all futures commission merchants should have the benefit of the specific minimum safeguards set forth in regulation 155.3. However, because regulation 155.3, as originally proposed, would not have extended to non-member FCM's, the newly adopted regulation applies only to those FCM's which are members of a contract market.

The exemption of non-member FCM's from the requirements of regulation 155.3 is embodied in paragraph (e) of the regulation, which provides that the requirements of regulation 155.3 "shall not apply to a futures commission merchant which is not a member of any contract market or to the affiliated persons of such futures commission merchant." The Commission is proposing the revocation of this paragraph from the newly adopted regulation. In the Commission's view, for purposes of this regulation no meaningful distinction can be drawn between non-member FCM's and those FCM's which are members of a contract market. However, the Commission specifically requests comment on the proposed revocation of this exemption for non-member FCM's and on any possible distinction which can be drawn between member and non-member FCM's for purposes of the minimal safeguards provided to customers under regulation 155.3.

Contract Market Members: Record Keeping. Regulation 155.3(a) sets forth a basic "customer first" rule with respect to the transmission of orders to the floor of a contract market by an FCM and its affiliated persons.[1] In response to the proposed rules which preceded the adoption of regulation 155.3(a), the Commission received several comments which suggested that compliance with a customer first rule could best be insured by requiring that all orders of an FCM must be time-stamped upon origination regardless of where they originate and that all orders must be delivered to the pits and rings of a contract market in the order in which they are received by the person or firm operating as an FCM. An alternative suggestion was that each FCM be required to number sequentially all order pads used on the trading floor, the wire room and the branch office. All orders from the first number used to the last on any given day would be required to be accounted for. It was suggested that such a requirement coupled with a requirement for time sequencing would facilitate substantial control by the FCM over the trading activities of its employees.

The Commission does not believe that these suggestions present the most efficient regulatory method of insuring a record of transactions which will enable FCM's to supervise the trading activities of their affiliated persons while at the same time facilitating Commission oversight of such supervision. While the Commission does not intend to preclude FCM's from utilizing the methods and procedures suggested by these comments as part of their internal supervisory program, the Commission believes that the necessary record of transactions can best be insured, in light of the order handling and other procedures currently in use in the industry, by amending regulations 1.35(a–1)(2) to require that

[e]ach member of a contract market who on the floor of such contract market receives an order for the account of another person which is not in the form of a written record including . . . the date and time, to the nearest minute, such order was transmitted or received on the floor of such contract market, shall immediately upon receipt thereof prepare a written record of such order . . . and shall record thereon, by time-stamp or other timing device, the date and time to the nearest minute the order is received.

At present this requirement applies only to orders for a "customer"—as that term is defined in regulation 1.3(k)—where such customer is not another member of the same contract market present on the floor at the time such order is received.

In this connection, the Commission is also considering the deletion of the exemption provided in regulation 1.35 (a–1)(3) for orders from other contract market members present on the floor of the contract market at the time such orders are received, because it can see no logical basis for distinguishing between such orders and other orders received by a floor broker. Adequate trading surveillance by the Commission, contract markets and futures commission merchants would appear to necessitate the written record which would be required by regulation 1.35(a–1)(2), as proposed, with respect to all orders received by a floor broker for execution.

Contract Markets: Accuracy of Records. Newly adopted regulation 1.35(g) requires each contract market to show on the record of each futures trade required by regulation 1.35(e) the mechanically or electronically verified time of execution of such futures trade to at least the nearest minute or such other time and sequence of execution indicia as permitted by the Commission. As noted in the FEDERAL REGISTER release announcing the adoption of this regulation, the Com-

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[1] 38 FR 20820, Aug. 3, 1973.

[1] The term "affiliated person" of a futures commission merchant is defined in regulation 155.1 as any general partner, officer, director, owner of more than ten percent of the equity interest, correspondent, agent or person associated therewith, associated person or employee of the futures commission merchant, and any relative or spouse of any of the foregoing persons, or any relative of such spouse, who shares the same home as any of the foregoing persons.

For purposes of this definition, the terms "correspondent" and "agent or person associated therewith" of an FCM have the same meaning as they do in the Act. (*See, e.g.*, sections 4b and 4k of the Act, 7 U.S.C. 6b and 6k.) The "relative or spouse * * * or any relative of such spouse" provision includes only those persons who live in the same home as a "general partner, officer . . . associated person or employee" of an FCM.

mission's task force on bracketing [2] concluded in the course of its study that in order to achieve *accurate* transaction time sequence reconstruction capacity, contract markets must by required to keep "much more accurate records [under regulation 1.35] than currently exist." The task force explained:

> Inaccurate information is an important problem of record keeping for most exchanges. Such inaccuracies require time consuming cross references of data in the course of trade practice investigations and economic studies. Therefore, without concurrent improvements in the accuracy of data, the benefits of bracketing or any other system of time sequencing of trades will be significantly diminished. Steps to identify and improve these other aspects of record keeping are important and should be pursued.[3]

The Commission is considering the adoption of one of two alternative regulations designed to insure the accuracy of the time and sequence of execution indicia required under newly adopted regulation 1.35(g). The first of these alternatives, that set forth in proposed regulation 1.35 (i), is a requirement that contract markets and their clearing organizations require that the opposite sides of each transaction presented for clearing have identical time and sequence of execution indicia as a prerequisite to acceptance for clearance. The second alternative presently being considered by the Commission is a requirement that contract markets or their clearing organizations make a daily computer check, independent of the clearing process, to insure matched time and sequence of execution indicia for the opposite sides of each transaction.[4] Although, under this latter rule, unmatched trades would be allowed to clear, a reconciliation of time and sequence of execution indicia by opposing floor brokers or traders or by opposing clearing members would be required for preparation of the record required by regulation 1.35(e). The Commission encourages interested persons to submit comments on these alternative proposals and on any other method for insuring the accuracy of the time and sequence of execution indicia required by newly adopted regulation 1.35(g).

Authority. The following amendments to regulations 1.35 and 155.3 are proposed under the authority of sections 4b, 4g, 4j, and 8a of the Commodity Exchange Act, as amended (7 U.S.C. 6b, 6g, 6j, and 12a).

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[2] "Bracketing" of a trade is the identification of the trade as having been executed during a specified time period during the trading day.

[3] Copies of the report of the task force on bracketing are available for inspection at the Commission's offices at 2033 K Street, N.W., Washington, D.C. 20581.

[4] An appropriate alternative procedure would be permissible where a contract market demonstrates the ability to adequately reconcile such indicia other than through the use of a computer.

In consideration of the foregoing, the Commission hereby proposes to amend 17 CFR Part I and 17 CFR Part 155 as follows:

1. By amending 17 CFR 1.35 by revising paragraph (a–1)(2), by revoking paragraph (a–1)(3) and by adding a new paragraph (i) to read as follows:

§ 1.35 Records of cash commodity and futures transactions.

* * * * *

(a–1) * * *

(2) Each member of a contract market who on the floor of such contract market receives an order for the account of another person which is not in the form of a written record including the account identification, order number and the date and time, to the nearest minute, such order was transmitted or received on the floor of such contract market, shall immediately upon receipt thereof prepare a written record of such order, including the account identification and order number and shall record thereon, by time-stamp or other timing device, the date and time to the nearest minute the order is received.

(3) [Reserved]

* * * * *

(i) Each contract market shall adopt and submit to the Commission for approval pursuant to section 5a(12) of the Act a rule which shall require that the time and sequence of execution indicia submitted with respect to each futures trade by the floor broker or floor trader buying and the floor broker or floor trader selling, or by the clearing member buying and the clearing member selling, accurately correspond before such trade will be accepted for clearance by the clearing organization which clears trades for the contract market.

2. By revising 17 CFR 155.3 by revoking paragraph (e).

* * * * *

Interested persons are invited to submit comments on the proposed amendments to regulations 1.35 and 155.3 to Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Attention: Secretariat. Comments received on or before January 21, 1977, will be considered by the Commission before taking action on the proposed amendments. Copies of all comments received will be available for inspection in the Commission's offices in Washington, D.C.

Issued in Washington, D.C., on December 20, 1976, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-37680 Filed 12-22-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 36]

[Docket No. 16221; Notice No. 76-21]

AIRCRAFT NOISE MEASUREMENT AND EVALUATION SPECIFICATIONS

Extension of Comment Period

This notice extends the period for receipt of comments on Notice 76-21, published in the FEDERAL REGISTER (41 FR 47342) on October 28, 1976. The comment period is hereby extended from December 30, 1976, to February 28, 1977. In Notice No. 76-21, the Federal Aviation Administration proposed the following amendments to Part 36 of the Federal Aviation Regulations (14 CFR Part 36): revision of the procedures and standards for conducting noise type certification and acoustical change tests presently contained in Appendices A and B; revision of the form by which Part 36 incorporates certain standards and procedures by reference; redesignation of certain provisions; and inclusion of a table of sections in each Part 36 appendix.

The Federal Aviation Administration is extending the comment period in response to a petition from the Aerospace Industries Association of America, Inc. (AIA). AIA stated that it needed the extension because of the complexity of the proposal and because it was necessary for AIA to receive certain information from the International Civil Aviation Organization (ICAO) prior to submitting its comment on the proposed amendment. AIA stated that the information it was waiting for was then being generated at ICAO's Committee on Aircraft Noise's fifth session expected to end on November 11, 1976.

Recognizing the complex nature of the proposed amendment, the benefit to FAA of the best possible input from the industry and the potentially far reaching issues involved, I find that petitioner has shown a substantive interest in the proposed amendment, that good cause exists for an extension of the comment period until February 28, 1977, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the closing date for public comment on Notice No. 76-21 is extended to February 28, 1977.

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

JOAN B. BARRIAGE,
Acting Director
of Environmental Quality.

[FR Doc.76-37751 Filed 12-22-76;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 76-SW-59]

AIRWORTHINESS DIRECTIVES

Bell Models 206A and 206B Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Models 206A and 206B helicopters. This directive would provide for installation of an improved tail rotor drive shaft support bearing arrangement designed to minimize or eliminate bearing failures which have been reported and are likely to recur with the existing bearing design. The proper function of these bearings is essential to the flight control system of these helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communicatons received on or before January 28, 1977 will be considered by the Director 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 office of the Regional Counsel 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 Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

This notice has been reviewed and does not require an inflation impact statement.

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:

BELL: Applies to Models 206A and 206B helicopters certificated in all categories as indicated below:

Compliance required within the next 100 hours time in service after the effective date of this airworthiness directive, unless already accomplished.

To minimize the possibility of loss of directional control due to failure of the tail rotor drive shaft, remove and replace tail rotor drive shaft bearings, bearing hangers, retaining rings and shaft segments as specified in items 1 through 7 below:

1. Helicopter serial numbers 1 through 413: Tail Rotor Drive Shaft Installation Part Number 206-040-301-1:

a. *Remove*	*Install*
One (1) hanger, P/N 206-040-336-1.	One (1) hanger, P/N 206-040-346-9.
One (1) hanger, P/N 206-040-335-1.	One (1) hanger, P/N 206-040-345-9.
Five (5) hangers, P/N 206-040-331-1.	Five (5) hangers, P/N 206-040-338-5.
Seven (7) bearings, P/N 206-040-339-1.	Seven (7) bearings, P/N 206-040-339-9.
Twelve (12) retainers, P/N RR216C.	----------
One (1) shaft, P/N 206-040-320-7.	One (1) shaft, P/N 206-040-320-11.

b. To prevent bearing hangers from chafing the drive shaft cover, the cover must be modified in accordance with Bell Helicopter Company Technical Bulletin No. 206-76-2 dated January 7, 1976, (misdated 206-76-2), or later FAA approved revision or FAA approved equivalent.

2. Helicopter serial numbers 414 through 913: Tail Rotor Drive Shaft Installation P/N 206-040-301-7:

Remove	*Install*
Seven (7) bearings, P/N 206-040-339-3 or -5.	Seven (7) bearings, P/N 206-040-339-9.

3. Helicopter serial numbers 414 through 637: Tail Rotor Drive Shaft Installation P/N 206-040-301-7:

Remove	*Install*
One (1) shaft, P/N 206-040-320-7.	One (1) shaft, P/N 206-040-320-11.

NOTE: Shaft P/N 206-040-320-7 may be reworked to configuration of Shaft P/N 206-040-320-11. See Part V of Bell Helicopter Company Service Bulletin No. 206-76-12.

4. Helicopter serial numbers 914 through 1251: Tail Rotor Drive Shaft Installation P/N 206-040-301-13:

Remove	*Install*
Seven (7) bearings, P/N 206-040-339-3 or -5.	Seven (7) bearings, P/N 206-040-339-9.

5. Helicopter serial numbers 1252 through 1993: Tail Rotor Drive Shaft Installation P/N 206-040-301-19:

Remove	*Install*
Seven (7) bearings, P/N 206-040-339-3 or -5.	Seven (7) bearings, P/N 206-040-339-9.

6. Removal and replacement as prescribed by paragraphs 1 through 5 must be in accordance with the applicable maintenance and overhaul manual instructions.

7. All spring clamp type bearing hangers, P/N 206-040-338-5, must be installed with the spring on the left side of the tail boom.

Bell Helicopter Company Service Bulletin 206-76-12 pertains to and provides instructions for accomplishing the intent of this airworthiness directive.

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 Service Manager, Bell Helicopter Textron, Box 482, Fort Worth, Texas 76101. These documents may also be ex-

amined at Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas 76106, and at FAA headquarters, 800 Independence Avenue S.W., Washington, D.C. 20591. 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 Office of Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas 76106.

Issued in Fort Worth, Texas on December 9, 1976.

HENRY L. NEWMAN,
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.76-37359 Filed 12-22-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-NW-26]

ALTERATION OF TRANSITION AREA

Seattle, Washington

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Seattle, Washington, Transition Area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures, and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before January 24, 1977, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108.

A review of the airspace requirements for the localizer back course Runway 1 approach procedure to Kitsap County Airport, Bremerton, Washington, reveals that additional 700' Transition Area airspace is required to provide controlled airspace protection for aircraft executing the procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181, Subpart G, (41 FR 591), the description of the Seattle, Washington, Transition Area is amended to read as follows:

SEATTLE, WASHINGTON

That airspace extending upward from 700 feet above the surface bounded on the east by a line beginning at Latitude 49°00' N, Longitude 122°21' W; to Latitude 48°40' N, Longitude 122°21' W; to Latitude 48°40' N, Longitude 122°05' W; Latitude 47°30' N, Longitude 121°48' W; to Latitude 47°10' N, Longitude 121°48' W, to Latitude 46°48' N, Longitude 122°15' W, on the south by a line extending to Latitude 46°42' N, Longitude 123°17' W, on the west by a line extending to Latitude 47°10' N, Longitude 123°17' W; to Latitude 47°40'00" N, Longitude 123°03' 30" W; to Latitude 48°17' N, Longitude 123°15' W; thence via the Canada/United States boundary to the point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the north by a line beginning at Latitude 48°05' N, Longitude 123°40' W; to Latitude 48°05' N, Longitude 121°35' W, on the east by a line extending to the south via Longitude 121°35' W, to the south edge of V-204, on the south by the south edge of V-204 and Latitude 46°30' N, to the east edge of V-27, on the west by east edge of V-27 to Longitude 123°40' W, to the point of beginning; that airspace east of Seattle extending upward from 9,500 feet MSL bounded on the north by a line beginning at Latitude 48°00' N, Longitude 121°35' W; to Latitude 48°00' N, Longitude 121°00' W, thence south to Latitude 47°42' N, Longitude 121°00' W, thence east to Latitude 47°42' N, Longitude 119°43' W, on the east by a line extending south via Longitude 119°43' W, to the north edge of V-2N, on the south by the north edge of V-2N to Longitude 121°35' W, and on the west by Longitude 121°35' W, to the point of beginning.

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

(NOTE: The rules prescribed herein have been reviewed in accordance with Executive Order 11821, titled "Inflationary Impact Statements," (39 FR 41501, November 29, 1974), and it has been determined that the preparation of an Inflationary Impact Statement is not necessary.)

Issued in Seattle, Washington, on December 13, 1976.

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

[FR Doc.76-37752 Filed 12-23-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SO-103]

CAMILLA, GA.

Designation of Transition Area

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Camilla, Ga., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before February 7, 1977 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, Whipple Street, East Point, Ga.

The rule proposed herein has been reviewed in accordance with Executive Order 11821, titled "Inflationary Impact Statements," (39 FR 41501, November 29, 1974), and it has been determined that the preparation of an inflationary impact statement is not necessary.

The Camilla transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Camilla-Mitchell County Airport (lat. 31°12'45" N., long. 84°14'20" W.); within 3 miles each side of the 253° bearing from the Camilla RBN (lat. 31°12'52" N., long. 84°14'13" W.), extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Camilla-Mitchell County Airport. A prescribed instrument approach procedure, utilizing the Camilla (nonfederal) nondirectional radiobeacon, is proposed in conjunction with the designation of this transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Camilla RBN (lat. 31°12'52" N., long. U.S.C. 1655(c)).

Issued in East Point, Ga., on December 8, 1976.

GEORGE R. LACAILLE,
Acting Director, Southern Region.

[FR Doc.76-37357 Filed 12-23-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SO-104]

ANDREWS MUNICIPAL AIRPORT

Designation of Transition Area

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Andrews, S.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before February 7, 1977 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any

data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The rule proposed herein has been reviewed in accordance with Executive Order 11821, titled "Inflationary Impact Statements," (39 FR 41501, November 29, 1974), and it has been determined that the preparation of an inflationary impact statement is not necessary.

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 Andrews transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Andrews Municipal Airport (lat. 33°27'30" N., long. 79°31'57" W.); within 3 miles each side of the 171° bearing from the Punch RBN (lat. 33°27'29" N., long. 79°32'00" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Andrews Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Punch (nonfederal) nondirectional radio beacon, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on December 8, 1976.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

[FR Doc.76-37358 Filed 12-22-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-CL-38]

UPPER SANDUSKY, OHIO

Designation of Transition Area

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Upper Sandusky, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before January 24, 1977 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A standard instrument approach procedure has been developed for the Wyandot County Airport, Upper Sandusky, Ohio. Controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (41 FR 440), the following transition area is added:

UPPER SANDUSKY, OHIO

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Wyandot County Airport (latitude 40°53'00 N., longitude 83°18'52" W.).

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

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

Issued in Des Plaines, Illinois, on December 7, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-37423 Filed 12-22-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 239]

[EDR-315; Docket No. 30232, Dated: December 17, 1976]

REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Notice of Proposed Rulemaking

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Part 239 of its Economic Regulations (14 CFR Part 239) which would modify the definition of "Actual shipper loss," and reduce, as well as improve, the requirements for reporting on CAB Form 239, "Report of Freight Loss and Damage Claims."

The principal features of the proposed amendments are described in the Explanatory Statement and the proposed amendments are set forth in the Proposed Rule. The amendments are proposed under the authority of sections 204(a), 402 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372, 1377.

Interested persons may participate in this proceeding through submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before January 24, 1977, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board:

JAMES R. DERSTINE,
Acting Secretary.

EXPLANATORY STATEMENT

The Principal purposes for the issuance of this Notice of Proposed Rule Making are four-fold. First, it replies to a petition[1] of the Air Transport Association (ATA) for a modification of the definition of "Actual shipper loss" contained in section 239.1 of Part 239 of the Economic Regulations; second, it proposes to reduce the reporting burden on air carriers filing CAB Form 239 by reducing the number of required respondents and eliminating and simplifying certain reported data; third, it would permit an air freight forwarder required to report under Part 239 and who is also subject to certain ICC reporting requirements to consolidate the date accruing from its surface operations with the data accruing from its air operations on Form 239; and fourth, in the interest of maintaining uniformity among all modes of transportation and their reported data, it proposes changes to certain definitions contained in Part 239 so they will conform to the language of similar definitions used by ICC. These matters are discussed below.

1. *Actual shipper loss.* Section 239.1 of Part 239 of the Board's Economic Regulations presently contains a definition of "Actual shipper loss" in terms of the "dollar amount on each claim actually suffered by claimant because of loss, damage, delay, etc.," and states in part: "*Provided, however,* That (1) for claims involving shipments where no invoices exist, such as personal effects and used household goods, the actual shipper loss shall be the negotiated settlement, or the amount claimed less reasonable depreciation based upon prior use and age, whichever is greater; or (2) for

[1] Dated December 12, 1975, Docket 28614.

claims made by an air freight forwarder, the actual shipper loss to be reported by a direct air carrier shall be the amount claimed by the forwarder." [2]

ATA has petitioned to modify this definition in order to reflect a more accurate figure for actual shipper losses as they may be known by the reporting carrier. The modification requested in the petition would require the reporting of actual shipper loss on claims made by an air freight forwarder to the direct air carrier to be based on the amount actually paid by the forwarder to the shipper. Also, the claimed amount would have to be substantiated by the forwarder when the claim is filed with the direct air carrier. ATA believes its requested modification would:

a. Provide a more realistic basis for reporting actual shipper losses by the direct air carrier, as well as solving some of the existing duplications and multiplications of actual shipper loss statistics reported under Part 239;

b. Require forwarders to reduce the subtotals of claimants' actual shipper loss figures by the amounts which would be reported by the direct air carriers on claims actually paid in whole or in part by the direct air carriers;

c. Preclude the possibility of some forwarders receiving recoveries from direct air carriers while at the same time settling the shippers' claims on the basis of a lesser amount, thereby providing more precise data to the Board's Bureau of Accounts and Statistics for their compilation of an industry Air Freight Loss and Damage Claims Report; and

d. Require the forwarder to either pay or deny the claim prior to making a formal claim on the direct air carrier, thus resulting in a great decrease in duplication of actual shipper loss statistics.

For the reasons stated above, the Board has tentatively decided that ATA's requested modification, in principle, will improve the accuracy and enhance the value of the reports filed pursuant to Part 239. Therefore, we are proposing adoption, in principle, of the ATA's suggested amendment to the current definition of "Actual shipper loss."

We essentially differ from ATA only as to language, as their proposal fails to recognize that the amount paid by a forwarder may, on occasion, be less than or more than the amount paid to the forwarder by the airline,[3] e.g., the direct air carrier may not pay the forwarder's claim in full.

The initial "actual shipper loss" to be computed by the forwarder is intended to be the total dollar amount on each claim actually suffered by the forwarder's claimant, less that amount subrogated to (claimed against) the underlying direct air carrier by the forwarder. In turn, if the amount paid to the forwarder by the direct air carrier is the same as or even less than the amount claimed, the actual shipper loss to be reported by the direct air carrier would always be equal to the amount claimed by the forwarder. Thus, the aggregate actual shipper loss reported by the forwarder and the direct air carrier would equal the true, initial actual shipper loss.

With respect to ATA's proposal that would require the forwarder to "substantiate" the amount paid (to the forwarder's claimant), the Board is of the view that the definition of "actual shipper loss" is an improper vehicle in which to attempt to establish Board requirements as to the proper supporting documentation of claims.

Accordingly, our version of a proposed revised definition of "actual shipper loss" in pertinent part, is: "* * * *Provided, however,* That (1) for claims involving shipments where no invoices exist, such as personal effects and used household goods, the actual shipper loss shall be the negotiated settlement, or the amount claimed less reasonable depreciation based upon the prior use and age, whichever is greater; or (2) for claims involving an air freight forwarder: (a) the actual shipper loss to be reported by an air freight forwarder shall be as in (1) above, less the amount claimed by the forwarder against the direct air carrier; (b) the actual shipper loss to be reported by a direct air carrier shall be the amount claimed by the forwarder; and (c) in the event the direct air carrier does not pay the exact amount claimed by the forwarder, the forwarder shall adjust its reported data to reflect such difference." In the event an open subrogation is denied by a direct carrier, in whole or in part, the forwarder shall adjust his net claim data accordingly. (Denied subrogations during a later quarter may require adjustment of net dollars only, as the number of prior reported claims may not be affected.)

2. *Net and gross claim expenses by forwarders.* As indicated, we believe the foregoing requested modification by ATA is warranted in principle. However, we feel that this modification should go one step further and redefine the basis for reporting the actual net claim expense by air freight forwarders. A distinction should be made between the gross amount of claims, i.e., the amount paid to customers by forwarders and the net amount of claim (i.e., the forwarder's actual out-of-pocket expense, after deducting his subrogated claim against the direct carrier). It is our tentative view that forwarders should report only their net claims expense, with pending subrogations deducted in full, subject to a correction at a later date as may be necessary.[4]

Accordingly, it is proposed that forwarders report only their net claims expense in Schedule A, and exclude those dollars on which subrogations on such claims have been or will be presented to direct carriers. Under the proposal, forwarders and direct carriers would accommodate the above matter in the following fashion:

a. Forwarders would report only net claim expense in Schedule A, and would exclude those dollars on which subrogations on such claims have been or will be presented to direct carriers; in the event of subrogation in full, no net data will be reported on Schedule A.

b. In the event an open subrogation is denied by a direct carrier, in whole or in part, the forwarder would adjust his net claim data accordingly. (Denied subrogations during a later quarter may require adjustment of net dollars only, as the number of prior reported claims may not be affected.)

3. *Elimination and various revisions of form 239 schedules.* As part of our policy of continuous review of recurrent reports and specific data required of air carriers, the Board's staff has made an extensive re-evaluation of the reports filed under Part 239 with a view toward reducing the reporting burden on the carriers and at the same time improving the quality of the reported data. As a result of such review, it is tentatively decided that the reporting burden on the carriers can be considerably reduced and still meet the regulatory needs of the Board by: (a) raising the minimum revenue requirement for filing Schedule A; (b) reducing the number of commodity classifications required to be used in reporting on Schedule A, and other Schedule A revisions; (c) eliminating the requirements for individual claim detail on Schedule B; (d) eliminating Schedule C in its entirety; and (e) eliminating Schedule D and using the Certification Sheet in lieu thereof. We believe these proposed revisions will not only reduce the reporting burden on the carriers but will improve the reported data. These and other proposed revisions are discussed below.

(a) *Raising the minimum revenue requirement for filing Schedule A.* At present, § 239.2(c) requires that Schedule A shall be filed by large ($3,000,000 plus) direct air carriers and forwarders. An analysis of reports by certificated route air carriers and air freight forwarders shows that a change of the minimum annual level of reporting from $3 million to $10 million would relieve 6 route carriers out of the present 24, and 16 air freight forwarders out of the present 35, which are now required to file Schedule A. Since this significant reporting relief would result in the statistical loss of only about 4 percent in

[2] As stated in Order 76-8-139 in Docket 19923, Pages 29-30, the Board intends to monitor the carriers' experience in the area of cargo liability. Reporting of "Actual shipper loss" on claims paid in whole or in part thus provides a meaningful and on-going comparison of limited liability versus a full liability regime.

[3] For example, many forwarder tariffs have liability provisions below and above that of the direct air carriers. In other instances, a forwarder customer's "declared value" shipment may not be so declared when subsequently tendered by the forwarder to a direct air carrier. Furthermore, and being cognizant of such restraints as the foregoing, the forwarder may not claim the same amount as it paid.

[4] Forwarders now report net instead of gross, pursuant to an interpretive Memorandum issued by the Board's Director, Bureau of Accounts and Statistics, dated April 11, 1973. Hence the proposal herein would simply codify the existing and established reporting practice.

claims paid by route carriers and about 14 percent in claims paid for the air freight forwarders, we propose to substitute $10 million for the $3 million as it appears in § 239.2(c).[5]

(b) *Reducing the number of commodity classifications required to be used in reporting on Schedule A and other Schedule A revisions.* At present, Appendix A to Part 239 lists 52 commodity classifications to be used by carriers required to report on Schedule A. Our review of the reported data (for the most recent 7 quarters and calendar year 1974) for claims paid resulting from total shortage, a most significant item, shows that the same top ten commodities consistently represented about 70 or more percent of the total, and the 11th through 20th commodities about an additional 14 percent or more. In addition, the same 10 commodities in every period fell within the top 10, in varying order, and commodities ranked 11th through 20th were also found so grouped in 54 of the 80 occurences, or 67.5 percent of the time. In light of these findings, we are proposing to reduce the current commodity description classifications from 52 to 19[6] with the deleted and less significant commodities thus merged into the commodity classification of "All Other Miscellaneous." (See Exhibit B.)

We find no need for the continued separation between claims data relating to shipments while moving by air and those moving on the ground.[7] We are, therefore, proposing to eliminate this detailed reporting on Schedule A. Likewise, because of the lack of need, we are proposing to combine the headings on Schedule A for "Damage" (columns (12) through (15)) and "Delay" (columns (16) and (17)) into one heading "Damage and Delay"; and to eliminate the line items "Claims presented to direct air carrier by forwarder(s)" and "Claims presented by other than forwarders" at the bottom of Schedule A. Moreover, under the proposal herein, Schedule A will be reported on an "All Services" basis rather than on the presently required "Scheduled" basis. This change will allow for better overall quality control of the data reported on Form 239 which will reflect all operations on an "All Services" basis.

(c) *Eliminating the requirements for individual claim detail on Schedule B.* At present, all carriers are required to furnish on Schedule B information on theft-related claims paid (in the amount of $100 or more) at the lowest level of detail—the individual claim.[8] Our records do not reflect any requests for data at this level. Rather, we find that most users seek the data in overall totals by airport.[9] Accordingly, we are proposing to revise Schedule B on this basis. Under this proposal, the following data currently required on Schedule B would be eliminated: commodity classification code number, carrier claim number, month and year of shipment, and separate reporting by (1) scheduled and nonscheduled services,[10] and (2) domestic and international operations. Furthermore, since only airport data will be reported, we will also propose the elimination of the $100 minimum, thus all theft-related losses will be reported on an "All Services" basis.

(d) *Eliminating Schedule C in its entirety.* Although the Board has required the filing of Schedule C—Analysis of Claims Processed—by each certificated route air carrier and by each air freight forwarder or international air freight forwarder whose annual scheduled system gross air freight revenues exceed three million dollars ($3,000,000), the data has never been summarized and reported out primarily because of the inability of Schedule C to accommodate (a) interline claims between airlines, (b) claims paid only in part, (c) subrogation, (d) initial claims received without firm amount claimed, and (e) the complexity of distinguishing "domestic" from "international" revenue. Thus, innumerable past reports have been extensively footnoted and/or bear sundry explanatory statements under "Remarks," which may properly bear on the reported data, but which are not machine-readable and/or capable of machine processing.

It was the Board's intended objective that Schedule C would provide a moving inventory of claims received and processed, but, because of the foregoing problems, that objective was never completely realized. We have now reassessed the needs of the Board for this inventory and we are of the tentative view that the burdens on the respondents in collecting the data for purposes of reporting on Schedule C outweigh the benefits to be derived by the Board's staff from its use. Accordingly, we are proposing to delete this schedule in its entirety from Form 239.

Some material of the type now filed quarterly in Schedule C may be needed by the Board in connection with the monitoring of carrier experience under Board orders in the Liability and Claim Investigation, Docket 19923.[11] In this connection, the Board may in the future address the question of further refinement of loss and damage reporting requirements.

(e) *Elimination of Schedule D and use of certification sheet in lieu thereof.* Present Schedule D (an annual report) is designed to provide the public, the air industry, and the Board with the minimum necessary data on claim expense/freight revenue/ratio thereof, for all carriers, and particularly those carriers below $3,000,000 supra, e.g., some U.S. route air carriers, most forwarders, air taxis, supplemental carriers, and foreign carriers. The present Schedule D requires separate reporting on the basis of scheduled and nonscheduled operations, which the Board is proposing to abolish, as with the reporting on Schedule A, while retaining the requirement for separate reporting of domestic and international data.

The aforementioned increase in the minimum revenue reporting level (see paragraph 3(a), supra) will increase by 22 the number of route carriers and forwarders which will be exempt from Schedule A, thus also inceasing the reliance on Schedule D. For this reason, the Board proposes to increase the reporting frequency of data presently reported on Schedule D from an annual to quarterly basis for all carriers, but instead of being reported on a separate Schedule D, it will be reported in the Certification sheet, to which there will be added appropriate lines for Claims Paid and Freight Revenue, as hereinafter explained. This Certification sheet will be designated as Schedule A–1.

The Board believes it is desirable to monitor the "domestic' and "international" freight claim experience of the industry. The presently accepted standard benchmark is the ratio of paid claim expense to revenue. Thus, a comparison of two carriers, each with $10 million in freight revenue, with carrier A reporting $100,000 in paid claims (1 percent ratio) and carrier B reporting $175,000 (1.75 percent ratio) provides a meaningful comparison of the two carriers.

Heretofore, the Board has used the same methodology for the classification of international and domestic revenues in Schedule D that is used in Part 241 of the Economic Regulations. However, the proposed amendment would depart from the more conventional approach prescribed in Part 241. It would, instead, relate revenues to the type of shipment, international or domestic, rather than relating them to the separate geographic reporting entities in which transportation is provided. For example, a U.S. carrier originating an international shipment at an inland point, but having no international routes, would presently classify its domestic-leg revenues as "domestic" for both Form 41 and Form 239 (Schedule D) purposes. In contrast, the proposed rule would categorize these domestic-leg revenues as "international" in Part 239, Schedule A–1, while the same revenues would remain categorized as "domestic" in Part 241. This departure would enable the Board to correlate claim subrogations as international or domestic

[5] The foregoing percentages, as well as those in following paragraph 3(c), are based on claim dollars paid.

[6] It is also proposed to revise present commodity code Number 7 "Baggage and personal effects" to read "Baggage and personal effects shipped as freight." This will clarify the intent of this classification which is to exclude claim information on baggage and personal effects accompanying the passenger.

[7] The domestic airlines delegate the reporting of claims data arising from cartage services to Air Cargo, Inc., who thus reports on a consolidated industry basis. The Board contemplates that this will continue, notwithstanding the elimination/separation of air-ground data on Schedule A. (See present and proposed § 239.6(f).)

[8] The generic caption "Shortage" on Schedule B is subdivided into "Robbery, Theft, Pilferage, and Other Shortage," e.g., all non-arrival/non-delivery of freight.

[9] The Board notes that both DOT and the airlines favor a "local committee," i.e., airport city, approach to the general security problem.

[10] Claims data on nonscheduled (e.g., charter) operations do not appear to warrant separate reporting from data on scheduled services, nor (except on Schedule A) does the separation of system data between domestic and international.

[11] Order 76–3–139 in that proceeding is now before the Board on reconsideration.

on a basis which coincides with the liability commitments and the tariffs of the carriers.

In connection with this proposed change in reporting domestic and international revenues, the Board requests comment on the additional burden which would result from using two methods for classifying and reporting revenues. These comments should include quantification of the additional dollar costs and man-hour expenditures, if any. Such information will be of assistance in making a determination of whether or not the burdens associated with the change exceed the benefits to be derived.

Since the Board is of the tentative view that such a delineation of revenues is imperative for the purposes of this Part of the Economic Regulations, we are proposing to include in the new Schedule A–1 (replacing Schedule D, supra) a continuation of only some of the current reporting requirement on Schedule D. The reporting of the number of claims paid and the separation between scheduled and nonscheduled services will be eliminated.

4. *Deletion of the applicability of Part 239 to commuter air carriers.* Very little data has been reported in the past by commuter air carriers on Form 239. In fact, a review of Schedule B for the first quarter of 1976 shows that only seven commuter air carriers, out of 271 required to file, reported data on this schedule which calls for theft-related claims paid in the amount of $100 or more. Moreover, only 97 commuter air carriers reported data on Schedule D for the year 1975, which calls for the reporting of total claims paid. The claims paid by all of these carriers for 1975 amounted to $206,000, or only 1.07 percent of the total claims reported by all respondents. Based on the above, we believe that commuter air carriers should be relieved from reporting on Form 239 and the deletion of these carriers from the applicability of Part 239 is proposed herein as amendments to §§ 239.2 (a) and (d).

5. *Additional changes in definitions.* In addition to the proposed change in the definition of "Actual shipper loss," as suggested by ATA, supra, the Board believes it to be desirable to make changes in the present definitions in Part 239 covering, inter alia, "Robbery," "Theft," and "Pilferage." There are minor language differences in these CAB/ICC (air-motor-rail-surface forwarder [12]) definitions. In the interest of uniformity among all modes and their reported data, the Board, therefore, proposes to revise these definitions accordingly. Certain other definitions are being adopted or revised in line with ICC proposed changes in its reporting requirements.

6. *Consolidated reporting by dual air/surface forwarders.* At the present time, many major air freight forwarders also hold Part IV (surface forwarder) authority from the ICC, applicable only to traffic having a prior or subsequent movement in their own air services. Thus, the traffic—and the claims thereon—are essentially shipments moving in, and in connection with, air transportation via a single parent (usually corporate) entity.

Yet, their ICC rights make such air freight forwarders subject to certain ICC reporting requirements (see 49 CFR 1210 and Form No. 60–R0199).

On the understanding that such dual air-surface traffic is a miniscule portion of an air forwarder's total operations—and the claims thereon perhaps even more so—the Board is proposing that any air freight forwarder who holds such ICC prior and subsequent Part IV authority may consolidate the data thereon with its air operations, for purposes of reports under Part 239, provided that it is so certified on the CAB Certification Sheet, Schedule A–1.[13]

7. *Reduction in frequency for filing all schedules of Form 239 or elimination of Part 239 in its entirety.* In addition to the proposed changes, the Board is prepared to reconsider the very need for Part 239; and therefore requests comments as to whether the burdens on the respondents in collecting the data for purposes of reporting on these schedules outweigh the benefits to be derived by the Board's staff or the carriers and the public from their use. Accordingly, we are inviting comments with respect to the elimination of Part 239 in its entirety, or, in the alternative, reduction of the filing frequency for all or any of Schedules A–1, A and B from quarterly reporting to semi-annual or annual reporting. Interested parties submitting comments concerning possible elimination or reduction in frequency for Form 239 schedules should include reasons in support of their positions.

PROPOSED RULE

It is proposed to amend Part 239 of the Economic Regulations (14 CFR Part 239) as follows:

§ 239.1 [Amended]

1. Amend § 239.1 by revising the definitions for "Actual shipper loss," "Operations, domestic," "Operations, international," "Pilferage," "Robbery" and "Theft"; by combining the definitions for "Concealed damage," "Visible damage," and "Delay" into "Damage and delay"; by adding definitions for "All services," "Systems," and "United States"; and by deleting the definitions for "Air movement" and "Other," the revised section to read as follows:

"Actual shipper loss" means the total dollar amount on each claim actually suffered by claimant because of loss, damage, delay, etc., based on the invoice value (per pound, per unit, etc.) at destination, or origin invoice value plus freight charges, and including customs duty paid where such amounts are properly included in the measure of damages: *Provided, however,* That (1) for claims involving shipments where no invoices exist, such as personal effects and used household goods, the actual shipper loss shall be the negotiated settlement, or the amount claimed less reasonable depreciation based upon prior usage and age, whichever is greater; or (2) for claims involving an air freight forwarder: (a) the actual shipper loss to be reported by an air freight forwarder shall be as in (1) above, less the amount claimed by the forwarder against the direct air carrier; (b) the actual shipper loss to be reported by a direct air carrier shall be the amount claimed by the forwarder; and (c) in the event the direct air carrier does not pay the exact amount claimed by the forwarder, the forwarder shall adjust its reported data to reflect such difference. In the event an open subrogation is denied by a direct carrier, in whole or in part, the forwarder shall adjust his net claim data accordingly. (Denied subrogations during a later quarter may require adjustment of net dollars only, as the number of prior reported claims may not be affected.)

"All services" means combined scheduled and nonscheduled services.

"Damage and delay" means (1) physical damage to freight observable at time of delivery, or discovered thereafter, and/or (2) the lack of timely movement which results in monetary loss to the shipper, including but not limited to, consequential or special damages and/or physical deterioration or damage to goods which results from delay.

"Ground movement" means pickup and delivery, and/or connecting or joint motor carrier service pursuant to interline air-surface agreements.

"Operations, domestic" means freight moving wholly between points within the United States.

"Operations, international" means freight moving between a point in the United States and a point outside thereof.

"Other shortage" is the disappearance of cargo for reasons other than pilferage, robbery or theft, as herein defined.

"Pilferage" is the known loss of all or part of the contents of a shipment (but not the entire shipping container) as the result of known stealing, or under circumstances indicating that the probable cause was stealing, without use of force or threat of force against a person or persons, and where the shipping container was broken into, when it is known that such freight was in the carrier's custody. (Note: Claims for physical damage to freight in the same or other shipments resulting directly from pilferage should be reported under Pilferage.)

"Robbery" is the failure to deliver all or part of a shipment as the result of stealing, including hijacking, with the use of force or threat of force against a person or persons. (Note: Claims for physical damage to freight in the same or other shipments resulting directly from robbery should be reported under Robbery.)

[12] While the ICC does not now require freight claim data from surface forwarders, the Board has been provided an "advance draft" of a proposed regulation upon which some of the proposed changes are based.

[13] This would allow ICC to relieve carriers from filing these data in ICC reports.

"System" means combined scheduled and nonscheduled services, and combined domestic and international operations.

"Theft" is the disappearance, without use of force or threat of force against a person or persons, of any whole shipping unit or units of cargo (not necessarily a complete shipment) as the result of known stealing, or under circumstances indicating that the probable cause was stealing, when it is known that such freight was in the carrier's custody. (Note: Claims for physical damage to freight in the same or other shipments resulting directly from theft should be reported under Theft.)

"United States" as defined in the Federal Aviation Act of 1958, means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

§ 239.2 [Amended]

2. Amend § 239.2(a) by deleting the words "commuter air cariers under Part 298 of the Board's Economic Regulations (14 CFR Part 298)."

3. Amend the "List of Schedules in CAB Form 239 report" in § 239.2(b) to read as follows:

Schedule No.	Schedule title	Filing frequency	Due dates
A-1	Certification summary of freight loss and damage claims paid.	Quarterly	May 10, Aug. 10, Nov. 10, Feb. 10.
A	Report of freight loss and damage claims paid	do	Do.
B	Analysis of shortage	do	Do.

4. Amend § 239.2(c) by deleting the words "three million dollars ($3,000,000)" and substituting therefor "ten million dollars ($10,000,000)" and by deleting the words "$3 million" and substituting therefor "$10 million."

5. Amend § 239.2(d) by:

a. deleting the words "Schedules B and D" in both the section and the related footnote [2] and substituting therefor the words "Schedules A–1 and B."

b. deleting the words "commuter air carriers."

§ 239.4 [Amended]

6. Amend § 239.4 by deleting the words "cover sheet" and substituting therefor the words "Schedule A–1."

7. Revise § 239.5 by deleting the present section in its entirety and substituting a new § 239.5 to read as follows:

§ 239.5 Schedule A–1—Certification—Summary of freight loss and damage claims paid.

(a) This schedule shall be prepared for each quarter ending March 31, June 30, September 30, and December 31 of each calendar year.

(b) The top part of Schedule A–1 is the certification sheet for CAB Form 239 which shall be executed by the officer in charge of the carier's accounts.

(c) The lower part of Schedule A–1 is a summary of freight loss and damage claims paid by the carrier during the reporting quarter. Data reported in columns (2) and (3) shall be reported on an "All Services" basis broken down between domestic and international operations.

(d) Freight revenue amounts reported in Column (2) of schedule A–1 for domestic and international operations shall reflect a relationship with the nature of shipments transported, e.g., either domestic or international. For direct air carriers, revenues from international freight shipments moving on domestic flight legs shall not be reported as domestic but as international. The system total revenues reported in this Part shall be in agreement with the system total revenues reported in data filed under Part 241.

(e) Claims paid amounts reported in column (3) for domestic and international operations shall agree with the total of amounts reported in column (16) on Schedule A for domestic and international operations, respectively.

(f) Column (4)—Show as a percentage carried to two decimal places.

(g) Any air freight forwarder which is required to file Schedules under this Part, and which holds surface forwarder authority from the Interstate Commerce Commission applicable to traffic having a prior or subsequent movement in its own air services, may incorporate and consolidate the data accruing from such surface operations with the data accruing from its air operations, as befitting the reports required under this Part, provided that such forwarder so certifies on Schedule A–1 hereof.

8. Revise § 239.6 to read as follows:

§ 239.6 Schedule A—Report of freight loss and damage claims paid.

(a) This schedule shall be prepared for each quarter ending March 31, June 30, September 30, and December 31 of each calendar year.

(b) The data reported on this schedule shall be filed on an "All Services" basis.

(c) Separate reports of this schedule shall be filed for domestic and international operations. Check the appropriate box provided on the form.

(d) Both direct air carriers and air freight forwarders should report the details of only those claims made by their customers against them. Show only net claims expense paid, and exclude paid or pending subrogations against the reporting carrier or reporting forwarder, as applicable, subject to correction at a later date. Air freight forwarders may consolidate their claim data attributable to air and ground movements; direct air carriers shall report all claim data on ground movements (cartage) separately from air data on line 59 of Schedule A. See also paragraph (f) of this section for authorization of certain separate reporting by Air Cargo, Inc.

(e) Direct air carrier interline traffic and claim data. Each direct air carrier participating in an interline movement and sharing in the settlement shall separately report as to its own dollar portion of interline claims. For purposes of the "Number" columns in Schedule A, each interline carrier participating and sharing in the claim settlement shall count each claim on a percentage basis (participant prorate) basis.

	Number of carriers participating in settlement			
	2	3	4	5
Claim-paying carrier	0.50	0.34	0.25	0.20
2d carrier	.50	.33	.25	.20
3d carrier		.33	.25	.20
4th carrier			.25	.20
5th carrier				.20

NOTE.—If carrier A, for example, participated in an interline movement with carrier B, but carrier B bore the entire claim settlement, only carrier B would report the amount paid, as "1.00" claim.

(f) Upon the authorization of any certificated air carrier, Air Cargo, Inc. (ACI), may file claims-paid data with respect to the ground movement portion of such carrier's air cargo shipments and the filing of such data by ACI will to that extent relieve such air carrier from filing such claims data with the Board: *Provided, however,* That the responsibility for supplying these data to the Board remains with the air carrier. ACI may file a consolidated report for certificated carriers as to ground shipments without a breakout of data by commodity and by carrier. However, ACI must identify the carrier or carriers on whose behalf such consolidated data are filed, and the carrier in turn shall state on its Schedule A that ACI is filing such data on its behalf. To the extent that a certificated air carrier subject to this part pays claims with respect to pickup and delivery services not performed by ACI, such claims-paid data must be reported by the air carrier on Schedule A, under Code 59—Cartage services only.

(g) Columns (1) and (2)—Use reportable numeric codes and commodity descriptions as preprinted in these columns and as prescribed in Appendix A thereto.

(h) Columns (3) through (10) and columns (13) and (14)—For each commodity reported in column (2), show the number of claims paid and related whole-dollar amounts, broken down among the various causal reasons which resulted in the payments. The dollar amounts paid shall reflect only net claim payments made pursuant to the carrier's liability under its tariff or other applicable law, and shall exclude payments made pursuant to nontariff liability, such as under a shipper's all-risk insurance policy.

(i) Columns (11) and (12)—For each commodity reported in column (2), show the total number of claims paid as a result of shortage in column (11)—(add columns (3), (5), (7), and (9)); show the total claims paid in whole-dollars as a

result of shortage in column (12)—(add columns (4), (6), (8), and (10)).

(j) Columns (15) and (16)—For each commodity reported in column (2), show the total number of claims paid in column (15)—(add columns (11) and (13)); show the total claims paid in whole-dollars in column (16)—(add columns (12) and (14)).

(k) Column (17)—For each commodity reported in column (2), show the whole-dollar amounts of the actual shipper losses. For interline claims, each participating direct air carrier shall report such actual shipper losses in the same ratio to the total actual shipper losses as its share in the interline claim settlement bore to the total settlement, computed in the manner described in paragraph (e) of this section. See definition of "Actual shipper loss" in section 239.1 for explanation on claims reported by air freight forwarders.

(l) Line 59—See paragraph (d) of this section.

(m) Line 99—Following the last entry (line 59) made on this schedule, show the Grand Totals for each of columns (3) through (17).

9. Revise § 239.7 to read as follows:

§ 239.7 Schedule B—Analysis of shortage.

(a) This schedule shall be prepared for the quarters ending March 31, June 30, September 30, and December 31 of each calendar year.

(b) Schedule B shall be filed on a "System" basis.

(c) Column (1)—Identify the airport where the shortage occurred using the three-letter airport codes shown in the *Official Airline Guide* (OAG). If the airport is not known, allocate claim amount in the same proportion as used to allocate revenues to another airport(s) involved in the transportation of the shipment. For example, if John F. Kennedy Airport, New York and O'Hare Airport, Chicago alone were involved, a single commodity entry might show 50 percent of the claim against each under the appropriate cause. For example: $ (50%) JFK, $ (50%) ORD.

(d) Columns (2), (3), (4), and (5)—For each airport reported in column (1), show the net dollar amounts of claims paid by the reporting carrier as a result of Shortage which are separately attributable to "Robbery," "Theft," "Pilferage," and "Other Shortage."

(e) Column (6)—For each airport reported in column (1) show the total net dollar amounts of claims paid as a result of Shortage—(add columns (2), (3), (4), and (5)).

(f) Show the Grand Totals for each of columns (2) through (6).

§ 239.8 [Reserved]

10. Delete and reserve § 239.8.

§ 239.9 [Reserved]

11. Delete and reserve § 239.9.

12. Revise Appendix A to read:

Appendix A

APPENDIX A
Commodity Description

Code No.	(2)
(1)	
1	Aircraft, engines parts
4	Auto parts and accessories
7	Baggage and personal effects shipped as freight
9	Cosmetics, toiletries, perfumes
13	Electronic/electric equipment and parts including appliances
18	Footwear
25	Instruments, controlling, measuring, medical, opitical
26	Jewelry, gold, silver coins
27	Leather products
30	Machinery and parts-NES [1]
31	Machines, electronic data, storage processing
32	Machines, office-NES [1]
39	Phonograph records, tapes, TV, radios, recorders
40	Photographic equipment, parts and film
42	Printed matter
47	Watches, clocks and parts
48	Wearing apparel-NES [1] (except fur or fur trimmed)
49	Wearing apparel (fur or fur trimmed)
51	Mixed shipments
53	All other miscellaneous
59	Cartage services only
99	Grand total

[1] NES—Not elsewhere specified.

13. Amend CAB Form 239 by deleting the Certification Sheet and Schedules C and D, adding new Schedule A–1, and revising Schedules A and B, as shown in Exhibits A, B, C, and D, which are filled as part of the original document.

[FR Doc.76–37686 Filed 12–22–76;8:45 am]

[14 CFR Part 250a]

[EDR–312A; Docket 29410, dated: December 20, 1976]

REMEDIES FOR CHARTER OVERBOOKING BY CARRIERS

Supplemental Advance Notice of Proposed Rulemaking

By Advance Notice of Proposed Rulemaking EDR–312, 41 FR 47494, October 29, 1976, the Civil Aeronautics Board gave notice that it was considering rulemaking action that would require U.S. and foreign direct air carriers to provide a summary remedy, including the payment of liquidated damages, to individuals who have entered into contracts as charter participants, in instances where the carriers have to cancel their "overbooked" flights. The Board requested that interested parties file initial comments on or before December 13, 1976, and reply comments on or before January 3, 1976.

By letter dated December 17, 1976, counsel for the National Air Carrier Association (NACA), which had filed initial comments, requested that the due date for filing reply comments be extended to January 17, 1977. The reason for the request was that the intervening holiday season would cause key NACA carrier personnel to be unavailable for consultation.

No previous extension of time has been granted in this proceeding, and it does not appear that the granting of the requested extension would prejudice and party to this proceeding. In the interest of receiving the views of all interested persons, the undersigned finds that good cause has been shown for an extension of time for filing comments.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the undersigned hereby extends the time for filing comments to January 17, 1977.

(Sec. 204, 401, and 402 of the Federal Aviation Act of 1958, 72 Stat. 743, 754, 757, 49 U.S.C. 1324, 1371, 1372.)

SIMON J. EILENBERG,
Associate General Counsel, Rules Division.

[FR Doc.76–37712 Filed 12–22–76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Tuition Remission Programs; Change in the Time for Public Hearing on Proposed Regulations

Proposed regulations under section 117 of the Internal Revenue Code of 1954, relating to tuition remission programs, appear in the FEDERAL REGISTER for Tuesday, November 2, 1976 (41 FR 48132).

By a notice appearing in the FEDERAL REGISTER for Wednesday, December 8, 1976 (41 FR 53681), it was announced, among other things, that a public hearing on these proposed regulations would be held on January 7, 1977, beginning at 10 a.m. in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

This is to announce that the hearing will begin at 8:30 a.m. instead of 10 a.m. and will continue throughout January 7 until all scheduled speakers have been heard. In all other respects the details with respect to the hearing will remain the same.

ROBERT A. BLEY,
Acting Director, Legislation and Regulations Division.

[FR Doc.76–37763 Filed 12–22–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 76-105]

SPECIAL ANCHORAGE AREAS, TRINIDAD BAY, CALIFORNIA

Proposed Special Anchorage

The Coast Guard, at the request of the City Council of the City of Trinidad, California, is considering amending the Anchorage Regulations by establishing a special anchorage area in Trinidad Bay, California. The establishment of a specific area for anchoring in Trinidad Bay is needed because the number of vessels regularly using and mooring in the harbor has substantially increased in the past few years. The City of Trinidad, California, will, through establishment of local ordinances, control the movement, anchorage, placement of moorings, and operation of vessels within the area as deemed appropriate. This anchorage would be for the general use of the public. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments concerning the proposal to Commander, Twelfth Coast Guard District, 630 Sansome Street, San Francisco, California 94126. Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD 76-105), and give reasons for any recommended change in the proposal. Copies of all written comments will be available for examination by interested persons at the Office of the Commander, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District will forward all comments received before February 4, 1977, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on the proposal. The proposed regulations may be changed in lights of comments received.

In consideration of the foregoing, it is proposed that a new § 110.127c be added to Part 110 of Title 33 of the Code of Federal Regulations to read as follows:

§ 110.127c Trinidad Bay, California.

The waters of Trinidad Bay beginning at the southern most point of Trinidad Head at latitude 41°03'04" N., longitude 124°08'56" W., thence east to Prisoner Rock at latitude 41°03'09" N., longitude 124°08'37" W., thence east to latitude 41°03'09" N., longitude 124°03'19" W., thence north to latitude 41°03'26" N., longitude 124°08'21" W., thence following the shoreline of Trinidad Bay in a westerly and southerly direction to the point of beginning.

NOTE.—The area will be principally for use by sport and commercial fishing vessels. Temporary floats and buoys for anchoring will be allowed in the area. Fixed moorings, piles or stakes are prohibited. All moorings shall be placed so that no vessel when anchored or moored shall at any time extend beyond the limits of the area. The anchoring of all vessels and placing of all moorings will be under the supervision of the City of Trinidad or such other authority as may be designated by the City Council of the City of Trinidad, California.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; (33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B)), 49 CFR 1.46(c)(2).)

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

Dated: December 16, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-37706 Filed 12-22-76;8:45 am]

[33 CFR Part 117]

[CGD 76-230]

DRAWBRIDGE OPERATION REGULATIONS, SARASOTA COUNTY, FLORIDA

Proposed Rule Making

At the request of the County Commissioners, Sarasota County, Florida, the Coast Guard is considering amending the regulations for the Hatchett Creek bridge, U.S. Highway 41, Siesta Key bridge, State Road 789, Ringling Causeway bridge, State Road 780, and the New Pass bridge, State Road 789, to allow openings on thirty minute intervals from 7:30 a.m. to 6 p.m. At all other times the draws shall open on signal. The draws of these bridges are presently required to open on signal at all times. This change is being considered because of a significant increase in vehiclar traffic.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW. First Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before January 25, 1977, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.462a immediately after § 117.462 to read as follows:

§ 117.462a Sarasota County, bridges.

(a) Hatchett Creek, U.S. Highway 41, Gulf Intracoastal Waterway, Venice, Florida; and Ringling Causeway, State Road 780, Gulf Intracoastal Waterway, Sarasota, Florida. The draws shall open on signal from 6:00 p.m. to 7:30 a.m. From 7:30 a.m. to 6 p.m., the draws need not open except on the hour and half-hour and except as provided in paragraph (c) of this section.

(b) Siesta Key, State Road 789, Gulf Intracoastal Waterway, Sarasota, Florida; and New Pass, State Road 789, Sarasota, Florida. The draws shall open on signal from 6 p.m. to 7:30 a.m. From 7:30 a.m. to 6 p.m., the draws need not open except on the quarter and three-quarter hour and except as provided in paragraph (c) of this section.

(c) The draws of each bridge in this section shall open at any time for the passage of public vessels of the United States, tugs with tows, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(d) The owner of or agency controlling each bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

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

Dated: December 17, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-37707 Filed 12-22-76;8:45 am]

[46 CFR Chapter 1]

[CGD 75-075]

BENZENE CARRIAGE REQUIREMENTS

Advance Notice of Proposed Rulemaking

The Coast Guard is considering proposing regulations to reduce personnel exposure to benzene vapors during benzene related operations onboard tankships and tank barges. These proposed regulations are in response to the National Institute for Occupational Safety and Health (NIOSH) Update Criteria and Recommendations for a Revised Benzene Standard dated 19 August 1976 which recommends that exposure to ben-

zene vapor be limited to 1 ppm and that for regulatory purposes benzene be considered carcinogenic in man.

Interested persons are invited to submit written data, views, or arguments regarding this notice to the Executive Secretary, Marine Safety Council (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a written comment should include his or her name and address, identify this notice (CGD 75-075) and the specific subject of the comment. All comments received before February 4, 1977, will be considered before any further action is taken on this notice. Copies of all written comments will be available for examination by interested persons in Room 8117, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

The Coast Guard is issuing this advance notice of proposed rulemaking to provide an early opportunity for public participation. The Coast Guard will consider all comments and information obtained from this notice in the development of any proposed regulations. This notice is not intended to indicate that the Coast Guard has formed any final conclusions on the proposals contained in this notice. The notice proposes concepts in order to provide a starting point for public comment.

Benzene has three serious hazards. Benzene has chronic and acute toxicity hazards and it has a serious flammability hazard. The flammability hazard is well recognized and fairly well controlled. The acute toxicity hazard has claimed lives but is also fairly well recognized. The least respected hazard and the most insidious is the chronic toxicity hazard which claims the health and lives of persons years after the benzene exposure has occurred. Deaths and injuries of persons exposed to high concentrations of benzene generally occur in cargo tanks or other enclosed spaces. These casualties occur because of careless and improper tank entry procedures. A regulation will be proposed to deal generally with the hazards associated with cargo tank entries.

The intent of this advance notice of proposed rulemaking is to invite comments on the means for preventing chronic exposure to benzene vapors during benzene related operations onboard tankships and tank barges.

NIOSH recommended in its August 19, 1976 Update Criteria and Recommendations for a Revised Benzene Standard that the occupational exposure level for benzene should be reduced to not more than one part per million in air. NIOSH reported that evidence from clinical and epidemiological data appears to be "conclusive at this time" that benzene is leukemogenic. NIOSH said that benzene causes progressive, malignant disease of the blood forming organs and for regulatory purposes should be considered carcinogenic in man.

The NIOSH Criteria Documents for Benzene dated 1974 documents numerous instances of chronic benzene poisoning and cases of leukemia.

The regulatory proposals listed below are being considered as measures that should be taken to alleviate the health hazard posed by benzene related operations on tank vessels.

The proposals under consideration include the following:

(1) Requiring cargo tank segregation from the sea.

(2) Changing present gauging requirements from open to closed.

(3) Requiring B/3 vent heights, or 6 meters (20 feet), whichever is greater for tankships.

(4) Requiring 3.6 meter (12 foot) vent heights for tank barges.

(5) Requiring the use of vapor return lines during the transfer of benzene.

(6) Purging cargo lines with water or an inert gas prior to disconnecting.

(7) Requiring personnel to wear properly fitted filter respirators approved by NIOSH as minimum respiratory protection on deck areas during tank cleaning operations.

(8) Requiring personnel to wear pressure-demand, self-contained breathing apparatus when entering any tank which is carrying or has previously carried benzene, and has not been certified "Safe for Man" by a registered Marine Chemist.

(9) Requiring continuous instrument monitoring of all benzene transfer and tank cleaning operations.

The Coast Guard welcomes all relevant comments and suggestions regarding the proposals in this advance notice. Comments are desired regarding each of the proposals, as well as the economic impact that each may have, and alternative means that might be employed to accomplish the intent of the proposals.

Dated: December 20, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-37708 Filed 12-22-76;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[General Order 16; Docket No. 76-61]

RULES OF PRACTICE AND PROCEDURE

Notice of Proposed Rulemaking; Enlargement of Time to Comment

DECEMBER 17, 1976.

At the request of Maritime Administrative Bar Association, and good cause appearing, time within which comments may be filed in response to the notice of proposed rulemaking (41 FR 51621; November 23-76) in this proceeding is enlarged to and including December 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-37717 Filed 12-22-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 267]

[FRA Economic Docket No. 6, Notice No. 2]

ASSISTANCE TO STATES FOR RAIL SERVICE UNDER SECTION 402 OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973 AND SECTION 5 OF THE DEPARTMENT OF TRANSPORTATION ACT

Proposed Standards and Procedures Regarding In-Kind Benefits; Correction

In FR Doc. 76-36291 appearing at page 54007 in the FEDERAL REGISTER of December 10, 1976, the FRA Economic Docket No. appearing on page 54007 is corrected to No. 6.

Dated: December 17, 1976.

ASAPH H. HALL,
Federal Railroad Administrator.

[FR Doc.76-37687 Filed 12-22-76;8:45 am]

Federal Highway Administration

[49 CFR Part 391]

[Docket No. MC-73; Notice No. 76-25]

MOTOR CARRIER SAFETY—PHYSICAL QUALIFICATIONS OF DRIVERS WITH RESPECT TO HEARING

Docket Closing

• *Purpose.* The purpose of this document is to announce the denial of the petition filed by the State of Wisconsin, Department of Health and Social Services to allow deaf drivers to operate in interstate commercial service and to close Docket MC-73. •

On May 6, 1976, an Advance Notice of Proposed Rulemaking (ANPRM) was issued, inviting comments from interested persons on a petition for rulemaking filed by the State of Wisconsin, Department of Health and Social Services. In its petition, the Department of Health and Social Services requested that § 391.41(b)(11) of the Federal Motor Carrier Safety Regulations (FMCSR) be amended to allow deaf drivers to operate commercial motor vehicles in interstate commerce.

The petitioner contends that (1) Safe driving is almost totally dependent on visual acuity and alertness; (2) Safety records of deaf drivers are superior; (3) Noise levels in large over-the-road tractors renders hearing totally insignificant as a safety factor.

Of the 50 comments filed, 34 opposed allowing deaf drivers to operate interstate commercial motor vehicles, 10 supported the petition, and 6 which did not support or refute the petition, but asked for further research.

The observations of those opposing are summarized as follows:

Many opposing commenters believed it important that drivers be able to hear emergency sounds, such as sirens or warnings at railroad grade crossings. Southern Railroad System is totally against any proposal to allow deaf drivers

to operate commercial vehicles, contending that the problem of accidents at crossings of highways and railroads is unfortunately growing. Southern Railroad advised that there were 4,000 grade crossing accidents on their tracks involving motor vehicles. Southern also contends that since most of the crossings in the country have only train whistles and bells for alerting motorists, it would be economically unfeasible to safeguard all grade crossings for the benefit of deaf commercial drivers as a class.

There is contention that high interior noise levels do not permit drivers to hear these emergency sounds. The American Trucking Associations, Inc. (ATA) points out that in low speed operations in city and heavy traffic, a driver would not have high interior noises to contend with and therefore, should have no trouble in hearing sirens or emergency vehicles. These occasions in some areas could be the normal rather than the exception.

Another area which was mentioned by several commenters was the inability of a deaf driver to hear mechanical noises associated with a malfunction or faulty equipment. The sounds a vehicle makes during operation is a significant factor to consider. The ATA as well as several motor carriers stated that a deaf driver could not hear a "low air warning buzzer" if the vehicle was equipped with one, which forecasts a brake malfunction. Continued operation until a brake lock-up occurred would create a hazardous condition on the highway, with the further result of extensive damage to the motor vehicle. The National Association of Motor Bus Owners (NAMBO) also contend that the vehicle noises that the bus driver hears are important. Their preventative maintenance programs rely heavily on a driver's ability to hear.

Other comments covered the communication difficulties that could be encountered. A driver could not easily communicate an emergency to those unfamiliar with sign language. Writing the message could be slow and at nighttime and in adverse weather even more difficult. Problems could occur in providing communication with shippers, consignees and other motor carriers. Drivers would not be able to receive or transmit messages to and from the carrier via telephone. NAMBO also addressed the communication problem to their particular operation. They stated that bus drivers must be able to communicate with the travelling public in order to provide safe, comfortable service for their customers.

Other commenters opposing the petition pointed out that where hazardous materials or petroleum are involved, hearing is crucial, mainly because drivers could not receive warnings or tank shutdown orders, could not receive or transmit telephone or oral emergency information when involved in accidents involving product spill, and could not differentiate the sound of malfunctioning versus proper operation of pumping equipment. Also, it was pointed out that tank truck industries face stiff penalties for spillage of oil or hazardous materials into the environment. It is the contention of the bulk carrier industry, that there is more to truck driving than steering the vehicle.

Several drivers commented that there were times when they heard hazards before seeing them, and in some instances, sound was the only warning of the problem.

With regard to public liability and recovery actions, some commenters felt carriers would be burdened even further.

The comments favoring the petition to allow deaf drivers to operate in interstate commercial service are summarized as follows:

1. All favoring commenters pointed out that handicapped persons compensate for their loss. They contend that deaf individuals were more law-abiding, cautious and aware of the responsibilities.

2. It was also stated by all favoring commenters that safe driving is almost totally dependent on visual acuity and alertness.

3. Several commenters favoring the petition believe that the present rule is discriminatory, and noted that no State prohibits licensing of deaf drivers, although some States do require special testing and equipment.

4. Truck drivers in high noise environments are subject to masking levels which rendered emergency warnings inadequate.

The National Center for Law and the Deaf (a joint venture between Gallaudet College and National Law Center of George Washington University) reported that a study by Judge Finesilver in 1961 demonstrated that deaf persons as a class enjoy better driving records than the hearing. They also reported that a study by Jerome Schein, Washington, D.C., over a 3-year period produced evidence that deaf drivers had less than one-third as many accidents as non-deaf drivers.

Other commenters believed further research to resolve conflicting data should be undertaken before a rule change is made.

Hearing Research

A research effort regarding the role of vision and audition in truck and bus driving was completed for the Bureau in December 1973 by an independent contractor. (Henderson, R. L., Burg A., "The Role of Vision and Audition in Truck and Bus Driving," Systems Development Corporations, December 1973). One of the reasons this research was undertaken was that the auditory requirements of driving commercial vehicles did not appear to have been studied. There were no general guidelines available to provide assistance in evaluating these requirements. A number of reports had been developed that deal with the problem of hearing and automobile driving and these reports are reviewed in this research effort. These reports have also been quoted by several commenters in this Docket. With regard to other studies done in this area, the research effort reported the following information.

Finesilver (Finesilver, S. G., "They Can't Hear, But They Get the Message," Traffic Safety, 8, 1961) reports that the accident record of deaf drivers are equal to or better than drivers with normal hearing, and that the accident records of deaf drivers showed 54 percent fewer accidents than one group of non-deaf drivers.

It must be pointed out, however, that the non-deaf drivers were selected from individuals in a driver improvement program and may not have been representative of the driving public.

Fisher (Fisher, L. I., "A Preliminary Study on Certain Aspects of the Relationship Between Hearing Acuity and Driving an Automobile," Johnson County, Iowa: Johnson County School, 1966) studied the relationship between hearing acuity and driving by means of a literature search and questionnaire sent to every State driver licensing agency in the United States. The results of the questionnaire summarized that no statistical records exist on the relationship between hearing acuity and driving. Although no State prohibited driving because of deafness, certain States required special mirrors and/or hearing aids for deaf drivers. The respondents considered normal hearing to be important to safe driving.

Comprehensive and well-controlled investigations concerning the relationship between deafness and driving records were reported by Coppin and Peck, (Coppin, R.S., and Peck, R.C., "The Totally Deaf Driver in California, Part I," Report No. 15, Sacramento: California Department of Motor Vehicles, 1963, and Coppin, R.S. and Peck, R.C., "The Totally Deaf Driver in California, Part II," Report No. 16, Sacramento: California Department of Motor Vehicles, 1964). The driving records of a large, representative sample of deaf drivers were compared with a matched group of non-deaf drivers. The result indicated that, contrary to previous reports, deaf drivers do not have better driving records than non-deaf drivers. Conversely, Coppin and Peck found that deaf drivers had 1.8 times as many accidents and 1.3 times as many convictions for traffic violation as non-deaf drivers. It was pointed out that the deaf driver differed from the non-deaf drivers in annual mileage driven, occupation and geographical areas in residence. Since these variables could account for the differences, the researchers conducted a second study utilizing two samples of deaf and non-deaf drivers matched for age, sex, occupation, area of residence and annual mileage. A total of 313 males and 140 females remained in the sample after matching. They found that for females, no significant differences were found with respect to either traffic violations or reported accidents. For males, there were no significant differences with reference to violations, but deaf males were found to have 1.8 times as many accidents as their non-deaf counterparts. The Henderson-Burg research stated that audition was not crucial to the violations, hence no differences between the deaf

and non-deaf drivers. But, the accident difference does relate to the difference between hearing and not hearing, and, it is not unreasonable to assume that some crucial auditory cues were missed by the deaf driver.

In our analysis of the Coppin and Peck study, we discovered that the deaf drivers used in the samples in Part I of the study were obtained through returned questionnaires and were all members of a State-wide organization, viz., California Association for the Deaf. Questionnaires were mailed to 1,400 members of this Association. A separate study was conducted of the driving records of those who did not return the questionnaire to see if those who did not respond had poorer driving records than those who responded. The statistics showed those who did not return the questionnaire had significantly higher number of convictions, and not as statistically significant, but nevertheless, more accidents.

Coppin and Peck concluded in their first study that deaf drivers as a group do not constitute a special problem, however, there was little doubt that deaf drivers receive more convictions and are involved in more accidents than the non-deaf driving population.

The second study which was conducted in order to match deaf drivers and non-deaf drivers with respect to age, sex, occupation, area of residence, and annual mileage, represented only those drivers who answered questionnaires also. The non-deaf were selected in person at the time of driver's license renewal. More deaf persons failed to respond to the questionnaire than did non-deaf persons to verbal request. Coppin and Peck believed that because the deaf were selected from an organization would, if anything, seem to favor the deaf in any comparison with the non-deaf. They also concluded that in all such studies it is assumed that those who have the most violations or accidents on their records also violate most frequently or, are involved in the greatest number of total accidents since not all accidents are reported.

The authors state that it appears that some type of problem is at least suggested. One suggestion is that there are certain types of driving circumstances in which hearing may be an important sensory modality and the lack of hearing a definite handicap.

The Henderson-Burg study reported that although the findings of Coppin and Peck are in conflict with those of Finesilver and do not support the opinion held by many professionals in traffic safety, they were obtained under rigorously controlled conditions, and must be accepted as the best available scientific estimate of the relationship between deafness and driving safety.

Henderson and Burg conclude that hearing loss values up to the level presently allowed by qualification standards are not related to accident involvement and, therefore, stricter standards are not indicated. The question of whether present standards are too strict, cannot be answered experimentally on the existing population of commercial carrier drivers. Relaxing present standards to permit examination of this question does not appear to be justified in view of the risk that such relaxation might lead to higher accident involvement.

A recent research study (Monograph Series Program Accountability in Special Education Monograph No. 3, Hearing Impaired Survey (HIS) 1974) was conducted by the Wisconsin Department of Public Instruction.

This follow-up study was concerned with the status of a target population of the hearing impaired defined in terms of time and geography. An impetus for the study was an enactment which mandated the Wisconsin Department of Public Instruction to undertake an annual assessment of education performance. Many aspects were studied in this effort. Of concern to the proposed rule was the driving records of a group of hearing impaired drivers compared to a group of hearing subjects, both in the age range of 18–32. The data obtained from the Wisconsin Motor Vehicle Department were handled in several ways. One segment of the study dealt with driving violation points which were charged to hearing impaired and non-hearing impaired groups of the same age range, as Wisconsin has a point scale system for violations. The tests indicated that no statistically significant differences existed between the two groups. However, of the 61 non-deaf drivers who had lost no points, it was established that only 9 had been involved in violations whereas of the 50 hearing impaired who had not lost points fully one-half or 25 had been involved in violations. This discrepancy suggests to the author of this study that there is a certain amount of leniency on the part of law officers when arresting a hearing impaired person for other than major violations.

The other, more important segment of the Wisconsin Department of Public Instruction study involved comparisons of Traffic Violations of Hearing Impaired and Non-Hearing Impaired Drivers. The results showed that the hearing drivers have a higher rate of moving violations which result in point loss, 91.0 versus 76.5. However, the hearing impaired drivers had almost twice as many accidents and other violations by a ratio 68.0 versus 37.4.

The authors of this report speculate about these differences. Is it that the hearing impaired are basically a very law abiding group on the road, yet because of their impairment are prone to get into more accidents whether points are lost, or not?

The salient findings of the study suggest to the author: (1) That law enforcement officers might be overly lenient with the hearing impaired except in the case of severe violations and, (2) That the hearing impaired driver tends to have an accident rate virtually twice as high as the non-hearing impaired driver.

Noise and Audibility of Warning Signals

The petition contends that "noise levels in large over-the-road tractors render hearing totally insignificant as a safety factor."

The Henderson-Burg research study recognized that the determination of whether or not an individual will perceive an auditory stimulus is dependent upon a number of factors. Foremost among these factors from the standpoint of the commercial vehicle driver is the noise environment in which he must perform and the potential masking this noise provides for auditory stimuli of importance to safe driving. The results of the examination of driving tasks regarding the noise environment and the ability to perceive audible warnings, indicate that hearing is required by drivers in noise environments ranging from relatively quiet to extremely noisy, and that hearing does provide feedback information to the driver concerning his apparent actions as well as in the identification of sounds pertinent to his job.

There was very limited information in the task analysis documentation of this research effort relative to the use of hearing for the purpose of identifying events in the environment, including vehicle sounds, and a lack of information concerning the behaviors requiring the hearing of warning/attention getting signals. However, the drivers interviewed generally believe the auditory sense does provide a margin of safety that would be denied a "deaf driver" because of hearing a malfunction of their vehicle.

Since 1973, when the research contract was completed, an interior noise regulation was promulgated in order to reduce tractor cab interior noises (49 CFR 393.94). The Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA) are attempting to reduce the noise exposure even more. The noise Regulation was initiated to control the loss of hearing due to long-term exposure to excessive noise levels.

There are also many times when commercial vehicle drivers are in city and suburban traffic. At these low speeds, noise levels in the cab would not be as significant. Also, if the windows were down, the non-deaf driver could hear outside audible warnings.

Medical Aspects

Ears provide orientation sensing, movement detection, and balance as well as the sense of hearing with implication for traffic safety. There are several pathological diseases or symptoms which are associated with hearing loss which could adversely affect highway safety. As the rule is written now, we have confidence in believing that certain of these diseases or symptoms are being screened out because of the minimum hearing standard. The "Instructions for Examining Physicians to Determine Physical Fitness of Drivers Engaged in Interstate or Foreign Commerce" (49 CFR 391.41)

states that a driver must not only be tested regarding his hearing ability, but also he must be tested for any otological condition that might lead to sudden loss of orientation likely to interfere with the safe operation of a motor vehicle. The physician is requested to note evidence of mastoid or middle ear disease, discharge, symptoms of aural vertigo or Meniere's Syndrome. The integrity of the vestibular apparatus and sense of balance are related to driver safety. High vibration levels with or without physical impairment may induce episodes of disorientation or vertigo. Vertigo is the sensation either of moving around in space or having objects moving about the person, which causes difficulty in maintaining equilibrium. Other disorders associated with hearing loss are:

Otitis Externa (inflammation of middle ear); Mastoiditis (inflammation of the air cells of the mastoid process causing fever, chills, tenderness); labyrinthitis (inflammation of internal ear or labyrinth); and Meniere's syndrome (recurrent and usually progressing group of symptoms including hearing loss, ringing in the ears, dizziness and a sensation of pressure in the ears).

As mentioned earlier, balance maintenance and orientation problems may be aggravated by severe joltings and bouncing when travelling over rough roads.

A deaf driver with symptoms or diseases associated with balance, placed in the environment of a truck driver that could aggravate the problem, could produce a hazardous situation.

Therefore, it is reasonable to believe that if the minimum hearing rule is screening out those drivers with coexisting ear diseases that would interfere with the ability to operate a commercial motor vehicle safely, the rule is further justified.

Establishing Commercial Driver Qualifications

The Department of Transportation (DOT) has responsibility for establishing qualifications for employees of motor carriers who engage in transportation in interstate or foreign commerce, with the objective of eliminating risks to the safety of operations of those carriers.

There can be no doubt that Congress had the power, under the Commerce Clause of the Constitution to authorize the DOT, to take such steps as the minimum physical requirements in order to implement that authority.

With regard to developing Regulations which could possibly be discriminating against a certain group, as in this case deaf drivers, the Bureau has the responsibility of justifying the terms and impacts of its regulatory actions.

Highway safety is the purpose of these Federal Regulations. The greater the safety factor, measured by the likelihood of harm and the probable severity of that harm in the case of an accident, the more stringent the job qualifications must be to ensure safe driving.

We emphasize safety in our decision of minimum qualifications which, if we err at all, should err on the side of preservation of life and limb. And although our research and statistics collected cannot establish to a certainty that hearing is needed to assure safe transportation of property and passengers in interstate commerce, we should not be expected to establish this to a certainty, if certainty would require running the risk until a tragic accident would prove that the original judgment was sound.

The safety factor must be evaluated in terms of the possibility or likelihood of injury or death.

Conclusion

The decision to close this Docket and deny the petition to allow deaf drivers to operate commercial motor vehicles in interstate commerce is based on several considerations.

Many of the justifications for a hearing requirement were pointed out by the commenters who were against the proposal. There are train whistles which have alerted drivers of an on-coming hazard. There are sirens which have alerted drivers of emergency vehicles. There are occasions when a mechanical noise has alerted a malfunction or a warning buzzer that has warned of low air. There most likely would be times when communication would be a crucial problem.

With respect to research efforts in this area, it is concluded that the research effort conducted by Henderson and Burg produced no evidence suggesting that existing auditory standards are in any way inadequate. The commercial drivers interviewed in this study as a group appeared to feel rather strongly that a deaf driver would not be as safe a driver as one who was not deaf. In their analysis of the Finesilver study which showed deaf drivers had 54 percent fewer accidents than one group of non-deaf drivers and 113 percent fewer than a second group of non-deaf drivers they report: "The extent to which his non-deaf drivers were representative of the driving public is not clear, however, in that they were selected from individuals in a driver improvement program."

Coppin and Peck's research effort "The Totally Deaf Driver, Part I and II" found that deaf drivers had 1.8 times as many accidents and 1.3 times as many convictions for traffic violations as non-deaf drivers. Also, statistics showed that those who did not return the questionnaire had a significantly higher number of convictions and higher accidents. Their conclusions and recommendations were: (1) That some type of problem was at least suggested; (2) That there may be certain types of driving circumstances in which hearing may be an important sensory modality and lack of hearing a definite handicap; and (3) That under certain circumstances auditory cues may play a more relevant role in driving than was formerly anticipated.

The research study conducted by the Wisconsin Department of Public Instruction (1974) reported two salient findings, (1) That law enforcement officers might be overly lenient with the hearing impaired except in the case of severe violations, and (2) That the hearing impaired tend to have an accident rate virtually twice as high as the hearing.

Research studies have shown statistics favoring and opposing deaf drivers driving records. While the possibility exists that the current standards are more stringent than required, any relaxation of these standards to permit experimental examination of this possibility is not considered to be in the public interest.

Since it is possible that the minimum hearing rule is screening out drivers who may have a pathological condition or disease associated with loss of balance or consciousness, it is felt that minimum standard is further justified.

With respect to noise and audibility of warning signals, it was concluded in our research effort that hearing is required by drivers in noise environments and that hearing is utilized in providing feedback information to the driver concerning his apparent actions as well as in the identification of sounds pertinent to his job. Also, regulations already promulgated lowering the allowable cab noise makes hearing more conducive to the operation of the vehicle.

For the aforementioned reasons, the petition of the State of Wisconsin, Department of Health and Social Services to allow deaf drivers to operate in interstate commercial service is denied, and Docket MC–73, is hereby closed.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304); section 6, Department of Transportation Act (49 U.S.C. 1655); Delegations of authority at 49 CFR 1.48 and 391.60).

Issued on December 9, 1976.

Robert A. Kaye,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.76–37766 Filed 12–22–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRDS

Proposed Rulemaking on Areas in Which Steel Shot Will Be Required for Waterfowl Hunting in Hunting Seasons Commencing in 1977

Pursuant to authority contained in the Migratory Bird Treaty Act, 16 U.S.C. 704, and Executive Order 10250 of June 5, 1951, it is proposed to amend Subpart K, § 20.105(e) of Title 50, Code of Federal Regulations. This proposal, if adopted as final rulemaking, would designate specific areas in the Atlantic and Mississippi Flyways where no person may take ducks, geese, and coots with a shotgun containing shells loaded with shot composed of any metal other than such material as may be determined by the Director to be non-toxic to migratory waterfowl, pursuant to procedures set

forth in § 20.134. This restriction would apply only to the taking of ducks, geese, and coots in the areas described. At the present time, the only non-toxic shot type approved pursuant to the foregoing procedures is steel shot.

PURPOSE OF THE REGULATIONS

The purpose of the proposed regulations is to eliminate further deposition of lead pellets in specific, major waterfowl hunting areas of the Atlantic Flyway and the Mississippi Flyway. Spent lead pellets are known to be consumed by waterfowl causing death to a portion of the resource each year.

BACKGROUND

On March 20, 1976, the Secretary of the Interior announced his intention to issue regulations requiring the use of steel shot for waterfowl hunting in specifically designated areas of the Atlantic Flyway beginning in 1976, in the Mississippi Flyway beginning in 1977, and in the Central and Pacific Flyways beginning in 1978.

On July 28, 1976, the Service published regulations requiring the use of steel shot, or other approved shot types, for hunting of certain waterfowl in areas of the United States to be prescribed by separate regulations arrived at after consultation with the affected States, 41 FR 31386. Those area designations were made for the 1976–77 hunting season in the Atlantic Flyway on September 13, 1976, 41 FR 38722.

At this time, the Service is proposing that certain areas of the Atlantic and Mississippi Flyways be designated as steel shot zones during waterfowl hunting seasons beginning in 1977 and ending in 1978.

METHOD FOR DESIGNATING STEEL SHOT ZONES

Steel shot zones are areas having highest levels of harvest, and consequently they are areas where waterfowl are most likely to eat lead pellets while feeding. Areas in 9 States of the Atlantic Flyway were designated in 1976 as steel shot zones. Areas being proposed for conversion to steel shot in the Atlantic Flyway in 1977 are based on a harvest rate of 10 ducks per square mile throughout a county or 10,000 ducks harvested throughout the county. Production of steel shot ammunition and its distribution limit the proposed conversion to this level. After consultation with officials of individual States the initial plan was modified at some locations to specify more clearly defined units of wetland habitat, recognize areas known to have lead poisoning problems regardless of harvest intensity, to isolate more specifically those hunting areas where lead shot deposition is occurring at highest rates, law enforcement purposes and clarity of boundary descriptions. The proposal as described below for the Atlantic Flyway would convert approximately half of the waterfowl harvest of that Flyway to a non-toxic shot material.

Since 1977 is the initial year for a proposed conversion to a non-toxic shot material in the Mississippi Flyway, the plan for this Flyway differs from that of the Atlantic Flyway. The production and distribution of steel shot shells for an area as large as a flyway places limitations on the level of conversion possible in an initial year. This is further complicated by the fact that the Mississippi Flyway contains twice the number of waterfowl hunters found in the Atlantic Flyway. To provide for a more orderly conversion to steel shot, and to assure hunters in steel shot zones that adequate supplies of ammunition will be available, the initial plan for the Mississippi Flyway identified counties in which records indicate an average duck harvest of 20 or more per square mile or a total harvest of 20,000 or more ducks throughout the county. Further, because of limitations in ammunition supplies, approximately one-third of the duck harvest of a State was considered adequate for conversion to steel shot in this initial year.

As was the case in the Atlantic Flyway, the plan served as a guide for discussions with State officials. The resulting proposal for the Mississippi Flyway is a modification of the plan, and it reflects consideration of topographic features, recognition of areas known to have lead poisoning problems regardless of harvest intensity, ammunition supplies and distribution, intensity of harvest in areas smaller than counties, law enforcement and clarity of boundary descriptions. The proposal, as described below, converts approximately 35 percent of the Mississippi Flyway waterfowl harvest to a non-toxic shot material.

§ 20.105 [Amended]

PROPOSAL FOR STEEL SHOT ZONES IN THE ATLANTIC FLYWAY

It is proposed to amend § 20.105(e) as follows:

ATLANTIC FLYWAY

Non-toxic shot requirements: In the waterfowl hunting seasons commencing in 1977, in areas designated below, no person shall take ducks, geese, or coots with a shotgun loaded with any material other than steel, unless the bore of the shotgun used is smaller than 12 gauge, in which case, shot material other than steel can be used in the zones described below. The use of shot other than steel in any gauge may not be permitted where other Federal or State regulations (such as those for certain National Wildlife Refuges) prohibit the use of all toxic shot material for waterfowl hunting.

CONNECTICUT

Those portions of Middlesex and New Haven Counties south of Interstate Highway 95.

DELAWARE

All waters of the State (including lakes, ponds, marshes, swamps, rivers, streams, and Delaware Bay) and within a 150-yard zone of land adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

FLORIDA

That portion of Brevard County lying east of Interstate Highway 95, and the counties of Leon, Citrus, Seminole and Glades.

MAINE

On the waters of the Kennebec River known as Merrymeeting Bay bounded as follows: from the high tension wires at Chops Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadasset, and Eastern Rivers and the Richmond-Dresden bridge on the Kennebec River, and within a 150-yard zone of land adjacent to the margins of these waters being in the counties of Cumberland, Sagadahoc and Lincoln.

MARYLAND

All waters (including lakes, ponds, marshes, swamps, rivers, streams, and Chesapeake Bay) in Worcester, Somerset, Wicomico, Dorchester, Talbot, Caroline, Queen Anne's, Kent and Cecil Counties and those portions of Harford, Baltimore, and Anne Arundel Counties lying south and east of U.S. Route 1, and within a 150-yard zone of land adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

MASSACHUSETTS

That portion of the State lying east of a line commencing at the New Hampshire State line and proceeding southward along U.S. Route 1 to its junction with Route 3, then southeastward along Route 3 to its juncture with U.S. Route 6, then westward on U.S. Route 6 to include all area to the south of this highway to the Rhode Island State line.

NEW JERSEY

The following counties: Atlantic, Cape May, Cumberland, Hudson, Middlesex, Monmouth, Ocean and Salem.

NEW YORK

Nassau and Suffolk Counties and that portion of Upstate New York west of Interstate Highway 81 and north of the New York Thruway (Interstate Highway 90).

NORTH CAROLINA

All waters (including sounds, lakes, ponds, marshes, swamps, rivers, and streams) of Currituck, Dare, and Pamlico Counties and within a 150-yard zone of land adjacent to the margins of such waters in these 3 counties. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement. The waters of the Cape Fear River and its tributaries in New Hanover and Brunswick Counties and a 150-yard zone of land adjacent to the waters of this river and its tributaries in these 2 counties.

PENNSYLVANIA

Crawford County; Middle Creek Wildlife Management Area in Lancaster and Lebanon Counties; and the waters of the Susquehanna River beginning at the confluence of the North and West branches at Northumberland and continuing southward to the Maryland-Pennsylvania State boundary and including a 150-yard zone of land adjacent to the waters of the Susquehanna River that are described above.

RHODE ISLAND

Bristol, Newport, and Washington Counties.

SOUTH CAROLINA

The waters of Lake Marion and Lake Moultrie and a 150-yard zone of land adjacent to these waters; and in Georgetown, Charleston, Colleton and Beaufort Counties.

VIRGINIA

The waters of the James, York, and Rappahannock Rivers and their tributaries and a

150-yard zone of land adjacent to these waters, and the waters of the city of Virginia Beach and a 150-yard zone of land adjacent to these waters.

PROPOSAL FOR STEEL SHOT ZONES IN THE MISSISSIPPI FLYWAY

It is proposed to amend § 20.105(e) as follows:

Non-toxic shot requirements: In the waterfowl hunting seasons commencing in 1977, in areas designated below, no person shall take ducks, geese, or coots with a shotgun loaded with any material other than steel, unless the bore of the shotgun used is smaller than 12 gauge, in which case shot material other than steel can be used in the zones described below. The use of shot other than steel in gauges smaller than 12 gauge is not permitted where local regulations prohibit the use of all toxic shot material for waterfowl hunting.

ARKANSAS

All waters of Poinsett and Arkansas Counties and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement.

ILLINOIS

1. In the Counties of Putnam, Marshall, Calhoun, Jersey, Henderson, and Rock Island.
2. All waters of State-managed waterfowl hunting areas that are not included in 1.

INDIANA

1. On all waters of Newton, Porter, Lake, Jasper, LaPorte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Elkhart, Kosciusko, LaGrange, Noble, Whitley, Steuben and Posey Counties and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement.
2. Within the boundaries of the following State-owned or State-operated properties: Monroe Reservoir in Monroe and Brown Counties, and Glendale Fish and Wildlife Area in Daviess County.

IOWA

In Fremont and Mills Counties on all waters and a 150-yard zone of land adjacent to these waters. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement.

LOUISIANA

1. In Calcasieu, Cameron, and Vermilion Parishes.
2. In that portion of the State bounded as follows: From Pineville northeast along State Highway 28 to Archie, then northwest along U.S. Highway 84 from Archie to Jena, then southwest along State Highway 8 from Jena to Pollock, then south along U.S. Highway 165 from Pollock to Pineville.
3. The green-tree reservoir located on the Saline Wildlife Management Area.

OHIO

On all waters of Erie, Ottawa, Lucas and Sandusky Counties and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement.

MICHIGAN

Five zones are proposed for this State. Road systems were used to define the boundaries of each. The following descriptions are of a general nature and do not identify road boundaries. More detailed boundary descriptions can be obtained from the Michigan Department of Natural Resources, Wildlife Division.

1. The eastern portions of Monroe, Wayne, Macomb, and St. Clair Counties.
2. Those portions of Iosco, Arenac, Bay, Saginaw, Tuscola, and Huron Counties on or adjacent to Saginaw Bay.
3. The northern half of Roscommon County and adjacent portions of Missaukee, Crawford, and Kalkaska Counties.
4. An area west of a line extending from Kalamazoo to the northern border of Muskegon County and the waters of Lake Michigan associated with these counties.
5. The eastern portions of Chippewa and Mackinac Counties.

Minnesota

1. All waters within the boundaries of all State Wildlife Management Areas and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement.
2. On the waters of Swan and Middle Lakes in Nicollet County, North and South Heron Lakes in Jackson County, Pelican Lake in Wright County, Bear Lake in Freeborn County, and Christina Lake in Douglas and Grant Counties and within a 150-yard zone of land adjacent to the margins of the above lakes.

Missouri

All waters of St. Charles County and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement.

TENNESSEE

All waters of Benton County and within a 150-yard zone of land adjacent to the margins of these waters. This includes lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement.

WISCONSIN

1. In that portion of the State lying west of the Burlington Northern Railroad in Buffalo, Trempealeau, LaCrosse, Vernon, Crawford and Grant Counties.
2. On all waters of Dodge, Green Lake, Jefferson and Winnebago Counties, and that portion of Fond du Lac County lying west of a line formed by the Fond du Lac River and Highway 41 and that portion of Lake Winnebago in Calumet and Fond du Lac Counties, and that portion of Lake Poygan in Waushara County; and within a 150-yard zone of land adjacent to the margins of these waters. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above are excluded from the steel shot requirement.
3. On the following State-owned wildlife areas: Mead Wildlife Area in Marathon, Wood and Portage Counties; Mud Lake Wildlife Area in Columbia County; Theresa Marsh Wildlife Area in Dodge and Washington Counties.

PUBLIC COMMENT

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. Accordingly, interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 2249, U.S. Department of the Interior, "C" Street between 18th and 19th, Washington, D.C.

The period of public comment will extend from the dates of this publication until January 31, 1977. This notice of proposed rulemaking is issued under the authority of the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711).

Dated: December 17, 1976.

LYNN A GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.76-37619 Filed 12-22-76;8:45 am]

[50 CFR Part 20]

MIGRATORY BIRDS

Proposed Amendment Permitting Waterfowl Hunting With Toxic Shot Material in Certain Shot-Shell Gauges in Areas Designated for Non-Toxic Shot Material

On pages 31386–31389 of the FEDERAL REGISTER of July 28, 1976, there was published a final rulemaking on the use of steel shot ammunition or ammunition containing pellets made of other approved material for waterfowl hunting in certain "steel shot zones" specified elsewhere in Federal regulations. This rulemaking amended Subpart C, of Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations by adding a new paragraph (j), to § 20.21—Hunting Methods. The amendment was worded as follows and became effective on August 27, 1976:

"(j) With a shotgun containing shells loaded with shot composed of any metal other than steel or such material as may be approved by the Director pursuant to the procedures set forth in § 20.134: *Provided*, That this restriction applies only to the taking of ducks, geese, and swans (Anatidae), and coots (Fulica americana) in States designated or in areas within States described in Subpart K of 50 CFR Part 20."

The above regulation assumes that shot-shells loaded with non-toxic shot material will be available to waterfowl hunters in appropriate quantities and

gauges for use in the zones designated for this type of shot. Based on discussions between the Service and companies that produce and distribute shotgun ammunition in the United States, it has become evident that in the waterfowl hunting seasons commencing in 1977, non-toxic shot will be available for hunting levels anticipated in all proposed zones in 12 gauge shells only. The availability of such shells in other gauges is uncertain, and steel shot shells for some of these other shell gauges simply will not be manufactured. Results of surveys conducted by the U.S. Fish and Wildlife Service indicate that approximately 15 percent of all waterfowl hunters use shotguns bored for shells other than 12 gauge, and most of these guns are bored for 20 or 16 gauge shells. The Service proposes to amend pararaph (j) of § 20.21 to allow the use of toxic shot in guns bored smaller than 12 gauge. This proposed amendment would be an interim measure which would provide additional time for production of steel shot ammunition in smaller gauges. It would apply to the waterfowl hunting seasons beginning in 1977 and continue until these seasons are terminated. Thus, this proposed amendment would permit the use of toxic shot in shell gauges smaller than 12 gauge in those areas designated as "steel shot zones" of the Atlantic and Mississippi Flyways. Other Federal or State regulations, such as those for National Wildlife Refuges, may qualify this exemption.

PUBLIC COMMENT

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. Accordingly interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 2249, U.S. Department of the Interior, "C" Street between 18th and 19th, Washington, D.C.

The period of public comment will extend from the dates of this publication until January 31, 1977. This notice of proposed rulemaking is issued under the authority of the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711).

Dated: December 17, 1976.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

PROPOSED AMENDMENT

In consideration of the foregoing, it is proposed to revise paragraph (j) of 50 CFR 20.21 to read as follows:

§ 20.21 Hunting methods.

* * * * *

(j) With a shotgun containing shells loaded with shot composed of any metal other than steel or such material as may be approved by the Director pursuant to the procedures set forth in § 20.134: *Provided*, That this restriction applies only to the taking of ducks, geese, and swans (Anatidae), and coots (Fulica americana) in States designated or in areas within States described in Subpart K of this Part 20. In the waterfowl hunting seasons commencing in 1977, for one year only, shot made of metal that is toxic to waterfowl may be used in shotguns with bores smaller than 12 gauge for hunting waterfowl in zones designated for approved non-toxic shot in the Atlantic Flyway and Mississippi Flyway unless otherwise specified by Federal or State regulations applicable to designated areas.

[FR Doc.76-37620 Filed 12-22-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

DRAFT FOREIGN FISHING REGULATIONS

Invitation for Public Comment

On April 13, 1976, the President of the United States signed the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), (the "Act") which among other things, authorizes the Secretary of Commerce (Secretary) to implement certain statutory requirements of the Act. In broad summary, the purposes of the Act are:

(1) To take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by establishing (a) a Fishery Conservation Zone (FCZ) within which the United States will exercise exclusive fishery management authority over all fish, except highly migratory species of tuna, and (b) exclusive fishery management authority beyond such zone over such anadromous species and Continental Shelf fishery resources; and

(2) To encourage the negotiation and implementation of international fishery agreements regarding foreign fishing by providing that all foreign nations wishing to fish within the area over which the United States exercises exclusive fishery management authority have an effective international agreement with the United States, and that all of its fishing vessels have permits issued by the Secretary on board.

The act provides under section 201(g) that the Secretary shall prepare Preliminary Management Plans (PMP's) for any fishery for which a foreign application has been submitted if the Secretary determines that no fishery management plan prepared by a Regional Fishery Management Council for that fishery will be implemented before March 1, 1977. The Secretary is also authorized to prepare and promulgate regulations with respect to any such preliminary plan. Such regulations are authorized to remain in effect until regulations implementing the applicable fishery management plan prepared by the Regional Fishery Management Council can be promulgated.

While no foreign application has been filed, in anticipation of such filing, and in accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA), the Secretary has prepared Draft Environmental Impact Statements (DEIS) which contain all of the essential elements of preliminary management plans. These were published by the Council on Environmental Quality (CEQ) on October 29 with respect to Pacific fisheries and November 5, 1976 with respect to Atlantic fisheries. The DEIS's describe the potential environmental impact of the draft PMP's if the PMP's are adopted and implemented by the Secretary. In accordance with the CEQ guidelines the Secretary has provided the public 45 days, within which to comment on the DEIS's. The public comment period for all existing DEIS's terminated on December 20, 1976. The Secretary is now in the process of evaluating the public and Council comments and preparing Final Environmental Impact Statements (FEIS).

Recognizing that the Councils may not be able to prepare and have implemented a fishery management plan before March 1, 1977, the Secretary has prepared the following draft regulations which could be promulgated to implement PMP's which are adopted by the Secretary. These regulations, if promulgated by the Secretary, will only apply to foreign fishing vessels within the area over which the United States exercises exclusive fishery management authority. Only those fisheries for which DEIS's have been prepared are covered. Subpart A of the draft regulations includes general terms and conditions which will be attached to and made part of all foreign fishing permits. Subpart B lists the estimated surplus resources that are projected in each fishery. Each of the remaining subparts (C–G) will only be applicable to foreign vessels fishing in the fishery covered by a particular PMP. Subpart C describes the terms and conditions applicable to foreign vessels fishing in the Atlantic fisheries. Subpart D, covering the South Atlantic and Gulf of Mexico fisheries, is presently "Reserved" because no DEIS for this fishery has been prepared. Subpart E describes the terms and conditions applicable to foreign vessels fishing in the Eastern and parts of the Western Pacific Ocean using trawl gear. Subpart F covers the Seamount trawl fisheries in the Eastern and Central Pacific. Subpart G covers the terms and conditions applicable to foreign vessels fishing in the Bering Sea and parts of the Western Pacific Ocean.

Based essentially on DEIS's not FEIS's these draft regulations will be changed to accommodate the changes that occur when FEIS's are prepared, as well as comments received. These draft regulations are now being published in order to give the public a sufficient op-

portunity to comment in the event the Secretary has to act expeditiously in adopting and implementing PMP's. Interested persons may participate in the rulemaking process by submitting such written data, views or arguments to the Director, National Marine Fisheries Service, Washington, D.C. 20235. In the event the Secretary adopts and implements PMP's, every effort shall be made to issue permits to foreign vessels by the end of February, 1977. It will, therefore, be necessary for the Secretary to adopt final regulations on or about February 4, 1977. All submissions received on or before January 23, 1977, will be considered prior to the promulgation of final regulations.

Issued in Washington, D.C. on December 20, 1976.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

Subpart A—General

Sec.
611.1 Purpose.
611.2 Definitions.
611.3 Permits for foreign fishing vessels.
611.4 Vessel reporting.
611.5 Vessel identification.
611.6 Enforcement procedures.
611.7 Prohibitions.
611.8 Observers.
611.9 Records and recordkeeping.
611.10 Transponders [Reserved].

Subpart B—Surpluses

611.20 Allowable level.

Subpart C—Atlantic

611.50 Hakes.
611.51 Squids.
611.52 Atlantic mackerel.
611.53 Atlantic herring.
611.54 Finfish.

Subpart D—South Atlantic and Gulf of Mexico

611.60 [Reserved]

Subpart E—Northeast Pacific

611.70 Washington, Oregon, California Trawl fishery.

Subpart F—Western Pacific

611.80 Seamount trawl fishery.

Subpart G—North Pacific Ocean and Bering Sea

611.90 Crabs.
611.91 Gulf of Alaska trawl fishery.
611.92 Bering Sea and Aleutian trawl fishery.
611.93 Sablefish (Blackcod).
611.94 Snails.

AUTHORITY: 16 U.S.C. 1801–1854.

Subpart A—General

§ 611.1 Purpose.

The Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801–1882) provides under section 201, that the Secretary is authorized to prepare PMP for any fishery for which a foreign application has been submitted and if the Secretary has determined that no fishery management plan for that fishery will be prepared and implemented by the Regional Fishery Management Councils. The Secretary may also prepare and promulgate regulations with respect to any such preliminary plan. Such regulations shall be in effect until regulations implementing the applicable fishery management plan prepared by the Regional Fishery Management Council are in effect. Pursuant to C.E.Q. guidelines, 40 CFR § 1500, et seq., the Secretary has prepared DEIS's outlining a proposed management plan for foreign fishing and describing the potential environmental consequences of taking such action. These draft regulations are to implement the conditions and restrictions concerning foreign fishing as described in the DEIS's in the area over which the United States exercises exclusive management authority and preliminary fishery management plans prepared by the Secretary. The regulations which are finally promulgated shall be effective on March 1, 1977.

§ 611.2 Definitions.

In addition to definitions contained in the Act, and unless the context otherwise requires, in this part 611, the following definitions apply (some definitions in the Act have been repeated here to aid foreign fishermen in understanding the regulations).

Act means the Fishery Conservation and Management Act of 1976, Public Law 94–265 (16 U.S.C. 1801–1882).

Administrator means the Administrator, National Oceanic and Atmospheric Administration or his designee.

Anadromous species means species of fish beyond the territorial sea which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters.

Area over which the United States exercises exclusive fishery management authority means:

(1) All fish within the fishery conservation zone;

(2) All anadromous species throughout this migratory range of beyond the fishery conservation zone, except during the time they are within any foreign nation's territorial sea or fishery conservation zone (for the equivalent), as recognized by the United States.

(3) All Continental Shelf fishery resources beyond the fishery conservation zone.

Associate Administrator means the Associate Administrator for Marine Resources, National Oceanic and Atmospheric Administration.

Authorized officer means any commissioned, warrant or petty officer of the Coast Guard and any enforcement agent of the National Marine Fisheries Service and any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary or the Secretary of the Department in which the Coast Guard is operating to enforce the provisions of the Act.

Continental Shelf means the seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, of the United States, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of such areas.

Director means Director, National Marine Fisheries Service, Washington, D.C. or his designee.

Fish means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life except marine mammals, birds and highly migratory species.

Fishery means:

(1) One or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(2) Any fishing for such stocks.

Fishery conservation zone means the established zone contiguous to the territorial sea of the United States to be known as the fishery conservation zone. The inner boundary of the fishery conservation zone is a line coterminous with the seaward boundary of each of the Coastal States, and the outer boundary of such zone is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

Fishery product means any fishery product, fresh or which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying or the addition of chemical substances.

Fishery resource means any fishery, any stock of fish, any species of fish, and any habitat of fish.

Fishing means:

(1) The catching, taking, or harvesting of fish;

(2) The attempted catching, taking, or harvesting of fish;

(3) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(4) Any operations at sea in support of, or in preparation for, any activity described in subparagraphs (1) through (3).

The term fishing, does not include any scientific research activity which is conducted by a scientific research vessel.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for:

(1) Fishing; or

(2) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Foreign fishing means fishing by a vessel other than a vessel of the United States.

Foreign fishing vessel means any vessel other than a vessel of the United States used as a fishing vessel.

Governing International Fishery Agreement (GIFA) means a written

agreement between the Government of the United States and the government of a forign nation in which the foreign nation acknowledges the exclusive fishery management authority of the United States, as set forth in the Act, and includes a binding commitment on the part of such foreign nation that it will take measures to ensure that the owners or operators of any fishing vessels from that Nation comply with all of its provisions.

Highly migratory species means any species of tuna which, in the course of their life cycle, spawn and migrate over great distances in waters of the ocean.

Existing international fishery agreement means any bilateral of multilateral treaty, convention, agreement which relates to fishing and to which the United States is a party and which was in effect on April 13, 1976.

Permit means a written authorization issued by the Secretary or his designee allowing foreign vessels to engage in fishing in accordance with a governing international fishery agreement and the regulations promulgated under any applicable preliminary management plan, or any applicable fishery management plan.

Secretary means the Secretary of Commerce or his designee.

State means each of the several States, the District of Columbia, the commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States.

United States, when used in a geographical context, means all the States thereof.

Vessel days on the grounds means the number of catcher-vessels operating in the Washington-California trawl fishery during any day or part of a day, whether or not their nets are actually deployed, except those that are clearly transiting through and not in any respect engaged in that trawl fishery.

Vessel of the United States means any vessel documented under the laws of the United States or registered under the laws of any State.

§ 611.3 Permits for foreign fishing vessels.

After February 28, 1977, no foreign vessel shall engage in fishing for fish over which the United States exercises exclusive fishery management authority unless it has on board a permit issued for it under this section.

(a) Permits for foreign vessels to engage in fishing pursuant to an existing international fishery agreement may be issued or renewed annually by the Secretary of State upon application from the sponsoring country and payment of the administrative fee established by the Secretary of State.

(b) Permits for foreign vessels to engage in fishing pursuant to a governing international fishery agreement may be issued or renewed annually by the Secretary upon:

(1) His approval of an application from the sponsoring country;

(2) The sponsoring country's acceptance of the terms and conditions of the proposed permit; and

(3) The payment of the fee established by the Secretary.

(c) The sponsoring country shall submit a permit application and associated vessel data to the Secretary of State at least 120 days prior to the date on which the foreign vessel desires to commence fishing under the proposed permit.

(d) Permit applications and associated vessel data shall be submitted on forms available from: Office of Fisheries Affairs, Department of State (OES/OFA), Washington, D.C. 20520.

§ 611.4 Vessel reporting.

(a) The operator or agent of every foreign vessel issued a permit shall notify the regional director indicated in the accompanying table of the time and approximate position it intends to commence the activity authorized by the permit at least 24 hours before beginning that activity. Similar notice shall be given at least 24 hours prior to completion of the activity or departure from the area.

Vessels authorized to fish in this area	*Shall notify the director of the National Marine Fisheries Service at—*
Eastern Pacific Ocean.	Southwest region, Terminal Island, Calif.
Northeast Pacific Ocean.	Northwest region, Seattle, Wash.
North Pacific Ocean and Bearing Sea.	Alaska region, Juneau, Alaska.
Atlantic Ocean north of Cape Hatteras.	Northeast region, Gloucester, Mass.
Atlantic Ocean south of Cape Hatteras, and the Gulf of Mexico.	Southeast region, St. Petersburg, Fla.

(b) The required notice may be delivered via United States Coast Guard communications stations by the means and methods indicated in the accompanying tables using call sign "Any Coast Guard communications station" for voice communications and "NCG" for radiotelegraphy.

[In kilohertz]

Radiotelegraphy 500 kHz	Voice 2182 kHz—Duplex high frequency single sideband	
	Shore transmit	Vessel transmit
Common channels 5 and 6 of the 8 mHz, 12 mHz and 16 mHz bands, ITU radio regulations, app. 15C.	4393.4	4094.8
	6521.8	6207.2
	8760.8	8226.8
	[1] 13144	12365
	[1] 17290	[1] 16495

[1] Available as needed; not guarded continuously.

§ 611.5 Vessel identification.

(a) Each foreign vessel for which a permit has been issued shall display its hull number or international radio call sign amidships on the deck house or hull using contrasting block Roman alphabet letters and Arabic numerals at least one meter in height.

(b) The operator of each vessel shall keep the identifying markings in good repair and illuminate them upon the request of an authorized officer.

(c) The identifying markings shall be displayed so that no part of the vessel, its rigging or its fishing gear obstructs the view of them from an enforcement vessel or aircraft.

§ 611.6 Facilitation of enforcement procedures.

The operator of any vessel subject to the provisions of the Act shall immediately comply with instructions issued by authorized officers to facilitate boarding and inspection of the vessel for purposes of enforcing the Act and these regulations.

(a) Upon being approached by a Coast Guard cutter or aircraft or other vessel or aircraft authorized to enforce the Act, the foreign vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly;" and

(2) "SQ3" meaning "You should stop or heave to; I am going to board you."

(b) A vessel signalled to stop or heave to for boarding shall:

(1) Stop immediately and lay to, or shall maneuver in such a way as to permit the authorized officer and his party to come aboard;

(2) Provide a ladder for the authorized officer and his party; and

(3) When necessary to facilitate the boarding, provide a man rope, safety line and illumination for the ladder; and

(4) Take such other actions as may facilitate the boarding.

§ 611.8 Observers.

For the purposes of collecting scientific data and carrying out such other management activities as he may authorize, the Secretary may assign an observer to any foreign vessel fishing for fish over which the United States exercises exclusive fishery management authority. The owner or operator of any foreign vessel to which such an observer is assigned shall:

(a) Provide the observer accommodations aboard the vessel which are equivalent to those provided to the officers of that vessel;

(b) Reimburse the United States for the salary of the observer and such other costs which, in the opinion of the Secretary, are directly attributable to the work of the observer aboard the vessel or his transportation to and from the vessel;

(c) Cause the vessel to proceed to such places and at such times as may be designated by the Regional Director of the National Marine Fisheries Service for the purpose of embarking and debarking the observer; and

(d) Allow the observer to use the vessel's communications equipment and personnel as necessary for the transmission and receipt of messages appropriate to the performance of his duties.

§ 611.9 Reports and recordkeeping.

(a) The master or operator of a foreign fishing vessel holding a permit shall maintain on a daily basis an accurate log on which he shall record the following information immediately upon the retrieval of his fishing gear or within six hours of the last set: date, position, depth of water, type of gear in use, depth of gear fished, time of gear in water, and estimated weight or number by species of all fish caught in the previous haul.

(b) The transfer of any fish or fishery product should be recorded in the logbooks including the date, time, position, estimate weight or number, species of all fish transferred and the name, nationality and identification of the vessel receiving the transfer.

(c) In addition to the logbook, the master or operator of a foreign fishing vessel holding a permit shall provide to the Director in such a form and at such times as he may prescribe, such other requested information necessary in order to carry out the purposes and objectives of the Act.

§ 611.7 Prohibitions.

(a) It shall be unlawful for any master or operator in charge of a foreign vessel engaged in fishing to:

(1) violate any provision of the Act, or any applicable regulation or permit issued pursuant to the Act;

(2) violate any provision of or regulation under, any applicable governing international fishery agreement or existing international fishery agreement;

(3) refuse to permit a duly authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act or any regulation, permit, or agreement referred to in subparagraph (1) or (2) above;

(4) forcibly assault, resist, oppose, impede, intimidate, or interfere with any duly authorized officer in the conduct of any search or inspection described in subparagraph (3);

(5) resist a lawful arrest for any act prohibited by this section;

(6) ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this Act or any regulation, permit, or agreement referred to in subparagraph (1) or (2); or

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section; and

(b) It shall be unlawful for any foreign fishing vessel and for the owner or master of any such vessel to engage in fishing

(1) Within the boundaries of any State; or

(2) within the area over which the United States exercises exclusive fishery management authority, unless such fishing is authorized by, and conducted in accordance with, a valid and applicable permit.

Subpart B—Surpluses

§ 611.20 Allowable level.

(a) The total allowable level of foreign fishing, if any, with respect to any fishery subject to the exclusive fishery management authority of the United States shall be that portion of the optimum yield of such fishery which will not be harvested by vessels of the United States.

(b) These surpluses are preliminary estimates essentially based on published "DEIS's and PMP's" and are subject to modification. The surpluses for foreign fishing for 1977 by ocean area are estimated as follows:

Fishery	Ocean area	Quantity metric tons
Silver hake	Atlantic	92,500
Atlantic herring	do	22,000
Atlantic mackerel	do	60,000
Short-finned squid	do	23,500
Long-finned squid	do	19,000
Red hake	do	35,500
Other finfish	do	60,000
Rockfish	Pacific	68,500
Sablefish	do	24,900
Flounders (except halibut)	do	238,400
Pacific cod	do	58,300
Alaska pollock	do	967,000
Atka mackerel	do	22,000
Pacific hake	do	143,200
Other groundfish	do	111,400
Herring	do	20,000
Snails (meats)	do	3,000
Tanner crab	do	10,200
Pelagic armorheads	do	2,000

(c) The Secretary of State, in cooperation with the Secretary, shall determine the allocation among foreign nations of the surpluses identified in paragraph (b).

(d) The foreign nation and the owners or operators of all of the fishing vessels of such nation shall not, in any year, exceed such nation's allocation of the total allowable level of foreign fishing.

Subpart C—Atlantic

§ 611.50 Hake.

(a) *Purpose*—Regulations of this section shall apply to silver hake (*Merluccius bilinearis*) and red hake (*Urophycis chuss*), taken by foreign fishing vessels with a valid permit during the period March 1, 1977 to December 31, 1977 within the Atlantic Ocean area over which the United States exercises exclusive fishery management authority. Unless otherwise defined herein, all other terms used in this subpart will have the meanings ascribed to them in subpart A of these regulations.

(b) *Catch quota or effort limitation*—Annual catch quotas for silver hake and red hake allocated for 1977 only are as follows:

(1) Silver hake (*Merluccius bilinearis*).

(i) East of 70°00 W. longitude to 67°00 W. longitude in depths from 75 meters to 145 meters shall not exceed 55,000 metric tons.

(ii) West of 70°30′ W. longitude (Hudson Canyon) in depths from 75 to 145 meters shall not exceed 37,500 metric tons.

(2) Red hake (*Urophycis chuss*).

(i) East of 70°00 W. longitude to 67°00 W. longitude in depths from 75 meters to 145 meters shall not exceed 14,500 metric tons.

(ii) West of 70°00 W. longitude to 72°30′ W. longitude (Hudson Canyon) in depths from 75 meters to 145 meters shall not exceed 21,000 metric tons.

(c) *Open season and areas*—The open season for directed fishing for silver hake and red hake by foreign fishing vessels shall begin on May 1, 1977, and extend through June 30, 1977, in the area from Hudson Canyon 72°30′ W. to 67°00 W. longitude in depths between 75 and 145 meters. Specific coordinates of the authorized hake fishing area are as follows:

39°45′ N. lat., 72°33′ W. long.; 40°38′ N. lat., 71°24′ W. long.; 40°30′ N. lat., 69°29′ W. long.; 40°40′ N. lat., 68°31′ W. long.; 41°17′ N. lat., 67°00′ W. long.; 40°42′ N. lat., 67°00′ W. long.; 40°15′ N. lat., 68°35′ W. long.; 40°07′ N. lat., 70°18′ W. long.; 40°14′ N. lat., 71°22′ W. long.; 39°37′ N. lat.; 72°16′ W. long.; 39°45′ N. lat., 72°33′ W. long.

(d) *Closed season and areas*—National Marine Fisheries Service shall maintain records of vessel days and catch of foreign vessels fishing for species under this section. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation of silver hake and red hake, such determination shall be made to the appropriate agent or a government official of the country. Such notification shall be given to the foreign country not less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for silver or red hake in the authorized area, but may continue to take and possess only these amounts of silver or red hake in accordance with the incidental catch provision of paragraph (g).

(e) *Gear restrictions*—None.

(f) *Statistical reporting*—The owner or operator of any foreign fishing vessel shall maintain catch and effort information and shall report such information through its government to the Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts, U.S.A. 02543.

(1) Three months after the close of each quarter, catch and effort statistics for biweekly time periods for 0°30′ square areas shall be reported by vessel for the previous quarter. These will be reported using 0°30′ square Statlant 21B Forms or magnetic tape, computer cards, or printouts for all species and gear types.

(2) The owner or operator of any foreign fishing vessel shall be required to obtain scientific samples of fish catches in accordance with established procedures agreed to under the Governing International Fisheries Agreements (GIFAS).

(3) The Secretary may require from time to time additional information concerning the operations of fishing vessels of a foreign country. Such information shall be provided in accordance with the procedures provided to the vessels or country.

(g) *Incidental catch*—The taking of herring or mackerel is permitted as an incidental catch in the directed silver hake or red hake fishery. The quantity of herring or mackerel shall not exceed the incidental catch allocation provided to the foreign country. When the allocation of herring or mackerel has been reached prior to reaching the allocation of silver or red hake, fishing for silver hake or red hake shall cease. Upon determination that a foreign country has caught its assigned quota of silver or red hake, the directed fishing by that country will be closed for those species as provided in paragraph (d). Subsequently incidental catch of that species shall be limited to no more than 1 percent of the total weight of the catch on board any vessel for which the fishery has been closed.

(h) *River Herring*—Foreign vessels fishing for silver or red hake may not have on board at any time river herring (alewives or blueback) in an amount not to exceed 5,510 pounds (2,500 kg.) or one (1) percent of all other fish on board, whichever is greater.

§ 611.51 Squids.

(a) *Purpose*—Regulations of this section shall apply to short-finned squid (*Illex illecebrosus*) and long-finned squid (*Loligo pealei*), taken by foreign fishing vessels with a valid permit during the period March 1, 1977 to December 31, 1977 within the Atlantic Ocean area over which the United States exercises exclusive fishery management authority. Unless otherwise defined herein, all other terms used in this subpart will have the meanings ascribed to them in Subpart A of these regulations.

(b) *Catch quota or effort limitation*—Annual catch quotas for short-finned squid and long-finned squid allocated for 1977 only are:

(1) Short-finned squid—23,500 metric tons.

(2) Long-finned squid—19,000 metric tons.

(c) *Open season and areas*—The open season for directed fishery for short-finned squid and long-finned squid by foreign fishing vessels shall begin on July 1, 1977, in the area along the Continental Shelf eastward from 37°00′ N. latitude, 74°40′ W. longitude to 69°00′ W. longitude in depths between 150 and 1000 meters. Specific coordinates of the authorized squid fishing area are as follows:

37°00′ N. lat., 74°49′ W. long.; 38°14′ N. lat., 73°53′ W. long.; 39°42′ N. lat., 72°27′ W. long.; 40°22′ N. lat., 71°02′ W. long.; 40°10′ N. lat., 69°29′ W. long.; 40°17′ N. lat., 69°00′ W. long.; 39°55′ N. lat., 69°00′ W. long.; 39°52′ N. lat., 69°26′ W. long.; 39°47′ N lat., 71°23′ W. long.; 39°05′ N. lat., 72°35′ W. long.; 38°04′ N. lat., 73°45′ W. long.; 37°00′ N. lat., 74°30′ W. long.; 37°00′ N. lat., 74° 49′ W. long.

(d) *Closed season and areas*—National Marine Fisheries Service shall maintain records of vessel days and catch of foreign vessels fishing for species under this section. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation of short-finned squid and long-finned squid, such determination shall be made to the appropriate agent or a government official of the country. Such notification shall be given to the foreign country not less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for short-finned or long-finned squid in the authorized area, and may continue to take and possess only those amounts of short-finned or long-finned squid in accordance with the incidental catch provison of paragraph (g).

(e) *Gear restrictions*—None.

(f) *Statistical reporting*—The owner or operator of any foreign fishing vessel shall maintain catch and effort statistics and shall report the information, through its government, to the Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts, U.S.A. 02543.

(1) Three months after the close of each quarter, catch and effort statistics for biweekly time periods for 0°30′ square areas shall be reported by vessel for the previous quarter. These will be reported using 0°30′ square Statlant 21B Forms or magnetic tape, computer cards, or printouts for all species and gear types.

(2) The owner or operator of any foreign fishing vessel shall be required to obtain scientific samples of fish catches in accordance with established procedures agreed to under the governing international fisheries agreements (GIFAS).

(3) The Secretary may require from time to time additional information concerning the operations of foreign fishing vessels of a foreign country. Such information shall be provided in accordance with the procedures provided to the vessels or country.

(g) *Incidental catch*—The taking of herring, mackerel or butterfish is permitted as an incidental catch in the directed short-finned squid or long-finned squid fishery. The quantity of herring, mackerel or butterfish shall not exceed the incidental catch allocation provided to the foreign country. When the allocation of herring, mackerel or butterfish has been reached prior to reaching the allocation of short-finned or long-finned squid, fishing for short-finned or long-finned squid shall cease. Upon determination that a foreign country has caught its assigned quota of short-finned or long-finned squid, the directed fishing by that country will be closed as provided in paragraph (d). Subsequently incidental catch of that species shall be limited to no more than 1 percent of the total weight of the catch on board any vessel for which the fishery has been closed.

(h) *River herring*—Foreign vessels fishing for short-finned or long-finned squid may have on board at any time river herring (alewives or blueback) in an amount not to exceed 5,510 pounds (2,500 kg.) or one (1) percent of all other fish on board, whichever is greater.

§ 611.52 Atlantic Mackerel.

(a) *Purpose*—Regulations of this section shall apply to Atlantic mackerel (*Scomber scombrus*) taken by foreign fishing vessels with a valid permit during the period March 1, 1977 to December 31, 1977 within the Atlantic Ocean area over which the United States exercises exclusive fishery management authority. Unless otherwise defined herein, all other terms used in this subpart will have the meanings ascribed to them in subpart A of these regulations.

(b) *Catch quota*—The 1977 catch quota for Atlantic Mackerel shall not exceed 69,000 metric tons.

(c) *Open season and areas*—The open season for the directed fishery for Atlantic mackerel by foreign fishing vessels shall be from October 1, 1977 to December 31, 1977 in the area along the Continental Shelf bounded by straight lines joining the coordinates specified below:

38°05′ N. lat., 74°20′ W. long.; 37°30′ N. lat., 73°45′ W. long.; 38°50′ N. lat., 72°20′ W. long.; 39°12′ N. lat., 72°49′ W. long.; 39°40′ N. lat., 72°30′ W. long.; 45°05′ N. lat., 71°38′ W. long.; 39°30′ N. lat., 71°20′ W. long.; 40°20′ N. lat., 67°00′ W. long.; 40°50′ N. lat., 67°00′ W. long.; 40°30′ N. lat., 69°00′ W. long.; 40°30′ N. lat., 71°50′ W. long.; 39°52′ N. lat., 72°42′ W. long.; 39°25′ N. lat., 73°05′ W long.; 38°05′ N. lat., 74°20′ W. long.

(d) *Closed season and areas*—National Marine Fisheries Service shall maintain records of vessel days and catch of foreign vessels fishing for Atlantic mackerel under this section. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation of Atlantic mackerel, such determination shall be made to the appropriate agent or a government official of the country. Such notification shall be given to the foreign country not less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for Atlantic mackerel in the authorized area, and may continue to take and possess only those amounts of Atlantic herring in accordance with theincidental catch provisions of paragraph (g).

(e) *Gear restrictions*—(1) It shall be unlawful for any foreign vessel fishing for Atlantic mackerel, under this section to use any other gear than pelagic gear (purse seines or true midwater trawls, using midwater trawl doors incapable of being fished on the bottom).

(2) It shall be unlawful for any foreign fishing vessel fishing for Atlantic mackerel to attach any protective device to pelagic gear or to employ any means that would, in effect, make it possible to fish for demersal species in the authorized area described in paragraph (c).

(f) *Statistical reporting*—The owner or operator of any foreign fishing vessel shall maintain catch and effort information andshall report such information through its government to the Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts, U.S.A. 02543.

(1) Three months after the close of each quarter, catch and effort statistics for biweekly time periods for 0°30′ square areas shall be reported by vessel for the previous quarter. These will be reported

using 0°30′ square Statlant 21B Forms or magnetic tape, computer cards, or printouts for all species and gear types.

(2) The owner or operator of any foreign fishing vessel shall be required to obtain scientific samples of fish catches in accordance with established procedures agreed to under the Governing International Fisheries Agreements (GIFAS).

(3) The Secretary may require from time to time additional information concerning the operations of fishing vessels of a foreign country. Such information shall be provided in accordance with the procedures provided to the vessels or country.

(g) *Incidental catch*—The taking of other allocated species is permitted as an incidental catch in the directed Atlantic mackerel fishing. The quantity of any allocated species shall not exceed the allocation provided to the foreign country. When the allocation of any of the other species has been reached prior to reaching the allocation of Atlantic mackerel, fishing for Atlantic mackerel shall cease. Upon determination that a foreign country has caught its assigned quota of Atlantic mackerel, the directed fishing by that country will be closed as provided in paragraph (d). Subsequently, incidental catch of that species shall be limited to no more than 3 percent of the total weight of the catch on board any vessel for which the fishery has been closed.

§ 611.53 Atlantic herring.

(a) *Purpose*—Regulations of this section shall apply to Atlantic herring (*Clupea harengus*) taken by foreign fishing vessels with a valid permit during the period March 1, 1977 to December 31, 1977 within the Atlantic Ocean area over which the United States exercises exclusive fishery management authority. Unless otherwise defined herein, all other terms used in this subpart will have the meanings ascribed to them in subpart A of these regulations.

(b) *Catch quota or vessel limitation*—The 1977 catch quota for Atlantic herring shall not exceed 22,000 metric tons.

(c) *Open season and areas*—The open season for the directed fishery for Atlantic herring by foreign fishing vessels shall be from August 15, 1977 to September 30, 1977 in Division 5Z of Subarea 5 of the ICNAF convention area, in adjacent waters to the west and south within Statistical Area 6, and in an area bounded by straight lines joining the following coordinates: 42°10′N.; 69°00′W., 42°10′N.; 68°35′W., 41°30′N.; 68°35′W., 41°10′N.; 69°00′W.

(d) *Closed season and areas*—National Marine Fisheries Service shall maintain records of vessel days and catch of foreign vessels fishing for Atlantic herring under this section. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation of Atlantic herring, such determination shall be made to the appropriate agent or a government official of the country. Such notification shall not be given to the foreign country less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for Atlantic herring in the authorized area, but may continue to take and possess only those amounts of Atlantic herring in accordance with the incidental catch provision of paragraph (g).

(e) *Gear restrictions*—(1) It shall be unlawful for any foreign vessel fishing for Atlantic herring, under this section, to use any other gear than pelagic gear (purse seines or true midwater trawls, using midwater trawl doors incapable of being fished on the bottom).

(2) It shall be unlawful for any foreign fishing vessel fishing for Atlantic herring to attach any protective device to pelagic gear or to employ any means that would in effect, make it possible to fish for demersal species in the authorized area described in paragraph (c).

(f) *Statistical reporting*—The owner or operator of any foreign fishing vessel shall maintain catch and effort information and shall report such information through its government to the Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts, U.S.A. 02543.

(1) Three months after the close of each quarter, catch and effort statistics for biweekly time periods for 0°30′ square areas shall be reported by vessel for the previous quarter. These will be reported using 0°30′ square Statlant 21B Forms or magnetic tape, computer cards, or printouts for all species and gear types.

(2) The owner or operator of any foreign fishing vessel shall be required to obtain scientific samples of fish catches in accordance with established procedures agreed to under the Governing International Fisheries Agreements (GIFAS).

(3) The Secretary may require from time to time additional information concerning the operations of fishing vessels of a foreign country. Such information shall be provided in accordance with the procedures provided to the vessels or country.

(g) *Incidental catch*—The taking of other allocated species is permitted as an incidental catch in the directed Atlantic herring fishery. The quantity of any allocated species shall not exceed the incidental catch allocation provided to the foreign country. When the allocation of any of the other species has been reached prior to reaching the allocation of Atlantic herring, fishing for Atlantic herring shall cease. Upon determination that a foreign country has caught its assigned quota of Atlantic herring, the directed fishing by that country will be closed as provided in paragraph (d). Subsequently incidental catch of that species shall be limited to no more than 3 percent of the total weight of the catch on board any vessel for which the fishery has been closed.

(h) *River herring*—Foreign vessels fishing for Atlantic herring may not have on board at any time river herring (alewives or blueback) in an amount not to exceed 5,510 pounds (2,500 kg.) or one (1) percent of all other fish on board, whichever is greater.

§ 611.54 Other finfish.

(a) *Purpose*—Regulations of this section shall apply to all species except cod, haddock, redfish, silver hake, red hake, pollock, sea herring, mackerel, flounder, swordfish, sharks except dogfish, billfish, and menhaden taken by foreign fishing vessels with a valid permit during the period March 1, 1977 to December 31, 1977 within the Atlantic Ocean area over which the United States exercises exclusive fishery management authority. Unless otherwise defined herein, all other terms used in this subpart will have the meanings ascribed to them in subpart A of these regulations.

(b) *Catch quota or vessel limitation*—The 1977 catch quota for other finfish taken by foreign fishing vessels shall not exceed 60,000 metric tons. Within the total allocation of 60,000 metric tons, specific limitations are provided for dogfish (40,000 metric tons), butterfish (5,500 metric tons), and argentine (25,000 metric tons).

(c) *Open season and areas*—The taking of other finfish is authorized during the fishing activity for other allocated species in the areas and during the periods prescribed.

(d) *Closed season and areas*—National Marine Fisheries Service shall maintain records of vessel days and catch of foreign vessels fishing for species under this section. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation of other finfish, such determination shall be made to the appropriate agent or a government official of the country. Such notification shall be given to the foreign country not less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for other finfish in the authorized area, but may continue to take and possess only those amounts of other finfish in accordance with the incidental catch provision of paragraph (g).

(e) *Gear restrictions*—None.

(f) *Statistical reporting*—The owner or operator of any foreign fishing vessel shall maintain catch and effort information and shall report such information through its government to the Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts, U.S.A. 02543.

(1) Three months after the close of each quarter, catch and effort statistics for biweekly time periods for 0°30′ square aracas shall be reported by vessel for the previous quarter. These will be reported using 0°30′ square Statlant 21B Forms or magnetic tape, computer cards, or printouts for all species and gear types.

(2) The owner or operator of any foregin fishing vessel shall be required to obtain scientific samples of fish catches in accordance with established procedures agreed to under the Governing International Fisheries Agreements (GIFAS).

(3) The Secretary may require from time to time additional information concerning the operations of fishing vessels of a foreign country. Such information shall be provided in accordance with the procedures provided to the vessels or country.

(g) *Incidental catch*—The taking of other allocated species is permitted as an incidental catch in other directed fisheries. The total quantity of other finfish shall not exceed the allocation provided to the foreign country. When the allocation of the other finfish has been reached prior to reaching the allocation of any directed fishery, fishing for the directed fishery shall cease.

(h) *River herring*—Foreign vessels fishing for other finfish may not have on board at any time river herring (alewives or blueback) in an amount not to exceed 5,510 pounds (2500 kg.) or one (1) percent of all other fish on board, whichever is greater.

Subpart D—South Atlantic and Gulf of Mexico [Reserved]

Subpart E—Northeast Pacific

§ 611.70 Washington, Oregon, California, Trawl fishery.

(a) *Purpose*—Regulations of this section shall apply to all species of fish and invertebrates taken in trawl gear as specified below. Unless otherwise defined herein, all other terms used in this subpart will have the meaning ascribed to them in subpart A of these regulations.

(1) The regulatory area for taking of fish and invertebrates is the area seaward of the States of Washington, Oregon, and California over which the United States exercises exclusive fishery management authority.

(b) *Catch quota and effort limitation.*

(1) The 1977 maximum catch quotas for foreign fishermen in the Washington, Oregon, and California area is as follows:

Species:	*Catch quota (metric tons)*
Hake	143,200.
Pacific Ocean Perch and other Rockfish.	Incidental catch only, not to exceed 2 pct of hake catch.
Flounders	Incidental catch only, not to exceed 1 pct of hake catch.
Sablefish	Incidental catch only, not to exceed 0.5 pct of hake catch.
Jack mackerel	4,000.
Others	Incidental catch only, not to exceed 2 pct of hake catch.

(2) Total foreign effort limitations in vessel days on the grounds are as follows:

(i) Landward of 125°40′W—5,728.
(ii) Seaward of 125°40′W—none at this time.

(c) *Open season*—The open season for directed fishing for Pacific hake shall begin at 0001 hours on 1 June 1977 and terminate at 2400 hours on 31 October 1977, or until that nation's allocation of any species listed in (b) or the vessel-day limitation is reached, whichever is first.

(d) *Closed seasons and areas*—(1) The National Marine Fisheries Service shall maintain records of vessel days and catch of foreign vessels fishing for species under this section. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation of Pacific hake or have achieved their assigned effort limitation notice of such determination shall be given to the appropriate agent or a government official of the country. Such notification shall not be given to the foreign country not less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for Pacific hake as of the specified closure date.

(2) Fishing by foreign vessels is prohibited at all times in the following areas:

(i) 47°30′N latitude to the U.S.-Canada boundary.

(ii) U.S.-Mexico boundary to 39°00′N latitude, landward of the following line: 39°00′N, 125°40′W to 32°30′N 120°00′W.

(iii) "Columbia River Pot and Recreational Fishery Sanctuary" is that area bounded by the following coordinates: 47°00′N, 125°20′ W; 46°00′N, 124°55′ W.

(iv) "Klamath River Pot Sanctuary" is that area bounded by the following coordinates: 41°37′N, 124°34′W; 41°37′N, 124°30′W; 41°20′N, 124°28′W; 41°20′N, 124°32′W; 41°37′N, 124°34′ W.

(e) *Gear restrictions.*

(1) No foreign vessel fishing for Pacific hake, under this subpart, shall use any gear other than a pelagic trawl with a minimum mesh size of 4.33 inches (110mm) stretched measure. No liners will be permitted in the cod end of the trawl.

(2) It shall be unlawful for any foreign fishing vessel fishing under this subpart to attach any protective device to pelagic fishing gear or to employ any means that would, in effect, make it possible to fish for demersal species or any device or method which would, or otherwise, have the effect of diminishing the size of the meshes.

(3) When the total allocation of any species authorized in the Washington, Oregon, California trawl fishery has been exceeded, trawling in that fishery shall cease for the remainder of the calendar year.

(f) *Statistical reporting*—The owner or operator of any foreign fishing vessel shall maintain catch and effort statistics and shall report the information, through its government, to the Director, Northwest Region, National Marine Fisheries Service, Seattle, Washington, U.S.A. 98019.

(1) Annual—Each nation whose fishermen operate in the Area shall report by May 30 of the following year, annual catch and effort statistics, as follows: Effort in hours trawled, by vessel class, by gear type, by month, by ½° (Lat.) x 1° (Long.) statistical area; Catch in metric tons, by vessel class, by gear type, by month by ½° (lat.) x 1° (Long.) statistical area, by the following species groupings: Pacific hake; jack mackerel; Pacific ocean perch; other rockfishes; sablefish; dover sole; other flounders; anchovies; herring; any other species taken in excess of 1,000 m.t.; other fishes.

(2) Monthly—In addition to the annual statistical report in (1) above, each nation shall report by the end of the following month, provisional monthly fishery information as follows: Effort in vessel-days on the grounds (by vessel-class and gear type); and Catch in metric tons of Pacific hake, jack mackerel, rockfishes, flounders, and others for each of the following areas: Conception; Monterey; Eureka; Columbia; and Vancouver (including that portion off Canada).

Subpart F—Western Pacific

§ 611.80 Seamount trawl fishery.

(a) *Purpose*—Regulations of this section shall apply to Pelagic armorheads (*Pentaceros richardsoni*) and Alfonsins (*Beryx splendens*), and shall also apply to the following species of precious corals taken incidentally to the direct fishing for Pelagic armorheads: Red or Pink Corals (*Corallium* spp.), Gold Corals (*Parazoanthus* spp.), Bamboo Corals (*Acanella* spp.) and Bamboo Corals (*Keratoisis* spp.), during the period March 1, 1977 to December 31, 1977, in the Pacific Ocean over which the United States exercises exclusive fishery management authority.

(b) *Catch and Vessel Day quotas.*

(1) The annual vessel day limit by foreign registered vessels fishing for pelagic armorheads and alfonsins within the Fishery Conservation Zone in the Western Pacific shall not exceed 60 vessel days.

(2) The annual catch quota by foreign registered vessels fishing for pelagic armorheads and alfonsins within the Fishery Conservation Zone in the Western Pacific shall not exceed 2,000 MT (metric tons) of either species or an aggregate of the combined species.

(c) *Open season.* The open season for pelagic armorheads and alfonsins fishing by foreign registered fishing vessels fishing in the Fishery Conservation Zone in the Western Pacific shall begin at 0001 hours March 1, 1977 and terminate at a time and date to be determined.

(d) *Closed season and areas.* The National Marine Fisheries Service shall maintain records of vessel days and catch of foreign vessels fishing for pelagic armorheads and alfonsins in the Fishery Conservation Zone seaward of Guam, Hawaii, and American Samoa. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation of pelagic armorheads and alfonsins, or have used their allocation of vessel days, notice of such determination shall be given to the appropriate agent or a government official of the country. Such notification shall be given to the foreign country not less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for pelagic armorheads and alfonsins as of the specified closure date.

(2) It shall be unlawful for foreign registered vessels to fish for pelagic armorheads and alfonsins in the Fishery Conservation Zone in the Central and Eastern Pacific east of the 180° meridian.

(e) *Gear restriction.* No gear other than trawl gear shall be used.

(f) *Statistical reporting.* (1) the master or operator of every foreign vessel fishing for pelagic armorheads and alfonsins in the U.S. Fishery Conservation Zone in the Western Pacific shall maintain an accurate log book of fishing operations. The log book shall contain data for each haul as follows:

(i) Catch, by individual species, to the nearest one-tenth (0.1) MT.

(ii) The time at the beginning of the haul and the total durtaion of the haul to the nearest five (5) minutes.

(iii) The location at the midpoint of each haul to the nearest one-tenth (0.1) minute of latitude and longitude.

(iv) The average depth of the seabottom to the nearest fathom.

(v) The average fishing depth of the footrope to the nearest fathom.

(vi) The average fishing speed of the vessel (towing speed) to the nearest one-half (0.5) knot.

(vii) The date.

(viii) The vessel permit number.

(ix) The codend mesh size to the nearest millimeter.

(x) The length of the footrope to the nearest one-tenth (0.1) meter and average distance between footrope and headrope to the nearest one-tenth (0.1) meter.

(2) The records described in (1) above shall be furnished to the U.S. observer at such time as the observer requests the records.

(g) *Reporting incidental take of precious coral.* (1) All incidental catches of precious coral shall be documented as follows:

(i) Permit number of the vessel involved.

(ii) Location, to the nearest one-tenth (0.1) minute of latitude and longitude, where the precious coral was taken incidentally.

(iii) Depth, to the nearest fathom, where the precious coral was taken incidentally.

(iv) The date on which the incidental catch occurred.

(v) The approximate weight, by genus, of the incidental catch.

(2) The above data should be furnished to the NMFS observer on board the vessel. If the vessel does not have an NMFS observer, then the data shall be mailed to the Regional Director (Office of the Regional Director, Southwest Region, National Marine Fisheries Service, NOAA/DOC, 300 South Ferry Street, Terminal Island, California 90731) within one (1) week after the vessel puts into any port.

Subpart G—North Pacific Ocean and Bering Sea

§ 611.90 Crabs.

(a) *Purpose*—Regulations of this section shall apply to: Red king crab (*Paralithodes camtschatica*), Blue king crab (*Paralithodes platypus*), brown king crab (*Lithodes aequispina*), snow (Tanner) crabs (*Chionoecetes bairdi* and *C. opilio*), taken by foreign fishing vessels with a valid permit during the period March 1, 1977 to December 31, 1977 within the North Pacific Ocean and Bering Sea over which the United States exercises exclusive fishery management authority. Unless otherwise defined herein, all other terms used in this Subpart will have the meanings ascribed to them in Subpart A of these regulation.

(b) *Area quotas*—(1) No more than 10,200 metric tons of snow (Tanner) crab may be taken by foreign fishing vessels from that portion of the Bering Sea area over which the United States exercises fishing jurisdiction north of 55°30′ N. lat. and west of 164° W. long.

(2) No more than 2,500 metric tons of the snow (Tanner) crab quota designated in (b) (1), may be taken by foreign fishing vessels from the area bounded by straight lines connecting the following coordinates in the order listed:

58°09′ N. lat., 164°00′ W. Long.; 57°00′ N. lat., 168°00′ W. long.; 57°40′ N. lat., 169° 50′ W. long.; 57°40′ N. lat., 170°50′ W. long.; 57°00′ N. lat., 170°50′ W. long., 56°20′ N. lat., 169°55′ W. long.; 56°20′ N. lat., 168° 00′ W. long.; 55°30′ N. lat., 168°00′ W. long.; 55°30′ N. lat., 165°00′ W. long.; 58°09′ N. lat., 164°00′ W. long.

(c) *Open season*—The open season for crab fishing by foreign vessels in the Bering Sea area over which the United States exercises fishery management authority shall begin at 0801 GMT on March 1, 1977, and terminate at a time and date to be determined and announced.

(d) *Closed season and areas*—(1) The National Marine Fisheries Service shall maintain records of vessel days and catch of foreign vessels fishing for species under this section. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation of crab, notice of such determination shall be given to the appropriate agent or a government official of the country. Such notification shall be given to the foreign country not less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for crab as of the specified closure date.

(2) It shall be unlawful for any foreign fishing vessel to fiish for crabs at any time East of 164° W. Longitude and South of 55°30′ N. Latitude in the Bering Sea, and throughout the Northeastern Pacific Ocean.

(e) *Gear restrictions*—It shall be unlawful for any foreign fishing vessels fishing in the authorized area for crabs to use gear other than pots.

(f) *Statistical reporting*—The owner or operator of any foreign fishing vessel shall maintain catch and effort statistics and shall report the information, through its government, to the Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska, U.S.A. 99801.

(1) Annual—Each nation whose fishermen operate in the area shall report by May 30 of the following year, annual catch and effort statistics as follows: Effort in pots hauled and hours pots soaked Catch in metric tons and number of crabs. Each to be supplied by vessel class, by 10-day period, by 1/2° (Lat.) by 1° (Long.) statistical area, by the following species: Snow (Tanner) crab (*Chionoecetes bairdi* and *C. opilio*), and any other crab species.

(2) 10-day Periods—Each country will report within 3 days following each 10-day fishing period, provisional 10-day fishery information as follows: Effort in total pot lifts; and Catch in metric tons and number of crabs of *C. opilio* and *C. bairdi* separated by the area described in (b) (2) and by the area outside that described in (b) (2).

(g) *Prohibitions*—No master or any other person in charge of any foreign vessel engaged in fishing for crabs under this subpart shall:

(1) Conduct a directed fishery for, or retain any species of crab other than snow (tanner) crab.

(2) Engage in crab fishing with any other gear than pot gear.

(3) Process crabs except on designated factory ships.

(4) Retain and process female crabs; female crabs must be discarded immediately after the pots are taken aboard in a manner that will minimize handling mortality.

(5) Take aboard crabs in a manner in which the observer can not verify the total weight of crabs taken aboard.

(6) Conduct any crab fishing within 12 miles of the baseline used to measure the U.S Territorial Sea.

(7) Engage in fishing in the area unless the vessel has a valid permit from the United States.

(8) Violate any other provision, condition, or restriction of any regulation or permit issued under this part.

§ 611.91 Gulf of Alaska Trawl Fishery.

(a) *Purpose*—Regulations of this section shall apply to all species of fish and invertebrates taken in trawl gear during the period March 1, 1977 to December 31, 1977 in the Gulf of Alaska which includes that portion of the eastern North Pacific Ocean between the eastern end of the Aleutian Island chain (near 170° W.) and Dixon Entrance (near 54°30′ N.) over which the United States exercises exclusive fishery management authority. Unless otherwise defined herein, all other terms used in this section will have the meanings ascribed to them in subpart A of these regulations.

(b) *Catch quota*—The 1977 maximum catch quotas for foreign fishermen in the Gulf of Alaska are as follows:

Species:	*Catch quota (metric tons)*
Pollock	125,000
Rockfishes (primarily Pacific Ocean perch)	47,000
Flounders	30,500
Sablefish	[1] 4,000
Atka mackerel	22,000
Cod	1,300
Others (combination)	14,900

[1] Incidental catch only in trawl fishery not to exceed 2 pct of total trawl catch.

(c) *Open season*—The open season for foreign fishing in the Gulf of Alaska shall begin at 0801 GMT hours on March 1, 1977 unless otherwise stated in the time-area closures in section (d).

(d) *Closed season and areas*—(1) The National Marine Fisheries Service shall maintain records of vessel days and catch of foreign vessels fishing for species under this section. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation, notice of such determination shall be given to the appropriate agent or a government official of the country. Such notification shall be given to the foreign country not less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for those species as of the specified closure date. Fishing by foreign vessels is prohibited in the areas and during the time periods described below:

(1) Six "Kodiak Gear Areas", bounded respectively by straight lines connecting in each of the following groups the coordinates in the order listed, shall be closed to foreign fishing August 10, 1977 to December 31, 1977 inclusive.

(i) 57°15′ N. lat., 154°51′ W. long.; 56°57′ N. lat., 154°34′ W. long.; 56°21′ N. lat., 155°40′ W. long.; 56°26′ N. lat., 155°55′ W. long.

(ii) 56°27′ N. lat., 154°06′ W. long.; 56°46′ N. lat., 155°27′ W. long; 55°40′ N. lat., 155°17′ W. long.; 55°48′ N. lat., 155°00′ W. long.; 55°54′ N. lat., 154°55′ W. long.; 56°03′ N. lat., 154°36′ W. long.; 56°03′ N. lat., 153°45′ W. long.; 56°30′ N. lat., 153°45′ W. long.; 56°30′ N. lat., 153°49′ W. long.; 56°27′ N. lat., 154°06′ W. long.

(iii) 56°30′ N. lat., 153°49′ W. long.; 56°30′ N. lat., 153°00′ W. long.; 56°44′ N. lat., 153°00′ W. long.; 56°57′ N. lat., 153°15′ W. long.; 56°45′ N. lat., 153°45′ W. long.; 56°30′ N. lat., 153°49′ W. long.

(iv) 57°05′ N. lat., 152°52′ W. long.; 56°54′ N. lat., 152°52′ W. long.; 56°46′ N. lat., 152°37′ W. long.; 56°46′ N. lat., 152°20′ W. long.; 57°19′ N. lat., 152°20′ W. long.; 57°05′ N. lat., 152°52′ W. long.

(v) 57°35′ N. lat., 152°03′ W. long.; 57°11′ N. lat., 151°14′ W. long.; 57°19′ N. lat., 150°57′ W. long.; 57°48′ N. lat., 152°00′ W. long.; 57°35′ N. lat., 152°03′ W. long.

(vi) 58°00′ N. lat., 152°00′ W. long.; 58°00′ N. lat., 150°00′ W. long.; 58°12′ N. lat., 150°00′ W. long.; 58°19′ N. lat., 151°29′ W. long.; 58°00′ N. lat., 152°00′ W. long.

(2) 58°30′ N. to 59°30′ N., between 147°40′ W. and 150°20′ W.; 57°40′ N. to 58°05′ N., between 148°50′ W. and 150°-30′ W.; 55°30′ N. to 56°25′ N., between 155°45′ W. and 156°30′ W. closed to foreign trawling from 5 days prior to 5 days after, the opening of U.S. halibut setline fishery.

(3) 163°04′ W. to 166°W. closed to foreign fishing year round.

(4) 147° W. to 157° closed to foreign trawling from February 16 to May 15.

(5) 140° W. to 147° W. closed to foreign trawling from December 1 to February 15.

(6) When the total allocation of any species authorized in the Gulf of Alaska trawl fishery has been exceeded, trawling within the Gulf of Alaska shall cease for the remainder of the calendar year.

(e) *Gear restrictions.*—None.

(f) *Statistical reporting.*—The owner or operator of any foreign fishing vessel shall maintain catch and effort statistics and shall report the information, through its government, to the Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska, U.S.A.

(1) Annual—Each nation whose fishermen operate in the area shall report by May 30 of the following year—annual catch and effort statistics as follows: Effort in hours trawled, by vessel class, by gear type, by month, by 1/2° (lat.) x 1° (long.) statistical area; Catch in metric tons, by vessel class, by gear type, by month, by 1/2° (lat.) x 1° (long.) statistical area, by the following species groupings:

Rock sole; Flathead sole; Arrowtooth flounder; Other flounders; Pacific ocean perch; Other rockfish; Pacific cod; Sablefish (blackcod); Walleye (Alaska) pollock; Atka mackeral; any other species taken in excess of 1,000 mt.; and other fishes.

(2) Monthly—In addition to the annual statistical report in (1) above, each nation will report by the end of the following month, provisional fishery information for each month as follows: Effort in vessel-days on the grounds by vessel-class and gear-type: and Catch in metric tons of flounders, rockfishes, cod, pollock, sablefish, Atka mackerel, herring and others.

(g) *General restrictions*—

(1) There shall be no fishing for or retention of salmon, halibut, Continental Shelf Fishery resources, shrimp or scallops.

(2) There shall be no foreign fishing within 12 miles of the baseline used to measure the Territorial Sea.

§ 611.92 Bering Sea and Aleutian Islands Trawl Fishery.

(a) *Purpose*—Regulations of this section shall apply to all species of fish and invertebrates taken in trawl gear during the period March 1, 1977 to December 31, 1977, in the area which includes that portion seaward of the territorial sea in the Bering Sea and Aleutian Islands over which the United States exercises exclusive fishery management authority. Unless otherwise defined herein, all other terms used in this section will have the meanings ascribed to them in subpart A of these regulations.

(b) *Catch quotas.* The 1977 annual catch quotas for foreign fishermen in the Bering Sea and Aleutian Islands are as follows:

Species:	*Catch quota (metric tons and area)*
Pollock	842,000
Yellowfin sole	105,000
Other flounders	100,000
Pacific Ocean perch:	
East Bering Sea	6,500
Aleutians	15,000
Sablefish:	
East Bering Sea	3,500
Aleutians[1]	2,400
Cod	57,000
Herring	20,000
Others:	
East Bering Sea	59,600
Aleutians	34,000

[1] The Aleutian sablefish quota is for trawl, set line and trap gear collectively.

(c) *Open season.*

(1) The open season for foreign fishing in the Bering Sea and Aleutian Islands area shall begin at 0801 GMT hours on March 1, 1977 unless otherwise stated in the time-area closures in paragraph (d).

(2) The open seasons for foreign fishing in the Aleutian Islands area within 12 miles of and beyond 3 miles from the baseline used to measure the territorial sea are as follows:

In the waters off the Bering Sea coast of the Aleutian Islands:

(i) Between 169° and 170° West longitude, dragnet fishing from May 16 to November 30 inclusive, and longline fishing and loading year-round.

(ii) Between 170° and 172° West longitude, dragnet and longline fishing and loading year-round.

(iii) Between 172° and 176° West longitude, longline fishing and loading from April 1 to October 31 inclusive.

(iv) West of 176° West longitude, dragnet fishing from May 1 to December 31 inclusive and longline fishing and loading year-round.

In waters off the Pacific coast of the Aleutian Islands:

(i) Between 169° and 172° West longitude, dragnet and longline fishing and loading year-round.

(ii) Between 172° and 178°30′ West longitude, longline fishing and loading from April 1 to October 31 inclusive.

(iii) Between 176° and 178°30′ West longitude, dragnet fishing from July 1 to October 31 inclusive.

(iv) West of 178°30′ West longitude, dragnet fishing from May 1 to December 31, 1977 inclusive and longline fishing and loading year-round.

(d) *Closed seasons and areas*—(1) The National Marine Fisheries Service shall maintain records of vessel days and catch of foreign vessels fishing for species under this section. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation, notice of such determination shall be given to the appropriate agent or a government official of the country. Such notification shall be given to the foreign country not less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for those species as of the specified closure date.

(2) Trawling by foreign vessels is prohibited in the following areas and during the time periods shown below:

(i) There shall be no trawling at any time in the Bristol Bay "Pot Sanctuary", which is the area enclosed by straight lines from Cape Sarichef to 55°16'N lat., 166°10'W long., to 56°20'N lat., 163°00'W long., to 57°10'N lat., 163°00'W long., to 58°10'N lat., 160°00'W long., then due south along 160°00'W long. to the Alaska Peninsula.

(3) There shall be no traveling from March 1, 1977 to May 31, 1977 in the following International North Pacific Fishery Commission (IPFC) Conservation Areas:

(i) Area B;

(ii) Area E east of 166° W.long—south of 56°30'N.lat;

(iii) Area E west of 166°W.long—south of 56°N. lat.; and

(iv) Area A—south of 55°30'N.lat.

(4) There shall be no trawling from March 1, 1977 to May 31, 1977 in the area bounded by straight lines connecting the coordinates in the order listed. 56°18'N. lat., 170°24'W.long, 56°20'N.lat., 169°03' W.long, 56°12'N.lat., 168°46'W.long., 55°56'N.lat., 170°24'W.long.

(5) When the total allocation of any species authorized in the Bering Sea and Aleutian Islands trawl fishery has been exceeded, trawling in that fishery shall cease for the remainder of the calender year.

(e) *Gear restrictions*—Gear restrictions for foreign fishing in the regulatory area are described in paragraph (c) of this section during the open season for specific areas.

(f) *Statistical reporting*—The owner or operator of any foreign fishing vessel shall maintain catch and effort statistics and shall report the information, through its government, to the Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska, U.S.A.

(1) Annual—Each nation whose fishermen operate in the area shall report by May 30 of the following year—annual catch and effort statistics, as follows: Effort in hours trawled, by vessel class, by gear type, by month, by ½° (lat.) × 1° (long.) statistical area; Catch in metric tons, by vessel class, by gear type, by month, by ½° (lat.) × 1° (long.) statistical area, by the following species groupings: Yellowfin sole; Rock sole; Flathead sole; Arrowtooth flounder; Greenland turbot; Other flounders; Pacific oecan perch; Pacific cod; Sablefish (blackcod); Walleye (Alaska pollock); Atka mackerel; Pacific herring; Any other species taken in excess of 1,000 mt; and "Other fishes".

(2) Monthly—In addition to the annual statistical report in (1) above, each nation will report by the end of the following month, provisional fishery information for each month as follows: Effort in vessel-days on the grounds, by vessel-class, and gear-type; and Catch in metric tons of flounders, rockfishes, cod, pollock, sablefish, Atka mackerel, herring, and others.

(g) *General restrictions*—(1) There shall be no fishing for or retention of salmon halibut, or Continental Shelf fishery resources, shrimp or scallops.

(2) There shall be no trawling within 12 miles of the baseline used to measure the Territorial Sea, except in the Aleutian Islands as described in paragraph (c) of this section.

§ 611.93 Sablefish (Blackcod).

(a) *Purpose*—Regulations of this section shall apply to sablefish, or blackcod, (*Anoplopoma fibria*) taken by foreign fishing vessels during the period March 1, 1977 to December 31, 1977 in the North Pacific Ocean and the Bering Sea over which the United States exercises exclusive fishery management authority. Unless otherwise defined herein, all other terms used in this section will have the meanings ascribed to them in subpart A of these regulations.

(b) *Area quotas*—(1) Bering Sea—The 1977 annual catch quota for foreign vessels is limited to 5,000 metric tons of sablefish.

(i) Of the total quota, 1,500 metric tons can be taken by set line and trap gear.

(ii) Of the total quota, 3,500 metric tons can be taken by trawl gear.

(2) Gulf of Alaska (east of 170° W longitude and north of 54°30' N latitude)—The 1977 annual catch quota in the regulatory area for foreign vessels is limited to 17,500 metric tons of sablefish.

(i) Of the total quota, 4,000 metric tons can be taken by trawl gear.

(ii) Of the total quota, 13,500 metric tons can be taken by set line and trap gear.

(3) Aleutian Islands—The 1977 annual sablefish catch quota for foreign vessels is 2,400 metric tons. The total quota of 2,400 metric tons. The total quota of 2,400 metric tons is to be shared by trawl, set line, and trap gear. Further the quota of 2,400 metric tons is not in addition to the quota allocated in section 611.92(b).

(4) Washington, Oregon, and California—No directed foreign fishery for sablefish permitted.

(c) *Open season*—(1) The open season for sablefish fishing by foreign fishing vessels in the Gulf of Alaska and Bering Sea shall begin at 0801 GMT hours on March 1, 1977, and terminate at a time and date to be determined and announced under paragraph (d).

(2) The open seasons for foreign fishing in the Aleutian Islands area within 12 miles of and beyond 3 miles from the baseline used to measure the territorial sea are as follows:

In the waters off the Bering Sea coast of the Aleutian Islands:

(i) Between 169° and 170° West longitude, dragnet fishing from May 16 to November 30 inclusive, and longline fishing and loading year round.

(ii) Between 170° and 172° West longitude, dragnet and longline fishing and loading year-round.

(iii) Between 172° and 176° West longitude, longline fishing and loading from April 1 to October 31 inclusive.

(iv) West of 176° West longitude, dragnet fishing from May 1 to December 31 inclusive and longline fishing and loading year-round.

In the waters off the Pacific coast of the Aleutian Islands:

(v) Between 169° and 172° West longitude, dragnet and longline fishing and loading year-round.

(vi) Between 172° and 178°30' West longitude, longline fishing and loading from April 1 to October 31 inclusive.

(vii) Between 176° and 178°30' West longitude, dragnet fishing and loading from July 1 to October 31 inclusive.

(viii) West of 178°30' West longitude, dragnet fishing and loading May 1 to December 31, 1977 inclusive and longline fishing and loading year round.

(d) *Closed season and areas.*—(1) National Marine Fisheries Service shall maintain records of vessel days and catch of foreign vessels fishing for species under this section. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation of sablefish, notice of such determination shall be given to the appropriate agent or government official of the country. Such notification shall be given to the foreign country not less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for sablefish as of the specified closure date.

(2) It shall be unlawful for any foreign fishing vessel to fish for sablefish at anytime with any gear shoreward of the 500 meter depth contour in the Gulf of Alaska.

(e) *Vessel and gear restrictions.*—Foreign fishing vessels are authorized to fish for sablefish with the type of gear specified in paragraph (b) above.

(f) *Statistical reporting.*—The owner or operator of any foreign fishing vessel shall maintain catch and effort statistics and shall report the information, through its government, to the Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska, U.S.A. 99801.

(1) Annual.—Each nation whose fishermen operate in the area shall report by May 30 of the following year annual catch and effort statistics as follows: Effort in hours trawled, number of longline units, number of traps, duration of soaking time for longlines and traps and number of days fishing, by vessel class, by gear type, by month, by ½°,(lat.) × 1° (long.) statistical area; Catch in metric tons, by vessel class, by gear type, by month, by ½° (lat.) × 1° (long.) statistical area. The characteristic features of gear and vessels are also to be reported.

(2) Monthly—In addition to the annual statistical report in (1) above, each nation will report to the Regional NMFS Director by the end of the following month, provisional monthly fishery information as follows: Catch in metric tons of sablefish and Effort in vessel-days by vessel type and by INPFC large statistical areas—Bering Sea, Aleutian Region, Shumagin, Chirikof, Kodiak, Yakutat, Southeast, Charlotte, Van-

couver, Columbia, Eureka Montrey, and Conception.

§ 611.94 Snails.

(a) *Purpose*—Regulations in this section shall apply to all species of snails taken by foreign fishing vessels during the period March 1, 1977, to December 31, 1977, in that portion of the Bering Sea over which the United States exercises exclusive fishery management authority. Unless otherwise defined herein, all other terms used in this section will have the meanings ascribed to them in subpart A of these regulations.

(b) *Catch quota*—The 1977 annual catch quota for all species of snails combined in the Bering Sea shall not exceed 3,000 metric tons of edible meat.

(c) *Open season*—The open season for taking snails by foreign fishing vessels in the Bering Sea shall begin at 0001 hours local time on March 1, 1977, and terminate at a time and date to be announced.

(d) *Closed season and area*—The National Marine Fisheries Service shall maintain records of catches of snails by foreign vessels in the Bering Sea. Upon determination by the Director that foreign fishing vessels of a country have taken its assigned allocation of snails, such determination shall be made to the appropriate agent or a government official of the country. Such notification shall not be given to the foreign country not less than 48 hours prior to the closure of such fishery. Upon notification, foreign fishing vessels shall cease the directed fishing for snails as of the specified closure date.

(e) *Gear restrictions*—It shall be unlawful for any foreign fishing vessel fishing for snails to use gear other than pots.

(f) *Statistical reporting*—The owner or operator of any foreign fishing vessel shall maintain catch and effort statistics and shall report the information, through its government, to the Director, Alaskan Region, National Marine Fisheries Service, Juneau, Alaska, U.S.A.

(1) Annual—Each country whose fishermen take snails in the area shall report by May 30 of the following year, annual catch and effort statistics as follows: Effort in pots hauled, hours pot soaked by month, by ½° (lat.) × 1° (long.) statistical area; Catch in metric tons of recovered edible meat, by month, by ½° (lat.) × 1° (long.) statistical area.

(2) Monthly—In addition to the annual statistical report, each nation will submit monthly reports within 30 days of the end of the month in which the fishing occurred containing provisional fishery information as follows: Effort in vessel days on the grounds; and Catch in metric tons of recovered edible meat.

[FR Doc.76-37651 Filed 12-22-76;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 AGRICULTURE

Forest Service

CLARKDALE-WILLIAMS HIGHWAY

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Clarkdale-Williams Highway, Arizona, USDA–FS–R3 FES Adm 72–21.

The environmental statement considers probable environmental effects of the proposed project.

The final environmental statement was transmitted to CEQ on December 20, 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, New Mexico 87102.
Prescott National Forest, 344 South Cortez, Prescott, Arizona 86302.

A limited number of copies are available upon request to Forest Supervisor, Prescott National Forest, P.O. Box 2549, Prescott, Arizona 86302.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

GARY E. CARGILL,
Acting Regional Forester,
Region 3.

DECEMBER 20, 1976.

[FR Doc.76-37654 Filed 12-22-76;8:45 am]

HUSTON PARK SUB-UNIT LAND MANAGEMENT PLAN FOR THE MEDICINE BOW NATIONAL FOREST

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 and combined land use plan for the Huston Park Sub-Unit of the Medicine Bow National Forest. The Forest Service report number is USDA–FS–R2–DES(Adm)FY–77–02.

The environmental statement concerns a proposed action to implement a revised land management plan for the 63,560 acre Huston Park Sub-Unit of the South Hayden planning unit area.

This draft environmental statement was transmitted to CEQ on December 17, 1976.

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

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW, Washington, DC. 20250.
USDA, Forest Service, 11177 West 8th Street, P.O. Box 25127, Denver, Colo. 80225.
USDA, Forest Service, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070.

A limited number of single copies are available upon request to Donald L. Rollens, Forest Supervisor, 605 Skyline Drive, Laramie, Wyoming 82070.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from 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 Donald L. Rollens, Forest Supervisor, 605 Skyline Drive, Laramie, Wyoming 82070. Comments must be received by February 15, 1977 in order to be considered in the preparation of the final environmental statement.

DONALD L. ROLLENS,
Forest Supervisor.

DECEMBER 17, 1976.

[FR Doc.76-37655 Filed 12-22-76;8:45 am]

TIAK UNIT

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 Tiak Unit, Ouachita National Forest, Arkansas, USDA–FS–R8–DES (Adm.)–77–01.

This environmental statement concerns the proposed management direction and resource allocation for the 43,133 acre Tiak Unit, Quachita National Forest.

This draft environmental statement was transmitted to CEQ on December 15, 1976.

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

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Road, N.W., Room 804, Atlanta, Georgia 30309.
USDA, Forest Service, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Arkansas 71901.
Tiak Ranger District, P.O. Box 389, Idabel, Oklahoma 74745.

A limited number of single copies is available upon request to Alvis Z. Owen, Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Arkansas 71901.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ Guidelines.

ALVIS Z. OWEN,
Forest Supervisor.

DECEMBER 15, 1976.

[FR Doc.76-37656 Filed 12-22-76;8:45 am]

Office of the Secretary

PERISHABLE AGRICULTURAL COMMODITIES ACT—INDUSTRY ADVISORY COMMITTEE

Renewal; Correction

In FR Doc. 76-35808 appearing at page 53497 in the FEDERAL REGISTER of December 7, 1976, the expiration date appearing in the second line of the fourth paragraph is corrected to read "November 12, 1978".

Dated: December 20, 1976.

J. PAUL BOLDUC,
Assistant Secretary
For Administration.

[FR Doc.76-37727 Filed 12-22-76;8:45 am]

Soil Conservation Service

WASHINGTON MOUNTAIN BROOK WATERSHED PROJECT, MASSACHUSETTS

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the planned works of improvement remaining to be installed in

the Washington Mountain Brook Watershed Project, Berkshire County Massachusetts.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Dr. Benjamin Isgur, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection, flood prevention, municipal water supply, and recreation. The remaining planned works of improvement, as described in the negative declaration, include: conservation land treatment; a multiple purpose floodwater retarding and recreation structure; a multiple purpose floodwater retarding, municipal water supply, and recreation structure; channel work; and streambank protection measures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 29 Cottage Street, Amherst, Massachusetts 01002. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 USC 1001-1008.)

Dated: December 17, 1976.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-37762 Filed 12-22-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27330]

DOMESTIC COMMON FARES INVESTIGATION

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on January 19, 1977, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C.

Dated at Washington, D.C., December 16, 1976.

ROSS I. NEWMANN,
Chief Administrative Law Judge.

[FR Doc.76-37710 Filed 12-22-76;8:45 am]

[Order 76-12-85; Docket 29123; Agreement C.A.B. 26257 R-1 through R-17]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Passenger Fares

Issued under delegated authority December 15, 1976.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North/Central Pacific passenger fares.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which establishes North/Central Pacific fares from April 1, 1977 through November 30, 1977, was adopted at a joint meeting of Traffic Conferences 3 and 1 held at Miami during October 1976.

Using as reference the fare levels proposed in Agreement C.A.B. 26064,[1] which is currently pending before the Board, Agreement C.A.B. 26257 would increase one-way Honolulu-Far East normal first-class and economy-class fares by $30 and $15 respectively, and would increase U.S. west coast-Far East one-way normal fares by $40 and $20, respectively. In general, normal fares from Alaska would remain unchanged. Promotional fares would be increased in amounts ranging from $20 to $75, with the higher rated 14/21 day excursion fare taking the lesser increase and the lower-rated affinity-group fares taking the greater increase. Other than discontinuation of the individual inclusive-tour fare, the structure would remain relatively unchanged. However, availability of the westbound 120-day excursion fares, presently proposed in Agreement C.A.B. 26064 for Canadian originations only would be expanded to permit roundtrip travel between San Francisco/Honolulu and Manila at the Vancouver level for San Francisco and at the Vancouver level less $100 for Honolulu. Finally, the agreement would permit the carriers to make available to first-class passengers certain fully-reclinable seats located in the upper deck of B-747 aircraft upon payment of a so-called "sleeper surcharge" ranging from $75 to $125.

The purpose of this order is to establish procedural dates for the submission of carrier justification in support of the agreement and comments from interested persons. The carriers' justification for the agreement should assign costs attributable to scheduled passenger service under both the "space method" stipulated by the Board in its April 2, 1970 decision in Docket 18381, *Nonpriority Mail Rates* (Orders 70-4-9 and 70-4-10), and the "revenue-offset method", adopted April 2, 1971 in Phase 7 of the *Domestic Passenger-Fare Investigation*, Docket 21866-7 (Orders 71-4-69 and 70-4-60).[2] The data should be set out in a tabular format as suggested in Order 75-7-88, July 17, 1975, starting with historical data as reported to the Board in Form 41 reports by functional account for total transpacific services for the year ended September 30, 1976. This should be adjusted to show the exclusion of those market areas not covered by the agreement, *e.g.*, South and intra-Pacific, as well as scheduled all-cargo and charter services within the North/Central Pacific area. The remainder, pertaining to North/Central Pacific scheduled combination services, should be adjusted to show the present economic status of scheduled passenger services in the market area covered by the agreement. Similarly, using the above two methods, the carriers are expected to submit forecast results under the agreement for the year ending March 31, 1978, both including and excluding the increased fares for which approval is sought.

In addition, the carriers will be required to submit detailed traffic data showing revenue passenger-miles and revenue by specific fare category, as well as capacity and load-factor information both for the historical period and for the forecast period, including and excluding the proposed fare increase. Finally, the carriers are requested to include material detailing the need for continued common-faring or U.S. west-coast gateway points with respect to points in Asia, and the potential effect of any de-common-faring.

Northwest Airlines, Inc., a nonIATA carrier, will be required to file data identical to that required of the IATA carriers so that a full economic picture of U.S. carrier operations in the area under consideration may be obtained upon which the Board will be in a position to make a meaningful evaluation in disposing of the agreement.

Accordingly, *it is ordered* THAT:

1. All United States air carrier members of the International Air Transport Association providing service within the area covered by the agreement shall file within 15 calendar days after the date of service of this order, full documentation and economic justification for the fares and related conditions embdied in the subject agreement;

2. Northwest Airlines, Inc. shall file within 15 calendar days after the date of service of this order, data identical to that required of the IATA carriers;

3. Comments and objections from interested persons and parties shall be submitted within 15 calendar days after the date of service of this order;

4. Replies to submissions received in response to ordering paragraphs 1 and 2 above and replies to comments received pursuant to ordering paragraph 3 above shall be submitted within 25 calendar

[1] See Order 76-8-147, August 27, 1976 which set procedural dates for Agreement C.A.B. 26064.

[2] In furnishing the data requested, each carrier is expected to attach complete explanatory data to describe the methods used in allocating the various cost items.

days after the date of service of this order; and

5. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement should not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-37711 Filed 12-22-76;8:45 am]

[Order 76-12-98; Docket 27573; Agreement C.A.B. 26095; R-1 through R-12; Agreement C.A.B. 26176; Agreement C.A.B. 26191]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to North Atlantic Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of December, 1976.

Order 76-9-94, September 20, 1976, described the principal elements of an agreement among the carrier members of the International Air Transport Association (IATA) to establish North Atlantic cargo rates from October 18, 1976, through September 30, 1977, and established procedural dates for the submission of carrier justification, comments, and replies. The IATA agreement was adopted at a conference held in Miami on August 12-18, 1976, and filed with the Board September 7, 1976.

The subject agreement is similar in many respects to the previous Nice Agreement which was generally approved by the Board in Order 75-12-147, December 30, 1975, but which never became effective.[1] Minimum charges per consignment would be increased by $2.00 to a level of $31. U.S.-Europe general commodity rates (GCR's) at the 100 and 300 kg. weightbreaks would be increased three cents per kg. while the 500 kg. weightbreak rates would be increased by five cents per kg. With some exceptions specific commodity rates (SCR's) would be increased 10 cents per kg.

Present pivot rates and minimum charges for containerized shipments are proposed to be adjusted upwards resulting in rate increases at the pivot point ranging up to five percent, while over-pivot rates would be decreased approximately eight percent. The agreement would introduce new high-weightbreak specific commodity rates at weightbreaks of 34,000 kgs. (eastbound only) and 10,000 kgs. (both directions) and would also readopt minimum cargo charter rates based on $7.25 per aircraft mile for standard B-707 or DC-8 freighters, as well as Resolution 045a encompassing the governing rules for cargo charters.[2]

[1] The Board conditioned its approval of general commodity rate increases upon continuation of non-IATA high-weightbreak freight-all-kinds (FAK) rates which the IATA carriers contemplated would be cancelled by foreign government action. Subsequently, British Airways, by a notice to IATA dated January 23, 1976, rescinded its approval of the Nice agreement which was thereby rendered defunct. North Atlantic cargo rates have since been in an open-rate situation.

[2] The charter rules would be amended to permit joint loading by two or more persons or associations shipping bloodstock (live horses).

The Board has received economic justification from Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), and National Airlines, Inc. (National), as well as from Seaboard World Airlines, Inc. (Seaboard), a non-IATA all-cargo carrier.

CARRIER JUSTIFICATION

Pan American, TWA, and Seaboard urge the Board to approve the agreement based on a serious need for revenue improvement, and have provided financial data showing the following returns on investment (ROI) in North Atlantic scheduled cargo operations:

	Historical year ended June 30, 1976 (percent)		
	Freighter	Belly	Total
Pan American	(11.31)	4.45	(3.66)
TWA	(21.4)	23.8	1.2
Seaboard [1]	(6.39)		(6.39)

	Forecast year ending Oct. 31, 1977 (percent)					
	Present rates			Proposed rates		
	Freighter	Belly	Total	Freighter	Belly	Total
Pan American	2.6	3.25	2.97	6.36	5.26	5.80
TWA	(26.28)	15.0	3.4	(18.6)	22.6	11.1
Seaboard [1]	(5.16)		(5.16)	(.68)		.68

[1] Includes charter operations. The above figures for Seaboard reflect corrections to Seaboard's methodology to bring it into line with the Board's accepted procedure for determination of regulatory ROI. Seaboard, which has inexplicably departed from the standard methodology in this case, actually indicated ROI's of −17.7, −18.7 and −11.2 percent during the historical period, forecast period-present rates and forecast period-proposed rates, respectively.

The above forecast showing expected results with the proposed rates is premised upon the increased rates becoming effective to/from the U.K. and Ireland, although those countries are presently excluded from the agreement due to the opposition to the agreement of British Airways. The carriers have included the U.K. and Ireland in the hope that the increases will be effected for those countries. In the event rates to/from the U.K. and Ireland remain at *status quo*, forecast revenues and earnings are, of course, overstated.[3]

Pan American, TWA, and Seaboard show load factors of 52.8, 55.4, and 65.0 percent, respectively, in all-cargo operations during the historical period ended June 30, 1976, and forecast load factors of 61.3, 66.4, and 68.7 percent, respectively, during the year ending October 31, 1977.

Pan American and TWA generally state that the proposed rates are consistent with Board policy in that general commodity rates would remain unchanged or increase only up to 3.8 percent, while specific commodity rates would increase up to 13.3 percent, thus narrowing the gap between the two rate categories; that the new container rates, which are simplified by removal of the existing second pivot point, reflect lesser increases at higher densities and, in conjunction with the relatively large increase in SCR's, will help encourage containerization; and that the proposed high weightbreak 10,000 and 34,000 kg. SCR's, with commodity descriptions which are broader in application than the normal IATA descriptions, represent a compromise between those carriers which advocated general commodity application of the highweightbreak rates and those which supported regular specific commodity descriptions. The carriers also assert that the agreement will allay the Board's expressed concern about rates to/from Seattle;[4] and that the agreement

[3] National which operates only between Miami and London, in the Atlantic, states that since the agreement excludes the U.K., it will not affect National's earnings. At the request of the Board's staff, however, National has submitted a statement of financial results of its Miami/London belly-cargo operations during the historical period and a forecast under existing rates, showing ROI's of 26.39 and 39.12 percent, respectively.

[4] In Order 75-12-147, the Board found that SCR's to/from Seattle were significantly higher, on a per-mile basis, than were rates for other west coast cities as well as for New York, and required the carriers to resolve these rate inequities. The instant agreement would put Seattle on an essentially equal per-mile basis with New York except in cases where a combination of local rates would produce a lower total rate, and would apply the same methodology for several other interior U.S. points. For example, the rates for Item 4316 from Seattle to Amsterdam under a mileage formula at 136 percent of the New York-Amsterdam rate would be 249, 196, 165 and 146 cents per kg. at the 100, 200, 500 and 1,000 kg. weightbreaks, respectively; with the agreed proportionals the rates are proposed at 235, 193, 163 and 147 cents per kg., respectively (rates exclude currency surcharges).

satisfactorily resolves the question of intermediate application.[5]

TWA asserts further that the all-cargo load factors of the combination carriers should not be adjusted upwards to the level experienced by Seaboard because Seaboard's scheduled-service load factor is inflated above that experienced by other carriers due to Seaboard's alleged practice of transporting charter traffic in scheduled service, and in addition Seaboard's average density in the markets it serves is higher than that experienced by Pan American or TWA.

COMMENTS

Comments opposing various aspects of the agreement have been submitted by the Air Freight Forwarders Association (AFFA); by Amerford International Corporation, an individual freight forwarder (Amerford); by Honeywell, Inc. (Honeywell); and by numerous shippers in the Minneapolis-St. Paul area (Minneapolis Parties).

AFFA opposes the substitution of high-weightbreak bulk SCR's for existing non-IATA high-weightbreak FAK rates, noting that in Order 75-12-147 the Board conditioned its approval of the Nice Agreement upon continuation of the FAK rates; alleges that the current IATA proposal would make high volume rates virtually unuseable by all forwarders and most shippers; and contends that the carriers should offer FAK rates at weightbreaks of 10,000, 15,000, 30,000, 34,000, and 42,500 kgs. to encourage the healthy growth of international air freight. AFFA also urges the Board to disapprove the readoption of Resolution 045a which would prohibit forwarder charters, contending that the discrimination inherent in the IATA charter rules would now be compounded by an exception for bloodstock. AFFA also opposes the proposed changes in container rates which it alleges will discourage containerization, contending that the container rate increases would in many cases be higher than those adopted for SCR's; that the elimination of the second pivot weight would remove the existing incentive for high density; and that the proposed container rates, which reflect the same rate per pound for all containers, discriminate against high-volume B-747F containers which are more efficient and should receive a lower rate.

Amerford opposes the high weightbreak SCR's and the readoption of Resolution 045a for the same reasons as AFFA, stating that it has been able to utilize the existing high-weightbreak FAK rates to substantially increase the volume of its traffic from New York to Paris.

Honeywell opposes the proposed 11 percent increase in SCR's at the 1,000 kg. weightbreak, as well as the proposed high-weightbreak bulk SCR's which, it contends, will be much less effective for large shippers than the existing FAK rates.

The Minneapolis Parties allege that the agreement would discriminate against Minneapolis shippers because it is not included in the list of cities for which IATA has proposed new proportionals for SCR's, resulting in increases of 30 percent for Minneapolis compared to increases of 9-20 percent for most interior points and decreases of up to 11 percent for west coast cities.

REPLIES

Seaboard, in its reply comments, submits that although it would prefer continuation of existing eastbound high-weightbreak FAK rates, and introduction of comparable westbound rates, and in this regard concurs in the comments of AFFA and Amerford, it nevertheless supports approval of the IATA agreement based on the critical need for increased freight revenues for all the U.S. flag carriers. In this connection Seaboard asserts that unless high-weightbreak FAK rates can be maintained, the new 10,000 and 34,000 kg. SCR's which include no containerization incentive, will increase reliance on the SCR basket groupings to which these rates are limited; on the other hand, the fact that the rate levels proposed are virtually identical to the new minimum charter rates argues for their approval due to the undeniable cross-elasticity between high-weightbreak scheduled rates and charter rates for the movement of large shipments. Seaboard states with supporting data, that the increased charter rates for DC-8-63F and B-747F aircraft cover fully allocated costs for both its scheduled and charter service; contends that in any event it is hopeful that it can again succeed in introducing high-weightbreak FAK rates between the United States and Europe due to favorable indications from at least one European government; and urges the Board to state in its decision that it would favor FAK rates in both directions and, at the very least, a westbound 34,000 kg. SCR comparable to the eastbound-only rate contained in the pending agreement.

Regarding revenue need, Seaboard asserts that the recent poor results in freighter operations cannot be attributed to inefficiency, particularly in the case of Seaboard which still has lower operating costs per available ton-mile (ATM) and per revenue ton-mile (RTM) than Pan American or TWA, despite spiralling cost increases and a continued depression of overall traffic volumes.

Pan American and TWA have, in separate replies, responded to the comments of AFFA, Amerford, and Honeywell regarding high-weightbreakand container rates, and to the Minneapolis Parties regarding rates to/from that city. The two carriers assert that although the objecting parties contend that high-weightbreak FAK rates are essential to the growth of air freight, no supporting evidence has been submitted, and that in fact during the period of effectiveness of existing FAK rates North Atlantic traffic growth has been practically nonexistent; that such rates do not generate new traffic, but merely divert small shipments to lower rates through consolidation; that the proposed high-weightbreak SCR's are not, in fact, "unusable," since they apply to 14 very broad commodity groupings reflecting all categories of traffic in which there is any experience of high volume shipments;[6] and that these rates represent the best compromise achievable at this time between the Board's position favoring FAK rates and the position of several foreign governments and carriers opposing high-weightbreak rates in general.

Regarding container rates, the two carriers allege that the agreement does, in fact, increase SCR's in greater amounts than container rates, thus encouraging containerization;[7] that the proposed rates increase the density incentive, and that the elimination of the second pivot weight does not actually decrease the density incentive since there are almost no shippers with traffic dense enough to take advantage of the second pivot point; and that equal rates per kg. for all container types is non-discriminatory since it affords all carriers operating different equipment an equal opportunity to compete, and that there is no indication that any cost savings exist for the large containers.[8]

[5] The Board by Order 75-10-113, October 28, 1975, rejected tariff rule provisions which would have restricted intermediate application of North Atlantic SCR's only to cities intermediate to New York or Montreal, whereas such intermediate application had previously been extended to include also cities intermediate to Boston, Philadelphia, Baltimore, Washington, Cleveland, Detroit or Chicago (the "seven cities"), following the Board's decision in Docket 20522, *Agreements Adopted by IATA Relating to North Atlantic Cargo Rates*. In that decision the Board found that the then existing North Atlantic cargo rate structure unduly and unreasonably preferred New York and unduly and unreasonably prejudiced the seven cities, and found that the lawful cargo rates between points in Europe, on the one hand, and the above-named cities, on the other hand, are the New York-European point rates per mile multiplied by the distance in miles between such cities and points in Europe. See Order 73-2-24, February 6, 1973 and subsequent orders in Docket 20522. At that time the IATA definition of intermediate application was based on the under -45 kg. GCR, *i.e.*, if the under -45 kg. GCR for the "intermediate" point was no greater than the under -45 kg. GCR for the specified point, SCR's established to/from the specified point could be applied to/from the intermediate point. The instant agreement would now base intermediate application on shortest operated mileages, using Amsterdam as a base point for comparison purposes.

[6] TWA states that, to the best of its knowledge, the only users of the existing FAK rates have been individual large volume shippers, not forwarders.

[7] Pan American states that SCR yield would increase 9.7 percent while container rate yield would increase only 5.5 percent.

[8] The carriers have also responded to the objections to the ban on forwarder charters in Resolution 045a. TWA cites the pendency of Docket 23287, *Air Freight Forwarder Charter Investigation*, and Pan American alleges that allowance of forwarder charters would destroy scheduled all-cargo operations on the North Atlantic.

In connection with Minneapolis rates, the two carriers state that IATA has adopted a mail vote agreement which estabilshes proportional rates for Minneapolis, resulting in per-mile rates comparable to those for other U.S. points.

Reply comments have also been filed by AFFA; by Emery Air Freight Corporation (Emery); and jointly by several General Handling Agents (GHA's). AFFA and Emery reiterate the allegations of AFFA's initial comments; and Emery has submitted additional data to support the contention that the proposed container rates would discourage high-density shipments.

The GHA's state that they are agents engaged in handling inbound freight from European forwarders, and oppose the proposed increases in cargo charter rates as well as Resolution 045a which would preclude their European principals from chartering to the United States. The GHA's endorse the comments of AFFA regarding high-weightbreak rates, and allege further that the IATA agreement would retain uneconomic SCR's from Eastern Block countries despite the carriers' self-proclaimed need for improved revenue.[9]

Subsequent to receipt of the carriers' replies, additional comments were submitted by Control Data Corporation (CDC) and 3M, of the Minneapolis Parties, and by Amerford. CDC and 3M allege that the new proportional rates over Chicago for Minneapolis adopted by mail vote are merely a token gesture, and that Minneapolis would still be discriminated against since other cities east of Chicago (Cincinnati, Columbus, Dayton, and Indianapolis) would have much lower arbitraries than Minneapolis; and that since most Minneapolis-Europe cargo is routed via New York, an acceptable rate would be a proportional over New York, which would produce rates 5 cents per kg. lower than those proposed by IATA.

Amerford essentially reiterates its previous comments regarding high-weightbreak rates and forwarder charters, endorses the arguments of Emery pertaining to the proposed container rates, and alleges that, contrary to the carriers' contentions, the "commodity groupings" for the new high-weightbreak areas will be difficult to use, will cut the forwarders out of this market, and will even force large direct shippers now using FAK rates into using two separate commodity classifications at a higher rate.

Findings

Upon full consideration of the agreement, the carriers' justification and the comments and replies, the Board has concluded that the agreement should, in general, be approved. There is no doubt that an increase in revenue is required in the North Atlantic cargo market, and that the rate increases proposed will not place the carriers, on a composite basis, in an excess earnings posture. Only National, which operates only belly-cargo service between Miami and London, would earn an ROI above the Board's 12 percent guideline, and in any event, no increases in rates to/from the U.K. are included in the agreement. Even including National in the computation of composite ROI, the carriers' earnings during the historical period were −3.53 percent, which would improve marginally to 0.13 percent during the forecast period at present rates, and to 4.60 percent during the forecast period at proposed rates. Composite ROI for Pan American, Seaboard and TWA at present and proposed rates is forecast at −0.25 and 4.29 percent, respectively. We note that Pan American, TWA and Seaboard have included increased U.S.-Ireland/U.K. revenues in their forecasts reflecting their hopes that eventually the agreement rates can be extended to include the British Isles, but to the extent this is not the case their earnings forecasts are, of course, overstated. (See Appendix A.)[10]

We will approve the reestablishment of minimum charter rates as well as the proposed increases in scheduled service rates. The proposed charter minimums are only about 7 percent above previous minimum charter rates approved by the Board in 1975, reflect cost increases since that time which have been experienced in charter as well as scheduled service, and appear to bear a much more reasonable relationship to the costs of providing the service.[11]

In general, the structural aspects of the new agreement are not out of line with the Board's expressed policies on international cargo rates, although we do have reservations concerning the proposed high-weightbreak rates. General commodity rates would be increased in amounts ranging from 0 to 3.8 percent, while specific commodity rates would be increased in amounts ranging from 5 to 13 percent consistent with the Board's policy that the spread between the two rates be narrowed.[12] Most commodity rates are being increased in greater amounts than are the general container rates, thus reducing the spread between these two rate categories as well as thus encouraging containerization. The various forwarder parties have not shown that the proposed container rates create a disincentive to high-density shipments. If anything, the incentive to strive for greater shipment density is improved because the discount in terms of the actual rate per kg. increases as density increases as demonstrated in Appendix B.[13]

The Board is disappointed that the carriers did not adopt high-weightbreak FAK rates instead of the proposed high-weightbreaks for general commodity rates consistent with demonstrable cost savings, and the subject agreement represents a step backward in this regard. On the other hand, the reasonableness of the existing FAK rates is under investigation (See Order 75–3–66, March 20, 1975 and Order 75–7–49, July 11, 1975). The proposed high-weightbreak SCR's reject an increase of about 11 percent over the present FAK rate levels which should place the high-weightbreak service on a much sounder economic footing.[14] Further, the existing FAK rates are available only to France and Germany while the proposed high-weightbreak rates would apply to all major European points. Finally, the instant agreement relates only to the rates adopted by IATA and has no direct effect upon the currently effective non-IATA FAK rates to France and Germany. Thus, we cannot agree with the forwarder parties or Honeywell that their position regarding high-weightbreaks would materially worsen under the subject agreement.

The Board accepts the carriers' view that the proposed high-weightbreak SCR's are the best compromise possible within IATA at the present time, and notes that Seaboard, which was active in the initial introduction of high-weightbreak FAK rates, supports approval of the IATA agreement. The Board would support the continuation of high-weightbreak FAK rates at economic levels reflecting demonstrable cost savings, consistent with long-standing Board policy.[15]

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[9] The Board has also received correspondence from numerous individual importers and U.S. subsidiaries of European corporations opposing the increased charter rates.

[10] Filed as part of original document.

[11] Board action on Resolution 045a setting forth cargo charter rules will be forthcoming at a later date.

[12] The Board has sometimes disapproved increases in minimum charges as well as GCR's on the basis that the proposed structure as a whole would not narrow the gap between minimum charges and GCR's, on the one hand, and discounted SCR's, on the other hand. In this instance, however, the gap is being reduced and accordingly we will approve the proposed increase in minimum charges as well as GCR's.

[13] Filed as part of original document.

[14] As indicated above, the new high-weightbreak SCR's would be set at levels equivalent to the new minimum charter rates. It is recognized that the board has previously taken the position that rates for scheduled services should generally be priced at higher levels than those for charter services, in view of the lower load factors and higher unit costs associated with scheduled services. However, under many circumstances, such as the critical time requirements of the charterer, the possibility of unusual shipment characteristics, the one-way nature of cargo charter flights, as well as the off-route operations frequently experienced, and in general the difficulty of arranging crews and equipment to satisfy the requirements, it may not be unreasonable to expect that the costs of cargo charter service are somewhat higher than those of scheduled service. We would emphasize that these factors as well as others are the subject of the ongoing *Transatlantic FAK Container and Charter Freight Rates Investigation*, Docket 27557, and will be determined in that proceeding.

[15] In Order 75–12–147, the Board conditioned its approval of GCR increases in the Nice Agreement upon continuation of the high-weightbreak FAK rates. The Nice Agreement, however, contemplated cancellation of all high-weightbreak scheduled-service rates except 10,000 kg. SCR's, as opposed to the instant case where a much higher weightbreak at 34,000 kgs., albeit as an SCR, is also retained.

Turning to the comments of the Minneapolis Parties, the Board is not persuaded that Minneapolis would suffer unjust discrimination under the proposed agreement, as amended by the mail vote which establishes proportional SCR rates for Minneapolis over Chicago. Minneapolis currently qualifies for intermediate application vis-a-vis Chicago under the existing IATA definition of intermediacy based on the under —45 kg. GCR (See fn. 6 above). Under the proposed intermediate rule based on shortest-operated mileages to/from Amsterdam, which is a more logical and equitable mileage-related system than the old rule, Minneapolis-St. Paul would have a proportional rate over Chicago, the nearest logical gateway city. CDC and 3M, which complain that this mail vote modification is a mere "token gesture", seem to be confusing application of the intermediate rule to nongateway cities intermediate to gateway points, on the one hand, with proportional rates for non-gateway cities *beyond* gateway points, on the other hand. It is true that cities east of Chicago such as Columbus and Dayon would be common-rated with Chicago, but this is due to the application of the intermediate point rule. Cities not intermediate to Chicago based on mileage, whether east or west of that gateway point, would receive rates constructed by an add-on over Chicago which basically reflects their relative mileages to/from Europe. While the straightforward application of the mileage formula established in Docket 20522 for the seven gateway cities in issue in that case, on a percentage basis over New York, might be a simpler and superior rate-making formula for non-gateway points as well, and the Board certainly would not oppose such an approach in the future, nevertheless the IATA proposal now before us produces roughly the same results and does not appear to unduly prejudice any point. In particular we cannot find that Minneapolis would be injured.[16]

We will, however, disapprove subparagraph 13(c) of Resolution 590 and subparagraph 5(c) of Resolution 590z which provide that intermediate point rates constructed in accordance with the new mileage definition of intermediacy shall not be established by an IATA member carrier until 45 days after notification of such rate to all members through the IATA Traffic Conference Secretary. Under this provision, it is possible that cities such as Akron, which qualify as intermediate points under both the under —45 kg. GCR definition and the new mileage definition, but for which no proportional rates are listed, could lose such intermediate application for 45 or more days even though they now enjoy intermediate application in currently effective tariffs.

The Board will also disapprove Attachment C of Resolution 534a, which sets forth recontouring/adjusting and unloading charges for containers. In Order 76–1–17, January 5, 1976, the Board disapproved similar IATA charges in the Nice Agreement, and dismissed complaints against lower charges which had been filed in tariffs by TWA. The lower charges filed by TWA were comparable to U.S. domestic unloading charges, and the Board gave great weight to TWA's argument that the costs of providing such services for international air transportation approximate the costs of such services for domestic air transportation. The Miami agreement now before us would decrease these charges somewhat by adopting a single charge for recontouring/adjusting, unloading, or unloading for single customs clearance. The previous Nice Agreement had a different charge for each service; for example, the charges for recontouring/adjusting, unloading and unloading for customs were previously proposed at $100, $150, and $60, respectively, for Type 3 containers while the current agreement proposes a single charge of $60 for all three services. However, the lower charge filed by TWA and since matched by several other carriers is $18. None of the carriers have attempted to justify the IATA charges, and TWA states that it has no cost data to justify such levels. In these circumstances, we will again disapprove Attachment C of Resolution 534a since no justification for the proposed higher charges has been presented.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
26095:			
R-1	001c	Cargo Tie-In Resolution	1/2 (North Atlantic-Europe).
R-2	001ff	Special Emergency Escape Resolution for JT12 (North Atlantic) Agreement (Readopting and Amending).	1/2 (North Atlantic-Europe).
R-3	001gg	Special North Atlantic Escape Resolution (new)	1/2 (North Atlantic-Europe).
R-4	001mm	Special Effectiveness Resolution (new)	1/2 (North Atlantic-Europe).
R-5	002c	Special Readoption Resolution	1/2 (North Atlantic-Europe).
R-7	045e	Minimum Rates for Cargo Charters (Readopting and Amending).	1/2 (North Atlantic-Europe).
R-8	115m	Meeting Rates, Charges and Practices—North Atlantic (Readopting and Amending).	1/2 (North Atlantic-Europe).
R-9	534a	Charges for Bulk Unitization—North Atlantic (Readopting and Amending). Except attachment C.	1/2 (North Atlantic-Europe).
R-10	554a	North Atlantic General Cargo Rates	1/2 (North Atlantic-Europe).
R-11	590	Specific Commodity Rates Board (Readopting and Amending). Except subparagraph (13) JT12 only (c).	1/2 (North Atlantic-Europe).
R-12	590z	JT12 North Atlantic High Weightbreak Specific Commodity Rates (new). Except subparagraph (5)(c).	1/2 (North Atlantic-Europe).

Agreement C.A.B.:	*IATA Resolution*
26176	200, JT12, JT23, JT123 (Mail 60) 005ii
26191	JT12 (Mail 68) 590 (N. Atlantic)

2. It is found that the following resolutions, incorporated in Agreement C.A.B. 26095 as indicated, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26095:			
R-9	534a	Charges for Bulk Unitization—North Atlantic (Readopting and Amending), Attachment C.	1/2 (North Atlantic-Europe).
R-11	590	Specific Commodity Rates Board (Readopting and Amending). Subparagraph (13) JT12 only (c).	1/2 (North Atlantic-Europe).
R-12	590z	JT12 North Atlantic High Weightbreak Specific Commodity Rates (New). Subparagraph (5)(c).	1/2 (North Atlantic-Europe).

Accordingly, It Is Ordered That:

1. Those portions of Agreements C.A.B. 26095, C.A.B. 26176, and 26191 set forth in finding paragraph 1 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreement C.A.B. 26095 set forth in finding paragraph 2 above be and hereby are disapproved; and

3. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the approved agreements shall be marked to expire not later than September 30, 1977.

This order will be published in the FEDREAL REGISTER.

By the Civil Aeronautics Board.

JAMES R. DERSTINE,
Acting Secretary.

[FR Doc 76-37599 Filed 12-22-76;8:45 am]

[16] For example, using CDC's example of Item 4316 rates, the IATA agreement proposes Minneapolis-Paris rates of 220, 175, 148, and 131 cents per kg. at weightbreaks of 100, 200, 500, and 1,000 kgs., respectively; using the Docket 20522 mileage formula with Minneapolis at 123 percent of New York, the rates would be 225, 177, 149, and 132 cents per kg., respectively (excluding currency adjustments). Thus in this instance Minneapolis will actually receive rates lower than those which would result from application of the mileage formula.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

GEOLOGICAL SURVEY—DENVER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00506. Applicant: Department of the Interior, U.S.G.S., Br. Electromagnetism and Geomagnetism, P.O. Box 25046, Stop 964, Denver Federal Center, Denver, Colorado 80225. Article: Fluxgate Magnetometers, Model FM 100B (6 each) and 100BR (17 each). Manufacturer: EDA Electronics Ltd., Canada. Intended use of Article: The articles are intended to be used for measuring temperal variations in the earth's magnetic field as part of an international study of the magnetosphere to learn more about the morphology and dynamic processes of the magnetosphere. In particular the magnetometer network will used in a concentrated study of the behavior of substorms. Data from the magnetometers will be used by graduate students in their research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 23, 1975).

Reasons: The foreign article provides a noise level over the specified band width (0 to 60 kilogammas) of less than 0.25 root mean square, a baseline drift not exceeding 5 gamma per week at constant temperature, and a sensitivity of 1 volt per 100 gamma or better. The National Bureau of Standards (NBS) advises in its memorandum dated November 22, 1976 that (1) the specifications described above are pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use which was available at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–37783 Filed 12–22–76;8:45 am]

Domestic and International Business Administration

IMPORTERS TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Importers Textile Advisory Committee will be held on February 10, 1977 at 10:30 a.m. in Room 3105, Federal Office Building, 26 Federal Plaza, New York, New York 10007.

The Committee, which is comprised of 20 members, was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–5078.

Dated: December 17, 1976.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76–37698 Filed 12–22–76; 8:45 am]

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975) notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on February 9, 1977 at 2:00 p.m. in Room 3105, Federal Office Building, 26 Federal Plaza, New York, New York 10007.

The Committee, which is comprised of 37 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–5078.

Dated: December 17, 1976.

ROBERT E. SHEPHERD,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76–37697 Filed 12–22–76;8:45 am]

SANDIA LABORATORIES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00519. Applicant: Sandia Laboratories, Kirtland AFB, East Albuquerque, NM 87115. Article: Monochromator, Model HR 1000. Manufacturer: J–Y Optical Systems, France. Intended use of article: The article is intended to be used in studies of various inorganic materials such as salts, metals, solutions, etc. for quantitative chemical analysis of major, minor, trace, and ultra-trace levels. Experiments will consist of optical emission analyses using an induction coupled plasma as the excitation source.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 76–00329 which was denied without prejudice to

resubmission on June 1, 1976 for informational deficiencies. The foreign article provides resolution of 0.08 Angstroms (Å) or better, wavelength accuracy of +0.2Å over the entire spectrum, and light throughput of 50 millimeters/meter with an f/6.8 aperture. The National Bureau of Standards (NBS) advises in its memorandum dated November 30, 1976 that (1) the specifications of the article cited above are pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-37786 Filed 12-22-76;8:45 am]

UNIVERSITY HOSPITALS OF CLEVELAND, INSTITUTE OF PATHOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00212-33-46040. Applicant: University Hospitals of Cleveland, Institute of Pathology, 2085 Adelbert Road, Cleveland, Ohio 44106. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for research involving specimens obtained during operations and autopsies as well as for studies of material which may not be human but are connected with clinical situations which will include:

(1) Study of endometrioid and papillary serous cystadenocarcinoma of the ovary;

(2) Study of mixed carcinoma of the endometrium;

(3) Electron microscope evaluation of early invasive breast carcinoma; and

(4) Study of erythrocyte changes induced by malaria infection. The article will also be used for educational purposes in the following courses open to physicians, resident physicians, postdoctoral fellows, graduate students, undergraduate medical students, and undergraduate science majors who are interested in electronic microscopy: Introduction to Electron Microscopy, Ultrastructural Aspects of Pathology, and Renal Pathology.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (December 27, 1974).

Reasons: This application is a resubmission of Docket Number 75-00444-33-46040 which was denied without prejudice to resubmission on August 13, 1975, for informational deficiencies. The applicant in his response to Question 8 alleged the foreign article provides the following pertinent features:

(1) Simplicity of operation.

(2) Smaller floor space requirements.

(3) Capability to add on components (such as goniometer stage to be ordered in the future) as the technology for these components becomes available.

(4) Magnification range of 200 to 200,000X without a pole piece change allowing continuous viewing of the specimen and the ability to reproduce magnifications with an error of one per cent or less.

(5) Three cameras (a 35 mm, 70 mm, and plate type) which can be simultaneously loaded into the article. Any camera can be selected in any order for a particular photograph.

(6) An electron gun providing a smaller and brighter virtual electron source and increased beam coherency. Increased beam coherency is a more significant factor in high resolution microscopy because it provides greater visibility of the specimen at high magnifications.

In support of this application, the applicant argues that a large company can put more effort into its research and development than can a very small company, especially if the small firm is having financial problems. In this connection, the applicant believes that the Adam David Company (AD) is having financial difficulty and cites conditions and circumstances encountered on his April 3 and 4, 1975 visit to AD (a time convenient to AD) as well as, an alleged lack of major changes in the Model EMU-4 in support of this belief. The applicant further states purchase of the domestic instrument would be financially and technically risky.

We note that the intended use of the article is essentially research oriented with the educational aspect at a relatively sophisticated level. The only domestic electron microscope available at the time the article was ordered was the Model EMU-4C manufactured by AD. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 5, 1976 that this application be denied because the description of research or teaching does not establish a pertinent specification [within the meaning of Subsection 301.2 (n) of the regulations] upon which duty-free entry could be based. In this connection, HEW advises that the applicant's statements on relative size or financial stability of the [foreign and domestic] producers, preparedness, skill in demonstration or results with an EMU-4 (which the applicant viewed in April, 1975 after the article was purchased December 27, 1974) do not provide scientifically relevant features or observations. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

(1) Inasmuch as the eduactional aspects of the applicant's program are at a relatively sophisticated level and the applicant indicates, in response to Question 8c(3), that he has an RCA (as well as a Siemens) electron microscope which was used for teaching, we find this feature to be a convenience which is not pertinent. (In this connection, we note that the applicant states that a new type of electron microscope was needed to broaden the experience of students. We, however, find that such an aim provides no basis for duty-free entry in this case since the domestic instrument is scientifically equivalent to the foreign article and the program involved is research oriented. In the past, (Docket No. 74-00466-33-46500) the Department has denied duty-free entry based on the rationale that a difference in design or handling characteristics between a domestic instrument and foreign article of equal capability would broaden the experience of students.) Moreover, in connection with the applicant's initial submission (Docket Number 75-00444-33-46040), which HEW cites as support for its findings on this application, HEW advises that the article is not established as being a simple instrument.

(2) HEW advises that the smaller floor space requirements of the article are not pertinent or scientifically relevant.

(3) Subsection 301.6(a)(3) of the regulations stipulates that only accessories ordered as a part of the article are to be considered in the Department's determination. Thus the ability to add on components (including the eucentric goniometer stage) subsequent to the purchase of the foreign article is not a factor in this decision.

(4) The EMU-4c provides a magnification range of 1400 to 240,000× with 400× or less for scanning without a pole piece change. The article provides a magnification range of 1500 to 200,000× with 200× for scanning without a pole-piece change. HEW advises that the article and the EMU-4C have equivalent magnifications in high and low range and pole-piece change requirements.

In connection with magnetic reproducibility, HEW advises that the one percent difference in magnification setting error is not pertinent for the work.

(5) The three cameras available with the foreign article provide, in combination, over 150 exposures. The EMU-4C can also be provided with a 35 mm, 70 mm and plate system. We note that the plate system of the EMU-4C alone provides 240 exposures. Further the article was ordered with a 70 mm and a plate camera system. Since Subsections 301.2 (d) and 301.6(a)(3) of the regulations limits our deliberations to accessories ordered as a part of the foreign article, any

benefits conferred on the article by the 35 mm camera cannot be a factor in our decision. Moreover, we note that in its recommendation relating to Docket Number 76-00132-33-46040 (which is analogous to this application in essential respects), HEW advises that both the article and the EMU-4C have equivalent photographic facilities and, in advice relating to the applicant's initial application (75-00444-33-46040), HEW termed the photographic conveniences of the article not pertinent.

(6) HEW advises that the EMU-4C provides adequate illumination with its high intensity grid cap and plug-in-filament. We note this illumination is sufficient to obtain the 5Å guaranteed resolution of the EMU-4C. Thus, we find that the coherency of the beam is not relevant in view of the guaranteed high resolution and adequate illumination at high magnifications provided by the EMU-4C. In connection with the requirement for adequate illumination, the applicant cites his April 3 and 4, 1975 experience with an EMU-4 at the AD plant. Thus the applicant alleges that focusing at 100,000X or above was very difficult if not impossible whereas with the article illumination was more than sufficient to recognize focus at magnifications of 50-150,000X and bordered between poor and fair at a magnification of 200,000X. As to this, HEW advises that observations during a demonstration of an EMU-4 (Not an EMU-4C) on April 3 and 4, 1975 are not relevant to a purchase made December 27, 1974. We also find it interesting that a demonstration was not sought on the domestic instrument until after the foreign article was purchased. If the domestic supplier was aware that the Institute had no intention to buy its product, little incentive existed for preparing the equipment for the demonstration.

For the foregoing reasons, we find that the Model EMU-4C was of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-37782 Filed 12-22-76;8:45 am]

UNIVERSITY OF IOWA ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00040. Applicant: The University of Iowa—Institute of Hydraulic Research, Iowa City, Iowa 52242. Article: Double-Bragg-Cell Module and accessories. Manufacturer: Opto-Electronische Instrumente GmbH and Co., West Germany. Intended use of article: The article is intended to be used with a laser anemometer composed of the laser, optics, photomultipliers preamplifiers, and frequency trackers for studying velocities in complexed, three-dimensional flow investigations in boundary layers and transitions in both air and water. Application received by Commissioner of Customs: November 15, 1976.

Docket Number: 77-00041. Applicant: University of California, San Francisco, 1438 South Tenth Street, Richmond, CA 94804. Article: Cryokit, Model LKB 14801-1 and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory to existing equipment which will be used in studies of the biochemical and ultrastructural changes occurring in subcellular organelles of mammalian cells, under normal, experimental and pathological conditions. Cell components are defined, proteins chemically characterized and ultrastructural changes occurring in the nuclei of epidermal cell types during keratinization are investigated. In addition, the article will be used in the training of post and predoctoral candidates for dermatological research. Application received by Commissioner of Customs: November 15, 1976.

Docket Number: 77-00042. Applicant: Rensselaer Polytechnic Institute, Materials Engineering Department, Troy, New York 12181. Article: Electron Microscope, Model JEM 100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in research concerned with the investigation—of the austenite variables of composition, defect structure, stacking fault energy, process history, and properties as coupled phenomena and the relationship of these variables to the structure, transformation kinetics, and properties of the resultant martensite. Studies will be carried out in the area of corrosion fatigue of aluminum alloys and copper alloys requiring extensive transmission electron microscopy to determine changes in deformation substructures which accompany corrosive reactions. It is also planned to study phase separation in glasses and the graphite layer structure at the surface of high performance graphite fibers. In addition, the article will be used as a teaching instrument to expose students to the fundamentals of transmission electron microscopy in the courses: Structure and Properties of Materials II, Chemical Instrumentation, Electron Beam Analysis Techniques. The article will also be used in the course Electron Microscopy of Crystalline Materials to instruct students in the use of the microscope and its accessories. Application received by Commissioner of Customs: November 15, 1976.

Docket Number: 77-00043. Applicant: Wayne State University, Kresge Eye Institute, 540 E. Canfield, Detroit Michigan 48201. Article: Goniometer Stage for Philips 301 Electron Microscope. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in a number of research projects on the eye. Various tissues of the eye from experimental animals as well as some from human sources will be studied. Both normal and pathologic structure will be analyzed. Investigations will be conducted to gain a better understanding of the effects of age and related factors on the normal and cataract lens; the elucidation of membrane structure and related secretory functions in lens, pigment epithelium and colon; and the implementation of freeze-etch technology and stereo microscopy which will aid in the understanding of ultrastructure in all areas of ongoing eye research. Application received by Commissioner of Customs: November 15, 1976.

Docket Number: 77-00044. Applicant: UCLA/Geophysics & Space Physics, 405 Hilgard Avenue, Los Angeles, California 90024. Article: Recording/Portable Proton Magnetometer, Model MP-2. Manufacturer: Varian Associates of Canada. Intended use of article: The article is intended to be used to record variations of the earth's magnetic field in order that magnetometer survey data can be corrected for this effect. The magnetometer survey will be conducted with a portable magnetometer in the San Andreas fault area, to determine the areas where tectonic stresses may be likely to influence the magnetic properties of rocks. In addition, the article will be used in a course entitled "Field Geophysics", which covers seismic, gravity, and magnetic prospecting. The objectives of the course are to demonstrate the methods employed in such surveys, to enable students to carry out their own surveys, and to explore a region of geological interest. Application received by Commissioner of Customs: November 16, 1976.

Docket Number: 77-00045. Applicant: Auburn University, 103 Textile Building, Auburn, Al 36830. Article: Rothschild Solid-State Tensiometer, Model No. R1192 with High-Speed Recorder, Model No. HE 16 and 100 gram Full Scale

Measuring Head. Manufacturer: Rothschild, Switzerland. Intended use of article: The article is intended to be used for the study of yarn manufacturing, yarn preparatory and fabric manufacturing systems as to the effect of various parameters, including yarn tensions, on process efficiency and product quality. In addition, the article will be used for educational purposes in the courses: Textured Yarns, Woven Fabric Structures, Knit Fabric Structures, and Warp Preparation all of which have the objectives of providing basic textile knowledge about yarn and fabric processes, the principles of operation of various machines available in the industry and the management and/or technical aspects applicable to the current and future industry related problems. Application recieved by Commissioner of Customs: November 16, 1976.

Docket Number: 77-00046. Applicant: U.S. Environmental Protection Agency, National Enforcement Investigations Center, Building 53, Box 25227, Denver Federal Center, Denver, CO 80225. Article: Ten (10) Thermoelectric Generators. Manufacturer: Global Thermoelectric Power Systems Ltd., Canada. Intended use of article: The article is intended to be used to provide electric power for operation of scientific equipment needed to monitor air and water quality for long periods at locations where this was formerly impossibe or impractical. Application received by Commissioner of Customs: November 16, 1976.

Docket Number: 77-00047. Applicant: United Cerebral Palsy of New York City, Inc., 122 East 23rd Street, New York, New York 10010. Article: Parts for swimming pool hydraulic lift. Manufacturer: Anlagenbau fur Wassertechnik, West Germany. Intended use of article: The article is intended to be used for raising a swimming pool floor to enable multiphysically handicapped students to wheel themselves onto the pool floor and be lowered into the pool for physical therapy. Application received by Commissioner of Customs: November 20, 1976.

Docket Number: 77-00048. Applicant: University of Cincinnati, Dept. of Physics, Cincinnati, Ohio 45221. Article: Makrafoil (partially fabricated). Manufacturer: University of Melbourne, Australia. Intended use of article: The article is intended to be used for the investigation of angular distribution of neutrons produced in nuclear interactions. Application received by Commissioner of Customs: November 20, 1976.

Docket Number: 77-00049. Applicant: Carnegie-Mellon University, 5000 Forbes Avenue, Pittsburgh, Pa. 15213. Article: Phototitus Light Valve. Manufacturer: LEP (Laboratories d' Electronique et de Physique Applique), France. Intended use of article: The article is intended to be used for the study of electro-optical effect in DKDP. The phenomena to be investigated will include cycle time, resolution contrast, wavelengths of write and read same. Application received by Commissioner of Customs: November 20, 1976.

Docket Number: 77-00050. Applicant: Peoria School of Medicine (University of Illinois), 123 S.W. Glendale Ave., Peoria, IL 61605. Article: Electron Microscope, Model JEM 100C (with associated power supply, pump box, and compressor). Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used for the study of biological, both pathogenic and nonpathogenic, microorganisms (e.g., bacteria, fungus and animal viruses), mammalian tissues derived from experimental animals and of human origin to exhibit normal and pathologic structure. The experiments to be conducted include, (1) experiments to study localization and distribution of enzymes in both microbial and mammalian cell membrane; (2) experiments to elucidate the supramolecular architecture of biological membrane system; (3) experiments to study the physiologic and pathologic changes in cell ultrastructure; and (4) the study of molecular organization of cells and their changes in malignancy and other disease states for diagnosis. In addition, the article will be used in teaching undergraduate and graduate level courses with the objective of training both medical and graduate students to study cell ultrastructure and the application of the knowledge of cell fine structure and function in medical and nonmedical problems. Applications received by Commissioner of Customs: November 20, 1976.

Docket Number: 77-00051. Applicant: Georgia Institute of Technology, 225 North Avenue, N.W., Atlanta, Georgia 30332. Article: One (1) each Solar Pilot Plant. Manufacturer: Societa Generale Electro Ansaldo Meccanica SPA, Italy. Intended use of article: The article is intended to be used for studies of direct solar radiation as an energy source. Experiments to be conducted are expected to include steam generation, heliostat characterization, air cycle demonstration, sodium loop application helium cycles, oil cooling, etc. Additional research areas applicable to this facility include thermal storage, high temperature metals, coatings and ceramic technology, etc. The primary objectives of investigation are in the general class of the advancement of technology in central receiver solar energy systems and high temperature materials behavior. Application received by Commissioner of Customs: November 20, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-37781 Filed 12-22-76;8:45 am]

UNIVERSITY OF VIRGINIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00507. Applicant: University of Virginia, Department of Chemistry, McCormick Road, Charlottesville, VA 22901. Article: Split Coil Superconducting Solenoid and Matrix Isolation Accessory System. Manufacturer: The Oxford Instrument Company, Limited, United Kingdom. Intended use of article: The article is intended to be used to make the following measurements in order to increase fundamental knowledge of the magnetic and electronic structural properties of molecules cited below and related systems:

(1) Matrix isolation magnetic circular dichroism (MIMCD).

(2) Magnetic circularly polarized emission (MCPE).

(3) Magnetic linear dichroism (MLD).

(4) Transverse Zeeman effect.

(5) Magnetic linear polarized emission (MLPE).

(6) Optical double resonance.

Among the systems to be investigated are the following O_2^-, O_3^-, XeF, Xe-Cl, Ca_2, ClO_2, SO_2^-, Cl_2^-, F_2^-, CaO, UF^6, $CS_2GeF^6:Mn^4+$, $CS_2GeF_6:Ir^4+$, OS^4+, Re^4+, Uranocene films, carboranes, UF^6. In addition, the article will be used by graduate students doing research work as part of the requirement for advanced degrees in chemistry (MS, and Ph.D.)

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 76-00359 which was denied without prejudice to resubmission on June 1, 1976 for informational deficiencies. The foreign article provides a six tesla magnet, field homogeneity over one cubic centimeter of 1.5 percent with operation at 40 amperes as well as a continuous flow cryostat which permits sample cooling to 10 kelvin and sample transfer from the unit to the magnet with optical access to the sample through five strain free quartz windows. The National Bureau of Standards (NBS) advises in its memorandum dated November 26, 1976 that the capabilities described above are pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-37784 Filed 12-22-76;8:45 am]

WASHINGTON UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00524. Applicant: Washington University, Physics Department, St. Louis, Mo. 63130. Article: High Field Superconducting Magnet System. Manufacturer: Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used for investigations of single crystals of elemental metals, alloys, insulators, and semiconductors employing principally Nuclear Acoustic Resonance, (NAR). Examples of the types of experiments using NAR with the 8.5T superconducting magnet system are:

1. NAR studies of the Transition Metal System with known Hydrogen Impurity Concentrations.
2. NAR Studies of Pure Elemental Metal Single Crystals.
3. NAR Studies of Single Crystals of Semimetals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a magnetic field sweep over a range of ±500 gauss while maintaining $1/10^5$ homogeneity. The National Bureau of Standards (NBS) advises in its memorandum dated November 30, 1976 that (1) the specification of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-37785 Filed 12-22-76;8:45 am]

National Oceanic and Atmospheric Administration

CARIBBEAN REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Caribbean Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Caribbean Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Puerto Rico and the Virgin Islands. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This is the fourth in a series of organizational meetings of the Council. The meeting will be held Monday through Thursday, January 10 to January 13, 1977, at the Mayaguez Hilton Hotel, Route 2, Mayaguez, Puerto Rico. The meeting will convene at 1:00 p.m. on January 10 and adjourn at about noon on January 13. Daily sessions will normally start at 9:00 a.m. and adjourn at 5:00 p.m., except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Council Organization and Administration Procedures.
2. Technical Procedures Including Fishery Management Plan Development.
3. Organization of Council's Scientific and Statistical Committee and Advisory Panel.
4. Interview of final candidates for Executive Director position.

This meeting is open to the public, except for that portion dealing with selection of an Executive Director, and there will be seating for a limited number of public members available on a first-come, first-serve basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about January 7, 1977:

Ernest D. Premetz, Special Assistant to the Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Special Assistant to the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: December 15, 1976.

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

[FR Doc.76-37678 Filed 12-22-76;8:45 am]

DRAFT FEE SCHEDULE

Fishing by Foreign Vessels in Waters Under the Jurisdiction of the United States of America

The Director, National Marine Fisheries Service (hereinafter the "Director") hereby issues notice of a proposed fee schedule for fishing by foreign vessels in waters under the jurisdiction of the United States of America, pursuant to Section 204(b)(10) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.) (hereinafter the "Act"). This proposed schedule establishes fees which must be paid by those foreign nations wishing to utilize allocated surplus resources within the United States Fishery Conservation Zone as authorized by the Act. This proposed fee schedule is based on the preliminary determinations of the Director and the requirements of the Act.

Section 201(d) of the Fishery Conservation and Management Act of 1976 provides that foreign fishermen may take "* * * that portion of the optimum yield of a fishery which will not be harvested by vessels of the United States * * *" The Act also requires that foreign nations be charged reasonable fees for the portion of the surplus that is allocated to them. Guidance for establishing these fees is provided in section 204(b)(10) of the Act:

"Reasonable fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit is issued pursuant to this subsection. The Secretary, in consultation with the Secretary of State, shall establish and publish a schedule of such fees, which shall apply nondiscriminatorily to each foreign nation. In determining the level of such fees, the Secretary may take into account the cost of carrying out the provisions of this Act with respect to foreign fishing, including but not limited to, the cost of fishery conservation and management, fisheries research, administration, and enforcement."

The Act does not imply, nor is it interpreted, that the fees are to be used as a management mechanism, either to allocate the optimum yield between domestic and foreign fishermen or to prohibit foreign fishing.

CRITERIA FOR ESTABLISHING FEE SCHEDULE

The following criteria were used to develop the proposed fee schedule for foreign fishing:

Reasonableness—A fee schedule should recover an appropriate part of the management costs related to foreign fishing and the fee should not in itself be so high as to prevent foreign nations from utilizing the allocated surplus.

Equity—The Act requires nondiscrimination among foreign nations in the application of a fee schedule.

Simplicity of implementation and administration—Fees should be simple to compute, collect, and adjust. The collection process should be simplified by requiring that a single consolidated fee be

collected from each foreign nation prior to the issuance of vessel permits.

Acceptability—The fee schedule should be acceptable to foreign nations and United States interests.

Relationship to conservation and management—The fee collection system should include provisions which facilitate the collection of unbiassed data, encourage the avoidance of non-target species, and make enforcement as easy as possible.

Bases of Fees

The fee proposed for each country will be based on a combination of the size of vessels and the ex-vessel value of the foreign country's allocation.

Vessel size—Each foreign nation will pay an annual access fee per gross registered ton, for all vessels for which a permit is requested. This approach recognizes differences in size of vessels and takes into account the difference in fishing power between large and small vessels. An upper limit will be established so that large support (non-catching) vessels used by some nations are not charged excessively high fees. This access fee would be nondiscriminatory in that all vessels would be charged the same amount per GRT, up to the maximum.

Value of the foreign nation's allocation—In addition to the access fee, each foreign nation desiring to fish in the United States Fisheries Conservation Zone, will be required to pay an allocation fee based on a percentage of the ex-vessel value of the surplus allocated to that nation. The value will be determined by the ex-vessel price received by U.S. fishermen on species that have a U.S. fishery. For species without a U.S. fishery the average foreign ex-vessel price will be used.

Other Charges

In addition to the access and allocation fees, reimbursement from foreign nations will be required for United States observers placed aboard their vessels. Also, in the near future, each foreign vessel may be required to purchase and install a transponder system, and be obliged to assume costs for meeting other requirements of the Act.

Incidental Catch of Non-Surplus Species

It is proposed that the United States Government not charge foreign nations for the incidental capture of species not identified as surplus. Allowing the retention of non-surplus species would remove the incentive to fish in a manner to reduce the catch of non-surplus species. Any such non-surplus species caught incidentally should not be retained but should be returned to the sea. Foreign users would have an incentive to bias their catch statistics if they were charged a fee for the catch of non-surplus species but were required to return them to the sea. Fees should not be the basis for restricting or prohibiting the taking of these stocks, since management regulations such as area and season closures, can more effectively control their catch.

Level of Fees

The Act provides that in determining the level of fees, the Secretary may take into account the cost of carrying out the provisions of this Act with respect to foreign fishing, including, but not limited to, the cost of fishery conservation and management, fisheries research, administration, and enforcement. This does not preclude other factors from being considered, nor does it mean that the amount of the cost must constitute the upper or lower limit of fees. The Act specifies only that fees be reasonable.

A fee schedule could be considered to be reasonable if the following two conditions are met:

That part of a fishery determined to be surplus does not go unutilized because of fee level;

The United States collects revenues sufficient to cover an appropriate part, as determined by the Secretary, of the costs to the United States related to foreign fishing.

Six main points were considered in determining the fee level:

1. It appears that a reasonable upper limit on fees would be five percent of the ex-vessel value. This is based on the analysis of earnings of foreign fishing operations in the U.S. waters. This level of fees would yield $27.7 million and could tax away all the net revenues of the average vessel operation. Higher fees could presumably not be considered reasonable.

2. The fee level established by the United States may be used as a basis by other countries for assessing fees on U.S. fishermen in foreign waters. The fees now charged by other fishing nations are generally 5 percent or less of the value of the product.

3. The United States has a long-term interest in the conservation of fishery resources, for the sake of future generations. Hence, resource investigations and careful management are needed regardless of foreign fishing.

4. The total cost related to extended jurisdiction amounts to $92 million.

5. The value of fish taken by foreign fishermen ($55 million) is estimated to be about 60 per cent of the total value of the combined U.S. and foreign catch ($920 million) hence, 60 per cent or $55 million of the total management costs to the United States ($92 million) may be assigned to foreign fishing.

6. If foreign fishing were totally banned, a large fraction of the costs of extended jurisdiction would still remain. For example, most of the stock assessment work would still be required. Further, the cost of enforcement (except the cost of observers) could not be reduced significantly since the Fishery Conservation Zone would still need to be policed to assure the exclusion of non-authorized fishing vessels. We estimate that $70 million of the $92 million total for management would have to be borne by the United States even in the absence of foreign fishing.

Fee Schedule

It is proposed that permit fees charged each foreign nation for fishing in the Fishery Conservation Zone will be as follows:

1. *Access fee*—a fixed annual fee of $1.00 per gross registered ton (GRT), not to exceed $5,000 for any fishing vessel (as defined in the Act); and

2. *Allocation fee*—For 1977, an allocation fee of 3.5 percent of the ex-vessel value of the surplus allocated to that nation.

Expected Revenues From Fees and Observer Costs

About 1,400 foreign fishing vessels with an average size of 1,400 gross registered tons (GRT) are expected to apply for fishing privileges off the U.S. They are expected to catch about 2.0 million metric tons (exclusive of non-surplus species) of fishery resources, with an ex-vessel value of about $553 million. Revenue would amount to $2 million from the $1.00 fee per GRT, and $19 million from the 3.5 percent of the ex-vessel value of target species.

Revenues from reimbursement for the observers on foreign vessels are expected to be $750,000.

Federal Government operating costs for management and enforcement related to foreign fishing are estimated to be slightly over $55 million.

The total charges to be paid by foreign countries will be $22 million, assuming that the projected number of foreign vessels will be permitted to fish and the projected allocations are made. Thus, approximately 40 percent of the Federal Government operating costs would be recovered using this schedule.

Public Comments Solicited

The Director intends that the fee schedule finally adopted be as equitable and effective as possible, within the intent of the Act. Therefore, written comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed fee schedule are solicited.

Written comments, views, and other documents should be submitted, preferably in duplicate, to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235. All comments and other documents received no later than 21 days from the date of publication in the Federal Register will be considered. Comments and other documents received pertaining to this proposed fee schedule will be available for public review in the Fisheries Management Operations Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. or may be obtained by writing the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

NOTE.—The National Marine Fisheries Service has determined that this document does not contain a major proposal requiring preparation of an inflationary impact statement under E. O. 11821, and OMB Circular A-107.

Dated: December 20, 1976.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.76-37652 Filed 12-22-76;8:45 am]

EDWARD SHALLENBERGER

Receipt of Application for Scientific Research and Scientific Purposes

Notice is hereby given that the following Applicant has applied for permits to take marine mammals for the purpose of scientific research under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Dr. Edward W. Shallenberger, c/o Sea Life, Inc., Makapuu Point, Waimanalo, Hawaii 96795, to conduct scientific research with the following species, over a three year period:

1. Spinner dolphin (*Stenella longirostris*).
2. Spotted dolphin (*Stenella attenuata*).
3. Rough-toothed dolphin (*Steno bredanensis*).
4. Bottlenose dolphin (*Tursiops truncatus*).
5. Melon headed whale (*Peponocephala electra*).
6. Pygmy killer whale (*Feresa attenuata*).
7. False killer whale (*Psuedorsa crassidens*).
8. Pilot whale (*Globicephala macrorhynchus*).
9. Dense beaked whale (*Mesoplodon densirostris*).
10. Cuvier's beaked whale (*Ziphius cavirostris*).
11. Pygmy sperm whale (*Kogia breviceps*).
12. Dwarf sperm whale (*Kogia simus*).
13. Sperm whale (*Physeter catodon*).
14. Humpback whale (*Megaptera novaeangliae*).

The sperm whale and humpback whale are listed as endangered species under the Endangered Species Act of 1973.

The activities to be conducted will be observations by shore, aircraft, and surface vessels, with some underwater observations. These activities may involve harassment of individual cetaceans within the population stocks. No animals will be captured.

The proposed project is intended to proide information on numbers, species, and distribution of cetaceans inhabiting the waters off the main Hawaiian Island, extending from Niihau to Hawaii.

The basic population data obtained from this project is considered essential in order to solve the problems with cetaceans currently confronting the State of Hawaii.

The application for the Marine Mammal Protection Act permit will be considered under the Regulations Governing the Taking and Importing of Marine Mammals. The application for the Endangered Species Act permit will be considered under the Regulations Governing Endangered Fish and Wildlife Permits.

Documents submitted in connection with these applications are available in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application for the Marine Mammal Protection Act permit to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before January 24, 1977. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: December 17, 1976.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.76-37693 Filed 12-22-76;8:45 am]

PACIFIC FISHERY MANAGEMENT COUNCIL; SCIENTIFIC AND STATISTICAL COMMITTEE; SALMON ADVISORY PANEL AND ANCHOVY ADVISORY PANEL

Public Meetings

Notice is hereby given of meetings of the Pacific Fishery Management Council, established under section 302, and the Council's Scientific and Statistical Committee, Salmon Advisory Panel, and Anchovy Advisory Panel, established under section 302(g), of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Pacific Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of California, Oregon, and Washington. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The Scientific and Statistical Committee assists the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any fishery management plan.

The Salmon Advisory Panel, composed of persons who are either actually engaged in the harvest of, or are knowledgeable and interested in the conservation and management of the salmon resource, assists the Council in the development or amendment of a salmon fishery plan.

The Anchovy Advisory Panel, composed of persons who are either actually engaged in the harvest of, or are knowledgeable and interested in the conservation and management of the anchovy resource, assists the Council in the development or amendment of an anchovy fishery management plan.

The meetings will be held January 12 and 13, 1977, in the Bahia Motor Hotel, 998 West Mission Bay, San Diego, California. The meetings will convene at 8:00 a.m. and adjourn at 5:00 p.m. each day.

Proposed Agendas:

A. PACIFIC FISHERY MANAGEMENT COUNCIL

1. Organization of Council, including Council staff, fishery advisory panels, Scientific and Statistical Committee, and operational and procedural matters.
2. Council budget.
3. Consideration of development of management plans, including salmon and anchovies.
4. Reports from advisory panels and Scientific and Statistical Committee.
5. Review of communications from other agencies and organizations.

This meeting will be open to the public and there will be seating for approximately 75 public members available on a first-come, first-served basis.

B. SCIENTIFIC AND STATISTICAL COMMITTEE

1. Consideration of development of fishery management plans, including plans for salmon and anchovy fisheries.
2. Consideration of research teams.
3. Consideration of a fishery development program for underutilized species.
4. Consideration of Committee budget.

This meeting will be open to the public and there will be seating for approximately 25 members of the public on a first-come, first-served basis.

C. SALMON ADVISORY PANEL

1. Panel organization.
2. Consideration of development of a salmon fishery management plan.
3. Review of salmon work team documents and reports.

This meeting will be open to the public and there will be seating for approximately 25 members of the public on a first-come, first-served basis.

D. ANCHOVY ADVISORY PANEL

1. Panel organization.
2. Consideration of development of an anchovy fishery management plan.
3. Review of reports and documents related to anchovy management.

This meeting will be open to the public and there will be seating for approximately 25 members of the public on a first-come, first-served basis.

Members of the public having an interest in specific items for discussion are advised that changes to the agendas are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact by January 6, 1977:

Mr. John T. Gharrett, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North Seattle, Washington 98109. (Telephone (206) 442-1460), or
Mr. Svein Fougner, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731. (Telephone (213) 548-2575).

At the discretion of the Council, Committee, and Panels, interested members of the public may be permitted to speak at times which will allow the orderly conduct of business. Persons who wish to submit written statements should contact Mr. Gharrett or Mr. Fougner at the address given above. To receive due consideration and facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days atfer the close of the meetings.

Dated: DECEMBER 17, 1976.

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

[FR Doc.76-37679 Filed 12-22-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ALUMINUM WIRE SYSTEM SUBPOENAS

Open Meeting

Notice is hereby given that an open meeting between attorneys from the Commission's Bureau of Compliance and attorneys for Leviton Mfg. Co., General Electric Co., and Kaiser Aluminum and Chemical Sales Inc. will be held on Friday, December 24, 1976 at 9:30 a.m. at the law offices of Wilmer, Cutler and Pickering, 11th Floor, 1666 K Street, N.W., Washington, D.C. 20006, to discuss enforcment of the Commission's aluminum wire and electric device subpoenas.

The meeting is being held at the request of the above manufacturers' attorneys, and the specific date for the meeting was selected by those attorneys. Because the 24th is a legal holiday and federal buildings will be closed, the meeting will take place at the offices of Wilmer, Cutler and Pickering at the above address.

The meeting is open to the public. "Substantial interest" matters will be discussed. Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Consumer Product Safety Commission, Washington, D.C. 20207.

Because the building where the meeting is being held will have been secured for the holiday weekend, it will be helpful to have the names of attendees in advance so that they will be admitted readily. Persons who plan to attend should telephone Enid Rubenstein, Trial Attorney, Bureau of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: 301-492-6632, so that their names may be placed on the attendance list.

Dated at Washington, D.C., December 21, 1976.

SHELDON D. BUTTS,
Acting Secretary.

[FR Doc.76-37868 Filed 12-22-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

PRIVACY ACT OF 1974

Proposed System of Records Amendment

In FR Doc. 75-21075 published in the FEDERAL REGISTER (40 FR 35403) of August 18, 1975; FR Doc. 75-22752 published in the FEDERAL REGISTER (40 FR 39677) of August 28, 1975; FR Doc. 75-22754 published in the FEDERAL REGISTER (40 FR 39711) of August 28, 1975; FR Doc. 75-29296 published in the FEDERAL REGISTER (41 FR 2954) of January 20, 1976; and FR Doc. 76-21185 published in the FEDERAL REGISTER (41 FR 30979) of July 26, 1976, the Department of the Air Force set forth agency systems of records as prescribed by the Privacy Act of 1974. Notice is hereby given that the Department of the Air Force proposes to amend a system of records by making language changes directed at enhancing individual understanding of the system.

Following the brief identification of the record system and the specific changes made therein, the complete revised record system, as amended, is published in its entirety. Any public comments, including written data, views or arguments concerning the changes should be addressed to the system manager identified in the record system notice on or before January 15, 1977.

F16802 SGPC A

System name:

Child Advocacy Case Files (40 FR 35663).

Changes:

Categories of individuals covered by the system:

Delete entire entry and substitute: "All children entitled to care at Air Force medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities and all persons suspected of abusing or neglecting such children."

Categories of records in the system:

Delete entire entry and substitute: "Medical records of suspected and established cases of child abuse or neglect, investigative reports, correspondence, child advocacy committee reports, follow-up and evaluative reports, and any other supportive data assembled relevant to individual child advocacy program files."

Authority for maintenance of the system:

Delete entire entry and substitute: "5 U.S.C. 301; 10 U.S.C. 8012; 44 U.S.C. 3101."

Routine uses of records maintained by the system, including categories of users and the purposes of such uses:

"Officials and employees of the Department of the Air Force in the performance of their official duties relating to health and medical treatment of members and former members of the uniformed services, civilians, and dependents receiving medical care under Air Force auspices; performance of research studies and compilation of statistical data. Officials and employees of other components of the Department of Defense and other Departments and agencies of the Executive Branch of government in the performance of their official duties relating to the coordination of child advocacy programs, medical care and research concerning child abuse and neglect. The Attorney General of the United States or his authorized representatives in connection with litigation, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Federal, state or local governmental agencies when it is deemed appropriate to utilize civilian resources in the counseling and treatment of individuals or families involved in child abuse or neglect, or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement. Authorized officials and employees of private organizations and individuals for health research in the interest of the federal government and the public; and authorized surveying bodies for professional certification and accreditation."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Delete entire entry and substitute: "Records may be stored in file folders, microfilm or magentic tape, punched cards, machine lists, discs, and other computerized or machine readable media."

Retrievability:

Delete entire entry and substitute: "Records are retrieved by name of the abused or neglected child and the social security number of the sponsor or guardian."

Safeguards:

Delete entire entry and substitute: "Records are maintained in various kinds

of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are accessible only to authorized personnel that are properly screened and trained, and on a need to know basis only. Computer terminals are located in supervised areas with access controlled by password or other user code system."

Record source categories:

Delete entire entry and substitute: "Reports from physicians and other medical department personnel reports and information from other sources including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses."

Systems exempted from certain provisions of the act:

Delete entire entry and substitute: "Parts of this system may be exempt under 5 U.S.C. 552a(k) (2) and (5), as applicable. For additional information contact the System Manager(s)."

F16802 SGPC A

System name:

Child Advocacy Case Files.

System location:

At Headquarters United States Air Force, Office of the Surgeon General, Directorate of Professional Services, Clinical Medicine Division, 1000 Independence Avenue, Washington, DC 20314; Major Command Surgeon's Office; and Air Force Hospitals, medical centers and clinics. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

Categories of individuals covered by the system:

All children entitled to care at Air Force medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities and all persons suspected of abusing or neglecting such children.

Categories of records in the system:

Medical records of suspected and established cases of child abuse or neglect, investigative reports, correspondence, child advocacy committee reports, follow-up and evaluative reports, and any other supportive data assembled relevant to individual child advocacy program files.

Authority for maintenance of the system:

5 U.S.C. 301; 10 U.S.C. 8012; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Department of the Air Force in the Performance of their official duties relating to health and medical treatment of members and former members of the uniformed services, civilians, and dependents receiving medical care under Air Force auspices; performance of research studies and compilation of statistical data. Officials and employees of other components of the Department of Defense and other Departments and agencies of the Executive Branch of government in the performance of their official duties relating to the coordination of child advocacy programs, medical care and research concerning child abuse and neglect. The Attorney General of the United States or his authorized representatives in connection with litigation, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. Federal, state or local governmental agencies when it is deemed appropriate to utilize civilian resources in the counseling and treatment of individuals or families involved in child abuse or neglect, or when it is deemed appropriate or necessary to refer a case to civilian authorities for civil or criminal law enforcement. Authorized officials and employees of private organizations and individuals for health research in the interest of the federal government and the public; and authorized surveying bodies for professional certification and accreditation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records may be stored in file folders, microfilm or magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

Retrievability:

Records are retrieved by name of the abused or neglected child and the social security number of the sponsor or guardian.

Safeguards:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Public access is not permitted. Records are accessible only to authorized personnel that are properly screened and trained, and on a need to know basis only. Computer terminals are located in supervised areas with access controlled by password or other user code system.

Retention and disposal:

Retained in office files for five years after the end of year in which case was closed, retired to National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, Missouri 63118.

System manager(s) and address:

The Surgeon General, Headquarters United States Air Force, Major Command Surgeons, commanders of medical centers, hospitals, and clinics.

Notification procedures:

Requests from individuals should be addressed to the Systems Manager at Air Force hospitals, medical centers and clinics. Requests should include name, social security account number of sponsor location, and place of incident.

Record access procedures:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

Contesting record procedures:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

Record source categories:

Reports from physicians and other medical department personnel reports and information from other sources including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

System exempted from certain provisions of the act:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2) and (5), as applicable. For additional information contact the System Manager(s).

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.
MAURICE W. ROCHE, *Director, Correspondence and Directives OASD (Comptroller).*

[FR Doc.76-37614 Filed 12-22-76;8:45 am]

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

DECEMBER 2, 1976.

The USAF Scientific Advisory Board Division Advisory Group, Aeronautical Systems Division, will hold meetings on January 20, 1977 from 8:30 a.m. to 5:00 p.m. and January 21, 1977 from 8:30 a.m. to 5:00 p.m., at Wright-Patterson Air Force Base, Ohio, in Room 222, Building 14, Area B.

The Group will receive classified briefings and hold classified discussions on selected programs and projects relating to the missions of the Aeronautical Systems Division and Air Force Wright Aeronautical Laboratories.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-37657 Filed 12-22-76;8:45 am]

Department of the Army

RDX/HMX EXPANSION FACILITY

Note of Filing of Draft Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army on November 1975, filed with the council on Environmental Quality, a draft environmental impact statement concerning the establishment of an RDX/HMX Expansion Facility.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from the Project Manager Munitions Production Base and Modernization ATTN: Explosives Branch, Dover, NJ 07801 (phone: (201) 328–2603).

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, D.C. 20310 (phone: (202) 694–3434).

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc.76–37658 Filed 12–22–76;8:45 am]

Office of the Secretary of Defense

ADVISORY GROUP ON ELECTRON DEVICES

Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, NY 10014 on 4 February 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems and microelectronics. The review will include classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically, subparagraph (1) thereof, and that accordingly the meeting will be closed to the public.

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

DECEMBER 20, 1976.

[FR Doc.76–37629 Filed 12–22–76;8:45 am]

IMAGING AND DISPLAY ELECTRON DEVICES ADVISORY GROUP

Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, NY 10014 on 27 January 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The special device area includes such programs as Infrared and Night Vision Sensors. The review will include classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OSAD (Comptroller).

DECEMBER 20, 1976.

[FR Doc.76–37627 Filed 12–22–76;8:45 am]

LASER ELECTRON DEVICES ADVISORY GROUP

Notice of Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at the Institute for Defense Analysis, 400 Army Navy Drive, Arlington, VA 22202 on 26 and 27 January 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly, this meeting will be closed to the public.

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

DECEMBER 20, 1976.

[FR Doc.76–37624 Filed 12–22–76;8:45 am]

LOW POWER ELECTRON DEVICES ADVISORY GROUP

Notice of Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, NY 10014, on 3 February 1977.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The low power devices area includes such programs as integrated circuits, charge coupled devices and memories. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552(b) of Title 5, of the United States Code, specifically subparagraph (1) thereof, and that accordingly, this meeting will be closed to the public.

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

DECEMBER 20, 1976.

[FR Doc.76–37628 Filed 12–22–76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GENERAL ADVISORY COMMITTEE; SOLAR WORKING GROUP

Meeting

Pursuant to provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) in accordance with the purpose of section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036) and section 104(d) of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), notice is hereby given that the General Advisory Committee will hold a meeting of its Solar Working Group on January 13, 1977. The meeting will convene at 9:00 a.m., at ERDA Headquarters, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545.

The meeting, which will be to discuss the status of the GAC's review of ERDA's solar research program, will be open to the public.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 13 copies thereof, postmarked no later than January 3, 1977, to the Secretary, General Advisory Committee, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Questions at the meeting may be propounded only by members of the General Advisory Committee.

(c) Seating to the public will be made available on a first-come, first-served basis.

(d) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(e) Copies of the minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

(f) Anyone who plans to attend should contact Mr. Fisher Howe, Secretary of the GAC, U.S. E.R.D.A., 20 Massachusetts Avenue, N.W., Washington, D.C. 20545; telephone (202) 376-4678, by January 12, 1977.

HARRY PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-37645 Filed 12-22-76;8:45 am]

GEOTHERMAL ENERGY ADVISORY COMMITTEE

Meeting

In accordance with provisions of Pub. L. 92-463 (Federal Advisory Committee Act), the Advisory Committee on Geothermal Energy (ACGE) will hold its second meeting on Monday, January 10, 1977, from 9 a.m. to 5 p.m., Federal Room North, Quality Inn, 415 New Jersey Avenue NW., Washington, D.C. This meeting will be open to the public. The purpose of this meeting is: To review plans and activities of the Division of Geothermal Energy, U.S. Energy Research and Development Administration; to discuss and to provide advice on programs and approaches to effective government-industry cooperation in the development of geothermal energy.

The tentative agenda for the meeting is as follows:

9:00 a.m.	Opening Remarks — Chairman ACGE, Carel Otte, and ERDA Representatives: Dr. R. L. Hirsch, Dr. J. C. Bresee.
9:15 a.m.	Minutes of September 16, 1976 Meeting—Chairman ACGE.
9:30 a.m.	Review of Status of FY 1977 Programs—Dr. J. C. Bresee and Staff. (a) Engineering Research and Development (b) Resource Exploration and Assessment (c) Hydrothermal Technology Applications (d) Advanced Technology Applications (e) Utilization Experiments (f) Environmental Control and Institutional Studies (g) Loan Guaranty Program
12:00 N	Lunch
1:30 p.m.	Summary of Meeting of Geothermal Policy Council—Dr. J. C. Bresee
2:00 p.m.	Planning for FY '78 and Beyond—Dr. J. C. Bresee and Staff
3:45 p.m.	Reorganization of Division of Geothermal Energy—Dr. J. C. Bresee
4:00 p.m.	General Discussion—Chairman, Carel Otte
4:45 p.m.	Closing Remarks — Chairman, Carel Otte Date and Location of Next Meeting—Chairman, Carel Otte
5:00 p.m.	Adjournment—Chairman, Carel Otte

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than January 5, 1977, to the Director, Division of Geothermal Energy, U.S. Energy Research and Development Administration, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545. Comment shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on January 7, 1977 to the Division of Geothermal Energy, Energy Research and Development Administration, Helen Krupovich on (202) 376-4904 between 8:30 a.m. and 5:00 p.m., e.s.t.

(c) Questions at the meeting may be propounded only by members of the Committee and ERDA officials assigned to participate with the Committee in its deliberations.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during the recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the Chairman in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-37644 Filed 12-22-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 661-7]

LIST OF VIOLATING FACILITIES

Pursuant to Section 306 of the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Public Law 91-604), the Federal Water Pollution Control Act, (33 U.S.C. 1251 et seq., as amended by Public Law 92-500), and Executive Order 11738, EPA has been authorized to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and Federal Water Pollution Control Act with respect to Federal contracts, grants or loans. On April 16, 1975, regulations implementing the requirements of the statutes and the Executive Order were promulgated in the FEDERAL REGISTER (see 40 CFR Part 15, 40 F.R. 17124, April 16, 1975). Section 15.20 of the regulations provides for the establishment of a List of Violating Facilities which will reflect those facilities ineligible for use in nonexempt Federal contracts, subcontracts, grants, subgrants, loans, or subloans.

The representatives of any facility under consideration for listing are afforded the opportunity to appear at a Listing Proceeding conducted by the Director, Office of Federal Activities. Listing occurs when the Director determines there is adequate evidence of noncompliance with clean air or water standards. Federal, State, and local criminal convictions, civil adjudications, and administrative findings of noncompliance may serve as a basis for consideration of listing. However, in the case of a State or local civil adjudication or administrative finding, EPA may consider listing only at the request of the Governor.

The List of Violating Facilities is contained in two sublists. Sublist 1 includes those facilities listed on the basis of a conviction under section 113(c) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act. Sublist 2 includes those facilities listed on the basis of any injunction, order, judgment, decree or other form of civil ruling by a Federal, State or local court issued as a result of noncompliance; or a conviction in a State or local court for noncompliance; or on the basis of noncompliance with an order under section 113(a) of the Clean Air Act or section 309(a) of the Federal Water Pollution Control Act, or having been subjected to equivalent State or local proceedings to enforce clean air or water standards.

The purpose of this Notice is to add the Ashland, Kentucky, facility of the Allied Chemical Corporation, Semet-Solvay Division, to Sublist 1 of the List of Violating Facilities.

No agency in the Executive Branch of Government shall enter into, renew, or extend any nonexempt contract, subcontract, grant, subgrant, loan or subloan where a facility listed would be utilized for the purpose of any such agreement.

Pursuant to this authority, the Director, Office of Federal Activities, U.S. Environmental Protection Agency, certifies that the following facilities have been placed on the List of Violating Facilities as of December 17, 1976. The List of Violating Facilities will be revised periodically as any listings or de-listings occur.

LIST OF VIOLATING FACILITIES

Sublist 1

Allied Chemical Corporation, Semet-Solvay Division, Ashland, Kentucky

Sublist 2

Del Monte de Puerto Rico, Inc., Mayaguez, Puerto Rico
Star-Kist Caribe, Inc., Mayaguez, Puerto Rico

Dated: December 17, 1976.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

[FR Doc.76-37749 Filed 12-22-76;8:45 am]

[OPP-42034; FRL 661-8]

NORTH DAKOTA

Approval of State Plan for Certification of Pesticide Applicators

Section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan to EPA for its certification program. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On November 8, 1976, notice was published in the FEDERAL REGISTER (41 FR 49190) of the intent of the Regional Administrator, EPA Region VIII, to approve the North Dakota State Plan for Certification of Pesticide Applicators (North Dakota State Plan). Complete copies of the North Dakota State Plan, with the exception of examinations, were made available for public inspection at the Agency's Region VIII office in Denver, Colorado, at the office of the North Dakota Department of Agriculture, Bismarck, North Dakota, and at the Agency's Technical Service Division, Federal Register Section, Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

There were no comments received concerning the North Dakota State Plan during the thirty day comment period.

The North Dakota State Plan will remain available for public inspection at the North Dakota Department of Agriculture, State Capitol, Bismarck, North Dakota.

It has been determined that the North Dakota State Plan satisfies the requirements of section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171. Accordingly, the North Dakota State Plan is approved.

EFFECTIVE DATE

Pursuant to section 4(d) of the Administrative Procedures Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the approval granted herein to the North Dakota State Plan shall be effective upon signature of this notice. Neither the North Dakota State Plan itself nor this Agency's approval of the Plan creates any direct or immediate obligation on pesticide applicators or other persons in the State of North Dakota. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this approval, are inconsistent with the public interest. Accordingly, this approval shall become effective immediately.

Dated: December 14, 1976.

JOHN A. GREEN,
Regional Administrator,
EPA Region VIII.

[FR Doc.76-37750 Filed 12-22-76;8:45 am]

[FRL 662-1; Pesticide Enforcement Policy Statement No. 6]

STRUCTURAL PEST CONTROL

Use and Labeling of Service Containers for the Transportation or Temporary Storage of Pesticides

I. *General Background.*

On May 5, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER a document entitled "Institution of Enforcement Policy Statements" [40 FR 19526]. It was the Agency's purpose in instituting this series of Pesticide Enforcement Policy Statements (PEPS) to inform the general public and persons engaged in the formulation, distribution, sale, application, or other use of pesticides of the policies adopted by the Agency in the exercise of its prosecutorial discretion in the enforcement of the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972 and 1975 [Pub. L. 92-516; 86 Stat. 973; Pub. L. 94-140; 89 Stat. 751; 7 U.S.C. 136 et seq.; hereinafter referred to as FIFRA]. PEPS are prepared and published by EPA's Office of Enforcement. Unless otherwise expressly provided, a PEPS indicates how the Agency will exercise its prosecutorial discretion, and does not interpret the law or otherwise define what is and what is not lawful conduct under FIFRA. The Office of Enforcement will revoke or amend any PEPS which is inconsistent with regulations interpreting FIFRA which are subsequently promulgated by the Administrator.[1] A detailed explanation of the purpose and scope of PEPS was set forth in the May 5, 1975, FEDERAL REGISTER notice.

II. *Subject and Scope of This PEPS.*

This PEPS addresses two pesticide transportation and storage practices which are commonly engaged in by professional structural pest control operators. The first practice consists of transferring or repackaging portions of a pesticide concentrate[2] into a service container[3] for the purpose of transporting it to the application site, or of temporarily storing the pesticide prior to application. This practice allows the pest control operator to purchase large quantities of a pesticide concentrate and then mix, store, and transport smaller portions for actual application.

The second practice addressed in this PEPS involves the utilization of service containers for the pre-measure and premixture of quantities of use-dilution preparations[4] of pesticides at a storage site prior to application, and for the transportation of such use-dilution preparations to the application site. These practices lessen the possibility of spillage at the application site, and help to insure that accurate and consistent dosage levels are used with each application.

III. *Jurisdiction to Regulate the Use and Labeling of Service Containers.*[5]

It is the opinion of the Agency that professional pest control operators who

[1] The Agency anticipates that the exemption from enforcement sanctions which is outlined in this PEPS will be superseded by regulations having the same effect, published pursuant to section 25(b) of the Act.

[2] As used in this PEPS, the term "pesticide concentrate" means any formulation of chemicals which has not been diluted or altered as specified on the label or labeling for the purpose of producing the concentration of the pesticide required for a particular purpose or effect provided on its accepted label or labeling.

[3] As used in this PEPS, the term "service container" means any container utilized to hold, store, or transport a pesticide concentrate or a pesticide use-dilution preparation, other than (a) the original labeled container provided by the manufacturer, (b) the measuring device, or (c) the application device. Containers used for the recovery and disposal of pesticides and target pests (e.g., containers used to recover rodent bait apparatuses together with dead rodents) are not deemed to be service containers within the meaning of this PEPS. Pesticides in such containers must be handled and disposed of in a manner consistent with the disposal instructions on the EPA-accepted label or pursuant to the Recommended Procedures for Disposal and Storage issued by the Agency pursuant to FIFRA section 19.

[4] As used in this PEPS, the term "use-dilution preparation" means a pesticidal preparation which is mixed with a diluent and at a rate specified on the label or labeling which produces the concentration of the pesticide for a particular purpose or effect provided on such accepted label or labeling.

[5] This part of PEPS No. 6 represents an outline of the Agency's legal interpretation of the effect of the 1972 amendments and the implementing regulations on the authority of the Agency to regulate the activities of pest control operators with respect to the use of service containers. As indicated above, PEPS generally describe how the Agency will exercise its prosecutorial discretion under FIFRA. As in this instance, any portion of a PEPS which interprets the law will be accompanied by an express indication that the portion is in fact interpretive. All interpretive portions of a PEPS have the concurrence of the Agency's Office of General Counsel. For a more detailed exposition of the Agency's jurisdiction to regulate the use and labeling of service containers, see the Appendix to this PEPS.

supply and apply pesticides for hire engage in the distribution or sale of pesticides within the meaning of FIFRA.[6] FIFRA section 9(a) authorizes the Agency to perform without a warrant the administrative inspection of places where pesticides are "held for distribution or sale." These inspections may be performed for the purpose of obtaining samples of pesticides, including the contents of service containers, of reviewing labeling on pesticides, including the abbreviated labeling on service containers, and of inspecting books and records which the firm may maintain regarding the delivery, movement, or holding of pesticides, as authorized by FIFRA section 8(b).

FIFRA section 12(a)(1)(E) provides that it is unlawful "* * * to distribute, sell, offer for sale, (or) hold for sale * * * any pesticide which is * * * misbranded." The sale or distribution of a pesticide concentrate or of a use-dilution preparation [7] in a container other than the original container bearing the EPA-accepted labeling constitutes a literal violation of FIFRA section 12(a)(1)(E). Thus, it is technically illegal for a structural pest control operator performing pest control services for hire to utilize service containers to store or transport pesticides.[8]

IV. *Summary of Enforcement Policy Regarding the Use and Labeling of Service Containers.*

The Agency finds that the utilization of service containers has generally beneficial effects and need not cause unreasonable risks of harm to man or the environment. However, to require each service container to bear a full end-use label may materially inhibit the utilization of service containers by structural pest control operators. Accordingly, the Office of Enforcement, in the exercise of its prosecutorial discretion, has determined that it will refrain from prosecuting structural pest control operators under FIFRA section 12(a) for the utilization of service containers to transport or temporarily store end-use pesticides, if all of the following conditions and limitations are met:

(A) An abbreviated label, securely attached to the service container, includes the following information:

1. *Pesticide Concentrate.* If the pesticide to be transported or stored in the service container is a pesticide concentrate:

a. The name, address, and telephone number of the pest control firm;

b. Product name;

c. EPA Registration number;

d. Name and percentage of active ingredients; and

e. Signal word from registered label.

2. *Use-dilution Preparation.* If the pesticide to be transported or stored in the service container is a use-dilution preparation of the product an end-use pesticide:

a. The name, address, and telephone number of the pest control firm;

b. Product name, preceded by the word "Diluted";

c. EPA registration number, preceded by the words "Derived from";

d. Name and percentage of active ingredient as diluted; and

e. Signal word from the registered label.

(B) A reference copy of the EPA-accepted labeling for the registered product is in the possession of the firm at its place of business at the time of the application and is made available to an appropriate regulatory official of the Agency upon request; and

(C) The user complies with all use instructions, warnings, precautions, and prohibitions which appear on the EPA accepted label or labeling of the registered product; and

(D) The service container conforms in all respects with any applicable container or packaging requirements for pesticide products; and

(E) The pesticide in the service container is not sold, distributed or given away for application or other use by another person.

The limiting and defining provisions contained in section V of this PEPS are an elaboration of the conditions A through E above. Whether the user has reasonably met the requirements set forth in this PEPS will be determined by the Agency on a case-by-case basis. The burden of showing that the requirements set forth herein have been met rests with the person engaging in the transportation or temporary storage of a registered pesticide in a service container.[9]

V. *Elaboration of the Pesticides Enforcement Policy Regarding Use and Labeling of Service Containers.*

A. *Abbreviated Labeling for Pesticide Concentrates or Use-Dilution Preparations of Pesticides.*

The abbreviated labeling noted above is designed to assure that adequate information regarding the particular formulation and/or dilution of the product can be ascertained in case of medical emergency. The abbreviated label must include the signal word [e.g., "Warning," "Caution," "Poison," together with skull and cross bones] which appears on the accepted label of the end-use product, or which is appropriate to the use-dilution preparation of that product if specified on the accepted label. No other written or graphic material may appear on the service container. This service container labeling is subject to the FIFRA prohibitions against false or misleading statements on product labels.

The abbreviated label must be clearly legible and securely attached to the service container throughout the active life of the container or until the container has been properly disposed of or recycled. The abbreviated label must be replaced as frequently as necessary to meet these requirements.[10]

When several service containers, each containing pesticide concentrates or use-dilution preparations, are stored or contained in a larger compartment or carrying case, each individual service container must bear the abbreviated label described above.

B. *Reference Copy of EPA-Approved Label.*

A reference copy of the EPA-accepted end-use label bearing use instructions, precautionary statements, and medical treatment instructions must be retained by the firm at its place of business. It is the responsibility of the firm as well as of the service technician who performs each pest control application to assure that pesticides are used in the manner specified on the accepted labeling. To

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[6] This construction of FIFRA (and the regulatory consequences it implies) is consistent with the regulatory scheme of FIFRA which subjects pest control professionals to more regulatory scrutiny than persons who are not in the business of supplying or applying pesticides. Further rationale for this interpretation of FIFRA appears in the Appendix to this PEPS.

This construction of FIFRA is not meant to affect the construction of other Federal, State, or local laws or regulations such as laws or regulations dealing with sales tax, employment licensing, vehicle licensing, liability bonding, or other similar matters.

[7] This policy statement applies only to the utilization of service containers by structural pest control operators for the transportation or temporary storage of "end-use" pesticides which (a) bear on their label directions for use-dilution preparation and for end-use application, or (b) are already prepared in a use-dilution preparation for the control of pests. No pesticide which is intended solely for use in manufacturing may be transferred for transportation or temporary storage into a service container.

[8] FIFRA section 12(a)(1)(E) is generally designed to assure that the formulation of the product (whether in the original unbroken container or transferred into a service container) conforms to the strength, purity or other standards of quality which were accepted by the Agency in the registration process; that labeling adequate to clearly communicate use instructions and necessary warning precautions to persons handling the pesticide accompanies the product in the channels of trade; and that the identity of the person responsible for the integrity of the product and its labeling is always ascertainable.

[9] This PEPS in no way affects the authority of a State, acting pursuant to FIFRA section 24(a), to add further restrictions regarding the sale or use of a Federally-registered product, or in accordance with State law, to prohibit particular activities involving Federally-registered pesticides within that State. The election by a State to impose further restrictions upon the sale or use within that State of a Federally-registered product will not affect the Agency's exercise of prosecutorial discretion under FIFRA. An applicator or other person who complies with the requirements set forth in Sections IV and V of this PEPS but who does not comply with the additional requirements established by a State pursuant to FIFRA section 24(a), may be subject to liability under State law. All persons utilizing service containers pursuant to this PEPS are encouraged to familiarize themselves with applicable State laws or regulations.

[10] The label may be of any appropriate material, such as paper, gummed paper, metal foil imprinted by hand or by typewriter, or a metal tag requiring stamping. As needed to maintain clear legibility, the label may be covered with a clear plastic film or seal, or placed in a cellophane, glassine, or other transparent covering. The labels may be attached by any practical means, such as with wire, chain, plastic latch or cord, as required to withstand the wear, or the corrosive or solvent action of the pesticide in the container.

achieve this goal, the firm should train the service technician regarding the provisions and precautions which appear on the end-use label, and provide technical application instructions as necessary.

C. *Directions for Use and Other Precautionary Labeling.*

All directions for use and all warning and precautionary statements which appear on the end use label pertain to the use of the pesticide in a service container. This includes, without limitation, those label statements pertaining to application site, target pests, product mixing and preparation procedures, application method and dosage rate, protective clothing or equipment requirements, storage and disposal practices, or other precautionary labeling and warning statements.[11] If a label expressly prohibits the transfer of a product from the original container into a service container, any violation of that prohibition will constitute a violation of FIFRA section 12(a)(2)(G), and may subject the user to enforcement sanctions.

D. *Container Size and Packaging Requirements.*

The service container must conform in all respects with any applicable container and packaging requirements for service containers established by EPA or by any other agency exercising statutory jurisdiction.[12] Containers which have been used for food, feed, beverages, drugs or cosmetics or which are in any significant way (e.g., by shape, size, or markings) identified with food, feed, beverages, drugs or cosmetics may *not* be used as service containers for pesticides. Service containers and their caps or closures must be of such construction and design as to withstand hazards of normal usage without breaking, rupturing, or leaking. The design must also be such as to facilitate the removal of the pesticide without risk of spillage.

E. *Prohibition Against Further Sale or Distribution.*

The service container holding the pesticides must remain in the sole and actual possession of the firm utilizing the service container. It may neither be sold, distributed, nor given away for use by another person. Any such sale, distribution, or gift of a pesticide for use by another person would require compliance with the registration requirements of FIFRA section 3, and the establishment registration requirement of FIFRA Section 7. Any sale or distribution of a pesticide in a service container for use by another person will subject the seller or distributor to liability under FIFRA sections 12(a)(1)(A) and 12(a)(2)(L).

VI. *Public Comment.*

The Administrative Procedure Act (5 U.S.C. 553(b)) provides that the solicitation of comments is not required of Federal agencies for "interpretative rules, general statements of policy, rules of agency organization, procedure, or practice." EPA has determined that this PEPS falls within this exemption from the requirements to solicit public comment. Accordingly, the Agency is not soliciting public comment regarding matters published in this notice. However, interested persons are invited to submit written comments regarding the policy set forth in this PEPS. These comments should be addressed to the Pesticides and Toxic Substances Enforcement Division (EN-342), Office of Enforcement, U.S. Environmental Protection Agency, 401 M Street, S.W., Room 3624, Washington, D.C. 20460. Three copies of these comments should be submitted to facilitate the work of the EPA and others interested in inspecting such documents.

Dated: December 17, 1976.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

APPENDIX REGARDING EPA'S JURISDICTION TO REGULATE THE USE AND LABELING OF SERVICE CONTAINERS

It is the opinion of the Agency that the terms "distribute", "sell", "offer for sale" and "hold for sale" as they are used in FIFRA apply to the typical service work of structural pest control operators who supply and apply Federally registered pesticides for hire.[1] The Agency finds that this construction of FIFRA (and the regulatory consequences which it implies) is consistent with the regulatory scheme of FIFRA and with its legislative history. The Senate Committee on Agriculture and Forestry envisioned that the level of regulatory scrutiny to which people would be subject under FIFRA should be in proportion to their level of knowledge about pesticides. This suggests that persons who supply and apply pesticides for hire were intended to be the objects of more rigorous regulation than were non-professional pesticide users. The Committee noted that because of their "greater knowledge of the dangers of pesticides and greater familiarity with the law regulating their use," higher civil penalties would be assessed "for an offense by *person(s) in the business* of making, or applying pesticides." [2]

I. *FIFRA Section 3—Registration of Pesticides.*

FIFRA section 3(a) [7 U.S.C. 136a(a) provides in pertinent part that

* * * no person * * * may distribute, sell, offer for sale, hold for sale, * * * to any person any pesticide which is not registered with the Administrator.

Before a pesticide product which is not encompassed within the terms of an existing registration enters the channels of trade, a separate registration must be obtained. Changes in the formulation of a registered product, changes in accepted labeling, as well as any repackaging of a pesticide into another container will activate the registration requirement, unless the purposes of product registration would be fully met by carrying forward the Federal registration of the constituent product.[3]

The Agency finds that a pesticide concentrate or a use-dilution preparation of a registered end-use pesticide which remains within the sole and actual possession of the repackager/reformulator throughout its distribution, sale and use is encompassed within the terms of the registration of the constituent product and is thereby itself a registered pesticide.[4] On the other hand, pest control operators who hold pesticides in inventory and sell pesticides for application by other persons are considered to "distribute," "sell," "offer for sale," or "hold for sale." This activity invariably activates the registration requirements of FIFRA section 3 and section 7. Failure to comply with these requirements will subject such producers to liability under

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[11] The service container must be disposed of in a manner consistent with the disposal instructions on the EPA-approved product label or pursuant to the Recommended Procedures for Disposal and Storage of Pesticides issued by the Agency pursuant to FIFRA section 19. Furthermore, the service container must be used and re-used in a manner which will avoid the contamination of the pesticide concentrate or use-dilution preparation of the pesticide. Any contamination due to faulty rinsing procedures will be a violation of FIFRA section 12(a)(1)(E) and may subject the user to enforcement sanctions.

[12] FIFRA section 25(c)(3) empowers the Administrator * * * to establish standards (which shall be consistent with those established under the authority of the Poison Prevention Packaging Act (Public Law 91-601)) with respect to the package, container, or wrapping in which a pesticide or device is enclosed for use or consumption, in order to protect children and adults from serious injury or illness resulting from accidental ingestion or contact with pesticides or devices regulated by this Act as well as to accomplish the other purposes of this Act;

However, no such containering or packaging requirements have yet been promulgated by the Administrator. Compliance with the provisions of this PEPS does not necessarily satisfy applicable requirements of Interim Regulations regarding the transportation of hazardous materials which have been promulgated by the U.S. Department of Transportation at 49 CFR Parts 171.177. [41 FR 42364; September 27, 1976].

[1] In the event that the customer himself supplies the pesticide which is to be used, and the pest control operator is hired *solely* to perform the pesticide application, the pest control operator would not be considered to be distributing, selling, or holding for distribution or sale the pesticide which he applies.

[2] Emphasis added. Supplemental Report to S. Rep. No. 92-838, 92d Cong. 2d Sess. 23 (1972). It is also noted that the pest control operator sells not only the pesticide application service, but also sells the pesticide used in performing the application. The price paid by the customer reflects both the cost of the service and the cost of the pesticide. As such, the pest control operator is engaged in the sale and distribution of a pesticide in the course of (and in addition to) the application of the pesticide.

[3] The broad purposes of the registration process are four fold. First, registration of a product provides a mechanism for the review of information regarding the safety and efficacy of the pesticide as proposed for use (and as likely to be used) under widespread and commonly recognized practice. Second, registration of a product provides EPA with the opportunity to review the proposed label and labeling of the product. To support registration, such labeling must clearly communicate the directions for use for the product and such warnings and precautions as are necessary for the safe and efficacious use of the pesticide. Third, registration of a product identifies the party accountable for its integrity of composition, labeling and effects resulting from use. Fourth, registration of a product is the mechanism which assures that this relevant information is communicated to the ultimate user of the product.

FIFRA section 12(a)(1)(A) and section 12(a)(2)(L).

It is the opinion of the Agency that the transfer into a service container of a pesticide concentrate or a use-dilution preparation of a registered pesticide, (in accordance with its end-use labeling) does not require the separate registration of the new formulation so long as the transferred pesticide concentrate or the use-dilution preparation remains within the sole and actual possession of the pest control operator performing the transfer. In such cases, the transferred quantity of the pesticide concentrate or the use-dilution preparation is encompassed within the terms of the registration of the constituent product; thus, the purposes of FIFRA section 3 have been satisfied by the registration of the original product. It would serve no purpose to require each transferred quantity of the already registered pesticide or each use-dilution preparation to be separately registered.[5]

It is noted that this policy applies only to end-use pesticides. Any reformulation or repackaging of a registered technical grade pesticide approved only for manufacturing uses for the purpose of further distribution or sale, will activate the registration requirement of FIFRA. The sale or distribution of such a product prior to approval of a separate registration is a violation of FIFRA section 12(a)(1)(A).

II. *FIFRA Section 12(a)(1)(E)—Pesticide Labeling.*

Structural pest control operators who supply and apply pesticides in performing pest control services are deemed to "distribute," or "sell," pesticides within the meaning of FIFRA section 12(a)(1). Under section 12(a)(1)(E) [7 U.S.C. 136j(a)(1)(E)], it is unlawful for any person in any state to distribute, sell, offer for sale, hold for sale, * * * to any person * * * (E) any pesticide which is * * * misbranded.

A pesticide concentrate or a use-dilution preparation is misbranded if its labeling fails to meet the standards set forth in FIFRA section 2(q). The sale or distribution by a structural pest control operator of pesticides in service containers whose labels do not conform with the requirements of FIFRA section 2(q) constitutes a violation of FIFRA section 12(a)(1)(E) and may subject the violator to civil or criminal penalties under FIFRA, except as otherwise provided in PEPS No. 6.

III. *FIFRA Section 9(a)—Inspection of Establishments.*

FIFRA section 9(a) authorizes the Agency to enter, for the purpose of conducting routine inspections, "any establishment or other place where pesticides * * * are held for distribution or sale." FIFRA section 2(d) defines an establishment as "any place where a pesticide or device is produced, or held for distribution or sale." This provision authorizes warrantless inspections of the business premises (including service vehicles, service containers, or application devices) of pest control operators who supply and apply pesticides for hire.[6]

FIFRA section 9(a) further provides that such inspections may be performed "for the purpose of inspecting and obtaining samples of any pesticides * * * packaged, labeled and released for shipment. * * *" Such inspections may include the product sampling and label review of pesticide products held for distribution or sale by the structural pest control operator, including the sampling of pesticide concentrates or use-dilution preparations in service containers, and the review of the abbreviated labeling which is affixed to such service containers.[7]

IV. *FIFRA Section 12(a)(2)(G)—Pesticide Preparation and Use.*

While the provisions of FIFRA section 12(a)(1) apply to the distribution and sale of the product, the provisions of FIFRA section 12(a)(2) apply to the individuals handling and/or using the product. It has been noted above that the registration of the constituent end-use product which is transferred into a service container carries over to the transferred product. The use (including the mixing, loading, storage, application, or disposal) of the product in the service container in a manner inconsistent with the provisions of the EPA-accepted end-use labeling is, therefore, a violation of FIFRA section 12(a)(2)(G) and may subject the user to civil or criminal sanctions.

It is noted that the act of pre-measuring or pre-mixing a pesticide as provided on the end-use labeling constitutes an act of pesticide use within the meaning of FIFRA section 12(a)(2)(G). Accordingly, such pre-measuring and pre-mixing of end-use pesticides in making use-dilution preparations must conform with all applicable label instructions.

[FR Doc.76-37747 Filed 12-22-76;8:45 am]

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[4] The pesticide concentrate and use-dilution preparation of an end-use pesticide which is transferred into a service container in which it is stored or transported by the structural pest control operator, is itself a pesticide within the meaning of FIFRA. However, the fact that structural pest control operators distribute or sell pesticides does not, standing alone, require the registration of any pesticide product resulting from the reformulation or repackaging by an operator of a currently registered product. The requirement that the product which is formulated by the operator be registered is activated when the new formulation is not encompassed within the terms of an existing registration, and when the purposes of Federal registration are not otherwise satisfied with respect to the operator's formulation.

[5] Where the new pesticide product remains at all times within the sole and actual possession of the pest control operator, he will be the party accountable for the formulation in the service container. The safety and efficacy of the formulation will have been assessed and appropriate label directions, warnings and precautions will have been provided as necessary to insure that the pesticide when used in accordance with directions will not generally cause unreasonable adverse effects on man or the environment. The directions, warnings and precautions of the accepted label will have been communicated to the ultimate user of the pesticide, since the distributor/seller and applicator of the pesticide remains in actual possession of the pesticide.

[6] It is the opinion of the Agency that FIFRA section 9(a) does not authorize the admnistrative inspection of places where pesticides are held for use, or are actually being used. The administrative inspection of such places may be performed only upon the knowing and voluntary consent of the property owner, or under the authority of a search warrant issued pursuant to FIFRA section 9(b) upon a showing to a court of competent jurisdiction that the provisions of FIFRA have been violated.

[7] Routine establishment inspections may also include a review of any books and records regarding the formulation, production or repackaging of pesticides which the structural pest control operator may be required to keep pursuant to FIFRA section 8 and the regulations promulgated thereunder at 40 CFR Part 167. Section 8(b) also empowers the Agency to inspect records which the firm may maintain regarding the delivery, movement, or holding of pesticides.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

ADVISORY COMMITTEE TO THE ADMINISTRATOR ON STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

Notice of Meeting

Notice is hereby given that the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, a subdivision of the National Advisory Committee on Juvenile Justice and Delinquency Prevention will meet Friday–Sunday, January 14–16, 1977 in Scottsdale, Arizona. The meeting is scheduled to convene at 9:00 a.m. on Friday, January 14, at the Scottsdale Hilton, 6333 N. Scottsdale Road, Scottsdale, Arizona. The meeting is scheduled to run all day Friday and Saturday and until 2:00 p.m. on Sunday, January 16.

Discussion at the meeting will focus on draft standards on juvenile justice planning; the roles and responsibilities of Federal, State and local government; the size and characteristics of, the services available in, and procedures which apply to juvenile correctional and detention facilities; and the circumstances in which it is appropriate to intercede in the life of a juvenile and the procedures and criteria which should apply to such intercession.

The meeting will be open to the public.

For further information, please contact:

Richard Van Duizend, National Institute for Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C. 20531 202—376–3952

J. A. Brozost,
Attorney Advisor,
Office of General Counsel.

[FR Doc.76-37669 Filed 12-22-76;8:45 am]

LEGAL SERVICES CORPORATION

COMMITTEE ON REGULATIONS

Meeting

The next meeting of the Committee on Regulations of the Legal Services Corporation Board of Directors will be held on Tuesday, January 4, 1977, at the offices of the Corporation, 733 Fifteenth Street, N.W., Washington, D.C.

The meeting will begin at 10:00 a.m. and will be for the purpose of considering proposed regulations governing Applications for and Denial of Funding and Client Grievance Procedures. The Committee will also consider issues relating to Congressional extension of the Legal Services Corporation Act, and such other business as may arise.

The meeting is open to the public.

Thomas Ehrlich,
President.

[FR Doc.76-37755 Filed 12-22-76;8:45 am]

NOVEMBER 23, 1976.

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 360]

CANADIAN BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kilowatts	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		550 kHz							
CHNO (increase in nighttime power, PO 550 kHz, 10 kWD/2.5 kWN, DA-2).	Sudbury, Ontario, N. 46°26'10", W. 80°58'30".	10	DA-2	U	II				E.I.O. Nov. 19, 1977.
		680 kHz							
CHFA (now in operation)	Edmonton, Alberta, N. 53°24'23", W. 113°36'41".	10	DA-1	U	II				
		710 kHz							
CIPC (now in operation)	Port Cartier, Quebec, N. 49°59'20", W. 66°56'59".	1	DA-1	U	II				
		800 kHz							
CKLW (change in nighttime pattern).	Windsor, Ontario, N. 42°03'25", W. 83°00'10".	50	DA-2	U	II				E.I.O. Nov. 19, 1977.
		810 kHz							
CHQR (change in the daytime radiation pattern).	Calgary, Alberta, N. 50°53'50", W. 114°05'38".	50	DA-2	U	II				E.I.O. Nov. 19, 1977.
		980 kHz							
CKGM (now in operation)	Montreal, Quebec, N. 45°22'05", W. 73°37'23".	10	DA-2	U	III				
		1240 kHz							
CKGO (PO 1490 kHz, 0.25 kW, ND-186, U).	Hope, British Columbia, N. 49°23'15", W. 121°25'42."	1D/0.25N	ND-183	U	IV	150	120	264 (ave)	E.I.O. Nov. 19, 1977.
		1490 kHz							
CKGO (vide 1240 kHz)	Hope British Columbia, N. 49°23'15", W. 121°25'42".	0.25	ND-186	U	IV	150	120	264 (ave)	
		1490 kHz							
CHPG (now in operation)	Prince George, British Columbia, N. 53°54'10", W. 122°44'30".	0.25	ND-224	U	IV	298	120	300-800	
		1580 kHz							
CBJ (PO N 48°23'53.34", W. 71°08'30.06", 1580 kHz, 10 kW, DA-1, U).	Chicoutimi, Quebec, N. 48°28'56", W. 71°09'33".	50	DA-1	U	I-A				E.I.O. Nov. 19, 1977.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.76-37579 Filed 12-21-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ADVISORY COMMITTEE SUBCOMMITTEES ON CONSERVATION INVESTMENTS BE CONSIDERED GAS SUPPLY OPTION

Combined Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of a combined meeting of the following subcommittees to be held Wednesday, January 12, 1977, at 10 a.m., Room 3000A, FEA Headquarters, 12th & Pennsylvania Avenue, NW., Washington, D.C.

SUBCOMMITTEES OF ENERGY FINANCE ADVISORY COMMITTEE

Electric Utility (Finance)
Natural Gas & SYNGAS
Technology and Conservation

SUBCOMMITTEE OF NATURAL GAS ADVISORY COMMITTEE

Supplemental Gas Supply Including Alaskan Gas

SUBCOMMITTEE OF THE ELECTRIC UTILITIES ADVISORY COMMITTEE

Executive Subcommittee

SUBCOMMITTEES OF THE CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Home Energy Consumption Problems and Utilities
Energy Efficiency Standards, Conservation, and Ecology

The objectives of these subcommittees are to advise FEA concerning the proposal "Conversation Investments be Considered a Gas Supply Option."

The agenda for the meeting is as follows:

1. Presentation of Proposal "Conservation Investments be Considered a Gas Supply Option"
2. Advisory Committee Reaction to the Idea from the Following Perspectives:
   a. Consumer
   b. Gas Utility
   c. State Regulatory
   d. Financial
3. Implementation Problems
   a. State Regulations
   b. Federal Regulations
   c. Consumer Acceptance
   d. Implementation Plans

The meeting is open to the public. The Chairman of the meeting is empowered to conduct it in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 566-7022, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection and copying in the FEA Freedom of Information Office, Room 2107, FEA Headquarters, 12th & Pennsylvania Avenue, N.W., Washington, D.C.

Issued at Washington, D.C., on December 20, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-37733 Filed 12-22-76;8:45 am]

NATURAL GAS TRANSMISSION & DISTRIBUTION ADVISORY COMMITTEE

Charter Amendment

This notice is to advise of revisions in the Charter of the Natural Gas Trans-

mission & Distribution Advisory Committee.

The Charter published in the August 27, 1976, issue of the FEDERAL REGISTER (41 FR 36256) is amended as follows:

1. The name of the Committee has been changed to the Natural Gas Advisory Committee. Effective immediately, the name "Natural Gas Advisory Committee" should be substituted for "Natural Gas Transmission & Distribution Advisory Committee" wherever the latter phrase appears in the Charter.

2. Section B–9 of the Charter is revised to name subcommittees and is hereby changed to read as follows:

"9. Subcommittees—The Natural Gas Advisory Committee shall have five subcommittees as follows:

a. Supplemental Gas Supply Including Alaskan Gas Subcommittee

b. Gas Utilization Subcommittee

c. Natural Gas Reserves Subcommittee

d. Legislation and Regulation Subcommittee

e. National Energy Outlook Subcommittee

The objectives of each subcommittee are to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of the parent Committee. The subcommittees shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the subcommittees shall be consistent with the provisions of B–1 through B–11."

The above amendment is effective immediately.

Issued at Washington, D.C. on December 20, 1976.

FRANK G. ZARB,
Administrator.

[FR Doc.76–37734 Filed 12–22–76;8:45 am]

STRATEGIC PETROLEUM RESERVE

Availability of Final Site-Specific Environmental Impact Statement for the Bayou Choctaw Salt Dome Storage Site

Pursuant to section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C) et seq., the Federal Energy Administration (FEA) has prepared a final site-specific environmental impact statement (EIS) for the Bayou Choctaw salt dome site, one of five storage sites that is being considered for the creation of a Strategic Petroleum Reserve. The Reserve is mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C., sections 6231–6246. The Reserve will be created for the storage of approximately 500 million barrels of crude oil and/or petroleum products for use in the event of a Presidential finding of severe energy supply interruption or a finding that implementation is required by obligations of the United States under the international energy program.

The Bayou Choctaw salt dome site is located in Iberville Parish, Louisiana. This site is one of five under consideration for use in the Early Storage Reserve, i.e., for the first 150 million barrels of storage capacity. The final Bayou Choctaw EIS (FES–76–5) includes comments received by FEA on the draft EIS for the Bayou Choctaw site (DES–76–5) and FEA analyses and responses to those comments.

Single copies of the final Bayou Choctaw EIS (FES–76–5) may be obtained from the FEA, Office of Communications and Public Affairs, Room 3138, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the final Bayou Choctaw EIS will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., December 17, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76–37643 Filed 12–20–76;10:44 am]

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License No. 389; Order of Revocation

ALI-SON INTERNATIONAL CO.

On December 9, 1976, Mr. Joseph L. Alicea, President, Ali-Son International Co., 80–82 Wall Street, New York, NY 10005, voluntarily surrendered his Independent Ocean Freight Forwarder License No. 389 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01 (b), dated June 30, 1975;

It is ordered, that Independent Ocean Freight Forwarder License No. 389 issued to Ali-Son International Co., be and is hereby revoked effective December 13, 1976 without prejudice to reapply for a license in the future.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Ali-Son International Co.

LEROY F. FULLER,
Director, Bureau of
Certification & Licensing.

[FR Doc.76–37720 Filed 12–22–76;8:45 am]

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES AND NORTHWEST MARINE TERMINAL ASSOCIATION, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and 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 January 3, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

R. L. Henry, Executive Secretary, Northwest Marine Terminal Association, P.O. Box 20394, Portland, Oregon 97220.

Agreement No. T–2206, between the California Association of Port Authorities and the Northwest Marine Terminal Association was originally approved by the Commission by order issued January 15, 1969, for a three-year term and subsequently extended for a five-year term by Commission order of January 13, 1972. The parties to the agreement have now requested the Commission to approve an extension of the agreement and remove the expiration date therefrom. The agreement provides for the formation of a joint conference, known as the Joint Pacific Coast Port Committee, whereby members discuss and make recommendations concerning rates, practices, and other tariff matters and matters of concern to the marine terminal industry. Actions taken pursuant to the agreement are not binding upon the members.

By Order of the Federal Maritime Commission.

Dated: December 20, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–37718 Filed 12–22–76;8:45 am]

[Docket No. 76–64]

STATES STEAMSHIP CO. FAR EAST/USA HOUSEHOLD GOODS TARIFF NO. 5 FMC–9

Filing of Petition for Declaratory Order; Enlargement of Time to Respond

DECEMBER 17, 1976.

Upon request of counsel for States Steamship Company, and good cause appearing, time within which response to the petition for declaratory order (41 FR 54026; December 10, 1976) may be filed in this proceeding is enlarged to and including January 17, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–37719 Filed 12–22–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI64-26]

GULF OIL CORP.

Filing of Computation of Refunds

DECEMBER 17, 1976.

Notice of filing of Gulf's computation of refunds in accordance with ordering paragraph (B) of the Commission's Opinion No. 780.

Take notice that on December 15, 1976, Gulf Oil Corporation (Gulf), P.O. Box 3725, Houston, Texas filed a computation of refunds required by Ordering Paragraph (B) of Opinion No. 780 in the above-captioned docket.

Schedule (A) of their computation reflects calculations of refunds and interest pursuant to the Commission's formula stated in Opinion No. 780, mimeo at 10 for the period August 1, 1971 through October 31, 1976. Although Ordering Paragraph (B) of Opinion No. 780 requested the data from November 1, 1964 to December 1, 1976, the applicable area rate did not exceed the contract rate until August 1, 1971 and the data necessary to calculate refunds for November, 1976, is not yet available.

Gulf submitted two additional schedules (B and C) computing refunds based upon adjusted deliveries that they claim would have been made had the Department of Interior held regular offshore Louisiana lease sales from 1962 to 1972, which Gulf maintains is force majeure under the terms of its 1964 contract. Gulf claims that had the lease sales been resumed prior to 1972 and if Gulf had been able to purchase the same tracts that it acquired between 1972 and 1976, there would be no contract deficiency. Schedules (B) and (C) respectively reflect adjusted volumes that Gulf submits would have been delivered to Texas Eastern if Federal Offshore Louisiana sales had resumed one year and four years earlier. Deliveries to Texas Eastern Transmission Corporation (TETCO) and the resultant computation of refunds, Gulf avers, would be as shown on those schedules. Both schedule (B) and schedule (C) are also predicated upon the 13 month moratorium upon offshore lease sales imposed by the United States Geological Survey due to the oil spill in the Santa Barbara, California Channel. This moratorium, Gulf believes, delayed the offshore Louisiana November 19, 1968 lease sale until December 16, 1969 thereby delaying for one year the commencement of general offshore lease sales. Gulf holds that the absence of such sales is a major factor affecting Gulf's efforts to maintain deliverability to Texas Eastern.

Any interested party who wishes to comment on Gulf's report should file with the Federal Power Commission, Washington, D.C. 20426, written comments on or before December 29, 1976 pursuant to Section 1.14 of the Commission Rules of Practice and Procedure (18 CFR 1.14) in order that the Commission may consider this matter as expeditiously as possible.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-37855 Filed 12-22-76;8:45 am]

FEDERAL RESERVE SYSTEM

[H. 2, 1976 No. 48]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending November 27, 1976

Statement by Governor Philip C. Jackson, Jr., before the Senate Committee on Banking, Housing and Urban Affairs on issues relating to the Fair Housing, Equal Credit Opportunity, and Home Mortgage Disclosure Acts.

Second National Bank of Richmond, Richmond, Virginia, proposed merger into Metropolitan National Bank, Richmond, Virginia; report to the Comptroller of the Currency on competitive factors.

Century Financial Corporation of Michigan, Saginaw, Michigan, extension of time to April 4, 1977, within which to acquire all of the shares of Century Life Insurance Company of Michigan, Phoenix, Arizona.[1]

Guaranty Loan and Investment Corporation of Tulsa, Inc., Tulsa, Oklahoma, extensions of time; (1) to December 20, 1977, and (2) to October 31, 1977, within which to divest of real estate acquired in satisfaction of debt.[1]

Boston Overseas Financial Corporation, Boston, Massachusetts, extension of time to January 14, 1978, within which to consummate investment in Compania Financiera de Boston Sociedad Anonima, Santiago de Chile, Chile.[1]

Termination of registration under Regulation G for Amoco Duncan Federal Credit Union, Duncan, Oklahoma and for Western Sun Federal Credit Union, Tulsa, Oklahoma.[1]

Bank of Leakesville, Leakesville, Mississippi, proposed merger with First State Bank, Waynesboro, Mississippi; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Barnett Bank of East Ocala, National Association, Ocala, Florida, proposed merger with Barnett Bank of Ocala, National Association, Ocala, Florida; report to the Comptroller of the Currency on competitive factors.[1]

GBB Bank, Grand Blanc, Michigan, proposed merger with First Security Bank of Grand Blanc, Grand Blanc, Michigan; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Subsidiaries of Barnett Banks of Florida, Inc., Jacksonville, Florida, proposed merger with Barnett Bank of Miami Beach, National Association, Miami Beach, Florida; report to the Comptroller of the Currency on competitive factors.[1]

Subsidiaries of Barnett Banks of Florida, Inc., Jacksonville, Florida, proposed merger with Barnett Bank of Winter Park, National Association, Winter Park, Florida; report to the Comptroller of the Currency on competitive factors.[1]

NOTE: The H.2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To establish a domestic branch pursuant to section 9 of the Federal Reserve Act.

APPROVED

United Citizens Bank, Winston-Salem, North Carolina. Branch to be established at 3006 Kernersville Road, Winston-Salem, Forsyth County.[2]

Mountain Empire Bank, Johnson City, Tennessee. Branch to be established at 1006 South Roan Street, Johnson City, Tennessee.[2]

* * * * *

To become a member of the Federal Reserve System pursuant to section 9 of the Federal Reserve Act.

APPROVED

Alexandria Bank Company, Alexandria, Ohio.[2]

* * * * *

To establish an overseas branch of a member bank pursuant to section 25 of the Federal Reserve Act.

APPROVED

United States Trust Company of New York: Branch—George Town, Grand Cayman, Cayman Islands.

Citibank N.A.: Branch—Two in Liberia, one each in Monrovia and Yekepa.

Wells Fargo Bank, N.A.: Branch—Singapore, Republic of Singapore.

International investments and other actions pursuant to sections 25 and 25(a) of the Federal Reserve Act and sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Crocker Mid-America International Bank: To change its name to Crocker Bank International (Chicago).

Hawaii Bancorporation, Inc.: Investment—additional in Banque de Tahiti, Papeete, Tahiti.

Security Pacific Overseas Corporation: Investment—to acquire 100 per cent of a de novo finance company in Toronto, Canada.

The following item was omitted from H.2 No. 33.

Philadelphia International Investment Corporation: Investment—Subordinated Loan re: Trinity Bank Limited, Ireland.

* * * * * *

To form a bank holding company pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Manly State Bancshares, Inc., Manly, Iowa, for approval to acquire 75.03 per cent of the voting shares of Manly State Bank, Manly, Iowa.[2]

Citizens National Corporation, Wisner, Nebraska, for approval to acquire 80 per cent or more of the voting shares of The Citizens National Bank of Wisner, Wisner, Nebraska.[2]

Delta Bancorporation, Inc., Denver, Colorado, for approval to acquire 75.30 per cent of the voting shares (less directors' qualifying shares) of The Colorado Bank and Trust Company, of Delta, Colorado, Delta, Colorado.

Erie Bankshares, Inc., Erie, Kansas, for approval to acquire 98.5 per cent of the voting shares of Home State Bank, Erie, Kansas, Erie, Kansas.

Stark Bankshares, Inc., Stark, Kansas, for approval to acquire 92.7 per cent of the voting shares of The Stark State Bank, Stark, Kansas.

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

McLean American Bancshares, Inc., McLean, Texas, for approval to acquire 80 per cent or more of the voting shares (less directors' qualifying shares) of American National Bank in McLean, McLean, Texas.[2]

* * * * *

To expand a bank holding company pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

T.N.B. Financial Corp., Springfield, Massachusetts, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Williamstown National Bank, Williamstown, Massachusetts.[2]

Hawkeye Bancorporation, Des Moines, Iowa, for approval to acquire 80 per cent or more of the voting shares of The Centerville National Bank, Centerville, Iowa.

Peoples Credit Co., Kansas City, Missouri, for approval to acquire an additional 25.4 per cent of the voting shares of The Metropolitan Bank, Kansas City, Missouri.

Peoples Credit Co., Kansas City, Missouri, for approval to acquire an additional 5.4 per cent of the voting shares of The Pleasant Hill Bank, Pleasant Hill, Missouri.

First International Bancshares, Inc., Dallas, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Alamo Heights National Bank, Alamo Heights, Texas.

To expand a bank holding company pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956.

WITHDRAWN

BankAmerica Corporation, San Francisco, California, notification of intent to relocate "de novo" activities (making loans and extending credit and providing of services incident to such loans and extensions of credit such as would be made or provided by a finance company, including but not limited to, purchasing installment sales finance contracts; providing funds and/or credit services in connection with the financing of stock and floor plan inventory of distributors and dealers of consumer products; making available to such dealers at their option and cost, fire, theft, and damage insurance on a monthly basis covering only the outstanding indebtedness on such floor plan inventory) from 1105 Hamilton Street to 1401 Cedar Crest Boulevard, Allentown, Pennsylvania, through its indirect subsidiary, Finance-America Management Service Corporation (11/19/76)[2]

DELAYED

First Pennsylvania Corporation, Philadelphia, Pennsylvania, notification of intent to engage in "de novo" activities (making, acquiring, or servicing for its own account or for the account of others, loans or other extensions of credit in particular commercial lending related to lease transactions and conditional sales financing) at Centre Square West, 16th and Market Streets, Philadelphia, Pennsylvania, through its subsidiary, First Pennsylvania Leasing, Inc. (11/26/76)[2]

Texas American Bancshares, Inc., Fort Worth, Texas, notification of intent to engage in "de novo" activities (agricultural commodity financing, and servicing such financing and related and incidental activities and in general, making, servicing, or acquiring, for its own account or for the account of others, loans and other extensions of credit to agricultural enterprises or secured by agricultural commodities) at Livestock Exchange Building, 4701 Marion Street, Denver, Colorado, through a subsidiary, American Cattle and Crop Services Corporation (11/24/76)[2]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in "de novo" activities (acting as broker or agent for the sale of credit-related property and casualty insurance) at 10 South Lake Avenue, Pasadena, California, through its subsidiary, Security Pacific Finance Corp. (11/24/76)[2]

PERMITTED

Manufacturers Hanover Corporation, New York, New York, notification of intent to relocate "de novo" activities (all facets of a mortgage banking business including, without limitations, arranging, making or acquiring, for its own account or for the account of others, loans and other extensions of credit and servicing loans and other extensions of credit; acting as investment adviser and manager to a real estate investment trust; providing bookkeeping or data processing services for Manufacturers Hanover Corporation, its subsidiaries and affiliates and storing and processing other banking, financial, or related economic data such as performing payroll, accounts receivable or billing services) from 9730 South Western Avenue, Evergreen Park, Illinois to 4550 West 103rd Street, Oak Lawn, Illinois, through its subsidiary, Citizens Mortgage Corporation, Southfield, Michigan (11/21/76)[2]

Philadelphia National Corporation, Philadelphia, Pennsylvania, notification of intent to relocate "de novo" activities (making installment loans secured by real and personal property; purchasing sales finance contracts; selling individual and joint credit life insurance, credit accident and health insurance, and casualty insurance in connection with certain installment loans made and sales finance contracts purchased and reinsuring such life insurance and accident and health insurance through Patrick Henry Life Insurance Company and Patrick Henry Insurance Company, indirect subsidiaries of Philadelphia National Corporation and generally acting as a personal property broker as permitted by the California Personal Property Brokers Law) from 1747 Van Ness Avenue, Fresno, California to Suite 192, 1630 East Shaw Avenue, Fresno, California, through its indirect subsidiary, Signal Finance of California, Inc. (11/26/76)[2]

Union Trust Bancorp, Baltimore, Maryland, notification of intent to engage in "de novo" activities (making installment loans to individuals for personal, family, or household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family, or household goods or services; acting as agent in the sale of credit life and credit accident and health insurance directly related to its extensions of credit and acting as agent in the sale of insurance protecting collateral held against the extensions of credit) at 753 East Main Street, Spartanburg, South Carolina, through a subsidiary, Landmark Finance Corporation of South Carolina (11/26/76)[2]

FBT Bancorp., Inc., South Bend, Indiana, notification of intent to engage in "de novo" activities (making, acquiring, or servicing loans or other extensions of credit for personal, family, household or commercial purposes; the sale of credit life/accident and health insurance in connection with the aforementioned extensions of credit) at 78th and Broadway, Merrillville, Indiana, through its subsidiary, FBT Capital Corporation (11/22/76)[2]

Financial Services Corporation of the Midwest, Rock Island, Illinois, notification of intent to engage in "de novo" activities (making or acquiring, for its own account secured and unsecured installment loans and other extensions of credit including through acceptances of drafts primarily to individuals and selling participations in but not acting as underwriter, agent, or broker with respect thereto; group credit life and credit health and accident insurance coverage directly related to such loans and other extensions of credit) at Gaslight Square, Andalusia Road and 4th Street, Milan, Illinois, through its subsidiary, F.S.C. Money Shops, Inc. (11/26/76)[2]

Security Pacific Corporation, Los Angeles, California, notification of intent to relocate "de novo" activities (acting as agent or broker with respect to the following types of insurance: credit life insurance and credit disability insurance as defined in the Insurance Code of the State of California which is directly related to extensions of credit by SPC and its subsidiaries; mortgage redemption life insurance which is directly related to extensions of credit by SPC and its subsidiaries or is directly related to the provision of other financial services by SPC or its subsidiaries; group mortgage disability insurance which is directly related to extensions of credit by SPC and its subsidiaries or which is directly related to the provision of other financial services by SPC or its subsidiaries; vendors single interest insurance which insures only the interest of SPC and its subsidiaries in motor vehicles and other collateral securing credit extended by SPC and its subsidiaires; any insurance for SPC and its subsidiaries; and dual interest auto and truck physical damage insurance (insurance which insures against risk of loss as a result of collision, fire, theft, and similar casualty, the interest in a motor vehicle of both the owner thereof and a secured party who holds a security interest in said motor vehicle) offered by motor vehicle dealers who are licensed agents to purchasers of automobiles and trucks who finance the unpaid purchase price by means of conditional sales contracts or other similar contractual agreements which are purchased or otherwise financed by SPC and its subsidiaries) from 333 South Hope Street, Los Angeles to 10 South Lake Avenue, Pasadena, California, through its subsidiary, SP Insurance Agency, Inc. (11/25/76)[2]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in "de novo" activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company; and acting as broker or agent only for the sale of credit-related life/accident and health insurance) at 10 South Lake Avenue, Pasadena, California, through its subsidiary, Security Pacific Finance Corp. (11/25/76)[2]

Security Pacific Corporation, Los Angeles, California, notification of intent to relocate "de novo" activities (the origination and acquisition of mortgage loans, including development and construction loans on multi-family and commercial properties for its own account or for the sale to others and the servicing of such loans for others) from 7255 Irving Street, Westminster, Colorado to 6425 Wadsworth Boulevard, Arvada, Colorado, through its subsidiary, Security Pacific Mortgage Corporation (11/25/76)[2]

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

APPROVED

Boatmen's Bancshares, Inc., St. Louis, Missouri, for approval to acquire 100 per cent of the voting shares of Boatmen's Life Insurance Company, Phoenix, Arizona.

Erie Bankshares, Inc., Erie, Kansas, for permission to engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Home State Bank, Erie, Kansas, Erie, Kansas.

Stark Bankshares, Inc., Stark, Kansas, for permission to engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by The Stark State Bank, Stark, Kansas.

* * * * *

To expand a bank holding company pursuant to section 4(c)(12) of the Bank Holding Company Act of 1956.

PERMITTED

Warner Communications Inc., New York, New York, notification of intent to acquire 90 per cent or more of the capital stock of The Wolper Organization Inc., through its subsidiary, Warner Bros. Inc. (11/26/76) [3]

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to section 9 of the Federal Reserve Act.

Metropolitan Bank, Tampa, Florida. Branch to be established on the West Side of Pebble Beach Boulevard, Sun City Center, Hillsborough County.

* * * * *

To Form a Bank Holding Company Pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

Reed Street Company, Inc., Red Oak, Iowa, for approval to acquire 66.8 per cent of the voting shares of The Montgomery County National Bank of Red Oak, Red Oak Iowa.

Peoples Bancshares of Schuyler County, Inc., Lancaster, Missouri, for approval to acquire 90.57 per cent of the total 600 outstanding and issued shares of Bank of Lancaster, Lancaster, Missouri.

FM Co., Milligan, Nebraska, for approval to acquire 88 per cent of the voting shares of Farmers and Merchants Bank, Milligan, Nebraska.

* * * * *

To expand a bank holding company Pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956.

Western Michigan Corporation, Niles, Michigan, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Cassopolis, Cassopolis, Michigan.

Manchester Financial Corp., St. Louis, Missouri, for approval to acquire 99.4 per cent of the voting shares of Manchester Bank West County, Maryland Heights, Missouri, a proposed new bank.

Westland Banks, Inc., Lakewood, Colorado, for approval to acquire 98 per cent of the voting shares of Westland Bank of Lakewood, Lakewood, Colorado, a proposed new bank.

Westland Banks, Inc., Lakewood, Colorado, for approval to acquire 99 percent of the voting shares of Westland National Bank South, Longmont, Colorado, a proposed new bank.

* * * * *

To Expand a Bank Holding Company Pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956.

Mellon National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in "de novo" activities (leasing real or personal property or acting as agent, broker, or adviser in leasing such property, the lease shall serve as the functional equivalent of an extension of credit to the lessee and the transaction will provide a sufficient return to compensate the lessor for the full investment in the property plus the estimated cost of financing the property over the term of the lease; making or acquiring, for its own account or the account of others, loans or other extensions of credit to be secured by real or personal property; servicing leases on real or personal property and loans secured by real or personal property for its own account or the account of others) at 3714 Mellon Bank Building, Mellon Square, Pittsburgh, Pennsylvania, through a wholly-owned subsidiary, Mellon National Leasing and Management Corporation (11/26/76).[3]

Bank of Virginia Company, Richmond, Virginia, notification of intent to engage in "de novo" activities (leasing of real property or acting as agent, broker, or adviser in leasing such property provided the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property, the property to be leased to be acquired specifically for the leasing transaction or having been acquired specifically for an earlier leasing transaction) at 11011 West Broad Street, Richmond, Virginia, through its subsidiary, BVA Credit Corporation (11/24/76).[3]

Union Trust Bancorp, Baltimore, Maryland, notification of intent to relocate "de novo" activities (making installment loans to individuals for personal, family, or household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family, or household goods or services; acting as agent in the sale of credit life and credit accident and health insurance directly related to its extensions of credit; and acting as agent in the sale of insurance protecting collateral held against the extensions of credit) from 939 Broad Street, Camden, South Carolina to 2612 N. Broad Street, Camden, South Carolina, through its subsidiary, Landmark Financial Services, Inc. (11/26/76).[3]

Banks of Iowa, Inc., Cedar Rapids, Iowa, notification of intent to engage in "de novo" activities (bookkeeping or data processing services for the internal operations of its subsidiaries and other banking institutions and storing and processing other banking, financial, or related economic data such as performing payroll, accounts receivable or payable, or billing services for other businesses) at 1014 Nebraska Street, Sioux City, Iowa, through its subsidiary, Banks of Iowa Computer Services, Inc. (11/22/76).[3]

* * * * *

To Expand a Bank Holding Company Pursuant to section 4(c)(12) of the Bank Holding Company Act of 1956.

Warner Communications Inc., New York, New York, notification of intent to acquire 25 per cent of the capital stock of SP&S Records Ltd., through its subsidiary, WCI United Kingdom (11/26/76).[3]

* * * * *

REPORTS RECEIVED

Registration Statement Filed Pursuant to section 12(g) of the Securities Exchange Act.

United States Trust Company of New York, New York, New York.

Current Report Filed Pursuant to section 13 of the Securities Exchange Act.

United Counties Trust Company, Elizabeth, New Jersey.

* * * * *

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, December 14, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-37632 Filed 12-22-76;8:45 am]

COMMERCIAL NATIONAL CORP.

Proposed Acquisition of Commercial National Management Consulting Company

Commercial National Corporation, Peoria, Illinois, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire "de novo" all of the voting shares of Commercial National Management Consulting Company, Peoria, Illinois. Notice of the application was published on November 20, 1976, in the "Journal Star," a newspaper circulated in Peoria, Illinois.

Applicant states that the proposed "de novo" subsidiary would engage in the activity of providing management consulting advice on an explicit fee and noncontinuing basis to nonaffiliated banks. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Gov-

ernors of the Federal Reserve System, Washington, D.C. 20551, not later than January 14, 1977.

Board of Governors of the Federal Reserve System, December 16, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-37634 Filed 12-22-76;8:45 am]

PAGE BANK HOLDING CO.

Formation of Bank Holding Company

Page Bank Holding Company, Page, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 92.67 per cent or more of the voting shares of Page State Bank, Page, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 12, 1977.

Board of Governors of the Federal Reserve System, December 14, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-37633 Filed 12-22-76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PUBLIC INFORMATION

Meeting

Notice is hereby given in accordance with § 800.5(c) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 C.F.R., Part 800) that on January 13, 1976, at 7:30 p.m., a public information meeting will be held at the Holy Trinity School (second floor), 6th and Spruce Streets, Philadelphia, Pennsylvania. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations and interested citizens to receive information and express their views on the proposed Washington Square East, Unit #3, an undertaking assisted by the Department of Housing and Urban Development as it affects 700-714 Spruce Street, Philadelphia, Pennsylvania, within the Society Hill Historic District, a property included in the National Register of Historic Places.

A summary of the agenda of the public information meeting follows:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Advisory Council.

II. An explanation of the undertaking and an evaluation of its effects on the property by the Department of Housing and Urban Development.

III. A statement by the Redevelopment Authority of the City of Philadelphia.

IV. A statement by the Pennsylvania State Historic Preservation Officer.

V. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

VI. A general question period.

Speakers should limit their statements to approximately 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005 (202-254-3380).

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.76-37653 Filed 12-22-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

Rechartering

Pursuant to the Federal Advisory Committee Act of October 6, 1972, Pub. L. 92-463 (5 U.S.C. Appendix 2), the Alcohol Drug Abuse, and Mental Health Administration announces the rechartering by the Secretary, Department of Health, Education, and Welfare, on December 3, 1976, of the National Advisory Council on Drug Abuse in accordance with section 14(b)(2) of said Act.

Dated: December 17, 1976.

JAMES D. ISBISTER,
Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-37638 Filed 12-22-76;8:45 am]

NATIONAL ADVISORY COUNCILS

Notice of Rechartering

Pursuant to the Federal Advisory Committee Act of October 6, 1972, Pub. L. 92-463 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces the rechartering by the Secretary, Department of Health, Education, and Welfare, on December 8, 1976, of the National Advisory Council on Alcohol Abuse and Alcoholism and the National Advisory Mental Health Council in accordance with section 14(b)(2) of said Act.

Dated: December 17, 1976.

JAMES D. ISBISTER,
Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-37639 Filed 12-22-76;8:45 am]

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Request for Comments on Certain Chemical/Physical Agents and Industrial Processes

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. NIOSH is proposing to develop criteria documents containing recommended occupational health standards for the following substances and processes for completion in 1980-81.

Acetates
Alcohols (excluding isopropyl, ethyl, furfuryl, and methyl)
Alkali Earth Metal Petroleum Sulfonates
Alkenes
Aluminium and Compounds
Ammonium Nitrate
Arenes (excluding toluene and xylene)
Brominated Aliphatics (excluding ethylene dibromide and brominated fluorocarbons)
Barium and Its Compounds
Dichloropropane
Diphenyl
Dyeing and refinishing textiles
Entering confined spaces
Glycols
Glycol ethers
Heavy metal greases and soaps
Hexachlorobutadiene
Hexachloroethane
Impact Noise
Infra-red light
Lasers
Leather tanning
Lubricant, oil, and grease additives
Manufacturing of non-metallic pigments and dyes
Monochloroethane
Monochloroacetic acid
Napthalene
Organic acids (excluding oxalic)
Organic oxides or epoxy compounds (excluding epoxy resins, epichlorohydrin, and glycidyl ethers)
Organo phosphate compounds (excluding those used primarily as pesticides and fire-retardants)
Paint and allied products manufacturing
Pentachloroethane
Plasticizers
Plastic and resins manufacture, (excluding synthetic fibers and the forming and shaping of plastics and resins)
Primary Aliphatic Amines
Primary Aromatic Amines
Pthalates
Pulp and paper mills
Pyrolysis fuel
Radio frequency
Rubber Processing Chemicals
Secondary Aliphatic Amines
Secondary Aromatic Amines
Secondary non-ferrous metal smelters
Silicon and compounds
Sodium azide
Synthetic rubber manufacturing
Terphenyl
Tertiary Aliphatic Amines
Tertiary Aromatic Amines

Tetrahydrofuran
Tire manufacturing
Trichloropropane
Tunnelling and caisson workers
Ultrasonics
Vibration (segmental and whole body)
Visible light
Wood preserving
Zinc and Its Compounds (excluding zinc chloride, chromate, and cyanide)

Prior to finalizing plans for the development of these documents, the public is invited to submit comments, including suggestions for additions or deletions, with accompanying documentation to the Director, Division of Criteria Documentation and Standards Development, (FEDERAL REGISTER Notice No. 7) NIOSH, 5600 Fishers Lane, Park Building, Room 3–28, Rockville, MD 20857, on or before February 1, 1977.

NIOSH is anticipating making a final decision in February 1977 on the documents to be developed in 1980–81.

All information received in response to this notice, except that information which is trade secret and protected by section 15 of the Act, will be available for public inspection at the foregoing address.

Date: December 17, 1976.

JOHN F. FINKLEA, M.D.,
Director, National Institute for Occupational Safety and Health.

[FR Doc.76-37640 Filed 12-22-76;8:45 am]

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Decomposition Products of Fluorocarbon Polymers

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 669(a)(3)] provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. NIOSH is proposing to develop a criteria document containing recommended occupational health standards for decomposition products of fluorocarbon polymers. The criteria document will include among other items an evaluation of available information relative to the areas listed below.

Any person having information or data in any of the areas listed below, or in other areas considered relevant to the establishment of a safe and healthful occupational environment involving decomposition products of fluorocarbon polymers is requested to submit such information, with accompanying documentation to the Director, Division of Criteria Documentation and Standards Development, NIOSH, 5600 Fishers Lane, Park Building, Room 3–28, Rockville, MD 20857 within 90 days.

1. Establishment of safe occupational environmental levels for such agents including levels for acute and chronic exposure to airborne concentrations of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to such substances with effects on specific biologic systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibiilty of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methods, including instruments, for air sampling and sample analysis of the chemical agents and methods of measuring levels of exposure to the physical agents.

6. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale of their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when occupational environmental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents.

All information received concerning decomposition products of fluorocarbon polymers, except that information which is trade secret and protected by section 15 of the Act, will be available for public inspection at the foregoing address.

Dated: December 17, 1976.

JOHN F. FINKLEA, M.D.,
Director, National Institute for Occupational Safety and Health.

[FR Doc.76-37641 Filed 12-22-76;8:45 am]

National Institutes of Health

ANIMAL RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Division of Research Resources, January 5, 1977, National Institutes of Health, Bldg. 31, Conference Room 7, Bethesda, Maryland 20014. The meeting will be open to the public from 9:00 a.m. to 2:00 p.m., during which time the report, "Assuring the Resources for Biomedical Research, An Evaluation of the Scientific Mission of the Division of Research Resources (DRR), NIH," conducted by the Research Resources Evaluation Panel and coordinated by Bolt Beranek and Newman, Inc., Cambridge, MA, will be discussed. The Committee will focus its deliberations on Appendix C, Report of the Subpanel on the Animal Resources Programs of DRR, NIH, with particular reference to the evaluation of the role of the Laboratory Animal Sciences Program in the scientific mission of the Division of Research Resources. Responses to recommendations in the report will be developed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public from 2:00 p.m. to adjournment. The purpose of the closed session will be to review institutional National Research Service Award grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of Committee members on individual training grant applications containing detailed protocols, designs, and other technical information; financial data such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 301/496–5545, will provide summaries of the meeting and rosters of Committee members. Dr. Dennis O. Johnsen, Executive Secretary, Animal Resources Advisory Committee, Building 31, Room 5B33, Bethesda, Maryland 20014, 301/496–5507, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health)

Dated: December 20, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-37823 Filed 12-22-76;8:45 am]

DIVISION OF RESEARCH RESOURCES AND GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Meeting

Notice is hereby given of the meeting of representatives from the General Research Support Program Advisory Committee and of the Division of Research Resources, January 8, 1977, National Institutes of Health, Building 31, Conference Room 9, Bethesda, Maryland 20014. The meeting will be open to the public from 8:30 a.m. to adjournment during which time the report, "Assuring the Re-

sources for Biomedical Research, an Evaluation of the Scientific Mission of the Division of Research Resources (DRR), NIH," conducted by the Research Resources Evaluation Panel and coordinated by Bolt Beranek and Newman, Inc., Cambridge, Massachusetts, will be discussed. The representatives will focus their deliberations on Appendix D, Report of the Subpanel on the Minority Biomedical Support Programs of DRR, NIH, with particular reference to the evaluation of the role of the Minority Biomedical Support Program in the scientific mission of the Division of Research Resources. Responses to recommendations in the report will be developed. Attendance by the public will be limited to space available.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, (301) 496-5545, will provide information pertaining to the meeting.

Dr. Dorothy F. Travis, Executive Secretary, General Research Support Program Advisory Committee, Building 31, Room 4B04, Bethesda, Maryland 20014, (301) 496-6743, will furnish substantive information.

(Catalog of Federal Domestic Assistance Program No. 13.337 and 13.375, National Institutes of Health.)

Dated: December 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-37824 Filed 12-22-76;8:45 am]

Office of Education

LIBRARY SERVICES AND CONSTRUCTION ACT

Promulgation of Federal Shares

Pursuant to section 7(b)(2) and subject to the limitations of section 7(b)(1) of the Library Services and Construction Act, 70 Stat. 293, as amended and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to per capita income, are the years 1973, 1974 and 1975, the Federal shares for the purposes of Titles I and II of such Act for the several States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands are hereby promulgated as indicated below to be effective for the fiscal years ending September 30, 1978, and September 30, 1979. (20 U.S.C. 351e)

(20 U.S.C. 351e)

Dated: December 17, 1976.

(Catalog of Federal Domestic Assistance Program Number 13.464, Library Services-Grants for Public Libraries; and 13.408, Construction of Public Libraries)

EDWARD AGUIRRE,
U.S. Commissioner of Education.

State	Federal share (percent)
Alabama	60.97
Alaska	33.00
Arizona	53.34
Arkansas	60.60
California	44.70
Colorado	49.29
Connecticut	41.02
Delaware	42.57
District of Columbia	35.50
Florida	50.87
Georiga	56.42
Hawaii	44.52
Idaho	55.20
Illinois	42.79
Indiana	51.62
Iowa	48.34
Kansas	48.55
Kentucky	58.98
Louisiana	59.48
Maine	59.00
Maryland	45.55
Massachusetts	48.16
Michigan	46.68
Minnesota	50.15
Mississippi	65.11
Missouri	53.25
Montana	53.51
Nebraska	49.15
Nevada	43.58
New Hampshire	54.57
New Jersey	43.17
New Mexico	60.45
New York	44.21
North Carolina	57.71
North Dakota	47.67
Ohio	50.26
Oklahoma	56.17
Oregon	51.29
Pennsylvania	50.06
Rhode Island	51.12
South Carolina	60.51
South Dakota	55.16
Tennessee	58.42
Texas	53.25
Utah	58.49
Vermont	57.85
Virginia	51.13
Washington	48.17
West Virginia	59.28
Wisconsin	52.00
Wyoming	49.14
American Samoa	66.00
Guam	66.00
Puerto Rico	66.00
Trust Territory	100.00
Virgin Islands	66.00

[Fr Doc.76-37721 Filed 12-22-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-377; FDAA-518-DR]

VERMONT

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Vermont dated August 5, 1976, and amended August 13, 1976, is hereby further amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 5, 1976:

The Counties of:

Addison Rutland

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: DECEMBER 16, 1976.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-37682 Filed 12-22-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 24651]

COLORADO

Proposed Withdrawal and Reservation of Lands

DECEMBER 13, 1976.

The Department of Agriculture, U.S. Forest Service, has filed the above application for the withdrawal of the lands described below, from location and entry under the Mining Laws only, subject to existing valid rights, in accordance with the authority vested in the Federal Land Policy and Management Act of 1976 (90 Stat. 2751; 43 U.S.C. 1714).

The applicant desires the land for an administrative site in connection with the Rio Grande National Forest.

On or before January 24, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (CO-943).

The Department's regulations (43 CFR 231) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The lands involved in the application are:

T. 41 N., R. 1 E., N.M.P.M., Sec. 5: NE¼SE¼NW¼;

Secs. 5 & 6: a parcel of land in the N½SW¼, Section 5, and the NE¼NE¼SE¼, Section 6, described as follows:

Beginning at the east quarter of Section 6; thence south 3°03', west, 390.0 feet; thence north 70°27' west, 269.9 feet; thence south 27°34' west, 153.0 feet; thence south 58°01' east, 368.2 feet, at a point on the line common to Sections 5 and 6 thence continuing south 58°01' east, 144.1 feet; thence south 80° east, 323.2 feet; thence north 77°52' east, 842.4 feet; thence north 72°08' east, 1400.7 feet; thence north 1°39' east, 241.0 feet; thence south 87° 12' west, 2602.4 feet, to the point of beginning.

The area described aggregates 84.55 more or less, in Mineral County, Colorado.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party to record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

MERRILL G. ANDERSON,
Acting Chief,
Branch of Land Operations.

[FR Doc.76-37659 Filed 12-22-76;8:45 am]

[M 35740]

MONTANA

Notice of Public Hearing and Coal Lease Offering By Sealed Bid and Oral Auction

DECEMBER 17, 1976.

U.S. Department of the Interior, Bureau of Land Management, Montana State Office, Granite Tower, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107. Notice is hereby given that the lands hereinafter described in Rosebud County, Montana, will be offered for coal lease by sealed bid, followed by oral auction, to the qualified bidder of the highest cash amount per acre, at 2 p.m., M.S.T., February 1, 1977, in the Conference Room on the 6th Floor of the Granite Tower Building. At that time sealed bids will be opened and read. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received before the date, time, and place set for opening of such bids. Only those bidders who submit sealed bids will be permitted to bid orally.

Public hearing: A public hearing will be held on January 12, 1977, at 2 p.m. at the Colstrip Community Center to obtain public comments on the following items: (1) The method of mining to be employed to obtain maximum economic recovery of the coal, and (2) the impact that mining the coal on the proposed leasehold may have on the area, including but not limited to impacts on the environment, agriculture, other economic activities and on public services. Approximately 7 million tons in the average 22-foot thick Rosebud Coal Seam will be mined from the lands to be leased. This coal contains an average of 8,350 Btu per pound, and has an average content of 0.89% sulfur and 8.0% ash, all determined on the as-received basis.

Written comments: The public is invited to submit written comments on the fair market value of the coal to be leased. Such comments will be held confidential. Written comments on Item (1) above and the fair market value will be received by the Area Mining Supervisor, U.S. Geological Survey, P.O. Box 2550, Billings, Montana 59103, until January 19, 1977.

Lands offered: The lands are located in Rosebud County near the community of Colstrip, Montana. Colstrip is located 29 miles south of Interstate 94 and 36 miles from Forsyth, Montana. The lands are described as follows: Township 2 North, Range 41 East, Principal Meridian, Montana, Section 32, E½E½, SW¼ SE¼, containing 200 acres.

Detailed statement: A detailed statement of the terms and conditions of the lease offer, how and where to submit sealed bids and the obligations of the high bidder(s) to pay for publication of this notice may be obtained from Chief, Division of Technical Services, Montana State Office, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

ROLAND F. LEE,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-37660 Filed 12-22-76;8:45 am]

[NM 29292]

NEW MEXICO

Application

DECEMBER 15, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 10¾-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Sec. 4, lots 1, 2 and 3.
Sec. 3, lots 1, 2, 3 and 4;
Sec. 4, lots 1, 2 and 3.

This pipeline will convey natural gas across 1.731 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-37661 Filed 12-22-76;8:45 am]

[NM 29295]

NEW MEXICO

Application

DECEMBER 15, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for five 4 & 6-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 24 E.,
Sec. 22, S½SE¼;
Sec. 23, NE¼SW¼, S½SW¼, N½SE¼;
Sec. 24, N½S½;
Sec. 27, NW¼NE¼, NE¼NW¼;
Sec. 28, SE¼NW¼.
T. 20 S., R. 24 E.,
Sec. 12, N½NE¼, SE¼SE¼;
Sec. 13, NE¼NE¼.
T. 20 S., R. 25 E.,
Sec. 18, lots 1, 2 and 3;
Sec. 19, NE¼SW¼, W½SE¼.

These pipelines will convey natural gas across 4.913 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-37662 Filed 12-22-76;8:45 am]

[Wyoming 57835]

WYOMING

Application

DECEMBER 15, 1976.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Gas Company, of Colorado Springs, Colorado, filed an application for a right-of-way to construct a 4 inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 94 W.,
Sec. 32, NE¼SW¼.

The pipeline will transport natural gas from the #4 Siberia Ridge Unit 11-32 well in the SW¼, sec. 32, T. 22 N., R. 94 W., to a point of connection with the proposed F25 4 inch line in sec. 32, T. 22 N., R. 94 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

GLENNA M. LANE,
Acting Chief, Branch of
Lands and Minerals' Operations.

[FR Doc.76-37663 Filed 12-22-76;8:45 am]

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Noitce of Ad Hoc Subcommittee Meetings

Notice is hereby given in accordance with Public Law 92–463 that two subcommittee meetings of the Advisory Committee on Coal Mine Safety Research will be held simultaneously on January 10 and 11, 1977, from 9:00 a.m. to 4:00 p.m. at the Howard Johnson's Motor Lodge, 5300 Clairton Boulevard (Route 51 South), Pittsburgh, Pennsylvania. The meetings are open to the public.

Ad hoc committees are used to identify and consider special problems as indicated. The purpose of each subcommittee meeting and a list of members follow:

SUBCOMMITTEE ON INDUSTRIAL TYPE HAZARDS

Louis Hunter, *Chairman*

Hubert J. Martin	Michael Trbovich
John V. Grimaldi	Ralph C. Beerbower

Purpose: To discuss Industrial Type Hazards research area with Bureau of Mines Mining Research personnel.

SUBCOMMITTEE ON GROUND CONTROL

Harreld N. Kirkpatrick, *Chairman*

Sherman A. White	Charles Babendreier
Malcolm T. Wane	Wayne C. Christensen

Purpose: To discuss Ground Control research area with Bureau of Mines Mining Research personnel.

Further information concerning these meetings may be obtained from Rolland R. Reid, Deputy Assistant Secretary—Minerals, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, telephone: (202) 343–4881. Transcripts of the meetings will be available for public inspection three weeks after the meeting upon written request addressed to the above official.

Dated: December 17, 1976.

T. V. FALKIE.
Director, Bureau of Mines.

[FR Doc.76–37699 Filed 12–22–76;8:45 am]

Geological Survey

OIL AND GAS OPERATIONS

Eastern Region OCS Orders

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 in September 1977. 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 sales schedule shows a tentative lease sale to be held in the South Atlantic in September 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 South 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 South Atlantic Area. For the purpose of these OCS Orders, the South Atlantic Area includes OCS lands from 37° N latitude south to Key West. Comments will be accepted until March 1, 1977, and should be sent to:

Acting Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 600, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

The U.S. Geological Survey has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

W. A. RADLINSKI,
Acting Director.

[FR Doc.76–37666 Filed 12–22–76;8:45 am]

National Park Service

GRAND TETON NATIONAL PARK, WYOMING

Designation of Areas and Routes Open to Snowmobiles

In accordance with the requirements of paragraph (c) of § 2.34 of Title 36 of the Code of Federal Regulations, notice is hereby given of areas and routes that will be open to snowmobiles in Grand Teton National Park.

In arriving at the designations of the snowmobile areas and routes, we have been guided by the criteria contained in Sections 3 and 4 of Executive Order 11644 (3A CFR, 1972 Comp. p. 142) and also have considered factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection and other management consideration.

An environmental assessment has been prepared on the designation of the snowmobile areas and routes and is available for public review in the office of the Park Superintendent. A map showing areas and routes that are to be open is also available to the public.

In order to properly designate the snowmobile areas and routes, it is considered necessary to specify the boundaries of the open areas and to define the portions of the Park where snowmobile use will be permitted.

Available Roadway. On roads designated for smowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed to all other motor vehicle use by the public.

Marked Trails. Snowmobile routes other than unplowed public roads are designated by diamond shaped red markers on trees and on poles in the snow along the routes.

1. Designated Routes to be open to snowmobile use:

a. Designated routes for access to the Bridger-Teton National Forest and other areas are: The Spread Creek Road, the Pilgrim Creek Road, the Colter Bay Dump Road, the Baily Creek Road and the Arizona Creek Road from the highway to their terminus, the Elk Ranch Roads south of Uhl Hill, the unplowed portion of the Pacific Creek Road, the unplowed portion of the Ditch Creek Road including the road to the South Fork of Ditch Creek, those portions of the unplowed roads connecting with the Shadow (Antelope) Mountain Forest Service Road at Cunningham Cabin, Lost Creek Road and Antelope Flats Road, the unplowed portion of the Moose-Wilson Road, the Two Ocean Lake Road and the Lizard Creek Campground Road.

b. Designated routes to private lands outside Park boundaries: The Jackson Hole Ranch Road, the Circle EW Ranch Road and the Lost Creek Ranch Road.

c. Marked Trails: Two Ocean Lake Road to the Pacific Creek Road passing through the divide located in Section 1, Township 45 North, Range 114 West.

2. Designated areas that are to be open to snowmobile use:

a. The frozen surface of Jackson Lake and Jenny Lake during the period of adequate ice cover.

b. The area which includes Baseline Flats, Timbered Island, Burned Ridge, the Potholes and Signal Mountain. The boundaries of the area are: Beginning at the Jackson Lake Dam then easterly along the base of the north-facing slope of Signal Mountain to Cattleman's Bridge, then continuing easterly and southerly along the base of the north and east-facing slopes of the hills south and west of the Snake River to the river bench, beginning in the south and central portion of Section 27, Township 45 North, Range 144 West, then continuing southerly along the top of the river bench to below Deadman's Bar in Section 27, Township 44 North, Range 115 West, then continuing southerly along the top of the lower river bench to where it is bisected by Cottonwood Creek in Section 24, Township 43 North, Range 116 West, then northwesterly along the bench north of Cottonwood Creek to the Teton Park Road at the Cottonwood Creek Bridge, then northerly along the Teton Park Road to South Jenny Lake Junction, then continuing northerly along the Jenny Lake Loop Road to the Strink Lake Picnic Area, then northerly and easterly along the Jenny Lake Loop Road to the Spalding Bay Road, then northerly along the Spalding Bay Road

to Jackson Lake, then southerly, easterly and northerly along the shore line of Jackson Lake to the Jackson Lake Dam, the point of beginning.

c. The Pacific Creek area, excluding the flood plain of Pacific Creek, bounded on the north by the east road right of way of the Pacific Creek Road to the east Park boundary, then southerly along the Park boundary to the northeast corner of the northwest quarter of Section 19, Township 45 North, Range 113 West, then west to the northeast corner of the northwest quarter of Section 24, Township 44 North, Range 114 West, then south to the center of Section 24, Township 44 North, Range 114 West, then west to the southwest corner of the northwest quarter of Section 24, Township 44 North, Range 114 West, then south to Highway 26/287, then westerly along the north road right of way to the Moran Junction, then northerly along the east right of way of Highway 89/287 to the Pacific Creek Road Junction.

d. The Antelope flats area beginning at the junction of the Antelope Flats Road with Highway 26/89/187, easterly along the north road right of way to the Mail Box Corner intersection, then north and east on the west side of the Shadow Mountain Road to the Park boundary, then north along the east boundary to the Lost Creek Ranch Road, then westerly along the Lost Creek Ranch Road to Highway 26/89/187, then southerly along the east road right of way to the Antelop Flats Road, the point of beginning.

e. The Hayfields area including Sections 3, 4, 33, 34 and the portion of Section 27 south of Ditch Creek in Township 43 North, Range 15 West bounded on the west by the Morman Row Road, on the north by markers on the North Section line between Sections 33 and 28 and the trees on Ditch Creek in Section 27 and bounded on the east and south by the Kelly Road.

3. The Superintendent shall determine the opening and closing dates for use of snowmobile areas and designated snowmobile routes each year, taking into consideration snow depth to insure proper protection to the vegetation, the location of wintering wildlife, road plowing schedules and other factors that may relate to public safety and he shall notify the public of such dates through normal news media channels.

4. Snowmobile use outside designated areas or routes is prohibited. This prohibition shall not apply to (1) emergency routes designated by the Superintendent with the appropriate signs and poles and (2) emergency administrative travel by employees of the National Park Service or its contractors and concessioners.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the decision making process. As required by 36 CFR § 2.34(c), prior to making a final decision on these designated areas and routes that are to be open, the public shall be provided a 30-day period to comment. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed snowmobile area and route designations, to the Park Superintendent, Grand Teton National Park, Post Office Drawer 170, Moose, Wyoming 83012 within 30 days of the date of this Notice.

GLEN T. BEAN,
Acting Regional Director,
Rocky Mountain Region.

[FR Doc.76-37702 Filed 12-22-76;8:45 am]

JOHN D. ROCKEFELLER, JR. MEMORIAL PARKWAY

Designation of Areas Open to Snowmobiles

In accordance with the requirements of paragraph (c) of § 2.34 of Title 36 of the Code of Federal Regulations, notice is hereby given of the area that will be open to snowmobiles on the John D. Rockefeller, Jr. Memorial Parkway.

In arriving at the designation of the snowmobile area, we have been guided by the criteria contained in Sections 3 and 4 of Executive Order 11644 (3A CFR 1972 Comp. p. 142) and also have considered factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection and other management considerations.

An environmental assessment has been prepared on the designation of the snowmobile area and is available for public review, in the office of the Park Superintendent, Grand Teton National Park. A map showing the area that is to be open is also available to the public.

In order to properly designate the snowmobile area, it is considered necessary to specify the boundaries of the area where snowmobile use will be permitted.

Designated Area. Oversnow vehicle use will be permitted within the area bounded by the Snake River from the Snake River Bridge at Flagg Ranch west along the west bank of the river to the mouth of Polecat Creek, then to the west flood plain bank of the Snake River southerly to the Parkway boundary, then west along the southern Parkway boundary to tht southwest corner, then north on the Parkway boundary to the south boundary of Yellowstone National Park, then east along the south boundary of Yellowstone to Highway 89/287, then south along the east side of Highway 89/287 to the bridge over the Snake River at Flagg Ranch. Periodically, some areas along Polecat Creek may be temporarily closed to oversnow vehicle use to prevent a disturbance to concentrations of wildlife, including waterfowl.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the decision making process. As required by 36 CFR § 2.34(c) prior to making a final decision on the designated area, the public shall be provided a 30-day period to comment. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the designation of a snowmobile area, to the Superintendent, Grand Teton National Park, Moose, Wyoming 83012, within 30 days of the date of this Notice.

GLEN T. BEAN,
Acting Regional Director,
Rocky Mountain Region.

[FR Doc.76-37701 Filed 12-22-76;8:45 am]

MIDWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Midwest Regional Advisory Committee will be held beginning at 8:30 a.m. (CST), on Thursday, January 27 and continuing until approximately 12:00 noon, Friday, January 28, 1977, in Omaha, Nebraska.

The committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Midwest Region of the National Park Service.

The members of the advisory committee are as follows:

Honorable Robert W. Berrey III (Chairman)
Mrs. Mildred Curtis
Mr. Wallace C. Dayton
Mr. Norman G. Duke
Mr. John J. Franke, Jr.
Mr. Glenn C. Gregg
Mr. Fred D. Hartley
Mr. William L. Lieber
Mr. Erwin D. Sias

The committee will meet at 8:30 a.m. (CST) Thursday, January 27, at the Granada Royale Hometel, 72nd Street and Mercy Road, Omaha, Nebraska. On Friday, January 28, it will meet at 8:30 a.m. in the third floor conference room of the Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska. Topics for the meeting include the following:

1. Action on the committee's past recommendations.
2. Election of officers.
3. Progress report covering current problems and activities.

The meeting will be open to the public. It is expected that in addition to the committee and staff about 20 persons will be able to attend. Any member of the public may file with the committee a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Bill W. Dean, Executive Assistant to the Regional Director, Midwest Regional Office at area code 402, 221-3481. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Midwest Region.

1709 Jackson Street, Omaha, Nebraska 68102.

Dated: December 13, 1976.

RANDALL R. POPE,
Acting Regional Director,
Midwest Region.

[FR Doc.76-37700 Filed 12-22-76;8:45 am]

COLORADO RIVER STORAGE PROJECT

Notice of Proposed Allocation of Peaking Power

Pursuant to Public Law 84-485, April 11, 1956 (70 Stat. 105), and by virtue of authority under the Reclamation Project Act of 1939, August 4, 1939 (53 Stat. 1187, 1194, 1198), the Secretary of the Interior proposes to allocate additional power from the Colorado River Storage Project to be marketed by the Bureau of Reclamation.

A notice of the proposed revised allocation was published in the FEDERAL REGISTER, Vol. 41, No. 166, August 25, 1976. It was proposed that, after a review of those comments, a final allocation would be announced and customers would have to place their allocations under contract by December 1, 1976, or they would be rescinded.

Comments have been received from several customers and are now under review. To allow further time for review by both the customers and the Bureau of Reclamation of the proposed allocation and of the proposed contract arrangements, announcement of the final allocation is postponed until no later than January 31, 1977, and the deadline for completion of contracts is extended to March 31, 1977.

Dated: December 13, 1976.

DENNIS N. SACHS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.76-37691 Filed 12-22-76;8:45 am]

Office of the Secretary

CALIFORNIA DESERT CONSERVATION AREA ADVISORY COMMITTEE

Establishment

In accordance with sections 309 and 601(g) of the Federal Land Policy and Management Act of 1976, Pub. L. 94-579 (90 Stat. 2743-2794), there is hereby established a California Desert Conservation Area Advisory Committee of not less than 10 nor more than 15 members to advise the Secretary and Department of the Interior with respect to preparation and implementation of a comprehensive, long-range plan for the management, use, development, and protection of lands within the California Desert Conservation Area of southern California. The Committee will function in accordance with the Federal Advisory Committee Act (86 Stat. 770; 5 App. I U.S.C.) and general guidelines and procedures contained in Subpart 1784 of Title 43, Code of Federal Regulations. Specific operating rules, as well as the composition of the Committee with regard to number of members and interests or disciplines to be represented, will be set forth in its charter.

THOMAS S. KLEPPE,
Secretary of the Interior.

DECEMBER 17, 1976.

[FR Doc.76-37668 Filed 12-22-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-23]

CERTAIN COLOR TELEVISION RECEIVING SETS

Notice of Suspension of Investigation

Notice is hereby given that—

(1) On December 2, 1976, the Commission investigative attorney and certain respondents filed a joint motion for suspension of this investigation, which was docketed by the Office of the Secretary as motion No. 23-57. On December 6, 1976, the presiding officer filed his recommended decision and opinion on motion No. 23-57 for suspension of this investigation.

(2) On the basis of its consideration of the above pleadings, recommended decision and opinion, the Commission hereby orders that, pursuant to section 337(b)(1) of the Tariff Act of 1930, as amended, and section 210.15 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, Apr. 27, 1976) this investigation is hereby suspended pending the completion of U.S. International Trade Commission investigation No. TA-201-19, Television Receivers, Color and Monochrome, Assembled or Not Assembled, Finished or Not Finished, and Subassemblies Thereof (41 FR 50076, Nov. 12, 1976).

(3) The suspension is to be effective at the close of business on December 20, 1976, and remain in force and effect only during the pendency of investigation No. TA-201-19 (Television Receivers).

(4) All existing orders, including, but not limited to, outstanding discovery orders, the protective order entered September 17, 1976, and all amendments thereto issued on or prior to December 20, 1976, shall remain in effect, and the pleadings and positions of the parties, whether by motion, objection, or other means, shall be preserved, subject to the suspension of this investigation. The effective dates for compliance with such orders and the dates for responses to such pleadings are tolled pursuant to the suspension.

Issued: December 20, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-37742 Filed 12-22-76;8:45 am]

[337-TA-23]

CERTAIN COLOR TELEVISION RECEIVING SETS

Notice Concerning Procedure for Commission Action

Notice is hereby given that—

(1) On September 27, 1976, pursuant to the provisions of section 210.35(c) of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, Apr. 27, 1976), the respondents in this investigation filed an Application for Subpoena of Non-Party Commission Records, which was docketed by the Office of the Secretary as motion No. 23-27, with the presiding officer. On November 5, 1976, the presiding officer issued his Ruling Granting In Part Respondents' Application for Subpoena of Non-Party Commission Records and an accompanying subpoena. The subpoena requires the production, on or before September 18, 1976, of all papers, books, physical exhibits, and other materials not otherwise available in the public files of the Commission which were obtained by the Commission in connection with the following investigations:

No. AA1921-66----	Television receiving sets from Japan.
No. TEA-W-70----	Television receivers.
No. TEA-W-77----	Television receivers, radios, and phonographs.
No. TEA-W-188---,	Television receivers, radio-television-phonograph combinations, and radio-phonograph combinations.
No. TEA-I-21----	Television receivers.
No. 332-65----	Competitiveness of U.S. industries.

(2) On November 15, 1976, pursuant to section 210.60(a) of the Commission's Rules of Practice and Procedure, as amended, and the discretion vested in it pursuant to that section, the Commission voted to review the presiding officer's Ruling Granting In Part Respondents' Application for Subpoena of Non-Party Commission Records of November 5, 1976. The return date of the presiding officer's subpoena of November 5, 1976, is hereby stayed pending the Commission's review. The Commission will consider, among other issues, three issues pursuant to the instant review, as follows:

(a) Does the Application for Subpoena of Non-Party Commission Records (M. 23-27), filed by the respondents on September 27, 1976, comply with section 210.35(c) of the Commission's rules, to the extent that it was granted by the presiding officer in his ruling of November 5, 1976?

(b) As a matter of law, is the Commission required to produce the information described in the presiding officer's subpoena of November 5, 1976?

(c) Are the rights of the persons who submitted to the Commission the confidential information to be produced pursuant to the subpoena adequately protected by the fact that the disclosure of such information is to be subject to the presiding officer's Protective Order of September 17, 1976?

(3) Any person or party interested in this review may file briefs of no more than 20 pages and in form and number as set forth in section 201.8 of the Commission's Rules of Practice and Procedure, as amended. Such briefs shall be filed no later than 15 days following the date that the suspension of this investigation terminates.

(4) The Commission will not hold oral argument concerning this review.

Issued: December 20, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-37743 Filed 12-22-76;8:45 am]

[337-TA-23]

CERTAIN COLOR TELEVISION RECEIVING SETS

Notice Concerning Commission Action

Notice is hereby given that—

(1) On August 6, 1976, the presiding officer in this investigation issued his Determination Under Rule 210.60(b) Allowing Application for Review with respect to his Ruling Denying Amended Motions To Terminate and Dismiss of July 12, 1976. On August 16, 1976, the respondents in this investigation filed with the Commission an Application for Review of Denial of Respondents' Motions To Terminate the Proceedings and Dismiss the Complaint, which was docketed by the Office of the Secretary as motion No. 23-20. The complainants in this investigation and the Commission investigative staff filed answers to the respondents' application for review on August 23, 1976, and August 24, 1976, respectively.

(2) The Commission announced its decision to review the presiding officer's ruling of July 12 in its Notice Concerning Procedure for Commission Action, which was published in the FEDERAL REGISTER on September 20, 1976 (41 FR 40569). Pursuant to the terms of its notice, the Commission decided to consider two issues pursuant to its review, as follows:

(a) As a matter of law, does the Commission have subject-matter jurisdiction over the allegations in the Consolidated Amended Complaint, filed with the Commission on May 25, 1976?

(b) Assuming such jurisdiction, as matter of policy, should the Commission continue to exercise its jurisdiction in this case, considering past practice of the Commission under section 337 of the Tariff Act of 1930, as amended?

In separate letters dated September 15, 1976, the Commission requested or acknowledged the advice of the Department of State, the Treasury, Justice, Health, Education, and Welfare; the Federal Trade Commission; and the Office of the Special Representative for Trade Negotiations in its review of the presiding officer's ruling of July 12, 1976. Responses were received from these agencies and departments on September 24, 1976. On September 30, 1976, briefs concerning the Commission's review were filed by the Commission investigative attorney, the complainants, and certain respondents. On October 5, 1976, the Commission granted a motion (M. 23-29) of Mitsubishi Corp. and Mitsubishi International Corp. for permission to file their brief late. Oral argument was held before the Commission on October 6, 1976.

(3) On November 8, 1976, the Commission unanimously affirmed that portion of the presiding officer's ruling of July 12, 1976, denying the amended motion of certain respondents to terminate this investigation and dismiss the complaint (M. 23-3A). The Commission affirmed in part and overruled in part that portion of the presiding officer's ruling denying the amended motion filed by Mitsubishi International Corp. and Mitsubishi Corp. to terminate and dismiss (M. 23-2A), by determining that only Mitsubishi Corp. had demonstrated that it is not a proper party to the Commission's investigation.[1]

(4) It is hereby ordered that motion No. 23-3A is denied, and that motion No. 23-2A is also denied except with regard to Mitsubishi Corp. The status of Mitsubishi Corp. as a party to investigation No. 337-TA-23 is hereby terminated.

(5) The Commission Memorandum Opinion in support of the Commission action is available at the Office of the Secretary, located in the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, and in the New York City office of the Commission, located at 6 World Trade Center.

Issued: December 20, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-37745 Filed 12-22-76;8:45 am]

[332-73]

DRAFT CHAPTER OF THE HARMONIZED COMMODITY DESCRIPTION AND CODING SYSTEM

Notice of Public Hearing

The United States International Trade Commission hereby gives notice that a public hearing will be held at 10 a.m., e.s.t., on January 27, 1977, in the Hearing Room of the United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436 on a draft of, and draft U.S. comments on, the following chapter of the Harmonized Commodity Description and Coding System:

CHAPTER 84

Boilers, machinery, and mechanical appliances; parts thereof (pts. 2 and 3).

The purpose of this hearing is to obtain the comments and views of interested parties with respect to this draft chapter of the Harmonized Commodity Description and Coding System, and of the draft U.S. comments thereon.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 F.R. 6239), under section 332(g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974 which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices * * *.

The Harmonized Commodity Description and Coding System (Harmonized Code) is being developed by the Customs Cooperation Council (CCC), a 79-member intergovernmental organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transactions in international trade. The Harmonized Code will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature; formerly known as the Brussels Nomenclature or BTN.

Currently, a technical team working under the auspices of the CCC prepares drafts of the various chapters of the Harmonized Code for consideration by the Harmonized Systems Committee which was established in order to develop the code. These drafts are forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee meets three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters may extend to more than one meeting.

In 1971, the Department of the Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized Code, the interagency committee has instituted procedures which take into account the provisions of section 608(c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing technical comments and proposals on the various chapters of the Harmonized Code for consideration by the interagency committee in the determination of U.S. positions with respect to the Harmonized Code. In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

The draft U.S. comments on chapter 84 of the Harmonized Code released for public comment today relate specifically to parts 2 and 3 of the technical team draft of chapter 84 and should be read in conjunction therewith.

In its public notice issued May 10, 1976, regarding hearings on the chapters of the Harmonized Commodity Description and Coding System (41 F.R. 19781 of May 13, 1976) interested parties were notified regarding the rules governing the conduct of the hearings, and the

[1] The Commission denied Commissioner Ablondi's motion to suspend investigation No. 337-TA-23 pursuant to section 337(b) of the Tariff Act, as amended.

submission of written statements. The Commission's notice of May 10, 1976, applies to the hearing on the chapter being released today to the extent that it is applicable.

In its public notices of May 4, 1976 (41 F.R. 18716 of May 6, 1976) and of August 9, 1976 (41 F.R. 34370 of August 13, 1976), the Commission identified those chapters which have been considered thus far by the Harmonized System Committee, and the chapters for which a technical team draft has been released. Since those notices were issued the Commission has received the following draft chapters prepared by the technical team:

CHAPTER 15

Animal and vegetable fats and oils and their cleavage products; prepared edible fats; animal and vegetable waxes.

CHAPTER 18

Cocoa and cocoa preparations.

CHAPTER 19

Preparations of [milk] cereals, flour or starch; pastrycooks' products.

CHAPTER 20

Preparations of vegetables, fruit or other parts of plants.

CHAPTER 23

Residues and waste from the food industries; prepared animal fodder.

CHAPTER 34

Soap, organic surface active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes".

CHAPTER 73

Articles of iron or steel.

Requests to appear at the hearing on chapter 84 must be filed in writing with the Secretary of the Commission not later than January 20, 1977. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after January 20, 1977. Any person who fails to receive such notification by January 25, 1977, should immediately communicate with the Office of the Secretary of the Commission. Parties wishing to submit written comments in lieu of attendance at the hearing should do so by February 7, 1977.

Copies of the foregoing chapters and of the chapter and draft U.S. comments thereon which are the subject of the hearing are available for public inspection at the offices of the Commission at 701 E Street NW., Washington, D.C. 20436 or at 6 World Trade Center, New York, N.Y., 10048. The Commission will also send copies to interested parties who notify the Commission of their interest with respect to any particular chapter of group of chapters.

Issued: December 20, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-37741 Filed 12-22-76;8:45 am]

[USITC SE-76]

GOVERNMENT IN THE SUNSHINE

Notice of Commission Meeting

Interested members of the public are invited to attend and to observe the meeting of the United States International Trade Commission to be held on December 28, 1976, beginning at 9:30 a.m., in the Hearing Room of the United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436. The Commission plans to consider the following agenda items in open session:

1. Agenda for future meetings;
2. Minutes of the hearings and meetings of December 14, 16, and 20, 1976;
3. Reorganization;
4. Footwear (Inv. TA-201-18)—vote on remedy, if necessary;
5. Quarterly report on East-West Trade—draft to be distributed;
6. Appeal filed pursuant to the Privacy Act;
7. Work plans for FY 77 and FY 78 budget estimated—see memorandum dated December 8, 1976, from the Chief, Financial Management.

If you have any questions concerning the agenda for the December 28, 1976, Commission meeting, please contact the Secretary to the Commission at (202) 523-0161. Access to documents to be considered by the Commission at the meeting is provided for in Subpart C of the Commission's rules (19 CFR 201.17-201.21).

On the authority of 19 U.S.C. 1335 and in conformity with proposed 19 CFR 201.39(a), when a person's privacy interests may be directly affected by holding a portion of a Commission meeting in public, that person may request the Commission to close such portion to public observation. Such requests should be communicated to the Office of the Chairman of the Commission.

Issued: December 20, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-37740 Filed 12-22-76;8:45 am]

[603-TA-1]

TELEVISION RECEIVERS FROM JAPAN

Notice of Suspension of Investigation

Notice is hereby given that the United States International Trade Commission has ordered that this preliminary investigation, notice of which was published in the FEDERAL REGISTER on April 8, 1976 (41 FR 14949), be suspended at the close of business on December 20, 1976.

Accordingly, this preliminary investigation is suspended as of the close of business on December 20, 1976, pending further notice of the Commission.

Issued: December 20, 1976.

By order of the Commission

KENNETH R. MASON,
Secretary.

[FR Doc.76-37746 Filed 12-22-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR HUMAN CELL BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Human Cell Biology.

Date and time: January 27-28, 1977—9:00 a.m. to 6:00 p.m. each day.

Place: Room 517, National Science Foundation, 1800 G Street, N.W., Washintgon, D.C.

Type of meeting: Closed.

Contact person: Dr. Herman W. Lewis, Acting Program Director, Human Cell Biol. Program, Rm. 326, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4200.

Purpose of panel: To provide advice and recommendations concerning support for research in Human Cell Biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

DECEMBER 20, 1976.

[FR Doc.76-37716 Filed 12-22-76;8:45 am]

SCIENCE FOR CITIZENS ADVISORY COMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the

National Science Foundation announces the following meeting:

Name: Science for Citizens Advisory Committee.

Date & time: January 14, 1977–9 a.m. to 6 p.m., January 15, 1977–9 a.m. to 1 p.m.

Place: Rm. 651, National Science Foundation, 5225 Wisconsin Avenue NW., Washington, D.C.

Type of meeting: Open.

Contact person: Ms. Rachelle Hollander, Assistant Program Manager, National Science Foundation, Office of Science and Society, Washington, D.C. 20550, telehpone 202–282–7770.

Purpose of committee: To provide advice and recommendations concerning the development of the Science for Citizens Program.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Agenda: Items for discussion will include:

Purposes of the Committee.

Report to the Congress on the implications of NSF assistance to nonprofit citizen organizations.

Public Service Science Internships.

SFC-sponsored forums, conferences, and workshops.

Future meetings and activities.

M. REBECCA WINKLER,
Acting Committee Management Officer.

DECEMBER 20, 1976.

[FR Doc.76–37715 Filed 12–22–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, REACTOR SAFETY STUDY WORKING GROUP

Change of Meeting Agenda

The January 4, 1977 meeting of the ACRS Reactor Safety Study Working Group announced in FR 41, December 20, 1976, page 55394, will begin at 8:30 a.m. with an open (instead of closed) Executive Session. All other matters pertaining to this meeting remain the same.

JOHN C. HOYLE,
Advisory Committee Management Officer.

DECEMBER 21, 1976.

[FR Doc.76–37938 Filed 12–22–76;9:49 am]

[Docket No. 50–313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR–51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of the Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective ninety (90) days following the date of its issuance.

The amendment revised the provisions in the Technical Specifications relating to Administrative Controls for the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated December 10, 1975 and September 30, 1976, (2) Amendment No. 16 to License No. DPR–51, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of December, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76–37371 Filed 12–22–76;8:45 am]

[Docket No. 50–318]

BALTIMORE GAS AND ELECTRIC CO.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Baltimore Gas and Electric Company. The relief relates to the inservice inspection (testing) program for the Calvert Cliffs Nuclear Power Plant, Unit 2 (the facility) located in Calvert County, Maryland. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of allowing alternate methods of determining the hydraulic and mechanical characteristics of pumps provided with emergency power sources.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated July 28, 1976 and supplemented by letter dated August 27, 1976, and (2) the Commission's letter to the licensee dated December 10, 1976.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 10th day of December 1976.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc.76–37375 Filed 12–22–76;8:45 am]

[Docket No. 50–293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR–35, issued to the Boston Edison Company (the licensee), which revised Technical Specifications for operation of Unit No. 1 of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

This amendment changed Figures 6.2.1 and 6.2.2 of the Technical Specifications which describe the Boston Edison corporate organization and the Pilgrim Station organization, respectively.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commis-

sion's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 29, 1976, (2) Amendment No. 21 to License No. DPR–35, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8th day of December, 1976.

For the Nuclear Regulatory Commission.

RICHARD D. SILVER,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-37370 Filed 12-22-76;8:45 am]

[Docket No. 50-261]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR–23, issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment revises the limit on the total nuclear peaking factor (F_Q) and terminates the Commission's Order for Modification of License dated August 27, 1976.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 17, 1976, as supplemented December 2, 1976, (2) Amendment No. 25 to License No. DPR–23, 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 Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina.

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 3rd day of December 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-37373 Filed 12-22-76;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

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–26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility), located in Buchanan, Westchester County, New York. The amendment is effective as of its date of issuance.

The amendment requires that the plant be brought to a cold shutdown condition to perform an inspection of steam generators within six equivalent months of operation from the effective date of issuance of the amendment.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittal dated November 18, 1976, (2) Amendment No. 23 to License No. DPR–26 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8th day of December 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-37374 Filed 12-22-76;8:45 am]

[No. 50-247 OL]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (INDIAN POINT STATION, UNIT NO. 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding to consist of the following members:

Jerome E. Sharfman, Chairman, Dr. John H. Buck, Dr. Lawrence R. Quarles.

Dated: December 14, 1976.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.76-37367 Filed 12-22-76;8:45 am]

[Docket Nos. 50-440, 50-441]

DUQUESNE LIGHT CO., ET AL.

Hearing

In the matter of Duquesne Light Company, Ohio Edison Company, The Cleveland Electric Illuminating Company, Pennsylvania Power Company, and The Toledo Edison Company; (Perry Nuclear Power Plant, Units 1 and 2); Docket Nos. 50-440, 50-441.

The hearing in the above-entitled matter previously set for January 5, 1977, will take place at 11:00 a.m., at the Federal Building (Anthony J. Celebreeze Building), 1240 East 9th Street, Cleveland, Ohio 44199, in Room B–1.

Dated this 14th day of December 1976, at Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.76-37368 Filed 12-22-76;8:45 am]

[Docket No. 50-302]

CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT

Notice of Issuance of a Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR-72 to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc. and the City of Tallahassee authorizing operation of the Crystal River Unit 3 Nuclear Generating Plant by the Florida Power Corporation, in accordance with the provisions of the license and the Technical Specifications. The Crystal River Unit 3 Nuclear Generating Plant is a pressurized water nuclear reactor located in Citrus County, Florida.

License No. DPR-72 authorizes Florida Power Corporation to load fuel in the Crystal River Unit 3 Nuclear Generating Plant, located in Citrus County, Florida, and to operate the plant in the refueling mode of operation and the cold shutdown mode of operation.

The Commission issued Supplemental General Statement of Policy (41 F.R. 49898, November 11, 1976) which concluded that full-power licensing of light water reactors may be resumed on a conditional basis using existing fuel cycle impact values (Table S-3) for reprocessing and waste management, provided the revised values presented in the Commission's notice of proposed rulemaking of October 8, 1976 (41 F.R. 45849) were also examined to determine the effect on the cost-benefit balance for operating the plant. This examination has been performed by the Commission staff and is set forth in the "Environmental Assessment, Crystal River Unit 3 Nuclear Generating Plant, Fuel Cycle Considerations." The assessment concludes that use of such revised values would not tilt the cost-benefit balance against issuance of even a full power operating license.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The Commission has also made appropriate findings which are set forth in the license regarding the environmental impacts associated with operation of the facility. The license also includes the condition that the license is subject to the outcome of the proceedings in *Natural Resource Defense Council* v. *NRC* (D.C. Circuit) (July 21, 1976), Nos. 74-1385 and 74-1586. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

A copy of (1) Facility Operating License No. DPR-72, complete with Technical Specifications (Appendices "A" and "B"); (2) the report of the Advisory Committee on Reactor Safeguards, dated October 18, 1974; (3) the Office of Nuclear Reactor Regulation's Safety Evaluation and Supplements 1 and 2 dated July 5, 1974, January 13, 1975 and December 1976; (5) the applicant's Environmental Report dated January 4, 1972 and supplements thereto; (6) the Draft Environmental Statement dated September 12, 1972; (7) the Final Environmental Statement dated May 22, 1973; and (8) the Environmental Assessment on Fuel Cycle Considerations are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and the Crystal River Public Library, Crystal River, Florida 32629.

Single copies of items (1), (2), (3), (7) and (8) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 3d day of December 1976.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.76-37757 Filed 12-22-76;8:45 am]

[Docket No. 50-538]

MEMPHIS STATE UNIVERSITY

Issuance of a Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. R-127 to the Memphis State University (the licensee) located in Memphis, Tennessee. The license authorizes operation of an AGN-201 (Serial No. 108) nuclear reactor (the facility) located on the licensee's campus in Shelby County, Tennessee, at steady state power levels not in excess of 100 milliwatts (thermal) for training and research purposes, in accordance with the provisions of the license and the Technical Specifications issued therewith.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application, as amended, for the license complies with the standards and requirements of the Act and the Commission's rules and regulations. Notice of proposed issuance of the facility license was published in the FEDERAL REGISTER on April 1, 1976 (41 FR 14017). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The license is effective as of its date of issuance and shall expire on June 15, 1996.

A copy of (1) the application by the licensee dated April 11, 1975, and amendments thereto dated August 27, 1975, December 5, 1975, February 10, 1976, October 5 and 7 and November 18, 1976, (2) the Facility Operating License No. R-127, complete with Technical Specifications (Appendix A), (3) the Commission's concurrently issued Safety Evaluation, and (4) the Commission's Negative Declaration issued June 14, 1976 (published in the FEDERAL REGISTER on June 28, 1976—41 FR 26620) and associated Environmental Impact Appraisal issued June 14, 1976, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. A single copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 10th day of December, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-37366 Filed 12-22-76; 8:45 am]

[Docket No. 50-320]

METROPOLITAN EDISON CO. ET AL.

Notice of Availability of Final Supplement to the Final Environmental Statement for the Three Mile Island Nuclear Station, Unit 2

In the matter of Metropolitan Edison Company, Jersey Central Power & Light Company, Pennsylvania Electric.

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Supplement to the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of the Three Mile Island Nuclear Station, Unit 2, located in Dauphin County, Pennsylvania, is available for inspection by the pulbic in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Government Publications Section, State Library of Pennsylvania, Education Building, Harrisburg, Pennsylvania. The Final Supplemental Statement is also being made available at the Pennsylvania State Clearinghouse, Governor's Budget Office, Intergovernmental Relations Division, Harrisburg, Pennsyl-

vania, and at the Tri-County Regional Planning Commission, 2001 N. Front Street, Harrisburg, Pennsylvania.

The notice of availability of the Draft Supplement to the Final Environmental Statement for the Three Mile Island Nuclear Station, Unit 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on July 29, 1976 (41 F.R. 31623). The comments received from Federal, State, and local agencies and interested members of the public have been included as appendices to the Final Supplement to the Final Environmental Statement.

Copies of the Final Supplement to the Final Environmental Statement (Document No. NUREG 0112) may be purchased at $9.75 for printed copies and $3.00 for microfiche, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Rockville, Maryland, this 17th day of December 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 3, Division of Site Safety and Environmental Analysis.

[FR Doc.76-37758 Filed 12-22-76;8:45 am]

[Dockets Nos. 50-245 and 50-336]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Notice of Issuance of Amendments To Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Provisional Operating License No. DPR-21 and Amendment No. 19 to Facility Operating License No. DPR-65 to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, the Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Units Nos. 1 and 2, located in the Town of Waterford, Connecticut. The amendments are effective as of their date of issuance.

These amendments will change the Administrative Controls Section (Section 6.0) of the Millstone Units Nos. 1 and 2 Technical Specifications. The changes consist of: (1) changes to the offsite and onsite organization, (2) an increase from 7 to 14 days of the allowable time for the Plant Operating Review Committee (PORC) and the Plant Superintendent to approve documented changes to written procedures, (3) adding an additional responsibility for the PORC to review events requiring 24 hour notification to the Commission, and (4) incorporation of a radiation protection program in the Technical Specifications.

The applications for the 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.

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 or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated August 18, 1976 and October 15, 1976, (2) Amendments Nos. 33 and 19 to Licenses Nos. DPR-21 and DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

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 13 day of December 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-37759 Filed 12-22-76;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Proposed 'ssuance 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 revise the provisions of the Technical Specifications to allow installation of high density spent fuel racks in the spent fuel pool, in accordance with the licensees' application for amendment dated November 22, 1976. The proposed modification would increase the storage capacity of the spent fuel pool from 301 to 667 fuel assemblies.

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 January 24, 1977, the licensee 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 Section 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 proceedings, 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 petition must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 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 November 22, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Dated in Bethesda, Maryland, this 15th day of December 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-37365 Filed 12-22-76; 8:45 am]

[Docket No. 50-272]

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, ET AL.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company. The relief relates to the inservice inspection (testing) program for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Lower Alloways Creek Township, Salem County, New Jersey. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of deleting the inservice inspection requirements of the ASME Section XI Code for certain pumps and valves for a period not to exceed March 8, 1977.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

For further details with respect to this action, see (1) the licensees' request for relief dated July 19, 1976, (2) the Commission's letter to the licensees dated December 7, 1976.

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 Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 7th day of December, 1976.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc.76-37372 Filed 12-22-76;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility), located near Camp Pendleton, San Diego County, California. The amendment is effective as of its date of issuance.

The amendment adds a respiratory protection program to the 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 impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 3, 1976, (2) Amendment No. 23 to License No. DPR-13, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the San Clemente Public Library, 233 Granada Street, San Clemente, California. 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 7th day of December 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-37369 Filed 12-22-76;8:45 am]

NATIONAL TRANSPORTATIION SAFETY BOARD

[N-AR 76-52]

CORRESPONDENCE RELATING TO SAFETY RECOMMENDATIONS

Receipt and Availability

The National Transportation Safety Board has received a further response from the Washington State Highway Commission regarding recommendations H-76-29 and H-76-30, issued following Board investigation of the crash of a gasoline truck and trailer which occurred December 4, 1975, during a heavy rainstorm in Seattle, Washington. (See 41 FR 43255, September 30, 1976.) The Commission, by letter of November 22, seeks reanalysis of accident report No. NTSB-HAR-76-7 and reconsideration of conclusions Nos. 2 and 9 therein, upon which the subject recommendations were based.

After reviewing the Board's October 21 letter (41 FR 52927, December 2, 1976), and again supplying a copy of the friction test results originally furnished to the Board on September 24, the Commission states in its November 22 letter, "The most recent testing of the same lane that the truck in question occupied at the time of the accident indicates that the coefficient of friction of the roadway surface was 36. Conclusions 2 and 9 appear to be based on an assumption that the coefficient of friction was .26. This is not only unsupported by any facts but is directly contrary to the most recent testing of that lane of the roadway."

The Commission further states that the Board's October 21 letter "indicates that the basis of your recommendation was an assumed marginal traction capability of the pavement." The Commission contends, "In view of the tests run on the surface of that lane, we see no basis for making such a statement." The Commission concludes that reconsideration of conclusions 2 and 9 should be "based on the most accurate information relative to the skid resistance of the lane in question where the accident occurred."

The Commandant, U.S. Coast Guard, on December 6 acknowledged receipt of marine casualty report No. USCG/NTSB-MAR-76-1, released November 28 following investigation of the April 2, 1973, sinking of the *SS Silver Dove* in the North Pacific. (See 41 FR 53874, December 9, 1976.) The December 6 letter advises that the Safety Board Action, containing recommendations M-76-11 through M-76-11 through M-76-19 directed to the Coast Guard, has been disseminated to the Coast Guard staff for study. The Commandant promises comment on the recommendations prior to February 25, 1977.

The Safety Board's letter of December 1 is in reply to the Coast Guard's letter of September 14 concerning recommendation M-69-40, which was issued as a result of the Board's 1969 special study, "Recreational Boat Accidents, Boating Safety Programs, and Preventive Recommendations." M-69-40 recommended a new regulation requiring grabrails or handholds for use by boaters in clinging to an upturned boat. As an alternative, the Coast Guard on September 14 proposed using its new level flotation standard which was published on April 29, 1976 (41 FR 18032). (See 41 FR 43255, September 30, 1976.)

While strongly endorsing the proposed regulations, which require level flotation for monohull boats under 20 feet in length, the Safety Board in its December 1 letter states that this new standard does not appear to be a suitable alternative. The Board notes that for those accidents in which the boat floods but does not capsize, the boat occupants' probability of survival will improve greatly if the boat complies with the proposed standard. However, the Board contends, recommendation M-69-49 addressed those accidents in which boats do capsize. Since boats are not required to be self-righting, capsizing accidents will be relatively unaffected by the proposed standard, according to the Board; the problems faced by persons trying to hang on to a smooth capsized hull, particularly in waves, are not diminished by the level flotation requirement.

The Board notes that facilities from capsizing accidents have been averaging in excess of 40 percent of all recreational boating facilities, as shown by Coast Guard statistics. The Board stresses that a strong effort is necessary to reduce capsizing-related deaths.

Copies of letters responding to safety recommendations and Safety Board letters in reply may be obtained at a cost of $4.00 for service and 10c per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

DECEMBER 20, 1976.

[FR Doc.76-37726 Filed 12-22-76;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PRIVACY ACT OF 1974

Final Adoption of Systems of Records

On October 26, 1976, in 41 FR 47012, the Pennsylvania Avenue Development Corporation published its annual notice of systems of records, as required by Section 3(e)(4) of the Privacy Act of 1972 (5 U.S.C. 552a(e)(4)). Subsequently, on November 5, 1976, in 41 FR 48821, the Corporation published, for initial comment, a notice setting forth an additional "Routine Use" for records maintained under system PADC-5, Payroll Records. The additional routine use became necessary when the Corporation was advised by the General Services Administration that GSA could not perform its administrative service functions for the Corporation without the reporting of the additional use.

The Corporation requested comments, but received none. Therefore, it adopts without change the notice as it appeared in the previous publication, and as it appears below.

Effective date: November 9, 1976.

Signed at Washington, D.C. on November 8, 1976.

JOHN M. WOODBRIDGE,
Executive Director.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records can be released to the General Accounting Office or audits; to the Internal Revenue Service for investigation; to the General Services Administration for administrative services.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Privacy Protection Officer, Pennsylvania Avenue Development Corporation, 425 13th St., NW., Suite 1148, Washington, D.C. 20004. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the privacy Protection Officer, Pennsylvania Avenue Development Corporation, 425 13th St., NW., Suite 1148, Washington, D.C. 20004.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with section 7 of the Privacy Act, Pub. L. 93-579.

[FR Doc.76-37622 Filed 12-22-76;8:45 am]

RAILROAD RETIREMENT BOARD

REGIONAL RAIL REORGANIZATION ACT

Notice of Procedure Regarding Reimbursement for Protective Payments

The Regional Rail Reorganization Act of 1973 (45 U.S.C. 701-794) authorizes the Railroad Retirement Board (45 U.S.C. 779) to reimburse the Consolidated Rail Corporation, the United States Railway Association (where applicable) and acquiring railroads for protective payments made to protected employees.

Reimbursable protective payments under the Act are monthly displacement allowances, separation allowances, termination allowances and moving expense benefits (45 U.S.C. 775).

Reimbursement will be made from the Regional Rail Transportation Protective Account maintained in the Treasury of the United States. The Act authorizes annual appropriations to the Protective Account to meet reimbursement obligations and the Board requires information for this purpose.

Provisions of the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq. are applicable to displacement, separation and termination allowances and requires the exchange of information between the Board and employers making such payments.

The Board has delegated the authority to make reimbursements under the Regional Rail Reorganization Act of 1973 [1] to the Bureau of Unemployment and Sickness Insurance and has adopted procedures for the performance of the delegated functions. The procedures which are incorporated by reference herein have been furnished to the Consolidated Rail Corporation and known acquiring railroads. Interested parties may examine or obtain a copy of the procedures by contacting the Director of the Bureau of Unemployment and Sickness Insurance whose address appears below.

The adopted procedures include instructions for certifying requests for reimbursements, exchanging information required by the applicable provisions of the Railroad Unemployment Insurance Act, furnishing information for the purposes of budgeting appropriation needs, and furnishing information identifying protected employees and the protective payments paid to them.

The instructions provide for furnishing information by tape for electronic processing or for manual submission of information on the following forms:

Form UI-91, Protected Employee Inventory Record. This form is used to identify the protected employees and furnish information about their protection.

Form UI-92, Claim for Reimbursement of Monthly Displacement Allowance. This form is used to identify the displaced employee, furnish information about the amount of the displacement allowance, the period for which paid and the amount claimed in reimbursement.

[1] Filed as part of original.

Form UI–93, Claim for Reimbursement of Separation/Termination Allowance. This form is used to identify an employee who has been separated or terminated, furnish information about the date of the action, the amount paid and to claim reimbursement.

Form UI–94, Claim for Reimbursement of Relocation Expenses. This form is used to identify an employee who has been relocated, to furnish information about expenses incurred in connection with relocating and to claim reimbursement for relocation expenses paid the employee.

The Railroad Retirement Board's contact official for the purposes of reimbursement under Title V of the Regional Rail Reorganization Act of 1973 is:

Mr. E. E. Koch, Director, Bureau of Unemployment and Sickness Insurance, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

By Authority of the Board.

Dated: December 17, 1976.

R. F. BUTLER,
Secretary of the Board.

[FR Doc.76–37670 Filed 12–22–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–13078; File No. SR–CBOE–1976–22]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on December 1, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

(New language is in *italics;* deleted language is indicated by brackets)

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

SUPERVISION OF ACCOUNTS

Rule 9.8. Every member organization shall provide for the supervision by a *Senior* Registered Options Principal *who is specifically identified to the Exchange, and* who is an *executive* officer or *general* partner of the member organization, of all its *non-member customer* accounts and all orders in such account, insofar as such accounts and orders relate to option contracts.

* * * Interpretations and Policies:

.01 *The Senior* [A] Registered Options Principal, in meeting his responsibility for supervision of *non-member* customers' accounts and orders, may delegate to qualified employees responsibility and authority for supervision and control of each branch office handling options transactions, provided that the *Senior* Registered Options Principal shall have overall authority and responsibility for establishing appropriate procedures of supervision and control over such employee.

.02 *Every member organization shall establish, maintain, and enforce written procedures which detail the specific methods used to supervise all non-member customer accounts, and all orders in such accounts, insofar as such accounts and orders relate to option contracts.*

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed changes to Rule 9.8 is to strengthen the supervisory capabilities of member firms which conduct a non-member customer option business. This is proposed to be accomplished through the introduction of certain provisions which address potential problem areas. As interest in options trading has grown, many member firms which conduct business with the public have had more than one individual qualify as a Registered Options Principal. While such multiple registration has had the positive effect of qualifying a large number of people who are capable of functioning in a supervisory position vis-a-vis non-Exchange member options activity, it has also had the negative effect of blurring the lines of direct supervisory authority within such firms. Therefore, one of the purposes of the proposed change is to require that all member firms subject to Chapter IX of the Exchange's rules designate an executive officer [1] or general partner as the sole person responsible for supervision of the option activities of that firm's non-member customers and to indicate the identity of such person to the Exchange.

Interpretation .01 to Rule 9.8 has previously recognized that one person within a member organization cannot perform all of the supervisory tasks related to the conduct of a non-member customer options business, and therefore provided that such duties could be delegated to others, at the branch office level. The proposed change to this interpretation merely preserves this ability of the Senior Registered Options Principal to delegate supervisory responsibility to persons responsible for branch office operation.

Proposed Interpretation .02 to Rule 9.8 would require all member organizations, subject to Chapter IX, to set forth written procedures which specify the manner in which all non-member customer accounts will be supervised relative to such accounts' option activities. This provision, therefore, would establish the basis upon which supervisory responsibility could be delegated by the Senior Registered Options Principal to branch office managers. Consequently, the purpose of this proposed interpretation is to require each member organization to create and enforce uniform procedures to be followed by all persons exercising supervisory authority over option transactions for non-member customers.

The basis for the proposed rule change is found in section 6(b)(5) of the Securities Exchange Act of 1934, as amended, which provides, in pertinent part, that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, and to protect investors and the public interest.

Comments were not solicited from nor have any comments been received from the members of the Exchange.

The Exchange does not believe that any burden will be imposed upon competition by the proposed rule change.

On or before January 31, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 13, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 16, 1976.

[FR Doc.76–37618 Filed 12–22–76;8:45 am]

[1] (As such term is defined in Rule 1.1)

[Release No. 34–13079; File No. SR–CBOE–76–24]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on December 8, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

(*Italics* indicate new material; brackets indicate deletions)

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Obligations of Market-Makers

Rule 8.7 (a) No Change. (b) No Change.

(i) No Change.

(ii) Bidding no more than $1 lower and/or offering no more than $1 higher than the last preceding transaction price for the particular option contract. However, this standard shall not ordinarily apply if the price per share (or other unit of trading) of the underlying security has changed [by more than $1] since the last preceding transaction for the particular option contract[.] , *in which event a Market-Maker may then bid no lower than or offer no more than $1 plus the aggregate change in the price per share (or other unit of trading) of the underlying security since* the *time of the last preceding transaction for the particular* option contract. *Nothing in this subparagraph (b) (ii) shall alter the maximum bid/ask differentials established by subparagraph (b) (i) of this Rule.*

(iii) *Whenever in the judgment of two Floor Officials the interest of maintaining a fair and orderly market so requires, those Floor Officials may waive the requirements of section (ii) above on a case by case basis.*

Exchange's Statement of Basis and Purpose

Our experience with the provisions of Rule 8.7(b) (ii) has shown that in certain market conditions, a literal application of the rule does not protect market orders to the extent they should be protected in the maintenance of a fair and orderly market.

As the rule presently reads, there is a restriction on trading in options more than one point away from the last option trade unless the underlying security has moved more than one point. This hinders the option price from reflecting with accuracy the price change in the underlying issue. In many cases, a change of less than one point, even that of ¼ of a point, may signal significant market movement. The proposed amendment is designed to eliminate this artificial constraint on trading and allow option contracts to be valued in proper relationship to the price of the underlying security.

This Amendment provides that a Market-Maker may decrease his bid or increase his offer by not more than one dollar ($1.00) plus the aggregate change in the price per share (or other unit of trading) of the underlying security since the last preceding transaction for the particular option contract. Of course, the maximum bid-ask differentials contained in subparagraph (b) (i) of the rules will not be altered.

Also, the new rule provides in new subparagraph (b) (iii) that Floor Officials may waive the limiting provisions of subparagraph (b) (ii), if in their judgment a fair and orderly market will be promoted. Such a waiver of the rule, for example, would be justified in the case of an illiquid series when business or economic news is transmitted to the floor which would significantly affect the price of the underlying security. In case of such a news break, Floor Officials may judge that a revaluing of the price of an option is in order, a revaluing even greater than that allowed by the amended subparagraph (b) (ii). The Exchange believes that these Officials, persons closest to the actual trading and cognizant of the particular market circumstances, should be granted this authority.

The basis for the proposed rule change described above is found in section 6(b) (5) of the Securities Exchange Act of 1934 as amended, which, in pertinent part, states that the rules of the Exchange should be designed to promote just and equitable principles of trade, protect investors and the public and not to permit unfair discrimination between customers, brokers and dealers.

Comments were not, and are not intended to be, solicited with respect to the proposed rule change.

The Exchange believes that its ability to expand the number of securities upon which its trading activity is based is responsive to the Exchange's competitors and will not in any way impost any burdens upon competition.

On or before January 31, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 24, 1977.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

DECEMBER 16, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-37617 Filed 12-22-76;8:45 am]

[Administrative Proceeding File No. 3-4875; Southwest Muskrat Prospect (File No. 20-1998A1)]

DONALD S. CHILDS

Order Permanently Suspending Regulation B Exemption

DECEMBER 15, 1976.

I

On December 30, 1975, the Commission issued an order temporarily suspending the Regulation B exemption in the captioned offering sheet filed by Donald S. Childs stating that it had reasonable cause to believe that:

1. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 316(a) [17 CFR 230.316(a)] in that the required Form 1-G was not and has not been filed with the Commission.

2. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 316(b) [17 CFR 230.316(b)] in that the required Form 3-G was not and has not been filed with the Commission.

3. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 330 (a) and (b) [17 CFR 230.330 (a) and (b)] in that the offeror filed an offering sheet relating to the Southwest Muskrat Prospect with the Commission and delivered copies thereof to prospective investors when such offering sheets made untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, including but not limited to the following:

(a) The offeror reported that all monies raised from investors in the Southwest Muskrat Prospect would be promptly refunded by him to such investors in the event that the offeror was not able to raise sufficient monies to drill the proposed well;

(b) The offeror represented that all monies raised from such investors would be promptly refunded by him to such investors in the event that the proposed well was not drilled; and

(c) The offeror failed to disclose that monies raised from such investors would not be segregated and maintained for their benefit but would be and were converted by the offeror.

4. The offering was made in violation of the anti-fraud provisions of section 17(a) of the Securities Act of 1933 and section 10(b) of the Securities Exchange Act of 1934, and Rule 10b-5 thereunder, in that the offeror, while engaged in the offer and sale of fractional undivided interests in the Southwest Muskrat Prospect, directly and indirectly made use of the mails and means and instruments of transportation and communication in interstate commerce and of the means and instrumentalities of interstate commerce, and in such connection with such offer and sale made to prospective investors and purchasers untrue statements of material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading, including but not limited to:

(a) The offeror represented that all monies raised from investors in the Southwest Muskrat Prosepct would be promptly refunded by him to such investors in the event that the offeror was not able to raise sufficient monies to drill the proposed well;

(b) The offeror represented that all monies raised from such investors would be promptly refunded by him to such investors in the event that the proposed well was not drilled; and

(c) The offeror failed to disclose that monies raised from such investors would not be segregated and maintained for their benefit

but would be and were converted by the offeror.

5. No exemption is available for this offering under Regulation B because the offeror failed to comply with Rule 324 [17 CFR 230.327] in that one interest in the offering was sold on the basis of an offering sheet which was no longer effective.

No hearing having been requested by the issuer within thirty days after the entry of the order temporarily suspending its exemption under Regulation B, the Commission finds that it is in the public interest and for the protection of investors that the exemption be permanently suspended.

Accordingly, It Is Ordered, pursuant to Rules 334 and 336 of Regulation B under the Securities Act of 1933 that the exemption from registration with respect to the Donald Childs Southwest Muskrat Prospect offering be, and hereby is, permamently suspended.

For the Commission, by its Secretary, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-37616 Filed 12-22-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/10-0152]

BRITTANY CAPITAL CORP.

Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR Section 107.701 (1976)), for transfer of control of Brittany Capital Corporation (Brittany), Room 603, Lakewood Bank & Trust Tower, Dallas, Texas 75214, a Federal Licensee under the Small Business Investment Act of 1958, as amended (The Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

Brittany was licensed on August 4, 1969, and its present capitalization is $325,000. There are 325,000 of its shares issued and outstanding. It is proposed that Mr. Robert E. Clements, Jr. and Booth Creek Investment, Inc. each acquire 120,625 of the outstanding shares of Brittany. The remaining 83,750 shares will continue to be owned by Lakewood Bank and Trust Co. (Dallas, Texas).

Booth Creek Investment, Inc., a Texas corporation, is wholly-owned by Crown Hill Trust, a trust created for the minor children of Mr. Hal R. Pettigrew. Mr. Pettigrew is President of Booth Creek Investment, Inc., the main business of which is real estate.

The proposed transfer of control is subject to the approval of SBA. If such approval is given, the new officers and directors of Brittany will be:

Robert E. Clements, President, Director, 4417 Lorraine Avenue, Dallas, Texas 75205.

Hal R. Pettigrew, Secretary, Director, 1000 Live Oak, Arlington, Texas 76012.

There will be no significant changes in the operations of Brittany nor its charter or bylaws. However, the principal office will be moved to 5153 First International Building, Dallas, Texas 75270.

Matters involved in SBA's consideration of the application include the general business reputation and character of management and shareholders, and the probability of successful operations of Brittany under their management in accordance with the Act and Regulations.

Notice is further given that any person may, not later than on or before January 7, 1977, submit to SBA in writing, comments on the proposed transfer of control of this company. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice will be published by Brittany in a newspaper of general circulation in Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: December 15, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-37672 Filed 12-22-76;8:45 am]

[License No. 06/06-0183]

MERCANTILE TEXAS CAPITAL CORP.

Issuance of License To Operate as a Small Business Investment Company

On November 15, 1976, a notice was published in the FEDERAL REGISTER (41 FR 50367) stating that Mercantile Texas Capital Corporation, 1704 Main Street, Dallas, Texas 75201, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Rules and Regulations governing small business investment companies (13 C.F.R. 107.102 (1976)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business November 30, 1976, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other information, SBA has issued License No. 06/06-0188 to Mercantile Texas Capital Corporation pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: December 15, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-37673 Filed 12-22-76;8:45 am]

NATIONAL ADVISORY COUNCIL (EXECUTIVE COMMITTEE)

Public Meeting

The Small Business Administration's National Advisory Council (Executive Committee) will hold a public meeting at 10 a.m., on Tuesday, January 11, 1977, at the Small Business Administration, Administrator's Conference Room, 10th Floor, 1441 L Street NW., Washington, D.C., to discuss such matters as may be discussed by members, staff of the Small Business Administration or others present. For further information, write or call Henry v. Z. Hyde, Jr., Deputy Advocate for Advisory Councils, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, (202) 653-6748.

Dated: December 14, 1976.

HENRY V. Z. HYDE, JR.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-37671 Filed 12-22-76;8:45 am]

[Public Notice CM-7/8]

DEPARTMENT OF STATE

SAFETY OF LIFE AT SEA SUBCOMMITTEE OF THE SHIPPING COORDINATING COMMITTEE

Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 2 p.m. on Wednesday, January 19, 1977, in Room 7426 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the Seventeenth Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to be held in London February 21-25, 1977. In particular, the working group will discuss the following topics:

Promulgation of navigational warnings to shipping
Operational standards for shipboard radio equipment
Operational requirements for emergency position-indicating radio beacons and portable radio apparatus for survival craft
Matters resulting from the World Maritime Administrative Radio Conference, 1974, and the work of the International Radio Consultative Committee.

Requests for further information on the meeting should be directed to Lt. F. N. Wilder, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1345.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

DECEMBER 16, 1976.

[FR Doc.76-37674 Filed 12-22-76;8:45 am]

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Public Law 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on January 10, 1977, from 9:30 a.m. to 12:30 p.m., and from 2:00 p.m. to 5:00 p.m., in Room 1309A, Loy Henderson Conference Room, New State Building, 21st and Virginia Avenue, N.W.

The purpose of the meeting will be to reach conclusions and formulate recommendations regarding (1) the conditions for inclusion in and the design of the related mechanisms for the "Registry" of private and voluntary organizations which Congress has requested, and (2) the structure and composition of the Advisory Committee and the nature and extent of its advisory role, and (3) to consider such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Mr. Allan R. Furman will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, Telephone: AC202-632-1892. Persons desiring to attend the meeting should enter the New State Building through the Diplomatic Entrance, 22nd and C Streets.

Dated: December 20, 1976.

FRED O. PINKHAM,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.76-37735 Filed 12-22-76;8:45 am]

DIRECTOR, USAID/HONDURAS

Delegation of Authority

Pursuant to the authority vested in me as Assistant Administrator for Latin America, Agency for International Development, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the Director, USAID/Honduras, authority to negotiate, execute and implement a Productive Credit Guaranty Agreement in accordance with and subject to a guaranty authorization dated March 16, 1976 ("Guaranty Authorization"), authorizing said guaranty agreement.

Dated: November 30, 1976.

DONOR M. LION,
Acting Assistant Administrator for Latin America.

[FR Doc.76-37676 Filed 12-22-76;8:45 am]

DIRECTOR, USAID/NICARAGUA

Delegation of Authority

Pursuant to the authority vested in me as Assistant Administrator, Bureau for Latin America, by the Foreign Assistance Act of 1961, as amended, and the delegations of authority issued thereunder, I hereby delegate to the Director, USAID/Nicaragua, the authority to negotiate and execute an amendment to the Loan Agreement (A.I.D. Loan No. 524-T-031) between the Government of Nicaragua and the United States dated September 27, 1975, in accordance with and subject to the limitations of the Loan Authorization dated June 30, 1975, as amended November 23, 1976, authorizing said Loan.

This delegation of authority shall be effective until December 15, 1976.

Dated: November 24, 1976.

DONOR M. LION,
Acting Assistant Administrator for Latin America.

[FR Doc.76-37677 Filed 12-22-76;8:45 am]

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND DEPUTY DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT, BUREAU FOR NEAR EAST

Redelegation of Authority No. 162-7

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions, and No. 113, dated October 15, 1975 (40 FR 49582), I hereby redelegate to each of the individuals listed above, for the countries or areas within the responsibility of this Regional Bureau, authority to exercise any of the following functions assigned to me, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements (including project agreements) and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act) in accordance with the terms of the authorizations of such loans or grants.

2. Authority to implement loan agreements, and grant agreements for capital projects, (including project agreements), in accordance with Regulations, Policies and Procedures now or hereafter established or modified and promulgated within A.I.D. with respect to loan and grants authorized under the Act and loans authorized by the Board of Directors of the corporate Development Loan Fund. This authority shall include the following:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders—Technical Services (PIO/T); and

(e) Authority to approve contractors, review and approve the terms of country contracts, amendments, and modifications thereto, and invitations for bids and requests for proposals with respect to such contracts financed by funds made available under such loan and grant agreements.

3. The authorities enumerated above may be redelegated to Mission Directors or Ambassadors for countries within my area of responsibility (in whole or in part as may be decided necessary or desirable).

4. Authority to provide instructions to the A.I.D. Mission in Egypt with respect to individual loan agreements limiting the authority of the Mission to negotiate and execute loan agreements with respect to loans authorized under the Act and to implement loan agreements with respect to loans authorized under the Act and by the Board of Directors of the Corporate Development Loan Fund: *Provided, however,* That the exercise of this authority shall be subject to instructions otherwise by me or my deputy.

5. The following authorities enumerated above may be redelegated by the individuals listed above to Chiefs of Divisions within the Office of Capital Development, Bureau for Near East:

(a) Authority described above in paragraph 1, with respect to negotiating loan and grant agreements and amendments related thereto;

(b) Authority described above in paragraph 2 to the following extent:

(1) Authority to review and approve documents and other evidence submitted by borrower in satisfaction of conditions precedent to financing under such loan agreements; and

(2) Authority to review and approve the terms of contracts, amendments and modifications thereto and invitations for bids and proposals with respect to such contracts financed by funds made available under such loan agreements; and

(3) Authority to negotiate and implement agreements and other documents ancillary to such loan agreements.

The Redelegation of Authority No. 164-1 from the Assistant Administrator, Bureau for Near East and South Asia, to the Director, Office of Capital Development and Engineering and others dated November 5, 1969 is hereby rescinded.

This Redelegation of Authority is effective immediately.

Dated: November 30, 1976.

ROBERT H. NOOTER.

[FR Doc.76-37675 Filed 12-22-76;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

ELECTROMAGNETIC RADIATION MANAGEMENT ADVISORY COUNCIL

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972, 5 U.S.C. App. I, the Office of Telecommunications Policy announces the renewal of the Electromagnetic Radiation Management Advisory Council for an additional period of two years beyond December 31, 1976.

Authority for this Council will expire December 31, 1978, unless the Director formally determines that continuation is in the public interest.

THOMAS J. HOUSER,
Director.

[FR Doc.76-37694 Filed 12-22-76;8:45 am]

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972, 5 U.S.C. App. I, the Office of Telecommunications Policy announces the renewal of the Frequency Management Advisory Council for an additional period of two years beyond December 31, 1976.

Authority for this Council will expire December 31, 1978, unless the Director formally determines that continuation is in the public interest.

THOMAS J. HOUSER,
Director.

[FR Doc.76-37695 Filed 12-22-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-222]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 1, 1976 to October 14, 1976 (List No. 24-76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

Approval No. 160.002/70/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, dwg. No. 160.002/70 dated October 8, 1976, and U.S.C.G. letter file No. 16714/160.002/70 dated October 8, 1976, Type I PFD, manufactured by The Safegard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, effective October 8, 1976. (It supersedes Approval No. 160.002/70/0 dated April 25, 1973 to show minor changes.)

Approval No. 160.002/71/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, dwg. No. 160.002/70 dated October 8, 1976, and U.S.C.G. letter file No. 16714/160.002/71 dated October 8, 1976, Type I PFD, manufactured by The Safegard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, effective October 8, 1976. (It supersedes Approval No. 160.002/70/0 dated April 25, 1973 to show minor changes.)

LIFEBOATS

Approval No. 160.035/288/2, 26.0' × 9.0' × 3.83' steel, oar-propelled lifeboat, 53-person capacity, identified by general arrangement dwg. No. 26-001-04, Rev. C dated December 14, 1971, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=3,800 pounds; Condition "B"=13,649 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, New York 11231, effective October 5, 1976. (It is an extension of Approval No. 160.035/288/2 dated December 14, 1971.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/89/0, 25-person inflatable life raft, MK-5 series with "Ocean Service Equipment"; identified by general arrangement drawing CJH/MN/25 dated September 8, 1976 and drawing list dated September 22, 1976, inflation system requires two(2) aluminum cylinders, raft satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as per FEDERAL REGISTER of March 13, 1974, manufactured by Patten/Pan Avion Division of American Safety Flight Systems, Inc., P.O. Box 480123, Miami, Florida 33148, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective October 14, 1976.

Approval No. 160.051/93/0, 25-person inflatable life raft, MK-5 series with "Limited Service Equipment"; identified by general arrangement drawing CJH/MN/25 dated September 8, 1976 and drawing list dated September 22, 1976, inflation system can use either steel or aluminum cylinders, raft satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as per FEDERAL REGISTER dated March 13, 1974, manufactured by Patten/Pan Avion Division of American Safety Flight Systems, Inc., P.O. Box 480213, Miami, Florida 33148, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective October 14, 1976.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/8/2, unicellular plastic foam work vest, as per Military Specification MIL-L-17653B, U.S.C.G. Specification Subpart 160.053, Safegard Corporation Dwg. No. LP-17 dated May 16, 1967, and U.S.C.G. letter filed No. 16714/160.053/8 dated October 8, 1976, Type V PFD, manufactured by The Safeguard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, effective October 8, 1976. (It supersedes Approval No. 160.053/8/2 dated March 24, 1972 to show minor changes.)

Approval No. 160.053/9/0, unicellular plastic foam work vest as per Military Specification MIL-L-17653A, U.S.C.G. Specification Subpart 160.053, and U.S.C.G. letter file No. 16714/160.053/9, Type V PFD, manufactured by The Safegard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, for Safety First Supply Corporation, 526 Island Avenue, McKees Rocks, Pennsylvania 15136, effective October 8, 1976. (It supersedes Approval No. 160.053/9/0 dated December 4, 1973 to show minor changes.)

Approval No. 160.053/13/0, Model 641, unicellular plastic foam work vest, dwgs. P-1 dated January 23, 1962, and P-2 dated January 17, 1962, and U.S.C.G. letter file No. 16714/160.053/13 dated October 8, 1976, Type V PFD, manufactured by The Safegard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, for Safety First Supply Corporation, 526 Island Avenue, McKees Rocks, Pennsylvania 15136, effective October 8, 1976. (It supersedes Approval No. 160.053/13/0 dated September 9, 1976 to show minor changes.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/66/0, Model 63, adult, cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055-1B (sheets 1 & 2), Type I PFD, approved for use on all vessels, manufactured by Billy Boy Products Division, Crotty Corporation, Quincy, Michigan 49082, effective October 5, 1976. (It is an extension of Approval No. 160.055/66/0 dated December 10, 1971.)

Approval No. 160.055/67/0, Model 67, child, cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160-055-1B (sheets 3 & 4), Type I PFD, approved for use on all vessels, manufactured by Billy Boy Products Division, Crotty Corporation, Quincy, Michigan 49082, effective October 5, 1976. (It is an extension of Approval No. 160.055/67/0 dated December 10, 1971.)

HYDRAULIC AND MANUAL RELEASES FOR LIFESAVING EQUIPMENT

Approval No. 160.062/3/0, Model C-880 hydraulic and manual release for lifesaving equipment, for buoyant loads of 200 to 3,750 pounds; identified by assembly drawing S-880, revision A dated November 1971 and drawing list dated December 28, 1971, to be used in accordance with installation and pretensioning details shown on gripe and release installation drawing SPC-LRC-1044 dated August 1971, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 8607, effective October 5, 1976. (It is an extension of Approval No. 160.062/3/0 dated December 29, 1971.)

SAFETY VALVES (AUXILIARY BOILERS)

Approval No. 162.002/80/0, Type 1-M series, Models 1-M-300, 1-M-301, 1-M-302, 1-M-303, cast bronze body with screwed inlet and outlet in sizes ¾, 1, 1¼, 1½, and 2

inches, 150 p.s.i.g. maximum set pressure and 400° F. maximum steam temperature, manufactured by Swendeman, Inc., Division Unival Corporation, 570 East First Street, South Boston, Massachusetts 02127, effective October 1, 1976.

Approval No. 162.002/81/0, Type SO, side outlet cast bronze body, with screwed inlet and outlet in sizes ¾, 1, 1¼, 1½, and 2 inches, 150 p.s.i.g. maximum set pressure and 400° F. maximum steam temperature, manufactured by Swendeman, Inc., Division Unival Corporation, 570 East First Street, South Boston, Massachusetts 02127, effective October 1, 1976.

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/25/0, Type SLP, cast bronze body with screwed inlet and outlet in sizes 1½ and 2 inches, 15 p.s.i.g. maximum set pressure and 400° F. maximum steam temperature, manufactured by Swendeman, Inc., Division Unival Corporation, 570 East First Street, South Boston, Massachusetts 02127, effective October 1, 1976.

Approval No. 162.012/26/0, Type SO, side outlet, cast bronze body, with screwed inlet and outlet in sizes ¾, 1, 1¼, 1½, and 2 inches, 30 p.s.i.g. maximum set pressure and 400° F. maximum steam temperature, manufactured by Swendeman, Inc., Division Unival Corporation, 570 East First Street, South Boston, Massachusetts 02127, effective October 1, 1976.

Approval No. 162.012/27/0, Type 1–M Series, Models 1–M–300, 1–M–301, 1–M–302, 1–M–303, cast bronze body with screwed inlet and outlet in sizes ¾, 1, 1¼, 1½, and 2 inches, 30 p.s.i.g. maximum set pressure and 400° F., maximum steam temperature, manufactured by Swendeman, Inc., Division Unival Corporation, 570 East First Street, South Boston, Massachusetts 02127, effective October 1, 1976.

RELIEF VALVES (HOT WATER HEATING BOILERS)

Approval No. 162.013/39/0, Type SW, cast bronze body with screwed inlet and outlet in sizes ¾, 1, and 1½ inches, 30 p.s.i.g. maximum set pressure and 400° F. maximum hot water temperature, manufactured by Swendeman, Inc., Division Unival Corporation, 570 East First Street, South Boston, Massachusetts 02127, effective October 1, 1976.

Dated: December 13, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76–37709 Filed 12–22–76;8:45 am]

[CGD 76–227]

RULES OF THE ROAD ADVISORY COMMITTEE

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 Rules of the Road Advisory Committee to be held at 10:00 a.m. Tuesday, January 25, 1977, in Room 6332 of the Nassif Building, 400 Seventh Street, SW, Washington, D.C.

The agenda for this meeting is as follows:

1. Welcome of new members.
2. Adoption of the agenda.
3. Adoption of the minutes of February 10 and 11, 1976, meeting.
4. Consideration of the draft rules for U.S. waters.
5. Consideration of the 1972 international collission regulations.
6. Any other busines.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. 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,

Capt. R. A. Bauman, Executive Director, Rules of the Road Advisory Committee, c/o Commandant (G–WLE–4/73), U.S. Coast Guard, Washington, D.C. 20590, telephone: (202 426–4958).

A member of the public may present a written statement to the Committee at any time.

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

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76–37646 Filed 12–22–76;8:45 am]

National Highway Traffic Safety Administration

TRUCK AND BUS SAFETY SUBCOMMITTEES

Public Meeting; Correction

As announced in the FEDERAL REGISTER on December 16, 1976, the Truck and Bus Safety Subcommittees will be meeting on January 11. A change has been made in the starting time on January 11. The meeting is now scheduled to begin at 9:30 a.m. in Room 2230, DOT Headquarters Building instead of the previously published time of 10:30 a.m.

An additional meeting has also been scheduled for January 12 for the Planning Task Force of the Truck and Bus Safety Subcommittees. This meeing will start at 10:00 a.m. in room 6200 at the DOT Headquarters Building, 400 Seventh Street, S.W., Washington, D.C. The Task Force will meet to formulate recommendations on future activities and direction of the subcommittees.

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 meetings. Any member of the public may present a written statement to the subcommittee at any time.

This meeting is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202–426–2872.

Issued in Washington, D.C. on December 17, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76 37647 Filed 12–22–76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular, Public Debt Series No. 34–76]

TREASURY NOTES OF FEBRUARY 15, 1982, SERIES D–1982

Invitation for Tenders

Washington, December 17, 1976.

1. INVITATION FOR TENDERS

1. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders for $2,500,000,000, or thereabouts, of securities of the United States, designated Treasury Notes of February 15, 1982, Series D–1982 (CUSIP No. 912827 GH 9). The securities will be sold at auction with bidding on the basis of yield, and with the interest rate and the price equivalent of each accepted bid to be determined as set forth below. Additional amounts of these securities may be issued to Government accounts and to Federal Reserve Banks for their own account in exchange for maturing Treasury securities being held by them, and to Federal Reserve Banks, as agents of foreign and international monetary authorities, for new cash only.

2. DESCRIPTION OF SECURITIES

2. 1. The securities will be dated January 6, 1977, and will bear interest from that date, payable on a semiannual basis on August 15, 1977, and each 6 months thereafter on February 15 and August 15 until the principal amount becomes payable. They will mature February 15, 1982, and will not be subject to call for redemption prior to maturity.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2. 5. The securities will be subject to the general regulations of the Department of the Treasury governing United States securities, now or hereafter prescribed.

3. SALE PROCEDURES

3. 1. Tenders will be received at Federal Reserve Banks and Branches and

at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, December 28, 1976. Noncompetitive tenders, as defined below, will be considered timely if postmarked no later than Monday, December 27, 1976.

3. 2. Each tender must state the face amount of securities bid for, which must be $1,000 or a multiple thereof. Competitive tenders must show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bider may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3. 3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers, provided the names of the customers and the amount for each customer are furnished. Others will not be permitted to submit tenders except for their own account.

3. 4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States and political subdivisions or instrumentalities thereof; public pension and retirement and other public funds; international organizations in which the United States holds membership, foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3. 5. Immediately after the closing hour, tenders will be opened, following which public announcement will be made of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be determined at a ⅛ of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of yield. Additional tenders received from Government accounts and Federal Reserve Banks will be accepted at the average price of accepted competitive tenders.

3. 6. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. Those submitting noncompetitive tenders will not be notified except when the tender is not accepted in full or when the price is over par.

4. Reservations

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when he deems it to be in the public interest, and his action in any such respect shall be final.

5. Payment and Delivery

5. 1. Settlement for securities allotted hereunder must be made or completed on or before Thursday, January 6, 1977, at the Federal Reserve Bank or Branch, or the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, January 3, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Monday, January 3, 1977, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be deemed to have been completed where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered as deposits and in payment for securities allotted hereunder are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the presented securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered herein) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered herein) to be delivered to (name and address)." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for the securities offered herein, when such securities are available, at any Federal Reserve Bank or Branch, or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established and the securities have been inscribed.

6. General Provisions

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6. 2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.76-37704 Filed 12-20-76;3:38 pm]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, January 13, 1977
Thursday, January 27, 1977
Thursday, March 10, 1977

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed under section 552(b), Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 USC 552(b)(4)).

Accordingly, I hereby determine that the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC.

Dated: December 17, 1976.

RICHARD L. ROUDEBUSH,
Administrator.

[FR Doc.76-37764 Filed 12-22-76;8:45 am]

WATER RESOURCES COUNCIL

PRIVACY ACT OF 1974

Notice of Systems of Records

On August 27, 1975, (39231) there was published in the FEDERAL REGISTER, notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, which were subsequently adopted with two revisions as stated in the FEDERAL REGISTER of October 2, 1975 (45678). The Water Resources Council hereby publishes for comment an additional routine use for the system designated "Payroll Records—WRC 4" and an additional routine use applicable to all the Council's systems of records under the "Appendix (WRC)." In addition, there is also published herein for comments a proposed new system of records entitled "Operating Personnel Records—WRC 3." Any person interested in commenting on the additional routine uses or the proposed new system of records contained in this notice may do so by submitting comments in writing to the Acting Director, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037, on or before January 24, 1977. If no comments necessitating revisions are received, these changes will be adopted without further action 30 days after publication of this notice (January 24, 1977), unless the Council publishes a notice to th contrary.

This document also gives notice that the systems of records identified in the notice published in the FEDERAL REGISTER of August 27, 1975, as revised and adopted by the notice published in the FEDERAL REGISTER October 2, 1975, continue in effect with the following exception. The system of records entitled "WRC 1, Confidential Statements of Employment and Financial Interests" has been deleted. This system of records is covered under the Civil Service Commission's notice published in the FEDERAL REGISTER on September 24, 1976. This notice is published in compliance with the requirements of 5 U.S.C. 552(e)(4) as added by section 3 of the Privacy Act of 1974.

Dated at Washington, D.C. on December 17, 1976.

GARY D. COBB,
Acting Director.

WRC 2

System name:

General Financial Records—U.S. Water Resources Council (WRC).

System location:

General Services Administration, Central Office; copies held by the Council at 2120 L Street, N.W., Washington, D.C. 20037. (GSA holds records for the Council under contract.)

Categories of individuals covered by the system:

Council employees.

Categories of records in the system:

SF 1038, application and account for advance of funds; vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other offices and employees of GSA and the Council who have a need for the record in the performance of their duties.

Authority for maintenance of the system:

31 U.S.C., generally; 42 U.S.C. 1962a et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See Appendix; Records also are released to GAO for adults; to the IRS for investigation; and to private attorneys, purusant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper and tape.

Retrievability:

Manual and automated by name.

Safeguards:

Stored in guarded building, released only to authorized personnel.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Administrative Officer, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037.

Notification procedure:

Contact system manager listed above.

Record access procedures:

See Council access regulations in 18 CFR section 701.305.

Contesting record procedures:

See Council access regulations in 18 CFR section 701.307.

Record source categories:

The subject individual; the Council.

WRC 3

System name:

Operating Personnel Records—U.S. Water Resources Council (WRC).

System location:

Office of Program Coordination and Management, U.S. Water Resources

Council, 2120 L Street, N.W., Washington, D.C. 20037.

Categories of individuals covered by the system:

Council employees.

Categories of records in the system:

These records basically consist of copies of information which is contained in the Official Personnel Folders maintained for the Council by the Agency Liaison Division, General Services Administration. As such, they are generally limited to personal qualifications statements, training records, position descriptions, locator files, performance appraisals, commendations, incentive awards, personnel actions, and adverse actions.

Authority for maintenance of the system:

42 U.S.C. 1962a et seq; Federal Personnel Manual Supplement 293-31, Subchapter S8.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

See Appendix. Information in these records may be used by Council employees having a need to know in connection with a variety of personnel actions including transfers, promotions, qualifications determinations, and selection for training. Information may also be disclosed to educational institutions for training purposes, to other agencies to the extent relevant and necessary, and to prospective employees and other organizations at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper.

Retrievability:

Manual by name.

Safeguards:

Retained in locked file cabinet in secured office; released only to authorized personnel.

Retention and disposal:

Records are maintained during the individual's employment with the Council. When the employee leaves the Council through transfer or other separation, the record is forwarded to the Agency Liaison Division, General Services Administration, which maintains the Official Personnel Folder. There it is screened to insure that it contains no documents that should be permanently filed in the Official Personnel Folder other than exact duplicates of papers already so filed. The record and its contents are then destroyed.

System manager(s) and address:

Administrative Officer, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037.

Notification procedure:

Contact system manager listed above.

Record access procedures:

See Council access regulations in 18 CFR section 701.305.

Contesting record procedures:

See Council access regulations in 18 CFR section 701.307.

Record source categories:

Information in this system of records either comes from the individual to whom it applies or is derived from information the individual supplied, except information provided by GSA or Council officials on pay, leave and allowance records.

WRC 4

System name:

Payroll Records—U.S. Water Resources Council (WRC).

System location:

General Services Administration, Region 3 Office; copies held by the Council at 2120 L Street, N.W., Washington, D.C. 20037. (GSA holds records for the Council under contract.)

Categories of individuals covered by the system:

Past and present Council employees.

Categories of records in the system:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms; W-2 forms; overtime requests; leave data; retirement records. Records are used by Council and GSA employees to maintain adequate payroll information for Council employees, and otherwise by Council and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system:

31 U.S.C., generally; 42 U.S.C. 1962a et seq.

Routine use of records maintained in the system including categories of users and the purpose of such uses:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation.

The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Administrative Officer, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Administrative Officer, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Public Law 93-579.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Paper and microfilm.

Retrievability:

Social Security Number.

Safeguards:

Stored in guarded building; released only to authorized personnel.

Retention and disposal:

Disposition of records will be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Administrative Officer, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037.

Notification procedures:

Contact system manager listed above.

Record access procedures:

See Council access regulations in 18 CFR section 701.305.

Contesting records procedures:

See Council access regulations in 18 CFR section 701.307.

Record source categories:

The subject individual; the Council.

APPENDIX—(WRC)

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the apropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc.76-35783 Filed 12-17-76;2:55 pm]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

[Notice No. 219]

DECEMBER 20, 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 71459 (Sub 55), O.N.C. Freight Systems now being assigned April 12, 1977 (9 days) at San Francisco, California and April 25, 1977 (1 week) at Grand Junction, Colorado in hearing rooms to be later designated and may go to other points, at the discretion of the Administrative Law Judge.

F.D. 28322, Chicago, South Shore and South Bend Railroad Discontinuance of all Passenger Train Service, now being assigned continued hearing January 15, 1977 (1 day) at Chesterton, Indiana; in the Thomas Memorial Library, Bertha Wood Room, 2nd Floor, 200 Indiana Street, West.

AB 18 Sub 14, Chesapeake and Ohio Railway Company Abandonment Portion Paw Paw Subdivision Between Hartford and Paw Paw, All Within Van Buren County, Michigan, now being assigned March 2, 1977, at Paw Paw, Mich., in a hearing room to be later designated.

MC 138274 (Sub 16), Shippers Best Express, Inc., now assigned January 12, 1977 at Salt Lake City, Utah, will be held in the *Tri-Ark Travelodge, 161 West 6th South;* instead of *Room 314 Annex Building, 135 South State Street.*

MC-F-12787, Bowen Trucking Co., Inc.—Control—Dalgarno Transportation, Inc., now assigned January 13, 1977 at Salt Lake City, Utah, will be held in the *Tri-Ark Travelodge, 161 West 6th South,* instead of *Room 314 Annex Building, 135 South State Street.*

MC-F-12312, Whitfield Transportation, Inc.—Purchase (Portion)—Lee Hawkes Transfer; and Whitfield Transportation, Inc.—Control and Merger—Miller Bros. Truck Line and MC 108461 (Sub 123), Whitfield Transportation, Inc., now assigned January 17, 1977 at Salt Lake City, Utah, will be held in the *Tri Ark Travelodge, 161 West 6th South,* instead of *Room 314 Annex Building, 135 South State Street.*

MC 113666 Sub 106, Freeport Transport, Inc., now being assigned March 7, 1977 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-12678, Jenkins Truck Line, Inc.—Control—Larry L. Fenner Transport, Inc., and MC 120298 Sub 2, Larry L. Fenner Transport, Inc., now being assigned March 9, 1977, at Chicago, Ill., in a hearing room to be later designated.

MC 115841 (Sub 522), Colonial Refrigerated Transportation, Inc., now being assigned January 24, 1977 (1 week) at Cincinnati, Ohio; in a hearing room to be later designated.

MC 127834 (Sub 113), Cherokee Hauling & Rigging, Inc., now being assigned January 31, 1977 (1 day) at Memphis, Tennessee; in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-37730 Filed 12-22-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

DECEMBER 17, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before January 3, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E94), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such hardware, building materials, equipment, and supplies as is aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Oswego, N.Y., to those points in Virginia on and south of a line beginning at the Virginia-Tennessee State line, and extending east along U.S. Highway 58 through Bristol, Va., to Virginia Highway 89, to junction Virginia Highway 97, thence east on Virginia Highway 97 to the Blue Ridge Parkway, thence east along the Parkway to U.S. Highway 58, thence east along U.S. Highway 58 to Martinsville, Va., thence east on Virginia Highway 57, north on U.S. Highway 29 to junction U.S. Highway 60 to junction U.S. Highway 15, to junction Virginia Highway 6, to junction U.S. Highway 522, thence north on U.S. 522 to Wares Cross Roads, thence east on Virginia Highway 208 to junction Virginia Highway 608 to Brooke, Va., thence east along an unmarked road to the Potomac River and the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E96), Filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such hardware, building materials, equipment, and supplies as is aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Warren, Ohio, to those points in Vermont on and east of a line beginning on the New York-Vermont State line and extending

along Vermont Highway 153 to junction Vermont Highway 315 to junction Vermont Highway 30, thence north on Vermont Highway 30 to an unmarked road east to Vermont Highway 133, thence along the unmarked road to Vermont Highway 133, to junction U.S. Highway 4, to junction Vermont Highway 100, thence north on Vermont 100 through Waterbury to Morrisville, thence east on Vermont Highway 15 A to Vermont 15, thence east on Vermont Highway 15 to an unmarked road north through North Wolcott, Vt., thence along the unmarked road to Vermont Highway 14, thence north on Vermont Highway 14 through Albany, Vt., to U.S. Highway 5, thence north on U.S. Highway 5 to Newport, Vt., thence north on an unmarked road along the west bank of Lake Memphrenagog to the Vermont-Canada International Boundary line.

The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E 97), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such hardware, building materials, equipment, and supplies as is aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Warren, Ohio, to those points in New Jersey on and east of a line beginning on the Delaware Bay at Moores Beach, and extending north along an unmarked road to New Jersey Highway 47, thence north on New Jersey Highway 47 to Port Elizabeth, N.J., thence north on New Jersey Highway 55 to New Jersey secondary state highway 555, thence north on New Jersey 555 to U.S. Highway 40, thence west on U.S. Highway 40 to New Jersey Highway 47, thence north on New Jersey Highway 47 through Glassboro, N.J., to U.S. Highway 130, thence north on U.S. Highway 130 to New Jersey Highway 73, thence west on New Jersey 73 to the Delaware River and the Pennsylvania State border, thence follow the Delaware River north to Frenchtown, thence north on New Jersey secondary Highway 513 to an unmarked road just north of Pittstown, N.J., thence north through Hampton to New Jersey Highway 31, thence north on New Jersey Highway 31 to junction New Jersey Highway 57 to junction U.S. Highway 46, thence west on U.S. Highway 46 to Hackettstown, N.J., thence north on New Jersey secondary Highway 517 to an unmarked to junction U.S. Highway 46, thence road through Brighton, N.J., thence along the unmarked road to U.S. Highway 206, thence north on U.S. Highway 206 to Newton, N.J. thence north on New Jersey secondary Highway 519 to the New York-New Jersey State line.

The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E 99), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Fairmont, W. Va., to that portion of the New York, N.Y. Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(B)(8) of the Interstate Commerce Act (the exempt zone), restricted against Class A and B explosives, commodities in bulk, and those commodities requiring special equipment. The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at South Kearny, N.J., and points in the New York exempt zone that is also in New York, N.Y.

No. MC 46990 (Sub-No. E 47), filed June 4, 1974. Applicant: TRANSCOUNTRY VAN LINES, INC., 3300 Veteran Highway, Bohemia, N.Y. 11716. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware on and north of a line beginning at the Maryland-Delaware State line and extending along Delaware Highway 16 to junction Delaware Highway 36, thence along Delaware Highway 36, to Slaughter Beach, on the one hand, and, on the other, points in Kansas and Kentucky. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 52861 (Sub-No. E 8), filed May 11, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, between those points in Wayne and Monroe Counties, Mich., within 40 miles of Monroe, Mich., on the one hand, and on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 105813 (Sub-E 43), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products*, and *edible articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except in bulk), from the plant site of Aurora Packing Co., Inc., at or near Aurora, Ill., to points in that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-E44), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mushrooms* and *mushroom products*, in vehicles equipped with mechanical refrigeration, except commodities in bulk, (a) from Kennett Square, Pa., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 14, to junction Mississippi Highway 9, thence north along Mississippi Highway 9 to junction U.S. Highway 82, thence west along U.S. Highway 82 to the Arkansas-Mississippi State line, and to those points in Arkansas on and south of a line beginning at the Arkansas-Mississippi State line and extending west along U.S. Highway 82 to junction Arkansas Highway 7, thence north along Arkansas Highway 7 to junction Arkansas Highway 24, thence west along Arkansas Highway 24 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line, and to those points in Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line and extending west along U.S. Highway 70 to the Oklahoma-Texas State line, and those points in Texas on and south of a line beginning at the Oklahoma-Texas State line and extending south and west along U.S. Highway 70 to junction U.S. Highway 287, thence west along U.S. Highway 287 to junction Interstate Highway 40, thence west along Interstate Highway 40 to the New Mexico-Texas State line. (b) From Evansville, Pa., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 14 to junction Mississippi Highway 35, thence north along Mississippi Highway 35 to junction U.S. Highway 82, thence west along U.S. Highway 82 to the Arkansas-Mississippi State line, and to those points in Arkansas on and south

of a line beginning at the Arkansas-Mississippi State line and extending west along U.S. Highway 82 to the Arkansas-Texas State line, and those points in Texas beginning at the Oklahoma-Texas State line and extending west along U.S. Highway 82 to junction U.S. Highway 287, to junction Texas Highway 86, thence west along Texas Highway 86 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-E45), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products*, and *edible articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Allen Township (Hillsdale County), Mich., to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending west along Texas Highway 63 to junction U.S. Highway 190, thence west along U.S. Highway 190 to junction U.S. Highway 59, thence south along U.S. Highway 59 to junction Interstate Highway 10 to junction U.S. Highway 90, thence west along Highway 90 to Del Rio, Texas, thence south along unnumbered highway to the International Boundary between United States and Mexico. Restriction: The service authorized herein is restricted to the transportation of shipments originating at the plant site and warehouse facilities of Great Markwestern Packing Company, at Allen Township (Hillsdale County), Mich. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-E 46), filed December 19, 1976. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible meats, edible meat products, and edible meat by-products*, and *edible 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) and (2) *Foodstuffs* except edible meats, edible meat products, and edible meat by-products, and edible 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) in mixed loads with commodities described in (1) above, (A) from Austin, Minn., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line. (B) From Fremont, Nebraska, to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42, to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line. (3) *Foodstuffs* (except 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) in mixed loads with the commodities described in (1) above (otherwise authorized), from Fort Dodge, Iowa, to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line. Restriction: The operations authorized immediately above are restricted to the transportation of traffic originating at said origins. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-E47), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* and *confectionery products*, except commodities in bulk, (a) from Centralia and Ashley, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 594 to junction Mississippi Highway 63, thence west along Mississippi Highway 63 to junction Mississippi Highway 57, thence west along Mississippi Highway 57 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line. (b) From Sulphur Springs, Tex., to those points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending north along U.S. Highway 220 to junction U.S. Highway 11, thence north along U.S. Highway 11 to the Virginia-West Virginia State line, and to those points in West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 11 to the Maryland-West Virginia State line, and to those points in Maryland on and east of a line beginning at the Maryland-West Virginia State line and extending north along U.S. Highway 11 to the Maryland-Pennsylvania State line, and to points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending north along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 220, thence east along U.S. Highway 220 to the New York-Pennsylvania State line, and to those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending east along New York Highway 17 to junction New York Highway 12, thence north along New York Highway 12 to junction New York Highway 28, thence north along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to the International Boundary line between United States and Canada. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub 48), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, except commodities in bulk, from the plant site and warehouse facilities of Breakstone Sugar Creek Foods, Division of Kraftco Corporation, at Elizabeth, N.J., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 14 to junction Mississippi Highway 12 to junction U.S. Highway 49W, thence north along U.S. Highway 49W to junction U.S. Highway 82, thence west along U.S. Highway 82 to the Arkansas-Mississippi State line, and those points in Arkansas on and south of a line beginning at the Arkansas-Mississippi State line and extending west along U.S. Highway 82 to junction Arkansas Highway 7, thence north along Arkansas Highway 7 to junction Arkansas Highway 4, thence west along Arkansas Highway 4 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the Arkansas-Oklahoma State line, and to those points in Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line and extending west along U.S. Highway 70 to the Oklahoma-Texas State line, and to those points in Texas on and south of a line beginning at the Oklahoma-Texas State line and extending south to junc-

tion U.S. Highway 287, thence west along U.S. Highway 287 to junction U.S. Highway 66, thence west along U.S. Highway 66 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. 49), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products*, and *edible articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descrip ions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides, and skins, and pieces thereof), from the plant sites and storage facilities utilized by Swift & Co., located at or near St. Charles, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line, and to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending west along U.S. Highway 90 to junction Texas Highway 87, thence west along Texas Highway 87 to the Galveston-Port Bolivar Ferry, thence west to connection with U.S. Highway 75, thence north along U.S. Highway 75 to junction Texas Highway 6, thence west along Texas Highway 6 to junction Texas Highway 35, thence west along Texas Highway 35 to junction Texas Highway 113, thence west along Texas Highway 113 to junction U.S. Highway 77, thence south along U.S. Highway 77 to junction Texas Highway 44 to junction U.S. Highway 59, thence west along U.S. Highway 59 to the International Boundary between United States and Mexico. Restriction: The authority granted herein is restricted to the transportation of traffic originating at the above-described plant site and storage facilities. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-50), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, except commodities in bulk, from Mattoon, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 594 to junction Mississippi Highway 63, thence west along Mississippi Highway 63 to junction Mississippi Highway 57, thence west along Mississippi Highway 57 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and to those points in Texas on and south of a line beginning at the Gulf of Mexico and extending west along Texas Highway 4 to junction U.S. Highway 83, thence west along U.S. Highway 83 to Rio Grande City, Texas, at the International Boundary line between United States and Mexico. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plant site and storage facilities of Kraft Foods Division of Kraftco Corporation at Mattoon, Ill. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 114868 (Sub-No. E 19), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson Street, Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie, on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 195 to junction Garden State Parkway, thence along Garden State Parkway to junction New Jersey Highway 38, thence along New Jersey Highway 38 to the Atlantic Ocean at Belmar, N.J. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E 42), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson Street, Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Wisconsin, to points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Kentucky within 125 miles of Nashville.

No. MC 114868 (Sub-44), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson Street, Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from Washington, D.C., to Nashville, Tenn., and points in Tennessee within 125 miles of Nashville. The purpose of this filing is to eliminate the gateway of points in Kentucky.

No. MC 119531 (Hub-No. E279), filed May 22, 1974. Applicant: SUN EXPRESS, INC., 5319 Woster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* (1) from Zanesville, Ohio to points in New York on and east of a line beginning at Oswego, N.Y. and extending along New York Highway 104 to junction New York Highway 38, thence along New York Highway 38 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 14, thence along New York Highway 14 to the New York-Pennsylvania State line and (2) from Zanesville, Ohio, to points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Vienna, W. Va.

No. MC 123407 (Sub-No. E247), filed November 30, 1975. Applicant: SAWYER TRANSPORT INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel doors and windows* from Dubuque, Iowa, to points in Florida and points in Georgia in and south of Harris, Talbot, Taylor, Mason, Dooly, Pulaski, Dodge, Telfair, Jeff Davis, Appling, Tatinall, Evans, Bryan, and Chatham Counties. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Henderson Steel Corporation located in Lauderdale County, Miss.

No. MC 123407 (Sub-No. E248), filed November 30, 1975. Applicant: SAWYER TRANSPORT INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel*, from Bartonville, Ill., to points in Florida, points in Louisiana in and south of Vernon, Rapides, LaSalle, Catahoula, Franklin, and Madison Parishes, La., points in Alabama in and south of Pickens, Greene, Hale, Perry, Dallas, Autauga, Elmore, Mason and Russell Counties, Ala., points in Georgia in and south of Muscogee, Marion, Schley, Sumter, Dooly, Wilcox, Telfair, Jeff Davis, Appling, Wayne, Long, and McIntosh Counties, Ga. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Henderson Steel Corporation, located in Lauderdale County, Miss.

No. MC 123407 (Sub-No. E249), filed November 30, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel building materials* from the plantsite and warehouse facilities of Henderson Steel Corporation, located in Lauderdale County, Miss., to points in North Dakota in and north of McKenzie, Dunn, Mercer, Oliver, McLean, Sheridan, Wells, Eddy, Nelson and Grand Forks Counties, N. Dak. The purpose of this filing is to eliminate the gateways of Warren, Ill., and L'Anse, Mich.

No. MC 123407 (Sub-No. E250), filed November 30, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel building materials* from the plantsite and warehouse facilities of Henderson Steel Corporation, located in Lauderdale County, Miss., to points in Minnesota, South Dakota, the upper Peninsula of Michigan, points in Nebraska in and north of Sioux, Box Butte, Sheridan, Grant, Hooker, Thomas, Cherry, Brown, Rock, Holt, Knox, Cedar, and Dixon Counties, Nebr. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E251), filed November 30, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel building materials* from the plantsite and warehouse facilities of Henderson Steel Corporation, located in Lauderdale County, Miss., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Freeport, Ill.

No. MC 123407 (Sub-No. E253), filed November 30, 1975. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel pipe and conduit* (except oilfield commodities as described in Mercer Extension—Oil Field Commodities, 74 M.C.C. 459), from Chicago, Ill., to points in Florida (except Nassau County), points in Alabama in and south of Sumter, Green, Hale, Perry, Dallas, Lowndes, Montgomery, Bullock, and Barbour Counties, Ala., points in Georgia in and south of Quitman, Randolph, Terrell, Lee, Worth, Tift, Barrien, Atkinson, and Clinch Counties, Ga. Restriction: Service shall be limited to the transportation of shipments which originate at the plant and warehouse sites of Maneely-Illinois, Inc., at or near Chicago, Ill. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facilities of Henderson Steel Corporation, located in Lauderdale County, Miss.

No. MC 123407 (Sub-No. E254), filed November 30, 1975. Applicant: SAWYER TRANSPORT INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel doors and windows*, from Columbus, Ohio, to points in Mobile and Washington Counties, Ala. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Henderson Steel Corporation, located in Lauderdale County, Miss.

No. MC 123407 (Sub-No. E255), filed November 30, 1975. Applicant: Sawyer Transport, Inc., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel* (except in bulk), from the facilities of Continental Steel Corporation at or near Kokomo, Ind., to points in Alabama in and south of Choctaw, Clarke, Monroe, Conecum, Covington, Geneva, and Houston Counties, Ala., and points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Jackson, Washington, Bay, Calhoun, Gulf, Liberty, Franklin, Gadsden, Leon, Wakulla, Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Hendry, Collier, Monroe, Broward, and Dade Counties, Fla. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Henderson Steel Corporation, located in Lauderdale County, Miss.

No. MC 123407 (Sub-No. E257), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Granite City, Ill., to points in Minnesota, South Dakota, the Upper Peninsula of Michigan, and Dawes County, Nebr. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E260), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel prefabricated building sections*, from Coatesville, Brackenridge, West Leechburg, and Bagdad, Pa., to points in North Dakota, Montana, and Wyoming. The purpose of this filing is to eliminate the gateways of North Warren, Wis., and Litchfield, Minn.

No. MC 123407 (Sub-No. E263), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel prefabricated building sections*, from New Castle, Ind., to points in North Dakota, Montana, and Wyoming (except Converse, Niobrara, Carbon, Albany, Platte, Goshen, and Laramie Counties). The purpose of this filing is to eliminate the gateways of North Warren, Wis., and Litchfield, Minn.

No. MC 123407 (Sub-No. E264), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Stark County, Ill., to points in Charleston, Georgetown, Marion, and Horry Counties, S.C., and points in Brunswick, New Hanover, Carteret, Tyrrell, Dare, and Pasquotank Counties, N.C. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E265), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Fulton County, Ill., to points in Brunswick, New Hanover, Pasquotawk, Camden, and Currituck Counties, N.C. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E269), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Dubuque, Iowa, to points in Georgia, North Carolina, South Carolina, and Alabama (except Lauderdale, Colbert, Franklin, Laurence, Marion, Winston, Lamar, Fayette, and Walker Counties). The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E 278), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind.

46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel roofing and iron and steel roofing material* from Wilmington, Ill., to points in Alabama, Georgia, North Carolina, South Carolina, Oktibbeha, Lowndes, Winston, Noxubee, Neshoba, Kemper, Scott, Newton, Lauderdale, Smith, Jasper, Clarke, Jefferson, Davis, Covington, Jones, Wayne, Wilkinson, Amite, Pike, Walthall, Marion, Lamar, Forrest, Perry, Greene, Pearl River, Stone, George, Hancock, Harrison, and Jackson Counties, Miss., points in Louisiana in and south of Sabine, Natchitioches, Grant, Rapides, Avoyelles, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, and Washington Parishes, La., points in Texas in and south of El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Cochran, Hockley, Lubbock, Crosby, Scurry, Nolan, Runnels, Concho, McCulloch, San Saba, Lampasas, Bell, Milam, Burleson, Brazos, Grimes, Walker, San Jacinto, Liberty, Tyler, Jasper, Sabine, and Hardin Counties, Tex. The purpose of this filing is to eliminate the gateway of New Castle, Ind.

No. MC 123407 (Sub-No. E 280), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel used construction forms* from New Castle, Ind., to points in Minnesota, North Dakota, South Dakota, Wyoming, Nebraska (except Gage, Johnson, Nemaha, Pawnee and Richardson Counties, Nebr.), Iowa (except Fremont, Page, Taylor, Ringgold, Decatur, Wayne, Appanoose, Wapello, Jefferson, Henry, David, Van Buren, Des Moines, and Madison Counties, Iowa). The purpose of this filing is to eliminate the gateway of Beloit, Wis.

No. MC 123407 (Sub-No. E 288), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel*, from the plansite and warehouse facilities of Henderson Steel Corporation located in Lauderdale County, Miss., to points in Wisconsin (except Crawford and Grant Counties). The purpose of this filing is to eliminate the gateway of New Castle, Ind.

No. MC 123407 (Sub-No. E 289), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Stephenson County, Ill., to points in Georgia, North Carolina, South Carolina, points in Cameron County, Tex., points in Alabama in and east of Escambia, Monroe, Wilcox, Dallas, Perry, Bibb, Shelby, Jefferson, Blount, Etowah, and DeKalb Counties, Ala. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E 290), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel*, from Coatesville, Brackenridge, West Leechburg, and Bagdad, Pa., to points in Escambia, Santa Rosa, Okaloosa, Walton, and Bay Counties, Fla., and points in Carter, Love, Marshall, Bryan, and Choctaw Counties, Okla. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facilities of Henderson Steel Corporation, located in Lauderdale County, Miss.

No. MC 123407 (Sub-No. E 302), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing material* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from Wilmington, Ill., to points in Ohio in and south of Preble, Montgomery, Miami, Champaign, Madison, Franklin, Licking, Knox, Holmes, Tuscarawas, Carroll, and Columbiana Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E 303), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Henderson County, Ill., to Marlboro, Dillon, Florence, Marion, and Horry Counties, S.C., and Columbus, Brunswick, Pender, New Hanover, Onslow, Jones, Carteret, Craven, Pamlico, Beaufort, Martin, Washington, Tyrrell, Dare, Hyde, Pasquotawk, Camden, and Currituck Counties, N.C. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E 304), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Jo Davies County, Ill., to points in Alabama, Georgia, North Carolina, South Carolina, Clarke, Jones, Wayne, Marion, Lamar, Forest, Perry, Greene, Pearl River, Stone, George, Hancock, Harrison, and Jackson Counties, Miss., Washington, Iberville, Ascension, St. John the Baptist, St. Charles, Orleans, St. Mary, Assumption, St. James, St. Bernard, Terrebowne, LaFourche, Jefferson, and Plaquemines Parishes, La., Maverick, Dimmit, LaSalle, McMullen, Liveoak, Bee, San Patrico, Repugio, Webb, Duval, Jim Wells, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, Hidalgo, Willacy, and Cameron Counties, Tex. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E305), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Winnebago County, Ill., to points in Georgia, North Carolina, South Carolina, Lee, Macon, Russell, Bullock, Pike, Barbour, Coffee, Dale, Henry, Geneva, and Houston Counties, Ala. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E306), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building materials, from Whiteside County, Ill., to points in Georgia, North Carolina, South Carolina, Russell, Barbour, Dale, Henry, and Houston Counties, Ala. The purpose of this filing is to eliminate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E 307), filed March 30, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind., 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such iron and steel articles as are building materials, from Carroll County, Ill., to points in Georgia, North Carolina, South Carolina, points in Alabama in and east of DeKalb, Etowah, Saint Clair, Jefferson, Shelby, Bibb, Perry, Dallas, Lowndes, Butler, Monroe, and Escambia Counties, Ala. The purpose of this filing is to eliimnate the gateways of Warren, Ill., and New Castle, Ind.

No. MC 123407 (Sub-No. E 309), filed February 29, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square Valparaiso, Ind.

46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing material* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from Chicago, Ill., to points in Ohio in and south of Butler, Warren, Greene, Madison, Franklin, Fairfield, Perry, Muskingum, Guernsey, and Belmont Counties, Ohio. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E 310), filed February 29, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing material* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from Wilmington, Ill., to points in Ohio in and south of Preble, Montgomery, Miami, Champaign, Madison, Franklin, Licking, Knox, Holmes, Tuscarawas, Carroll, and Columbiana Counties, Ohio. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-37729 Filed 12-22-76;8:45 am]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Petitions for Modification, Interpretation or Reinstatement of Operating Rights Authority

DECEMBER 17, 1976.

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 January 24, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner in no representative is named.

No. MC 10761 (Sub-No. 1) Notice of filing of petition to modify territorial description), filed October 12, 1976. Petitioner: TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Dr. SE., Grand Rapids, Mich. 49506. Petitioner's representative: A. David Milner, 167 Fairfield Road, Fairfield, N.J. 07006. Petitioner holds a motor *common carrier* Certificate in No. MC 10761 (Sub-No. 1), issued February 28, 1942, authorizing transportation, as pertinent, over regular routes, of *general commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Dunkirk, N.Y. and Buffalo, N.Y., serving all intermediate points: From Dunkirk over New York Highway 5 to Buffalo, and return over the same route; (2) between Silver Creek, N.Y., and Jamestown, N.Y., serving all intermediate points: From Silver Creek over U.S. Highway 20 to Fredonia, N.Y., thence over New York Highway 60 to Jamestown; and return from Jamestown over New York Highway 17 to Conewango Valley, N.Y., thence over New York Highway 83 to junction unnumbered highway, and thence over unnumbered highway via Smith Mills, N.Y., to Silver Creek; and (3) from Conewango Valley, N.Y., to Buffalo, N.Y.: From Conewango Valley over U.S. Highway 62 to Buffalo.

By the instant petition, petitioner seeks to retain authority in (1) above between Silver Creek, N.Y. (an intermediate point) and Buffalo, N.Y. over New York Highway 5 notwithstanding the eventual sale of authority in MC-F-12713. In the alternative, petitioner seeks to modify the territorial description above to be rewritten as follows: As a route authorizing service in both directions between Jamestown, N.Y. and Buffalo, N.Y. over U.S. Highway 62. This petition involves in (1) above authority to be sold to Campbell Sixty-Six Express, Inc. in a finance proceeding docketed in No. MC-F-12713.

No. MC 123159 (Notice of filing of petition to delete restrictions), filed November 5, 1976. Petitioner: DE-PEN LINE, INC., Hollow Road, P.O. Box 486, Phoenixville, Pa. 19460. Petitioner's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, D.C. 20005. Petitioner holds a motor *common carrier* Certificate in No. MC 123159, issued May 19, 1971, authorizing transportation, as pertinent, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk), between Fernwood, Pa., and Wawa, Pa., serving all intermediate points and the off-route points of Wallingford, Rose Valley-Moylan, Elwyn, Williamson School, Glen Riddle, Lenni, Darlington, and Glen Mills, Pa.: From Fernwood over unnumbered highway (Baltimore Pike), to junction U.S. Highway 1, south of Media, Pa., thence over U.S. Highway 1 to Wawa, and return over the same route, restricted as follows (1) said operations shall be limited to the service which is auxiliary to, or supplemental of railway service; (2) shipments transported by said carrier shall be limited to those moving on through bills of lading, and having in addition to a motor-carrier movement by said carrier, a prior or immediately subsequent movement by rail or by motor vehicle in service auxiliary to our supplemental of rail service; and (3) such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, railway service.

By the instant petition, petitioner seeks to delete restrictions (1), (2), and (3) from the authority above.

No. MC 124839 (Sub-No. 19) (Notice of filing of petition to modify permit), filed November 30, 1976. Petitioner: BUILDERS TRANSPORT, INC., 4800 Augusta Road, P.O. Box 7057, Savannah, Ga. 31408. Petitioner's representative: William P. Sullivan, 1819 H Street, N.W., Washington, D.C. 20006. Petitioner holds a motor *contract carrier* Permit in No. MC 124839 (Sub-No. 19), issued October 29, 1973, authorizing transportation over irregular routes, of *Wood chips, paper,* and *paper products,* between Morristown, Tenn., and points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina South Carolina and Virginia, under a continuing contract, or contracts with Union Camp Corporation, of Wayne, N.J.

By the instant petition, petitioner seeks to modify its Permit to read as follows: *Wood chips, paper, paper products, chemicals, naval stores, and materials, equipment and supplies* used in their manufacture, between Morristown, Tenn., and points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Ohio, Indiana, Illinois, Michigan and the District of Columbia, restricted (1) against the transportation of commodities in bulk; and (2) to a transportation service to be performed under a continuing contract or contracts with Union Camp Corporation of Wayne, N.J.

No. MC 127784 and MC 127784 (Sub-No. 3) (Notice of filing of petition to add restrictions), filed September 30, 1976. Petitioner: R & G AIRFREIGHT, INC., R. D. No. 4, Allentown, Pa. 18102. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds motor *common carrier* Certificates in No. MC 127784 issued June 25, 1969 and MC 127784 (Sub-No. 3), issued June 6, 1975 authorizing transportation over irregular routes, of (1) MC 127784 *General commodities* (except Classes A and B explo-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

sives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the Newark Airport, Newark, N.J., the John F. Kennedy International Airport, New York, N.Y., and the La Guardia Airport, New York, N.Y., on the one hand, and, on the other, points in Monroe, Schuylkill, and Cargon Counties, Pa.; and MC 127784 (Sub-No. 3); and (2) *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between La Guardia Airport, N.Y., Kennedy International Airport, N.Y., Newark Airport, N.J., and Teterboro Airport, N.J., on the one hand, and, on the other, points in Northhampton and Lehigh Counties, Pa., and Warren and Hunterdon Counties, N.J., (except Flemington, Frenchtown, Lambertville, and Neshanic, N.J.); and (2) between Teterboro Airport N.J., on the on hand, and, on the other, points in Somerset County, N.J., (except Rocky Hill, N.J.).

By the instant petition, petitioner seeks to (1) add to its commodities in the lead Certificate the restriction that reads as folows: having a prior or subsequent movement in interstate commerce and (2) to add to its (Sub-No. 3) after the origins and destination. Restriction: The authority granted herein is restricted to the transportation of traffic having an immediately prior or subsequent movement in interstate commerce.

No. MC 128375 (Sub-No. 55) (Notice of filing of petition to modify commodity description), filed November 16, 1976. Petitioner: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Petitioner's representative: Duane W. Acklie (same address as petitioner). Petitioner holds a motor *contract carrier* Permit in No. MC 128375 (Sub-No. 55), issued September 21, 1976, authorizing transportation over irregular routes, of *automotive replacement parts, automotive accessories,* and *equipment, materials, and supplies* used in the manufacture of the above-described commodities (except commodities in bulk), between Saco, Maine, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Maremont Corporation, of Chicago, Ill.

By the instant petition, petitioner seeks to modify the commodity description above by deleting the commodity description above and substituting *"those commodities* dealt in and used by manufacturers and distributors of automotive parts, accessories, equipment, materials and supplies (except in bulk)," in lieu thereof.

No. MC 133488 (Sub-No. 2) (Notice of filing of petition to add an additional base point), filed November 23, 1976. Applicant: EMPRISE TRUCKING CO., INC., 140 Federal Street, Boston, Mass. 02110. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C., 20001, Petitioner holds a motor *contract carrier* Permit in No. MC 133488 (Sub-No. 2), issued October 22, 1975, authorizing transportation over irregular routes, of (1) *Iron and steel articles* and *aluminum articles,* and (2) *materials, equipment and supplies* used in the manufacture, installation and distribution of the commodities described in (1) above (except commodities in bulk), between the facilities of Roll Form Products, Inc. located at or near Fairless Hills, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Roll Form Products, Inc.

By the instant petition, petitioner seeks to add the facility of Roll Form Products, Inc. located at or near Tulsa, Okla. as an additional base point to the above authority.

No. MC 136530 (Sub-Nos. 1 and 2) (Notice of filing of petition to modify permits), filed November 30, 1976. Petitioner: NORBET TRUCKING CORPORATION, 100 Nassau Terminal Road, New Hyde Park, N.Y. 11040. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, D.C. 20001. Petitioner holds motor *contract carrier* Permits in No. MC 136530 and (Sub-Nos. 1 and 2), issued February 8, 1973, April 26, 1973, and March 14, 1974, respectively, authorizing transportation (1) in MC 136530 over irregular routes, of *iron and steel articles and materials, equipment, and supplies* (except commodities in bulk) used in the manufacture and distribution of iron and steel articles, between New Hyde Park, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Ohio, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with American Strip Steel Incorporated of New Hyde Park, N.Y.; (2) in MC 136530 (Sub-No. 1) over irregular routes, transporting *iron and steel articles,* and *materials, equipment and supplies* (except commodities in bulk), used in the manufacture and distribution of iron and steel articles, between Kearny, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Ohio, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with American Strip Steel, Inc. of New Hyde Park, N.Y.; and (3) in MC 136530 (Sub-No. 2) over irregular routes, transporting *iron and steel articles,* and *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of iron and steel articles, between Baltimore, Md., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Ohio, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Kentucky, and the District of Columbia, under a continuing contract, or contracts, with American Strip Steel, Incorporated of New Hyde Park, N.Y., restricted to the transportation of traffic originating at or destined to the facilities of American Strip Steel, Incorporated located at New Hyde Park, N.Y.

By the instant petition, petitioner seeks (a) to broaden the commodity description in all the above Permits to read: *"Iron and steel articles; iron and steel studding; steel framing; joist hangers and wall ties; metal building materials and products; parts and accessories therefor,* and *materials, equipment and supplies* (except commodities in bulk), used in the manufacture, distribution, and installation of the above-mentioned commodities."; (b) to add Ware Industries Ltd. of New Hyde Park, N.Y. as an additional contracting shipper with respect to all three of the above permits; (c) to add, with respect to its lead Permit, the additional base point of Shelton, Conn.; (d) to modify, with respect to all three Permits, the radial points to read: "points in tre United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; (e) to add, with respect to the lead and the (Sub–1) Permit, the restriction: "restricted to the transportation of traffic originating at or destined to the facilities of American Strip Steel, Inc. and Ware Industries, Ltd.; and (f) to add, with respect to the (Sub–2) Permit, Ware Industries Ltd. to the restriction.

No. MC 136640 (Sub-No. 4), (Notice of filing of petition to modify commodity description) filed November 22, 1976. Petitioner: ROBERT L. ALLEN, doing business as R. ALLEN TRANSPORT, P.O. Box 321, Pocomoke City, Md. 21851. Petitioner's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Petitioner holds a motor *contract carrier* Permit, in No. MC 136640 (Sub-No. 4), issued February 19, 1976, authorizing transportation, as pertinent, over irregular routes, of *frozen onion rings,* when transported in mixed loads with agricultural commodities otherwise exempt from economic regulations under section 203(b)(6) of the Interstate Commerce Act, from Boston, Mass., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Michigan, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Illinois, Mississippi, Missouri, and New Jersey, under a continuing contract, or contracts, with Boston Bonnie, Inc., of Boston, Mass.

By the instant petition, petitioner seeks to modify its commodity description as follows: *commodities* otherwise exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Commission Act and *frozen onion rings* when transported in mixed shipments

with commodities otherwise exempt from economic regulations under Section 203 (b)(6) of the Interstate Commerce Act.

No. MC 138931 (Sub-No. 2), (Notice of filing of petition to add contracting shipper) filed November 29, 1976. Petitioner: LOUIS SENSKE and JIM SENSKE, doing business as SENSKE & SONS TRANSFER, a Partnership, 117 Fourth Avenue, North Crookston, Minn. 56716. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Petitioner holds a motor *contract carrier* Permit in No. MC 138931 (Sub-No. 2), issued June 12, 1975, authorizing transportation of (1) *Self-propelled loaders*, from the plantsite and facilities of Hydra-Mac, Inc., at or near Thief River Falls, Minn., to points in the United States (except Alaska, Minnesota and Hawaii); and (2) *equipment, materials, and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the plantsite and facilities of Hydra-Mac, Inc., at or near Thief River Falls and Red Lake Falls, Minn., and Wahpeton, N. Dak., under a continuing contract or contracts with Hydra-Mac, Inc., of Thief River Falls, Minn.

By the instant petition, petitioner seeks to and International Harvester, Inc., as an additional contracting shipper to the above authority.

No. MC 139106 (Notice of filing of petition to add base points) filed November 15, 1976. Petitioner: A.B.A. TRUCKING CORPORATION, 12–16 Bank St., Summit, N.J., 07901. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park N.J., 08904. Petitioner holds a motor *contract carrier* Permit in No. MC 139106, issued October 17, 1974, authorizing transportation over irregular routes, of *iron and steel articles, metal roof and floor decking,* and *materials, equipment, and supplies* used in the installation, manufacture, sale, or production of all the above specified commodities (except commodities in bulk), between the facilities of United Steel Deck, Inc., located at South Plainfield, N.J., on the one hand, and on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with United Steel Deck, Inc.

By the instant petition, petitioner seeks to modify the territorial description above by adding Allentown, Carbondale, Malvern, and Morrisville, Pa. as additional base points.

No. MC 140617 (Sub-No. 2), (Notice of filing of petition to modify certificate) filed November 8, 1976. Petitioner: KERN COUNTY TRANSFER, INC., P.O. Box 1641, Bakersfield, Calif. 93302. Petitioner's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Petitioner holds a motor *common carrier* Certificate, in No. MC 140617 (Sub-No. 2), issued September 21, 1976, authorizing transportation over irregular routes, of *Grape concentrate and wine* (except in bulk), moving in Sea-Land Service, Inc., containers, from the facilities of California Wine Association at or near Delano, Calif., to the facilities of the Sea-Land Service, Inc., at the port of Long Beach, Calif.

By the instant petition, petitioner seeks to modify its Certificate to read as follows: *Grape concentrate and wine* (except in bulk), moving in ocean containers for subsequent movement by water, from the facilities of California Wine Association at or near Delano, Calif., to points in the Los Angeles Harbor, Calif., Commercial Zone as defined by the Commission.

No. FF 267 (Sub-No. 5), (Notice of filing of petition to modify commodity description) filed December 1, 1976. Petitioner: HONOLULU FREIGHT SERVICE, a Corporation, 2425 Poter Street, Los Angeles, Calif. 20021. Petitioner's representative: Michael P. Beidleman, P.O. Box 21156, Market Station, Los Angeles, Calif. 90021. Petitioner holds a *freight forwarder* Permit in No. FF 267 (Sub-No. 5), issued February 18, 1976, authorizing operations as a freight forwarder, of *General commodities* (except household goods as defined by the Commission, unaccompanied baggage, and used automobiles), in containers equipped with mechanical refrigeration, from points in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, Calif., to points Hawaii.

By the instant petition, petitioner seeks to modify the commodity description by deleting "equipped with mechanical refrigeration" in the above authority.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 42828 (Sub-No. 11), (Republication) filed May 5, 1976, published in the FEDERAL REGISTER issue of June 24, 1976, and republished this issue. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, Vt. 05641. Applicant's representative: James W. Connor, 431 Keith Avenue, Akron, Ohio 44313. An Order of the Commission, Review Board Number 2, dated October 26, 1976, and served November 11, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *reclassified silicon carbide* (except in bulk, in tank vehicles), from the facilities of Rock of Ages Corporation, located in Washington, Caledonia, and Orange Counties, Vt., to points in New Jersey, those points in Pennsylvania on and east of a line begin ning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to Harrisburg, Pa., and thence along Interstate Highway 81 to the Pennsylvania-New York State line, and those points in New York on and east of Interstate Highway 81; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the broadening of the origin territory in applicant's grant of authority by substituting the origin territory above in lieu of "Barre, Vt., and points within 15 miles thereof."

No. MC 123407 (Sub-No. 244), (Republication) filed June 9, 1975, published in the FEDERAL REGISTER issue of July 3, 1975, and republished this issue. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb, (same address as applicant). An Order of the Commission, Review Board Number 2, dated December 2, 1976, and served December 8, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *wood flooring systems*, from Dollar Bay, Mich., to points in Montana, Wyoming, Utah, Arizona, Nevada, California, Idaho, Oregon, and Washington; 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. Tre purpose of this republication is to indicate applicant's grant of authority to serve Oregon as a destination state in lieu of Oklahoma.

No. MC 140638 (Republication) filed January 29, 1975, published in the FEDERAL REGISTER issue of March 6, 1975, and republished this issue. Applicant: WELLS TRANSPORT COMPANY, INC., 121 Second Ave. SE., LeMars, Iowa 51031. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. A Decision and Order of the Commission, Review Board Number 1, dated November 9, 1976, and served November 16, 1976, finds that applicant is fit, willing,

and able to operate in interstate or foreign commerce, as a *contract carrier* by motor vericle, over irregular routes, in the transportation of (1) (a) *dairy products*, as described in Section B of Appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (b) *commodities* which are customarily dealt in by dairies; (c) *materials* used in the display, sale, and distribution of dairy products and commodities which are customarily dealt in by dairies; and (d) *fruit juices, salad dressings, dips, and distilled water*, from LeMars, Iowa, to points in Minnesota, Wisconsin, Illinois, Missouri, Kansas, Colorado, Nebraska, Wyoming, South Dakota, and Iowa; and (2) *materials, equipment, and supplies* used in the manufacturing, production, sale, and distribution of the commodities named in (1) above, from the destination states named in (1) above to LeMars, Iowa, under a continuing contract, or contracts, with Wells Dairy Company, of LeMars, Iowa, restricted in (1) and (2) above to traffic originating at or destined to facilities utilized by Wells Dairy Company, located at LeMars, Iowa; further restricted in (1) above against the transportation of commodities in bulk, in tank vehicles; and further restricted in (2) above against the transportation of petroleum products, in bulk, in tank vehicles; that applicant is fit, willing, and able to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of *fruit juices, salad dressings, dips, and distilled water* to applicant's grant of authority.

No. MC 140912 (Sub-No. 2), (Republication) filed July 22, 1975, published in the FEDERAL REGISTER issue of August 21, 1975, and republished this issue. Applicant: STATES WAREHOUSES, INC., 16000 Heron Ave., LaMirada, Calif. 90638. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. A Supplemental Order of the Commission, Review Board Number 2, dated November 8, 1976, and served November 24, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) *liquid sugar and sirups, blends of liquid sugar and sirup, and granulated sugar*, in bulk, from the facilities of Amster Corporation, Spreckels Sugar Division, located at Los Angeles, Calif., to points in Cochise, Coconino, Graham, Maricopa, Navajo, Pima, Pinal, Yavapai, and Yuma Counties, Ariz., and Clark County, Nev., and (2) *returned shipments* of the commodities in (1) above, from the above named destination points to the facilities of Amstar Corporation, Spreckels Sugar Division, located at Los Angeles, Calif.; 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 grant of authority as a common carrier rather than as a contract carrier.

No. MC 141265 (Republication) filed September 2, 1975, published in the FEDERAL REGISTER issue of October 16, 1975, and republished this issue. Applicant: TRANSPORTADORA DE JUAREZ, S.A., a Corporation, Apartado 659, Ciudad Juarez, Chihuahua, Mexico. Applicant's representative: Candido Velarde Maese, P.O. Box 928, El Paso, Tex. 79946. An Order of the Commission, Review Board Number 1, dated November 16, 1976, and served November 24, 1976, finds that operation by applicant, in foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of *liquefied petroleum gas*, from Monahans, Wink, Kermit, Seminole, Ropesville, Snyder, Odessa, and Ozona, Tex., and Artesia, Maljamar, Jal, and Eunice, N. Mex., to the port of entry on the International Boundary line between the United States and the Republic of Mexico, located at or near El Paso, Tex., under a continuing contract, or contracts, with Gas Comercial de Cuauhtemoc S. A., Gas Comercial de Chihuahau, S. A., Gas Supremo de Juarez, S. A., Servi Gas del Norte, S. A., and Gas Comercial de Juarez, S. A., all of Ciudad Juarez, Chihuahua, Mexico, will be consistent with the public interest and the national transportation policy; 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 (1) the addition of Monahans, Wink, Kermit, Seminole, Ropesville, Snyder, and Ozona, Tex., and Maljamar, Jal, and Eunice, N. Mex., as additional service points in applicant's grant of authority; and (2) the addition of Gas Comercial de Cuauhatmoc, S. A., and Servi Gas del Norte, S. A., as additional contracting shippers in applicant's grant of authority.

No. W-1304 (Republication) filed March 26, 1976, published in the FEDERAL REGISTER issue of May 6, 1976, and republished this issue. Applicant: SOUTHERN TERMINAL & TRANSPORT CO., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr., (Same address as applicant). An Order of the Commission, Review Board Number 2, dated October 13, 1976, and served November 10, 1976, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by water, in the transportation of *petroleum products*, in containers, between Mobile, Ala., and Pensacola, Port St. Joe, and St. Marks, Fla.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the grant of additional service points at Pensacola and Port St. Joe, Fla.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirement 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 730 (Sub-No. 399), filed November 22, 1976. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's

representative: Alfred G. Krebs (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 plantsite and warehouse facilities of Londontown Corporation, located at or near Eldersburg, Md., as an off-route point in connection with applicant presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Baltimore, Md.

No. MC 5470 (Sub-No. 117), filed November 22, 1976. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Bldg., 918 16th St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnace lining, scrap or refuse*, from points in Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, to the plantsites of North American Refractories Co., at or near Ironton, Ohio; White Cloud, Mich.; Mt. Union, Curwensville, Womelsdorf and Little Gap, Pa.; and Farber, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 11207 (Sub-No. 382), filed November 26, 1976. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, Class A and B explosives, frozen foods and commodities which because of size or weight require the use of special equipment), between Yellow Creek Port Terminal and Industrial areas, located in Tishomingo and Alcorn Counties, Miss., on the one hand, and, on the other, points in Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Birmingham, Ala.

No. MC 13250 (Sub-No. 135), (Correction), filed October 7, 1976, published in FR issue of November 4, 1976, republished as corrected this issue. Applicant: J. H. ROSE TRUCK LINE, INC., 2800 North Loop West, P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, 500 W. 16th St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors with or without attachments* (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks with or without bodies designed for off-highway use;* and (2) *parts, attachments, and accessories*, for the commodities described in (1) above, from the plantsites and facilities of Caterpillar Tractor Co., located in Scott County, Iowa, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—The purpose of this republication is to correct the commodity description in part (2) to read "for the commodities described in (1) above" in lieu of "a above." If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 16903 (Sub-No. 44), (Correction), filed September 13, 1976, published in the FR issue of October 15, 1976, and republished as corrected this issue. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from points in Culpeper County, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—The purpose of this republication is to correct applicant's territorial description which was published with errors. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Indianapolis, Ind.

No. MC 19945 (Sub-No. 61), filed November 22, 1976. Applicant: BEHNKEN TRUCK SERVICE, INC., Route No. 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from St. Louis, Mo., to points in Indiana on and south of Indiana Highway 14.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Washington, D.C.

No. MC 25798 (Sub-No. 284), filed November 15, 1976. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell, (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry juice*, in bulk, in tank vehicles, from Middleborough, Mass., to points in Florida.

NOTE: Common control may be involved, If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla., or Boston, Mass.

No. MC 26739 (Sub-No. 89), (CORRECTION), filed November 4, 1976, published in the FR issue of December 2, 1976, and republished this issue. Applicant: CROUCH FREIGHT SYSTEMS, a Corporation, P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Roland Rice, 1111 E Street, N.W., Suite 618, Washington, D.C. 20004. 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 Topeka, Kans. and junction U.S. Highway 277 (also U.S. Highway 281) and U.S. Highway 62, for the purpose of joinder only, serving no intermediate points: From Topeka over the Kansas Turnpike to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Oklahoma Highway 7, thence over Oklahoma Highway 7 to junction U.S. Highway 277 (also U.S. Highway 281) and U.S. Highway 62, and return over the same route.

NOTE: The purpose of this republication is to correct applicant's territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 477), filed November 24, 1976. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Charles M. Pieroni, 4000 West Sample Street, South Bend, Ind. 46619. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trucks, new truck-tractors, and new chassis*, in initial movements, in driveaway service, from Kansas City, Mo. (except from the plant of Ford Motor Company located at or near Claycomo, Mo.), to points in Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 36255 (Sub-No. 1), filed November 22, 1976. Applicant: K & R DELIVERY, INC., 255 W. Oakton Street, Des Plaines, Ill. 60018. Applicant's representative: Carl L. Steiner, 39 S. La Salle, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Illinois, Wisconsin, Indiana and Michigan within 100 miles of Chicago, Ill., including Chicago.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 42011 (Sub-No. 30), filed November 30, 1976. Applicant: D. Q. WISE

& CO., INC., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: J. Michael Alexander, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Barrel pumps, pump parts, accessories, equipment, valves, nipples, clamps, and couplings*, and (2) *materials and supplies* used in, or in connection with, the transportation, installation, operation, removal, repair, manufacture, and maintenance of the commodities described in (1) above, between Tulsa, Okla., 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 either Tulsa, Okla. or Dallas, Tex.

No. MC 42487 (Sub-No. 857), filed November 22, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. 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, livestock, household goods as defined by the Commission, commodities in bulk, assembled automobiles and heavy machinery requiring special equipment for handling), Between St. Louis, Mo. and Hannibal, Mo.: From St. Louis over Interstate Highway 70 to junction U.S. Highway 61 at or near Wentzville, Mo., thence over U.S. Highway 61 to Hannibal, Mo., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's present authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 47171 (Sub-No. 91), filed December 1, 1976. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4255, 301 Hammett Street, Greenville, S.C. 29608. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chewing gum, candy, and cough drops*, from Port Chester, N.Y. and Havertown, Pa., to Morrow, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 49368 (Sub-No. 98), filed November 18, 1976. Applicant: COMPLETE AUTO TRANSIT, INC., E. 4111 Andover Road, Bloomfield Hills, Mich. 48013. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service, (1) from the plantsite of General Motors Corporation located at Lordstown, Ohio, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee and Virginia; and (2) from the plantsites of General Motors Corporation located at Atlanta and Doraville, Ga., to points in Michigan, under a continuing contract, or contracts, with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 479), filed November 15, 1976. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, metal, paper or composite, and container closures, container components and materials and supplies*, used in the manufacture or distribution of containers, from the plant and warehouse sites of Continental Can Company U.S.A., a member of the Continental Group, Inc., located at Alsip, Bridgeview, Chicago, Danville, Itasca, and Peoria Heights, Ill.; Burns Harbor, Chesterton, Elwood, and Portage, Ind.; Kansas City and Lenexa, Kans.; Louisville, Ky.; Shoreham, Mich.; Arden Hills, Mankato, and St. Paul, Minn.; St. Joseph and St. Louis, Mo.; Omaha, Nebr.; Bedford Heights, Cincinnati, Cleveland, Columbus, Sharonville, and Worthington, Ohio; Oil City and West Mifflin, Pa.; La Crosse, Milwaukee, and Racine, Wis.; to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52579 (Sub-No. 157), filed November 22, 1976. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Irving Klein, 371 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Arlington, Tex., to Kansas City, Mo., and points in the Kansas City, Kans. Commercial Zones; St. Joseph, Mo., and Lawrence, Leavenworth, Topeka, and Overland Park, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 61592 (Sub-No. 395), filed November 19, 1976. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hand and power lawn mowers and parts, garden cultivators and parts, black boards, and bulletin boards*, from the plantsites and storage facilities of Great States Corporation, located at or near Shelbyville and Muncie, Ind., and affiliated companies, American Lawn Mower Co., and Richmond School Furniture Co., located at Muncie, Ind., to points in California, Oregon, Washington, Utah, Colorado, New Mexico, Arizona and Nevada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 64100 (Sub-No. 9), filed November 19, 1976. Applicant: GEORGE B. UTTER, R.D. No. 2, Oneonta, N.Y. 13820. Applicant's representative: Neil D. Breslin, 99 Washington Avenue, Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk, (1) from Oneonta, N.Y., to the plantsite of Agway, located Stamford, N.Y., restricted to the transportation of shipments having a prior movement by rail; and (2) from Unadilla, Otsego County, N.Y., to Franklin, Delaware County, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 67646 (Sub-No. 75), filed November 22, 1976. Applicant: HALL'S MOTOR TRANSIT COMPANY, a Corporation, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: John E. Fullerton, 407 N. Front St., Harrisburg, Pa. 17101. 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 Erie, Pa., and Pittsburgh, Pa.: From Erie over Interstate Highway 79 to Pittsburgh, and return over the same route, serving the junction of Interstate Highway 79 and Interstate Highway 80 for the purpose of joinder only; and (2) Between Pittsburgh, Pa. and Beckley, W. Va.: From Pittsburgh over Interstate Highway 79 to the junction of Interstate Highway 79 and U.S. Highway 119 at or near Clendenin, W. Va., thence over U.S. Highway 119 to Charleston, W. Va., and thence over Interstate Highway 77 to Beckley, and return over the same route, serving all intermediate points between Charleston and Beckley, W. Va., including Charleston, and serving all points south of U.S. Highway 60 in Boone, Fayette, Kanawha, Raleigh and Logan Counties, W. Va., as off-route points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charleston, W. Va.

No. MC 85850 (Sub-No. 12), filed November 24, 1976. Applicant: NEYLON FREIGHT LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor

vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities of unusual value, classes A and B explosives, commodities requiring special equipment and commodities in bulk), between Kansas City, Mo., and Omaha, Nebr., as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations, serving no intermediate points, over Interstate Highway 29, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Kansas City, Mo.

No. MC 95540 (Sub-No. 964), filed November 18, 1976. Applicant: WATKINS MOTOR LINES, INC., 114 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: *Confectionery and confectionery products*, from the plantsite of Charms Company, located at or near Covington, Tenn., to Freehold, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 99695 (Sub-No. 13), filed November 16, 1976. Applicant: ATLAS TRANSIT, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) Between El Dorado, and Fordyce, Ark.: From El Dorado, Ark. over U.S. Highway 167 to Fordyce, Ark., and return over the same route serving all intermediate points, and serving points in that part of Arkansas west of U.S. Highway 167, Fordyce to El Dorado, Ark., on and north of Arkansas Highway 7, El Dorado to Camden, Ark. and east of U.S. Highway 79, Camden to Fordyce, Ark., the point of beginning as off-route points in connection with carrier's regular route operations; Alternate routes: (2) Between Jonesboro, and Hoxie, Ark.: From Jonesboro, Ark. over U.S. Highway 63 to Hoxie, Ark., and return over the same route in connection with carrier's authorized regular route operations, serving no intermediate points, (3) Between Jonesboro, and Waldenburg, Ark.: From Jonesboro, Ark. over Arkansas Highway 39 to Waldenburg, Ark., and return over the same route in connection with carrier's authorized regular route operations, serving no intermediate points, (4) Between Fordyce and Warren, Ark.: From Fordyce, Ark. over Arkansas Highway 8 to Warren, Ark., and return over the same route, in connection with carrier's authorized regular route operations, serving no intermediate points, (5) Between Warren and Monticello, Ark.: From Warren, Ark. over Arkansas Highway 4 to Monticello, Ark., and return over the same route, in connection with carrier's authorized regular route operations, serving no intermediate points, (6) Between Monticello and Tillar, Ark.: From Monticello, Ark. over Arkansas Highway 4 to junction Arkansas Highway 277 and thence over Arkansas Highway 277, to Tillar, Ark., and return over the same routes in connection with carrier's authorized regular route operations, serving no intermediate points, (7) Between El Dorado and Crossett, Ark., and return over the same route in connection with carrier's authorized regular route operations, (8) Between Hamburg and Eudora, Ark.: From Hamburg, Ark. over Arkansas Highway 8 to Eudora, Ark., and return over the same route in connection with carrier's authorized regular route operations, serving no intermediate points; and (9) Between Danville and Russellville, Ark.: From Danville, Ark. over Arkansas Highway 27 to Russellville, Ark., and return over the same route in connection with carrier's authorized regular route operations, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 102616 (Sub-No. 926), filed November 22, 1976. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Lake County, Ohio to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Pennsylvania, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Columbus, Ohio.

No. MC 103051 (Sub-No. 380), filed November 17, 1976. Applicant: FLEET TRANSPORT COMPANY, INC, 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar and blends of corn syrup and liquid sugar*, from Knoxville, Tenn., to points in Kentucky and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Nashville, Tenn.

No. MC 103993 (Sub-No. 876), filed November 24, 1976. Applicant: MORGAN DRIVE AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except recreational vehicles and travel trailers), in initial movements, from points in Minnesota, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 106398 (Sub-No. 762), filed November 22, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections mounted on wheeled undercarriages, from points in Boulder County, Colo., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the named origins.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 106398 (Sub-No. 763), filed November 22, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, gates, fittings, bars, pipe supplies and accessories* from Robertson Fence Company, located at Mount Sterling, Ohio 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 Cincinnati, Ohio.

No. MC 106497 (Sub-No. 135), filed November 12, 1976. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *buildings*, complete, knocked down, or in sections; (b) *building sections and building panels*; (c) *parts and accessories* used in the installation and completion of the commodities named in (a) and (b) above; and (d) *metal prefabricated structural components and panel and accessories* used in the installation and completion thereof, from points in Barbour County, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and parts* (except commodities in bulk), used in the manufacture, assemble, and servicing of commodities in (1)(a) through (1)(d) above, from points in the United States (except Alaska and Hawaii), to points in Barbour County, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Memphis, Tenn.

No. MC 106674 (Sub-No. 220), filed November 24, 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: *Sheet metal products and pipe and tubing and equipment, materials and supplies* used in the distribution and installation of sheet metal products, pipe and tubing (except commodities in bulk and those which because of size or weight require the use of special handling equipment), between Lithonia, Ga., on the one hand, and, on the other points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and the plantsite of Acme Mfg. Co. located at Grand Prairie, Tex., Peoria, Ill., and Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107295 (Sub-No. 840) (Correction), filed October 21, 1976, published in the FEDERAL REGISTER issue of November 24, 1976, republished, as corrected this issue. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from North Tonawanda, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

NOTE.—The purpose of this republication is to indicate applicant's correct docket number as 107295 (Sub-No. 840) in lieu of 107295 (Sub-No. 837) previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107452 (Sub-No. 7) (Partial correction), filed October 8, 1976, published in the FEDERAL REGISTER issue of November 4, 1976, republished as corrected this issue. Applicant: R. D. BROWN, doing business as DAN BROWN TRUCKING, Greybull Heights, Greybull, Wyo. 82426. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite*, (c) from the facilities of American Colloid Company at or near Upton, Wyo. to points in Idaho, Montana and Utah. Note: The purpose of this partial correction is to indicate the destination points in part (c) which were previously omitted.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Billings, Mont. The rest of the publication remains the same.

No. MC 108207 (Sub-No. 448), filed November 24, 1976. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint*, liquid (except in bulk), in vehicles equipped with mechanical refrigeration, from Springfield, Mo., to Tulsa, Okla. and Grand Prairie and Fort Worth, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Springfield, Mo. or Dallas, Tex.

No. MC 110988 (Sub-No. 336), filed November 18, 1976. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, detergents, emulsions, floor finishes, liquid cleaners, and latex*, in bulk, from Merton, Wis., to points in Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia and Wisconsin; and (2) *crude tall oil, fatty acids* and *paper by-products*, in bulk, from the destination points named in (1) above, to Merton, Wis.

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. 100), filed November 26, 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: *Petroleum products* (except petroleum asphalt), in bulk, in tank vehicles, from Chattanooga, Tenn., to points in that part of Alabama and Georgia on and north of U.S. Highway 78.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 111310 (Sub-No. 21), filed November 24, 1976. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, Wis. 54615. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising equipment, premiums, materials and supplies* when shipped therewith (a) from Belleville, Ill., to points in Minnesota; and (b) from St. Paul, Minn., to Loves Park, Ill.; and (2) *used, empty malt beverages containers and rejected shipments* (a) from points in Minnesota to Belleville, Ill.; and (b) from Loves Park, Ill., to St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Black River Falls or Madison, Wis.

No. MC 111611 (Sub-No. 33), filed November 22, 1976. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, P.O. Box 786, Lewistown, Pa. 17044. Applicant's representative: Phillip Robinson, 1806 Rio Grande, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberous glass reinforced plastic pipe, wet wells, man holes and accessories*, from the plantsite and storage facilities of Owens-Corning Fiberglas located at or near Mt. Union, Pa., and Conroe, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Toledo, Ohio or Pittsburgh, Pa., and/or Washington, D.C.

No. MC 111729 (Sub-No. 686), filed November 8, 1976. Applicant: PUROLATOR CORIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical supplies, medical equipment, and sundries*, from Little Rock, Ark., to Memphis, Tenn., restricted against the transportation of commodities in bulk.

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, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 324), filed November 12, 1976. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plant site and storage facilities of Degussa, Alabama, Inc., located in Mobile County, Ala., to points in Kentucky, Maryland, North Carolina, South Carolina and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 112520 (Sub-No. 325), filed November 17, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, in tank vehicles, from the plantsite of Monsanto Company, located at or near Gonzales and Pensacola, Fla., to points in Alabama, Connecticut, Illinois, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 113651 (Sub-No. 203), filed November 17, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47302. Applicant's representative Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except commodities in bulk), from Omaha, Nebr., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 113855 (Sub-No. 364), filed November 18, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg. Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements, industrial and construction machinery and equipment, tree spades, stump cutters, irrigation equipment, drainage systems, log splitters*, and *log chippers;* (2) *attachments, parts and supplies*, used in operation of the commodities named in (1) above, from Pella, Iowa, to points in the United States, including Alaska, but excluding Hawaii; and (3) *materials, equipment and supplies*, used in the manufacture or distribution of the commodities named in (1) and (2) above (except commodities in bulk), from points in the United States, including Alaska but excluding Hawaii, to Pella, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113908 (Sub-No. 388), filed November 15, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, fresh, pasteurized, in bulk, from Madera, Calif., and the Commercial Zone thereof, to ports or entry on the International Boundary line between the United States and Canada located in Michigan and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 113908 (Sub-No. 390), filed November 18, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal fats and grease*, in bulk, from points in Arkansas to points in Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Chicago, Ill., or Washington, D.C.

NO. MC 113908 (Sub-No. 391), filed November 29, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, from points in Tarrant County, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Chicago, Ill.

No. MC 114227 (Sub-No. 11) filed November 15, 1976. Applicant: A & C CARRIERS, INC., 2909 East Laketon Avenue, Muskegon, Mich. 49442. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral seal oil*, in bulk, in tank vehicles, from West Branch, Mich., to points in Illinois and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lansing or Detroit, Mich. or Chicago, Ill.

No. MC 114273 (Sub-No. 272), filed November 18, 1976. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicants' representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 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: *Casting, pipe, couplings, fittings, valves, and materials and supplies*, used in the installation thereof, from Coshocton, Ohio, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 154), filed November 11, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, candy, chocolate coatings, edible chocolate compounds, and related chocolate products*, from West Reading, Wyomissing and Bethlehem, Pa., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 114569 (Sub-No. 157), filed November 18, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, and salad dressings*, from the plant site and storage facilities of Miami Margarine Company, located at or near Cincinnati, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Washington, D.C.

No. MC 114897 (Sub-No. 123), filed November 18, 1976. Applicant: WHITFIELD TANK LINES, INC., 821 East Pasadena, P.O. Box 7676, Phoenix, Ariz. 85011. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., located at or near Farnsworth, Tex., to points in Colorado, Kansas, New Mexico, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at El Paso, Tex.

No. MC 115092 (Sub-No. 50), filed November 15, 1976. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: E. L. Kier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam articles* (except in bulk), from Salt Lake City, Utah, to points in the United States in and west of Arkansas, Illinois, Louisiana, Minnesota, Missouri and Wisconsin, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or San Francisco, Calif.

No. MC 115092 (Sub-No. 51), filed November 24, 1976. Applicant: TOMAHAWK TRUCKING INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: E. L. Kier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *In-*

sulating material, from Fruita, Colo., to points in the United States in and west of Arkansas, Illinois, Indiana, Louisiana, Michigan, Missouri and Ohio, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 115322 (Sub-No. 124), filed November 22, 1976. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Highway 527, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from points in Lancaster County, Pa., to points in Florida and North Carolina.

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 115557 (Sub-No. 13), filed November 30, 1976. Applicant: CHARLES A. McCAULEY, 308 Leisure Way, New Bethlehem, Pa. 16242. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 the facilities of Max Distribution, Inc. located in Hawthorne, Clarion County, Pa., on the one hand, and, on the other, points in Davis, Morgan, Salt Lake City, Summit, Wasatch, Weber and Utah Counties, Utah, and points in Arizona, California, and Nevada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115730 (Sub-No. 22), filed November 19, 1976. Applicant: THE MICKOW CORP., 531 S.W. 6th, Des Moines, Iowa 50309. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings, valves, hydrants, and castings*, and *materials*, used in the installation thereof (except Oil Field commodities, as defined in *Mercer Extension Oil Field Commodities*, 74 M.C.C. 459), (1) from the plantsite, warehousing and shipping facilities of the Clow Corporation, at Coshocton, Ohio, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin and Wyoming; and (2) *refused, rejected or returned shipments*, from the destination points in (1) above, to Coshocton, Ohio, restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115730 (Sub-No. 23), filed November 22, 1976. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacturing of sprinkling and irrigation systems, and *related equipment and supplies*, from points in the United States, (except Alaska and Hawaii) to the plantsite and facilities of Lockwood Corporation located at or near Wichita Falls, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Washington, D.C.

No. MC 115793 (Sub-No. 22), filed November 19, 1976. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, P.O. Box 620, Lenoir, N.C. 28645. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., N.W., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed supplements and feed preparations; food and food seasoning compounds; drugs, chemicals, and advertising and display equipment, materials and supplies* (except in bulk), from Lee's Summit, Mo., to points in Georgia, Kentucky, North Carolina, South Carolina and Tennessee, restricted to traffic originating at the plantsite of Pfizer, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115904 (Sub-No. 66), filed November 24, 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: *Salt, salt products, materials and supplies* used in agriculture, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products, from points in Utah, to points in Arizona, New Mexico and Clark County, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Salt Lake City, Utah.

No. MC 116254 (Sub-No. 170), filed November 29, 1976. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, Ala. 35630. Applicant's representative: Hampton M. Mills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon scrap*, in bulk, in dump trucks, from Pascagoula, Miss., to points in Lowndes County, Ala., and Birmingham, Ala., Granite City, Ill., Albion, Mich., Columbus, Ohio and Greenup, Ky.; and (2) *carbon scrap, calcined petroleum coke, coke breeze, graphite ore, and artificial graphite*, from Greenup, Ky., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Washington, D.C.

No. MC 117119 (Sub-No. 606), filed November 22, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of The Pillsbury Company, at or near Seelyville, Ind., to points in Kansas and Missouri; and (2) *materials and supplies*, used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination territories as named in (1) above, to the plantsite of The Pillsbury Company, at or near Seelyville, Ind.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117416 (Sub-No. 53), filed November 18, 1976. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue, N.W., Knoxville, Tenn. 37921. Applicant's representative: William J. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Columbus, Ohio, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Columbus, Ohio.

No. MC 117574 (Sub-No. 281), filed November 15, 1976. Applicant: DAILY EXPRESS, INC., 1076 Harrisburg Pike, P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure products dealers (except commodities in bulk), between the facilities of Deere & Company, located at or near Baltimore (Timonium), Md., and Syracuse, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia, restricted to the transportation of traffic originating at or destined to the named

facilities of Deere & Company located at Baltimore, (Timonium) Md. or Syracuse, N.Y.

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 117940 (Sub-No. 200), filed November 24, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by or used in the operation of retail department stores (except foodstuffs, commodities in bulk, and household goods as defined by the Commission), between points in the New York, N.Y. Commercial Zone, on the one hand, and, on the other, points in Indiana, Minnesota, Ohio, Oregon, Texas and Washington.

NOTE.—Applicant holds contract carrier authority in No. MC 114789 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 either New York, N.Y. or Washington, D.C.

No. MC 118831 (Sub-No. 146), filed November 18, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, N.C. 27264. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid, dry*, in bulk, in tank vehicles, from the plant site of Monsanto Company, located at or near Gonzales and Pensacola, Fla., to points in Alabama, Connecticut, Illinois, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Atlanta, Ga.

No. MC 119226 (Sub-No. 95), filed November 24, 1976. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn syrup and blends* in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Kentucky, Michigan and Ohio; (2) *crude corn oil*, in bulk, in tank vehicles, from Indianapolis, Ind., to Boston, Mass.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill., or Washington, D.C.

No. MC 119634 (Sub-No. 22), filed November 19, 1976. Applicant: DICK IRVIN, INC., 218—12th Avenue North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barium Carbonate*, in bags, from Salt Lake City, Utah and Johnstown, Colo., to ports of entry on the International Boundary line between the United States and Canada located in Montana, restricted to traffic destined to points in Alberta, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Billings or Great Falls, Mont.

No. MC 119765 (Sub-No. 38), filed November 15, 1976. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, P.O. Box 7356 So. Omaha Station, Omaha, Nebr. 68107. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Bldg., 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* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Royal Packing Co., located at or near National City, Ill., to points in Connecticut, Maryland, Massachusetts, New York, New Jersey, Pennsylvania and the District of Columbia restricted to traffic originating at the named origins and destined to the named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or St. Louis, Mo.

No. MC 119789 (Sub-No. 317), filed November 22, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6168, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials*, from San Antonio, Tex., to points in the United States (except Alaska, Hawaii and California).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 121066 (Sub-No. 4), filed November 19, 1976. Applicant: NEBRASKA TRANSPORT CO., INC., P.O. Box 621, Scottsbluff, Nebr. 69361. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Apendix 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), between points in Scotts Bluff County, Nebr., on the one hand, and, on the other, points in Wyoming; and (2) *general commodities* (except those requiring special equipment), between points in Box Butte, Morrill, Scots Bluff, Dawes, Sioux and Sheridan Counties, Nebr., on the one hand, and, on the other, points in Nebraska.

NOTE.—The purpose of part (2) of the application is to convert applicant's present certificate of registration in MC 121066, to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 123255 (Sub-No. 94), filed November 19, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives* in mixed shipments with paper and paper products, from Chillicothe, Ohio, to points in Illinois, Indiana, the Lower Peninsula of Michigan, St. Louis, Mo., and Louisville, Ky.

NOTE.—Applicant presently has authority to transport paper and paper products from the above described origin to the requested destination territory. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 123255 (Sub-No. 95), filed November 24, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber compound, moulded rubber products, and carpet cushion*, from the plantsite and storage facilities of Colonial Rubber Works, Inc., Div. of Dayco Corporation located at or near Dyersburg, Tenn., to points in Connecticut, Illinois, Indiana, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Colonial Rubber Works, Inc., Div. of Dayco Corporation located at or near Dyersburg, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123361 (Sub-No. 4), filed November 19, 1976. Applicant: CANTWELL MOTOR SERVICE, INC., 1718 Pontiac Road, East St. Louis, Ill. 62203. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides), between Bloomington, Ill., on the

one hand, and, on the other, points in Vigo County, Ind., and points in Illinois on and south of U.S. Highway 30, and on and north of Interstate Highway 70.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 124078 (Sub-No. 707), filed November 15, 1976. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk, in tank vehicles, from Bristol, Tenn., to points in Alabama, Ohio, Pennsylvania and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 124078 (Sub-No. 708), filed November 22, 1976. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay and clay slurry*, in bulk, in tank vehicles, (a) from points in Wilkinson County, Ga., to Versailles, Conn., and points in Louisiana, Michigan, Mississippi, New York, Ohio, Pennsylvania, Texas, Vermont, Virginia, West Virginia and Wisconsin; (b) from points in Washington County, Ga., to points in Louisiana, Michigan, Mississippi, New York, Ohio, Pennsylvania, Texas, Vermont, Virginia and Wisconsin; and (2) *clay*, in bulk, in tank vehicles, from Bath, S.C., to Waterville, Ohio.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124211 (Sub-No. 280), filed November 22, 1976. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food ingredients, including vitamin supplements*, (1) between points in California, Oregon, and Washington; and (2) from points in California, Idaho, Oregon, Utah, and Washington, to points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 124813 (Sub-No. 162), filed November 22, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, feed supplements, trace minerals, animal and poultry health aid products, lime and limestone products* (except salt and liquids in bulk), between points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or St. Paul, Minn., or Omaha, Nebr.

No. MC 124896 (Sub-No. 17), filed November 24, 1976. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralson Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Wilson Foods Corporation located at or near Albert Lea, Minn., and Cedar Rapids, Iowa, to points in North Carolina, South Carolina and Virginia, restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Kansas City, Mo.

No. MC 124947 (Sub-No. 49), filed November 24, 1976. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 2338, East Peoria, Ill. 61611. Applicant's representative: Michael J. Norton, P.O. Box 2135, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, forest products and wood products*, from points in California, Idaho, Montana, Oregon and Washington, 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 Portland, Oreg. or Salt Lake City, Utah.

No. MC 126243 (Sub-No. 18), filed November 19, 1976. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley, P.O. Drawer G, Poteau, Okla. 74953. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., located at or near Henryetta, Okla., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture of glass containers (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of Midland Glass Co., located at or near Henryetta, Okla.

NOTE.— Applicant holds contract carrier authority in MC 140849 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla, or Little Rock, Ark.

No. MC 126375 (Sub-No. 15), filed November 18, 1976. Applicant: CEL TRANSPORTATION COMPANY, a Corporation, P.O. Box 308, Ligonier, Pa. 15658. Applicant's representative: William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal fats, tallow and grease*, in bulk, in tank vehicles, from points in Ohio, Pennsylvania and West Virginia, to Portsmouth, Va., under a continuing contract or contracts with Jacob Stern & Sons, Inc., at Philadelphia, Pa.

NOTE.—Applicant holds common carrier authority in MC 65134, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 126539 (Sub-No. 26), filed November 19, 1976. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's represenative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Fulton, Ill., to points in Illinois, Iowa, Missouri, Minnesota and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 129135 Sub-No. 2, therefore dual operations 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 126612 (Sub-No. 7), filed November 23, 1976. Applicant: SALVATORE GIARRAPUTO, doing business as SEMOLINA HAULAGE COMPANY, 86 Kent Avenue, Brooklyn, N.Y. 11211. Applicant's representative: Murray S. Bornstein, 253 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in specially-equipped tank vehicles, between Brooklyn, N.Y., on the one hand, and, on the other West Haven, Conn., restricted to the transportation of traffic having a prior movement by rail, and under a continuing contract, or contracts, with Lender's Bagel Bakery, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 126899 (Sub-No. 110) (Correction), filed October 17, 1976, published in the FEDERAL REGISTER issue of November 24, 1976, and republished as corrected this issue. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Milwaukee, Wis., to Cleveland, Ohio; and (2) *empty malt beverage containers* on return, from Cleveland, Ohio to Milwaukee, Wis.

NOTE.—The purpose of this republication is to correct the commodity and territorial description, which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio.

No. MC 127115 (Sub-No. 13) (Correction), filed October 18, 1976, published in the Federal Register issue of November 24, 1976, and republished as corrected this issue. Applicant: MILLER'S TRANSPORT, INC., 510 West 4th North, Hyrum, Utah 14319. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry cellular expanded plastic foam and rubber in cubes and padding*, from Orange, Calif. to Billings, Bozeman, Butte, Great Falls, Helena and Missoula, Mont.; points in Idaho south of the southern boundary of Idaho County, Idaho; and points in Utah, under a continuing contract, or contracts, with The General Tire Company.

NOTE.—The purpose of this republication is to indicate the correct name of applicant, which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Los Angeles, Calif.

No. MC 128273 (Sub-No. 241), filed November 26, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., 121 Humboldt St., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Ripon and Anderson, Calif., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif. or Sacramento, Calif.

No. MC 128486 (Sub-No. 6), filed November 18, 1976. Applicant: LILY TRANSPORT LINES, INC., 25 Denby Road, Boston (Allston), Mass. 02134. Applicants representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass bottles*, from Carteret, N.J., to Lawrence, Mass., (2) *cans and lids*, from North Bergen, N.J. and Marion, N.Y., to Lawrence, Mass.; and (3) *fruit juices, fruit drinks and flavoring syrups* (except in bulk), from Dundee, N.Y., to Lawrence, Mass., restricted in (1), (2), and (3) above to a transportation service to be performed under a continuing contract or contracts with Seneca Foods Corporation, of Dundee, N.Y., and S. S. Pierce Company, of Boston, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 128988 (Sub-No. 91), filed November 22, 1976. Applicant: JO/KEL, INC., 159 South Seventh Avenue, Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pumps and pump motors* for nuclear reactors, and *materials* used in the production of nuclear energy (except commodities which by reason of size or weight require the use of special equipment, and commodities in bulk), from Huntington Park, Orange and El Cajon, 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, under a continuing contract, or contracts, with Westinghouse Electric Corporation, located at Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Pittsburgh, Pa.

No. MC 129387 (Sub-No. 28), filed November 26, 1976. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, P.O. Box 1271, Hgwy 14E, Huron, S. Dak. 57350. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Huron, S. Dak., to points in Idaho, Montana, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 129394 (Sub-No. 4) (Correction), filed November 1, 1976, published in the FEDERAL REGISTER issue of December 2, 1976, republished as corrected this issue. Applicant: RONALD HACKENBERGER, doing business as RON'S TRUCKING SERVICE, Route 250, North, RFD No. 3, Norwalk, Ohio 44857. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Kentucky, West Virginia and that part of Pennsylvania on and west of U.S. Highway 119 and on and south of Interstate highway 80, to that part of Ohio on and north of U.S. Highway 30, under a continuing contract with Chem-Col, Inc.

NOTE.—The purpose of this republication is to indicate applicant correct contracting shipper as Chem-Col, Inc., in lieu of Federal Lime and Stone Company, previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 129660 (Sub-No. 6), filed November 24, 1976. Applicant: MALLETTE BROTHERS TRUCK LINE, INC., 3708 Highway 90, Gautier, Miss. 39553. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicles, or in containers, from the facilities of Mississippi Chemical Corporation located at or near Pascagoula, Miss., to points in Alabama, Florida, Georgia and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss., or Washington, D.C.

No. MC 133095 (Sub-No. 120), filed November 19, 1976. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Donald L. Stern, 530 Univac Building, 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), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corporation, located at Cedar Rapids, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Kansas City, Mo.

No. MC 133097 (Sub-No. 16), filed November 24, 1976. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, Calif. 90630. Applicant's representative: Charles E. Creager, P.O. Box 1417, 1329 Pennsylvania Ave., Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Engines, transmissions, axles, automotive parts, carriers, pallets and skids*, between Hagerstown, Md., and Bridgewater, N.J., on the one hand, and, on the other, Hayward, Calif., under a continuing contract or contracts with Mack Trucks, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 133221 (Sub-No. 25), filed November 19, 1976. Applicant: OVERLAND CO., INC., 1991 Buford Hwy., Lawrenceville, Ga. 30245. Applicant's representative: Alvin Button, 2477 N. Decatur Rd., Decatur, Ga. 30033. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from the plant site of Fibreboard Corporation located at Fruita, Colo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, or San Francisco, Calif.

No. MC 134142 (Sub-No. 12), filed November 18, 1976. Applicant: BROWN REFRIGERATED EXPRESS, INC., 21st and Sidney, P.O. Box 603, Fort Scott, Kans. 66701. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* (except hides and commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to Lee's Summit, Mo., under a continuing contract or contracts with R. B. Rice Company, Inc., at Lee's Summit, Mo.

NOTE.—Applicant holds common carrier authority in MC 139587 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134755 (Sub-No. 85), filed November 22, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of Farmland Foods, Inc., located at or near Crete, Nebr., and Denison, Carroll and Iowa Falls, Iowa, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 138398 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 either Omaha, Nebr. or Kansas City, Mo.

No. MC 134755 (Sub-No. 86), filed November 23, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of Farmland Foods, Inc., at or near Crete, Nebr., and Denison, Carroll, and Iowa Falls, Iowa, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 138398 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 134922 (Sub-No. 203), filed October 26, 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: *General commodities* (except in bulk) having a prior or subsequent movement by rail, between Searcy, La., on the one hand, and, on the other, points in the United States in and west of Arkansas, Iowa, Louisiana, Minnesota and Missouri (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 135741 (Sub-No. 5), filed November 26, 1976. Applicant: EARL R. MARTIN, P.O. Box 3, East Earl, Pa. 17519. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from points in Prince George County, Va., to points in Delaware, Maryland, New Jersey, Pennsylvania (except Chester and Lancaster Counties, Pa.), and points in Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 136275 (Sub-No. 21), filed November 22, 1976. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 28 San Marcos Drive, El Paso, Tex. 79922. Applicant's representative: H. B. Dudley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size and weight require the use of special equipment and of related machinery parts; and (2) *related contractors materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in El Paso County, Tex., on the one hand, and, on the other points in New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at El Paso, Tex.

No. MC 138018 (Sub-No. 31), filed November 10, 1976. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), (1) from points in Colorado, to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee; (2) from points in Colorado, 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; and (3) from points in Colorado, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 138126 (Sub-No. 7), filed November 19, 1976. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, (a) from the plantsite and storage facili-

ties of the Campbell Soup Company, at or near Salisbury, Md., to points in Michigan; and (b) from the plantsite and storage facilities of Peppridge Farm, Inc., at or near Downington, Pa., to points in Michigan, restricted to traffic originating at and destined to the points named.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138313 (Sub-No. 21), filed November 22, 1976. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street S.W., Great Falls, Mont. 59404. 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, millwork and wood products*, from points in Oregon, Washington, and those in Ada, Adams, Benewah, Boise, Bonner, Gem, Idaho, Kootenai, Latah, Lemhi, Lewis, Nex Perce and Washington Counties, Idaho, to the port of entry on the International Boundary Line between the United States and Canada located at Eastport, Idaho, restricted to commodities destined to points in the Provinces of Alberta and Saskatchewan.

NOTE.—Applicant states that it presently provides the same service in MC 138313 (Sub-No. 5) through ports of entry located in Montana; the purpose of this application is to use the port of entry located at Eastport, Idaho. If a hearing is deemed necessary, the applicant requests it be held at either Billings, Mont. or Portland, Oreg.

No. MC 138858 (Sub-No. 5), filed November 22, 1976. Applicant: CHARLES M. SHIRK, 424 Linden Street, Terre Hill, Pa. 17581. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building brick and concrete block*, from the facilities of Alwine Brick Company, at or near New Oxford, Pa., to points in Maryland, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 138941 (Sub-No. 19), filed November 24, 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 Temple, Tex., to points in Illinois, under a continuing contract or contracts with Mobil Chemical Company, Plastics Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 139381 (Sub-No. 5), filed November 24, 1976. Applicant: SPIRIT OF '76 OVERLAND EXPRESS, INC., 5320 Industrial Road, Fort Wayne, Ind. 46825. Applicant's representative: Anthony E. Young, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Oakland, East Modesto, Stockton, Riverbank, Lodi, Treasure Island, San Deigo and Antioch, Calif., to points in Illinois, Indiana, Michigan, Ohio and Wisconsin, under a continuing contract, or contracts, with Shurfine-Central Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 139495 (Sub-No. 180), filed November 11, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motors, generators, and controllers* (except those motors, generators, or controllers that because of their size or weight require the use of special equipment), from the facilities of Reliance Electric Company located at or near Cleveland, Ohio to points in California, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, and Washington.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 181), filed November 22, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning products, drugs, medicines*, and *toilet preparations*, from the facilities of Lehn & Fink Products located at or near Lincoln, Ill., and Toledo, Ohio to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139999 (Sub-No. 17), filed November 18, 1976. Applicant: REDFEATHER FAST FREIGHT, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the facilities of Union Packing Co., Inc., located at Omaha, Nebr., to points in Connecticut, Florida, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 140033 (Sub-No. 19) (correction), filed October 26, 1976, published in the FR issue of November 24, 1976, and republished this issue. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. Applicant's representative: Lawrence A. Winkle, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionary items, advertising material, display materials and dessert preparations*, from the plantsite and warehouse facilities of Queen Anne Candy Company located at or near Hammond, Ind., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—The purpose of this republication is to indicate applicant's docket number which was omitted in the previous publication. Applicant holds contract carrier authority in No. MC 142296, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., Chicago, Ill., or Washington, D.C.

No. MC 140829 (Sub-No. 30), filed November 19, 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 Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milorganite*, from Milwaukee, Wis., to points in Iowa, Nebraska, and points in Adams, Hancock, Henderson, Pike, Brown, Mercer, Rock Island, Warren, Schuyler and McDonough Counties, Ill., restricted to the transportation of traffic originating at the named origin and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in MC 136403 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 140829 (Sub-No. 31), filed November 19, 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 Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles distributed by meat packinghouses*, as described in 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 plantsite and storage facilities utilized by Whitehall Packing Co., located at Whitehall and Eau Claire, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia, restricted to the transportation of traffic originating at the named origins and destined to the named destination points.

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 140842 (Sub-No. 3), filed November 19, 1976. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville St., P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Amarillo, Tex., Dakota City, Nebr. and Emporia, Kans., to Hickory, N.C., under a continuing contract, or contracts, with Merchants Distributors, Inc.

NOTE.—Applicant holds common carrier authority in MC 106074 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 either Charlotte or Asheville, N.C.

No. MC 141084 (Sub-No. 5), filed November 24, 1976. Applicant: NATIONAL FREIGHT LINES, INC., 6069 Maywood Avenue, Huntington Park, Calif. 90058. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by, dealt in, or distributed by wholesale or retail grocery houses (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, under a continuing contract, or contracts, with Shurfine-Central Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Los Angeles, Calif.

No. MC 141124 (Sub-No. 2), filed November 19, 1976. Applicant: EVANGELIST COMMERCIAL CORPORATION, 229 South State Street, Dover, Del. 19901. Applicant's representative: James W. Muldoon, Suite 1815, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, in mixed shipments with paper and paper products*, from the plantsites and facilities of The Mead Corporation, located at Chillicothe, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 141156 (Sub-No. 3), filed November 26, 1976. Applicant: SWIFT–O CARRIER, INC., 2053 St. Devile, N.E., Atlanta, Ga. 33045. Applicant's representative: Kim G. Meyer, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors, for the account of Amway Corporation, from the plantsite and storage facilities of Amway Corporation, in Fulton County, Ga., to points in Louisiana and Arkansas, under contract with Amway Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 141195 (Sub-No. 2), filed November 16, 1976. Applicant: CAL-ARK, INC., Rural Route 2, Prairie Grove, Ark. 72753. Applicant's representative: Don Garrison, 204 Highway 71 North—Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene disposable meat trays*, from Malvern, Ark., to points in Alabama, Colorado, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Tennessee, Texas and Virginia, under a continuing contract or contracts with Western Foam Pak, Inc., located at or near Malvern, Ark.

NOTE.—If a hearing is necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 141387 (Sub-No. 1), filed November 12, 1976. Applicant: ANDREWS & SONS TRUCKING, INC., 2816 North Galena Street, Simi Valley, Calif. 93065. Applicant's representative: Teaque W. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquor*, between points in California, on the one hand, and, on the other, Detroit, Mich., Lawrenceburg, Ind., Philadelphia, and Pittsburgh, Pa., Frankfort, Louisville, and Owensboro, Ky., Lynchburg, and Tullahoma, Tenn., and Cincinnati, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141641 (Sub-No. 5), filed November 19, 1976. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, Omaha, Nebr. 68106. 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, from points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Ohio and Wisconsin.

NOTE.— Applicant holds contract carrier authority in MC 136168 and subs thereunder, therefore dual operations may also be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141804 (Sub-No. 34), filed November 24, 1976. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Stanley R. Gustafson, 909 World Trade Center, 333 S. Flower Street, Los Angeles, Calif. 90071. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, those commodities which, because of size and weight, require specialized equipment for their loading, unloading, or transportation, motor vehicles, and unaccompanied baggage and household goods as defined by the Commission) which are at the time moving under the provisions of bills of lading issued by freight forwarders under Part IV of the Interstate Commerce Act, from the facilities of Coast Carloading Company and Springmeier Shipping Company, Inc. located at Los Angeles, San Diego, San Francisco, Oakland and San Jose, Calif. and points within their respective Commercial Zones, to points in the United States on and east of U.S. Highway 61, restricted to traffic destined to the facilities of Coast Carloading Company or Springmeier Shipping Company, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or San Francisco, Calif.

No. MC 141804 (Sub-No. 35), filed November 24, 1976. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Stanley R. Gustafson, 909 World Trade Center, 333 S. Flower St., Los Angeles, Calif. 90071. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and those requiring specialized equipment for their loading, unloading, or transportation), restricted to those commodities which are at the time moving under the provisions of bills of lading of freight forwarders under Part IV of the Interstate Commerce Act; (1)

from the facilities of Westransco Freight Company located at Newark, N.J.; New York, N.Y.; Philadelphia, Pa.; Boston, Mass.; St. Louis, Mo.; Chicago, Ill.; Charlotte and Greensboro, N.C.; and points located within their respective Commercial Zones, to the facilities of Westransco Freight Company located in Salt Lake City, Utah; Los Angeles, San Diego, San Jose, Oakland, and San Francisco, Calif.; Phoenix, Ariz.; Portland, Oreg.; and Seattle, Wash., and points within their respective Commercial Zones; and (2) from the facilities of Westransco Freight Company located at Newark, N.J.; New York, N.Y.; Philadelphia, Pa.; Charlotte and Greensboro, N.C.; and Boston, Mass.; and points within their respective Commercial Zones, to the facilities of Westransco Freight Company located at Chicago, Ill.; and St. Louis, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 142045 (Sub-No. 1) (amendment), filed October 18, 1976, published in the FEDERAL REGISTER issues of November 18, 1976 and December 9, 1976, and republished as amended this issue. Applicant: McNEIL TRANSPORT LIMITED, 147 North Augusta Road, Brockville, Ontario, Canada K6V 2Y1. Applicant's representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ogdensburg, N.Y., on the one hand, and, on the other, the port of entry on the International Boundary line between the United States and Canada, located at or near Ogdensburg, N.Y., restricted to the transportation of traffic moving to or from points in the Province of Ontario, Canada, or Montreal, Canada.

NOTE.—The purpose of this republication is to clarify applicant's restriction. If a hearing is deemed necessary, the applicant requests it be held at either Syracuse or Buffalo, N.Y.

No. MC 142282 (Sub-No. 1), filed November 24, 1976. Applicant: FLEET SERVICES CORP., P.O. Box 4112, Whittier, Calif. 90607. Applicant's representative: William J. Lippman, 1819 H Street, NW. No. 550, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* for use in the manufacture of furniture, from points in Washington and Umatilla County, Oregon, to points in California, under a continuing contract or contracts with Maher Forest Products, Ltd.; and (2) *metal folding mechanisms* for furniture and bedding, bed frames and bed rails, from Whittier, Calif., to points in Arizona, Idaho, Montana, Nevada, Oregon, Utah and Washington, under a continuing contract or contracts with Bedline Mfg. Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142431 (Sub-No. 2), filed November 18, 1976. Applicant: WAYMAR TRANSPORT CORP., 3200 Scott Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities utilized by Spencer Foods, Inc., at Fremont and Schuyler, Nebr., and Fort Dodge, Hartley, and Spencer, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 142534 (Correction), filed October 12, 1976, published in the FEDERAL REGISTER issue of November 11, 1976, republished as corrected this issue. Applicant: J.C.M. TRUCKING COMPANY, INC., Custer, Ky. 40115. Applicant's representative. Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen fertilizer*, from the plantsite of C. F. Industries, Inc., located at Tyner, Tenn., to Hardinsburg and Irvington (Breckinridge County), Ky., under a continuing contract or contracts with Southern States Breck Coop., Inc.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Louisville or Frankfort, Ky.

N. MC 142602 (Sub-No. 1), filed November 19, 1976. Applicant: CONTAINERIZED MOVING SERVICE, INC., 1327 Wilkes Street, Alexandria, Va. 22304. Applicant's representative: Martin R. Martino, 475 L'Enfant Plaza, S.W., Suite 4400, Washington, D.C. 20024. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, in containers, and *empty containers* used in the transportation of household goods, between points in the United States (except Alaska, Hawaii, Idaho, Montana, Wyoming, North Dakota, South Dakota and Minnesota).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 142649, filed November 15, 1976. Applicant: H. O. SMESTAD CO., a Corporation, P.O. Box 2904, Great Falls, Mont. 59403. Applicant's representative: G. Robert Crotty, Jr., 400 First National Bank Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt and carbonated beverages and related advertising materials, equipment and supplies*, from Jefferson County, Colo., to points in Montana; and (2) *empty containers*, from points in Montana to Jefferson County, Colo.

NOTE.—Applicant holds contract carrier authority in MC 139402, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Great Falls, Billings, or Helena, Mont.

No. MC 142651, filed November 10, 1976. Applicant: MW WAREHOUSE CORP., 56 Enterprise Avenue, Secaucus, N.J. 07094. 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: (1) *Wearing apparel*, on hangers, and in cartons, and *accessories*, from the facilities of MW Warehouse Corp., at Secaucus, N.J., to points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; Philadelphia, Pa.; and Washington, D.C.; and (2) *returned shipments*, from the destination points named in (1) above, to the facilities of MW Warehouse Corp., at Secaucus, N.J., under contract with Yves Saint Laurent Mens Clothing, Inc.; Yves Saint Laurent Mens Shirts, Inc.; and Don Robbie, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 142664 (Sub-No. 1), filed November 18, 1976. Applicant: IMPORT DEALERS SERVICE CORPORATION, 2222 East Sepulveda, Carson, Calif. 90744. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, between Oakland, Calif., on the one hand, and, on the other, points in California, restricted to traffic having a prior or subsequent movement by water or rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oakland, Calif.

No. MC 142668, filed November 26, 1976. Applicant: AERO DISTRIBUTING CO., INC., 7259 Delta Circle, Mableton, Ga. 30336. Applicant's representative: Kim G. Meyer, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is marketed by home products distributors, for the account of Amway Corporation, from the plantsite of Amway Corporation, in Kent County, Mich., to points in Iowa, Ne-

braska, North Dakota and South Dakota, under contract with Amway Corporation, in Kent County, Mich.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.; Washington, D.C., or Detroit, Mich.

No. MC 142675 (Sub-No. 1), filed November 26, 1976. Applicant: ANDOVER TRUCKING, INC., P.O. Box 608, Rock Island, Ill. 61201. Applicant's representative: Joseph Winter, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture, sale or distribution of agricultural machinery, equipment or implements, between the plantsite and facilities utilized by International Harvester Company, located at East Moline and Rock Island, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Missouri and Wisconsin, under a continuing contract, or contracts, with International Harvester Company, restricted against the transportation of shipments weighing in the aggregate more than 5,000 pounds from one consignor to one consignee in any one day.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 142679 (Sub-No. 1), filed November 24, 1976. Applicant: S. H. MITCHELL, doing business as UNITED TRUCK LINES, 2734 Robinwood Road, Winston-Salem, N.C. 27106. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Avenue and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or rubber foam, cellular expanded or sponge pads and padding*, from Cornelius and Greensboro, N.C., to Flint and Port Huron, Mich., under a continuing contract or contracts with Fisher Body Division, General Motors Corp., at Warren, Mich.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 142685 filed November 24, 1976. Applicant: JOHN R. VERDINO, doing business as J & S MOTOR SERVICE, 2038 North Keeler Street, Chicago, Ill. 60639. Applicant's representative: Robert W. Loser, II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaging materials and supplies*, used or useful in butcher shops, from the warehouse facilities of Kraft Paper Sales Co., Inc., at Chicago, Ill., to Elkhart, Merrillville, Portage, and Valparaiso, Ind.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 142687, filed November 19, 1976. Applicant: E. L. LIEN & SONS, INC., P.O. Box 40, Aberdeen, S. Dak. 57401. Applicant's representative: Michael J. Ogborn, P.O. Box 82028. Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate, gravel, rock, sand, clay, dirt, hot mix, mineral filler and fly ash and boiler slag*, between points in Wilkin, Traverse, Big Stone and Lac Qui Parle Counties, Minn.; Richland, Sargent, Dickey, McIntosh, and Emmons Counties, N. Dak.; and Campbell, Walworth, McPherson, Edmunds, Brown, Spink, Marshall, Roberts, Day, Clark, Codington and Grant Counties, S. Dak.

NOTE.—If a hearing is deemded necessary, applicant requests it be held at either Aberdeen or Sioux Falls, S. Dak.

No. MC 142689 filed November 26, 1976. Applicant: REM TRANSPORT CO., INC., 25-36 Jackson Avenue, Long Island City, N.Y. 11101. Applicant's representative: Harold Sacks, 19 West 44th Street, New York City, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film* and *sheets* and *chemicals*, (1) from Bound Brook, South Bound Brook, Piscataway, East Brunswick, N.J., to Newton, Upper Falls, Mass.; and (2) from Newton, Upper Falls, Mass., to New York, N.Y., and its Commercial Zone, and points in Passaic, Bergen, Hudson, Morris, Essex, Somerset and Union Counties, N.J., under a continuing contract, or contracts, with Tenneco Chemical, Inc., located at Piscataway, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y. or Washington, D.C.

PASSENGER APPLICATIONS

No. MC 46879 (Sub-No. 9), filed November 24, 1976. Applicant: WALTERS TRANSIT CORP., 525 11th Avenue, New York, N.Y. 10018. Applicant's representative: W. L. McCracken, Greyhound Tower, Phoenix, Ariz. 85077. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, between New York, N.Y. and The Bridgeport, Connecticut Jai-Alai Fronton, located at Bridgeport, Conn., restricted to the transportation of passengers originating at or destined to The Bridgeport Connecticut Jai-Alai Fronton.

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 142454 (Sub-No. 2), filed November 18, 1976. Applicant: RODGERS E. JOHNSON, doing business as J & J BUS SERVICE, 10 Regina Drive, Brandywine, Md. 20613. Applicant's representative: Lawrence E. Lindeman, Suite 1032, Pennsylvania Building, 425 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, Between Hughesville, Md., and the Naval Research Laboratory, located in Washington, D.C., serving all intermediate points: From Hughesville over Maryland Highway 5 to junction Maryland Highway 301, thence over Maryland Highway 301 to St. Charles City, thence over Maryland Highway 5 (also portion Maryland Highway 301) to junction Maryland Highway 223, thence over Maryland Highway 223 to the Clinton Shopping Center, located in Clinton, Md., thence return over Maryland Highway 223 to junction Maryland Highway 5, thence over Maryland Highway 5 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 295, thence over Interstate Highway 295 to the Naval Research Laboratory, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

BROKER APPLICATION

No. MC 130425 filed November 12, 1976. Applicant: NANCE TOURS & TRAVEL, INC., 523 East Broadway, Long Beach, Calif. 90802. Applicant's representative: David B. Boller, 2200 Broadway Plaza, 700 S. Flower, Los Angeles, Calif. 90017. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Fountain Valley, Seal Beach, South Gate and Huntington Park, Calif., to sell or offer to sell the transportation of *passengers and their baggage*, in round trip, special and charter tour operations, by motor carriers, from Los Angeles, Orange, San Diego, Ventura and Kern Counties, Calif., to or through the United States, Canada, Alaska and the Republic of Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles or Long Beach, Calif.

WATER CARRIER APPLICATIONS

No. W-1310 (Sub-No. 1), filed November 24, 1976. Applicant: RIVER EXCURSIONS, INC., 704 South 3rd Street, Stillwater, Minn. 55082. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *passengers and their baggage*, over inland waterways in special and charter operations, by the use of self-propelled vehicles, between St. Paul-Minneapolis, Minn., Stillwater, Minn., and LaCrosse, Wis., via the Mississippi River and St. Croix serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. W-1313 filed November 22, 1976. Applicant: GRIFFITH MARINE ENGINEERING AND MANUFACTURING CO., INC., 408 East Chestnut Street, Stillwater, Minn. 55082. Applicant's representative: Alfred A. Albert, 366 Jackson Street, St. Paul, Minn. 55101. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transporta-

tion of *passengers*, in both special and charter operations, by self-propelled vessels, in seasonal operations from about May 1 for open navigation period to close of navigation estimated to be approximately October, between Taylors Falls, Minn. and Prescott, Wis. on the St. Croix River.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Minneapolis, Minn.

FREIGHT FORWARDER APPLICATION

No. FF 473 (Sub-No. 1), filed November 30, 1976. Applicant: ALLSTATES WORLDWIDE MOVERS, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (1) *Used household goods and unaccompanied baggage;* and (2) *used automobiles*, between points in the United States, including Alaska and Hawaii, restricted in (2) above to the transportation of import-export traffic.

NOTE.—Applicant states that the purpose of this filing is to add Alaska to its present authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC–F–13041. Authority sought for purchase by THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, NC 28206, of portion of the operating rights of EASTERN FREIGHT WAYS, INC., Sidney B. Gluck, Trustee in Bankruptcy, 405 Park Avenue, New York, NY 10022, and for acquisition by D. J. Thurston, Jr., of the Charlotte, NC, address, of control of such rights through the purchase. Applicants' attorneys: Roland Rice, 501 Perpetual Building, 1111 E Street, NW., Washington, D.C. 20004, and William W. Becker, 1819 H Street, NW., Suite 950, Washington, D.C. 20006. Operating rights and property sought to be transferred: *General Commodities*, with exceptions but including household goods as defined by the Commission, as a *common carrier*, over irregular routes; between Athens, Pa., on the one hand, and, on the other, points in Bradford, Cameron, Elk, McKean, Potter, Tioga, Warren, and Lycoming Counties, Pa; *General Commodities*, except Classes A and B explosives, new furniture uncrated, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, as a *common carrier*, over irregular routes; between Athens and Sayre, Pa. and Waverly, NY, on the one hand, and, on the other, Easton and Philadelphia, Pa, and points in New Jersey; *General Commodities* (except Classes A and B explosives, commodities in bulk, and those requiring special equipment), as a *common carrier*, over irregular routes, between points in Bradford, Cameron, Elk, McKean, Potter, Tioga, Warren, and Lycoming Counties, Pa, on the one hand, and, on the other, points in New York. Vendee is authorized to operate as a *common carrier* in Alabama, Connecticut, Delaware, the District of Columbia, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, and Virginia. Application has been filed for temporary authority under section 210a(b).

NOTE.—105457 (Sub-No. 89) is directly related matter.

No. MC–F–13050. Authority sought for purchase by J. B. WILLIAMS EXPRESS, INC., 120 Apollo Street, Brooklyn, New York, 11222, of a portion of the operating rights of NATIONAL TRANSPORTATION COMPANY, A corporation acting by the Trustees in bankruptcy of EASTERN FREIGHT WAYS, INC., parent company, dba NATIONAL TRANSPORT 101, c/o Edgar H. Booth, Esquire, 405 Park Avenue, New York, N.Y., 10022, and for acquisition by BERNARD KERNER, 120 Apollo Street, Brooklyn, N.Y., 11222, of control of such rights through the purchase. Applicants' attorneys: Bruce J. Robbins, One LeFrak City Plaza, Suite 1515, Flushing, N.Y., 11368, and William W. Becker, 1819 H Street, N.W. Suite 950, Washington, D.C., 20006. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes, between Perth Amboy, N.J., and Hartford, Conn., serving all intermediate points, and the off-route points of Freeport, Rockville Center, Hempstead, Glen Cove, and White Plains, N.Y., Manchester, Milldale, New Britain, Plainville, Rockville, Rocky Hill, South Beach, Southington, Collinsville, Durham, East Berlin, Elmwood, Forestville, Glenbrook, Old Greenwich, Plantsville, Thompsonville, Walnut Beach, Wethersfield, Windsor, Woodmont, and Woodbridge, Conn., and Chicopee, Chicopee Falls, Holyoke, Longmeadow, Springfield, and Westfield, Mass., Matawan, N.J., and points in Bergen, Essex Hudson, and Union Counties, N.J., those in Passaic County, N.J., south and east of Pompton Lakes, those in Middlesex County, N.J., on and east of New Jersey Highway S–28, and those in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665. between New Haven, Conn., and Hartford, Conn., serving the intermediate and off-route points in Durham, Middletown, and Wethersfield, Conn. between Bridgeport, Conn., and Torrington, Conn., serving all intermediate points, and the off-route points of Bantam, Bristol, Litchfield, Oakville, Plymouth, Terryville, Watertown, and Winsted, Conn. between New Haven, Conn., and Willimantic, Conn., serving all intermediate points, and the off-route points of Baltic, Groton, Jewett City, Lebanon, Mansfield, Montville, Mystick, Niantic, North Branford, Strafford Springs, Taftville, Windham, North Windham, Danielson, East Hampton, Essex, Kensington, Norwichton, Oneco, Pomfret, Putnam, and Stonington, Conn. between Bridgeport, Conn., and New Milford, Conn., serving the intermediate and off-route points of Branchville, Brookfield, Cannondale, Danbury, Georgetown, Long Hill, Newtown, Norwalk, Stepney Depot, Wilton, Bethel, Botsford, Bridgewater, Brookfield Center, Easton, Hawleyville, New Canaan, Redding, Ridgefield, Sandy Hook, Southbury, Weston, Woodbury, Canaan, Morris and Roxybury, Conn. between New Freedom, Pa., and junction U.S. Highways 1 and 9 near Woodbridge, N.J.

Serving all intermediate points in Pennsylvania; between junction Pennsylvania Highway 516 and Unnumbered Highway (formerly U.S. Highway 111), and junction U.S. Highways 1 and 9 near Woodbridge, N.J., serving the intermediate points of Camden, N.J., and Baltimore, Md., with restriction; between Waterbury, Conn., and Albany, N.Y., serving the intermediate points of Waterville, Thomaston, Torrington, Norfolk, and Canaan, Conn., Great Barrington, Mass., and Chatham, Schodack Center, and Rensselaer, N.Y., and the off-route points of Menands, Troy, Watervliet, Green Island, Cohoes, Waterford, Kinderhook, and Castleton, N.Y., Housatonic and West Stockbridge, Mass., and Oakville, Watertown, New Hartford, Winsted, Colebrook, Kent, Cornwall, Terryville, and Plymouth, Conn. between Springfield, Mass., and Schenectady, N.Y., serving the intermediate points of West Springfield, Westfield, Russell, Chester, East Lee, Lenox, and Pittsfield, Mass., and Rensselaer and Albany, N.Y., and the off-route points of Chicopee, Chicopee Falls, Willimansett, Holyoke, East Hampton, Northampton, Deerfield, Greenfield, Millers Falls, Turners Falls, Orange, Adams, North Adams, Williamstown, Dalton, and Stockbridge, Mass., and Scotia, N.Y. between Springfield, Mass., and West Suffield, Conn., serving the intermediate points of Agawam, Mass., and Suffield, Conn., and the off-route point of Feeding Hills, Mass. between Greenfield, Mass., and Boston, Mass., serving all intermediate points,

between Hartford, Conn., and Greenfield, Mass., serving the intermediate points of Windsor and Thompsonville, Conn., Longmeadow, Springfield, Chicopee, Northampton, and Deerfield, Mass., and the off-route points of Chicopee Falls, Willimansett, Holyoke, Easthampton, Millers Falls, and Turners Falls, Mass. between Hartford, Conn., and Boston, Mass., as an alternate route for operating convenience only, serving no intermediate points, with restrictions; between Boston, Mass., and Framingham, Mass., serving the intermediate and off-route points of Cambridge, Natick, and Wellesley, Mass. between New London, Conn., and Providence, R.I., serving the intermediate and off-route points of Quaker Hill, Uncasville, Norwich, Greenville, Jewett City, Plainfield, Central Village, Waterford, Montville, Oakdale, Norwichtown, Yantic, Gilman, Fitchville, Tafville, Occum, Baltic, Hanover, Versailles, Moosup, and Wauregan, Conn., Pawtucket, Central Falls, and Waverly, R.I. between New London, Conn., and Providence, R.I., serving the intermediate and off-route points of Glasgo, Voluntown, Sterling, Gales Ferry, Oneco, Preston, Leyard, and Poquetanuck, Conn., and Greene, Summit, Coventry, Fiskville, Phenix Natick, River Point, Artic, Centerville, Anthony, Washington, Pine Hill, Clayville, Thronton, and Liberty, R.I. between New London, Conn., and Providence, R.I., serving the intermediate and off-route points of Pawcatuck, Stonington, Mystic, West Mystic, Poquonock Bridge, Groton, North Stonington, and Noank, Conn., and Westerly, Dunn's Corner, Wakefield, Hamilton, East Greenwich, Apponaug, Hills Grove, East Providence, LaFayette, Exeter, Kenyons, Bradford, Shannock, Watch Hill, West Warwick, Arcadia, Carolina, Wood River Junction, Alton, Ashway, White Rock, and Potter Hill, R.I. between Baltimore, Md., and Alexandria, Va.

Serving all intermediate points; and the off route points of Fort Meade, Md., and those in Arlington and Fairfax Counties, Va., with restrictions; serving the plant site of P. H. Glatfelter Company at Spring Grove, Pa., as an off-route points in connection with carrier's otherwise authorized regular route operations between New Freedom Pa., and junction U.S. Highways 1 and 9 near Woodbridge, N.J. ALTERNATE ROUTE FOR OPERATING CONVENIENCE ONLY: between Newark, N.J., and Lancaster, Pa., in connection with carrier's presently authorized regular route operations between Lancaster, Pa., and Newark, N.J., over U.S. Highway 30, 1, and 9, serving no intermediate points; from Newark over U.S. Highway 22 to Allentown, Pa., thence over U.S. highway 222 to Lancaster, and return over the same route, with restrictions; between New Freedom, Pa., and junction U.S. Highways 1 and 9 near Woodbridge, N.J., serving all intermediate points in Pennsylvania; with restrictions; serving the plant site of P. H. Glatfelter Company at Spring Grove, Pa., as an off-route points in connection with carrier's otherwise authorized regular route operations between New Freedom, Pa., and junction U.S. Highways 1 and 9 near Woodbridge, N.J., ALTERNATE ROUTE FOR OPERATING CONVENIENCE ONLY: between Newark, N.J., and Lancaster, Pa., in connection with carrier's presently authorized regular route operations between Lancaster, Pa., and Newark, N.J., over U.S. Highways 30, 1, and 9, serving no intermediate points; between Newark, N.J., and Lancaster, Pa., in connection with carrier's presently authorized regular route operations between Lancaster, Pa., and Newark, N.J. over U.S. Highways 30, 1, and 9, serving no intermediate points, with restrictions; *general commodities* with exceptions, as a *common carrier* over irregular routes between Voorheesville, N.Y., on the one hand, and, on the other, Albany and Rensselaer, N.Y. between Boston, Brookline, Newton, Needham, Wellesley, and Dover, Mass. between Boston, Framingham, and Springfield, Mass., on the one hand, and, on the other, points in Massachusetts on and east of U.S. Highway 5 and west of the Cape Cod Canal, between New York, N.Y., Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, points in Union, Essex, Hudson, Bergen, Middlesex, Passaic, Mercer, Morris, and Somerset Counties, N.J. between Newark, N.J., on the one hand, and, on the other, points in Middlesex County, N.J. between New York, N.Y., Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, points in Union, Essex, Hudson, Bergen, Middlesex, Passaic, Mercer, Morris, and Somerset Counties, N.J. between Newark, N.J., on the one hand, and, on the other, points in Middlesex County, N.J. between points in Middlesex, Somerset, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Orange, Westchester, Putnam, Dutchess, Rockland, Ulster, Sullivan, and Delaware Counties, N.Y., and those in Fairfield County, Conn., and Berks, Lehigh, and Northampton Counties, Pa., with restrictions; between points in Middlesex, Somerset, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Orange, Westchester, Putnam, Dutchess, Rockland, Ulster, Sullivan, and Delaware Counties, N.Y., and those in Fairfield County, Conn., and Berks, Lehigh, and Northampton Counties, Pa., with restrictions; castor oil, in bulk, in tank trucks, from Bridgeport, Conn., to Boonton, N.J., New York, N.Y., Philadelphia, Pa. points in Delaware County, Pa., those in Bergen, Passaic, Essex, Hudson, Union, Middlesex, and Monmouth Counties, N.J., and those in Massachusetts and Rhode Island, with no transportation for compensation on return. Vendee is authorized to operate as a *common carrier* in Connecticut, the District of Columbia, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-95336 (Sub-No. 8) is a directly related matter.

No. MC-F-13052. Authority sought for purchase by WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA., 19512, of a portion of the operating rights of Modern Transfer Co., Inc., an Alleged Bankrupt, Alan M. Black, receiver, 502 Turner Street, Allentown, PA., 18102, and for acquisition by Phillip G. West, and Bruce W. West, both of the Boyertown, PA., 19512 address, of control of such rights through the purchase. Applicants' attorneys: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, PA., 19102, and Alexander N. Rubin, Jr., Receiver, 2717 The Fidelity Building, Philadelphia, PA., 19109. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Allentown, Pa., and Philadelphia, Pa., serving all intermediate points, and the off-route points in the Philadelphia, Pa., Commercial Zone as defined by the Commission: between Easton, Pa., and Philadelphia, Pa., serving all intermediate points, and the off-route points in the Philadelphia, Pa., Commercial Zone as defined by the Commission: between Center Valley, Pa., and Bethlehem, Pa., serving all intermediate points: between Quakertown, Pa., and Doylestown, Pa., serving all intermediate points: General commodities, with exceptions, as a common carrier over irregular routes, between Allentown, Pa., on the one hand, and, on the other, points in that part of Pennsylvania bounded by a line beginning at Quakertown, Pa., and extending northeasterly through Kintnersville, Pa., to the Delaware River, thence north along the west bank of the Delaware River to East Stroudsburg, Pa., thence along U.S. Highway 209 to Jim Thorpe, Pa. (formerly known as Mauch Chunk, Pa.), thence southerly through New Tripoli, Pa., to Kutztown, Pa., thence southerly to Lyons (Berks County), Pa., thence northeasterly to Macungie, Pa., and thence southeasterly to Quakertown, Pa., including Jim Thorpe, Pa. (formerly known as East Mauch Chunk, Pa.), the above-named points, and those on the indicated portion of U.S. Highway 209 (See Note A): between points in Pennsylvania within 15 miles of Allentown including Allentown; those in the Townships of Upper Mount Bethel, Lower Mount Bethel, Washington, Plainfield, Bushkill, and Forks (Northampton County), Pa.; those in the Townships of East Rockhill, West Rockhill, and Hilltown (Bucks County), Pa.; and those in the Townships of Franconia, Hatfield, Montgomery, and Upper Gwynedd (Montgomery County), Pa. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii) including the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13053. Authority sought for control by HENNES ERECTING COMPANY, INC., 338 South 17th Street, Milwaukee, WI., 53201, of Hennes Trucking Co., 338 South 17th Street, Milwaukee, WI., 53201, and for acquisition by Medard Schmitz, 17853 West Nassau Drive, Brookfield, WI., 53005, of control of Hennes Trucking Co., through the acquisition by Hennes Erecting Company,

Inc. Applicants' attorney: John L. Bruemmer, 121 West Doty Street, Madison, WI., 53703. Operating rights sought to be controlled: *Cement (portland and mortar)*, in bags or in bulk, as a *contract carrier* over irregular routes, from points and places in Newton Township, Muskingum County, Ohio, to points and places in that portion of West Virginia on and west of a line beginning at the Pennsylvania-West Virginia State line and extending southward along U.S. Highway 119 to junction U.S. Highway 19, and thence along U.S. Highway 19 to the West Virginia-Virginia State line; *cement (portland and mortar)*, in bulk, and in bags, from the plant of PPG Industries, Inc., Hamilton County, Ohio, to points in Indiana and Kentucky, with restrictions; *cement*, dry, in bulk, in tank or hopper-type vehicles, from the plant site of Dundee Cement Company, in Butler County, Ohio, to points in Indiana and Kentucky, with restrictions; *cement (portland and mortar)*, in bulk, from the plant site of PPG Industries, Inc., Nitro, W. Va., to points in Ohio and Kentucky, with restrictions; *cement*, in bulk, between points in Illinois, Indiana, Kentucky, Ohio, and Wisconsin, with restrictions; *cement*, in bulk, from the plant site of the Louisville Cement Company at Cincinnati, Ohio, to points in Indiana and Kentucky, with restrictions; *cement*, from Boardman, Ohio, to points in Pennsylvania and West Virginia, with restrictions; *cement (portland and mortar)*, from the plant site of the PPG Industries, Inc. at or near Newton Township, Muskingum County, Ohio, to points in Greene, Washington, Allegheny, Westmoreland, Armstrong, Butler, Beaver, Fayette, Lawrence, Mercer and Venango Counties, Pa., with restrictions; *cement*, from the plant or distribution terminal sites of Dundee Cement Company, located at or near Clarksville, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Oklahoma, and Tennessee, *cement*, in bulk, from the plant or distribution terminal sites of Dundee Cement Company, located at or near St. Louis, Mo., and Rock Island, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Oklahoma, and Tennessee, with restrictions; *Diammonium phosphate*, in bulk, from Depue, Colfax, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Indiana, Michigan, Ohio, Wisconsin, Missouri, Kansas, Nebraska, South Dakota, North Dakota, and Minnesota, with restrictions; *fertilizer* in bulk, from Columbus, Ohio, to points in Illinois, with restrictions; *cement*, between points in West Virginia, with restrictions; *cement and mortar*, from the plant site of PPG Industries, Inc., at or near Newton Township (Muskingum County), Ohio, to points in Kentucky, with restrictions. Hennes Erecting Company, Inc., is authorized to operate as a *common carrier* in Ohio, Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia.

MC–F–13054. Authority sought for purchase by RUSSELL TRANSFER, INC., 444 Glenmore Drive, Salem, VA., 24153, of a portion of the operating rights of Point Express, Inc., 440 Greenlawn Avenue, Columbus, OH., 43221, and for acquisition by Bill B. Bumgarner, Berkeley H. Riley, and Vernon S. Church, all of 444 Glenmore Drive, Salem, VA., 24153, of control of such rights through the purchase. Applicants' attorneys: Daniel B. Johnson, 1123 Munsey Bldg., 1329 E St., N.W. Washington, D.C., 20004, and John S. Fessenden, Suite 1301, 1600 Wilson Blvd., Arlington, VA., 22009. Operating rights sought to be transferred: Malt beverages in truckload lots, empty malt beverage containers, farm products, farm machinery, such bulk commodities as sand, gravel, coal, and coke, and building, construction, mining, and road machinery materials, and equipment, as a common carrier over irregular routes, between points in Meigs, Gallia, and Lawrence Counties, Ohio, and Wayne, Cabell, Mason, Jackson, Putnam, and Kanawha Counties, W. Va., on the one hand, and, on the other, points in Ohio, West Virginia, and those in that part of Kentucky east of a line beginning at Covington, Ky., and extending along thence along U.S. Highway 27 to the Kentucky-Tennesee State line, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a common carrier in Virginia, West Virginia, Ohio, Kentucky, Maryland, the District of Columbia, Tennessee, North Carolina, South Carolina, Pennsylvania, New Jersey, Delaware, and New York. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–68860 (Sub-No. 24) is a directly related matter.

No. MC–F–13055. Authority sought for purchase by CHECKER EXPRESS COMPANY, 6801 South 13th Street, Milwaukee, WI., 53221, of the operating rights and properties of Wiles Transport, Incorporated, 218 West Second South Street, Carlinville, IL., 62626, and for acquisition by Leonard J. Lewensohn, 6801 South 13th St., Milwaukee, WI., 53221, of control of such rights through the purchase. Applicants' attorney: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL., 60603. Operating rights sought to be transferred: General commodities, with exceptions, as a common carrier over regular routes between Springfield, Ill., and St. Louis, Mo., serving all intermediate points and the off route points in St. Louis County, Mo., within the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission; between Carlinville, Ill., and Eldred, Ill., serving all intermediate points and the off route points of Greenfield and Rockbridge, Ill. Vendee is authorized to operate as a common carrier in Illinois, Indiana, Missouri, and Wisconsin. Application has been filed for temoprary authority under section 210a(b).

No. MC–F–13056. Authority sought for purchase by FRIEDMAN'S EXPRESS, INC., P.O. Box 480, Wilkes Barre (Dorrance), Pa., 18703 of the operating rights of Rudloff Transfer, Inc., South Liberty Street, Orwigsburg, Pa., 19761, and for acquisition by Daniel B. Friedman, P.O. Box 480 Wilkes Barre, Dorrance, Pa., 18703, of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes from points in Schuylkill County, Pa., to Reading, Pa., with restrictions; between Orwigsburg, Pa., on the one hand, and, on the other, Landingville, Adamsdale, and Auburn, Pa., and points in Pennsylvania within 10 miles of Orwigsburg; between Landingville, Pa., on the one hand, and, on the other, points within 10 miles of Orwigsburg. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–60430 (Sub-No. 23) is a directly related matter.

FINANCE DOCKET NO. 26449

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY ABANDONMENT—TOM GREEN COUNTY, TEXAS

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, Division 3, acting as an Appellate Division, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Atchison, Topeka and Santa Fe Railway Company of its branch line of railroad which extends from milepost 0 at S.N. Junction, Tom Green County, Texas, to milepost 64 plus 5,048 feet at Sonora, Sutton County, Texas, a total distance of 64.8 miles. A certificate of abandonment will be issued to The Atchison, Topeka and Santa Fe Railway Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will

be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

NOTICE

Castle Valley Railroad Company, 79 South State Street, Salt Lake City, Utah 84147, represented by Mr. Keith E. Taylor of and for Parsons, Behle & Latimer, 79 South State Street, P.O. Box 11898, Salt Lake City, Utah 84147, hereby give notice that on the 10th day of February, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the construction and operation of a new line of railroad located in Carbon and Emery Counties, Utah, which application is assigned Finance Docket No. 28117.

The proposed railroad will extend from an operating coal mine South of Emery, Utah, to the terminus of the existing "cv spur" trackage of the Denver & Rio Grande Western Railroad Company near Wellington, Utah, or as an alternate to the D&RGW mainline trackage near Maxwell, Utah, and to the existing trackage of the Utah Railway Company near Wildcat, Utah. The proposed line will pass close by the towns of Emery, Ferron, Castle Dale, and Huntington, Utah.

The proposed new railroad, excluding sidings, will require 93.4 miles of new track. The main line will run in a general northerly direction for 49.6 miles from the South terminus to a wye North of Huntington, Utah and approximately 20 miles South from Price, Utah. From this wye, the new trackage will run in a general northeasterly direction for 15.6 miles to connect with existing "cv spur" trackage of the Denver & Rio Grande Western Railroad Company near Wellington, Utah. Applicant seeks authorization to move traffic over the existing trackage of the Denver & Rio Grande Western Railroad Company from the "cv spur" South terminus to interchange point at Helper, Utah, a distance of approximately 12.6 miles. From the Huntington wye, the new trackage will run 23.4 miles in a general northerly direction to connect with the existing trackage of Utah Railway Company near Wildcat, Utah. Applicant seeks authorization to move traffic over the existing trackage of Utah Railway Company from a point near Wildcat, Utah, to interchange point near Martin, Utah, a distance of approximately 5.4 miles.

The nearest railroad lines are as far as 75 miles remote. The transportation of coal by motor vehicle does not satisfy the existing transportation need. Applicant therefore submits that present or future public convenience and necessity require the proposed construction and operation of a new railroad to make rail haulage available to the shipping public to, from and between points in Carbon and Emery Counties, Utah.

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—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

CASTLE VALLEY RAILROAD COMPANY

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 41432 (Sub-No. 148) (Partial correction) filed October 14, 1976, published in the FEDERAL REGISTER issue of November 24, 1976 as MC-42432 (Sub-No. 148), and republished to indicate the correct docket number this issue. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: Phineas Stevens, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss. 39205.

NOTE.—The purpose of this partial correction is to indicate the correct docket number as MC-41432 (Sub-No. 148) in this proceeding. The rest of the notice remains as previously published. This is a matter directly related to a Purchase (Portion) proceeding in MC-F-12872, noticed in the FEDERAL REGISTER issue of July 15, 1976.

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. 16)

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN ST. CHARLES AND SYCAMORE, IN KANE AND DEKALB COUNTIES, ILLINOIS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on October 26, 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, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of its line of railroad between milepost 38.0 near St. Charles, Kane County, Illinois, and milepost 56.0 near Sycamore, Dekalb County, Illinois, a total distance of 18.0 miles. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment,

30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that: (1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and (2) it is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

BURLINGTON NORTHERN INC.—ABANDONMENT AT COEUR D'ALENE KOOTENAI COUNTY, IDAHO

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 October 26, 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, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of that portion of its line of railroad extending from about milepost 12.43 to about milepost 13.37, a distance of about .94 of a mile, at Coeur D'Alene, in Kootenai County, Idaho. A certificate of abandonment will be issued to the Burlington Northern Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that: (1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and (2) it is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC-2202 (Deviation No. 156), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed December 13, 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 Interstate Highway 55, thence over Interstate Highway 55 to Memphis, Tenn., 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 70 to Memphis, Tenn., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC-802 (Deviation No. 1); BADGER BUS LINES, INC., 200 West Belt Line Highway, Madison, Wis., 53713, filed November 29, 1976. Carrier's representative: Paul C. Gartzke, 121 W. Doty Street, Madison, Wis. 53703. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Verona, Wis., over Dane County Trunk M to junction Mineral Point Road, thence over Mineral Point Road to Madison, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Verona, Wis., over U.S. Highway 18 to Madison, Wis., and return over the same route.

No. MC-1515 (Deviation No. 716) (Cancels Deviation No. 681), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed November 11, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (A) From Chicago, Ill., over Interstate Highway 57 to junction Illinois Highway 50 north of Kankakee, Ill., with the following access

routes: (1) From Harvey, Ill., over 147th Street (also known as Sibley Blvd.) to junction Interstate Highway 57, (2) From Harvey, Ill., over U.S. Highway 6 to junction Interstate Highway 57, (3) From Markham, Ill., over U.S. Highway 6 to junction Interstate Highway 57, (4) From junction Interstate Highway 94 and Interstate Highway 80, east of Thornton, Ill., over Interstate Highway 80 to junction Interstate Highway 57, (5) From Chicago Heights, Ill., over U.S. Highway 30 to junction Interstate Highway 57, (6) From Peotone, Ill., over unnumbered highway to junction Interstate Highway 57, and (7) From Manteno, Ill., over unnumbered highway to junction Interstate Highway 57, (B) From junction Illinois Highway 50 and Interstate Highway 57 north of Kankakee, Ill., over Interstate Highway 57 to junction U.S. Highway 45 south of Kankakee, Ill., with the following access route: (1) From Kankakee, Ill., over city streets to junction Interstate Highway 57, (C) From junction U.S. Highway 45 and Interstate Highway 57 south of Kankakee, Ill., over Interstate Highway 57 to junction U.S. Highway 45 south of Mattoon, Ill., with the following access routes: (1) From Gilman, Ill., over U.S. Highway 24 to junction Interstate Highway 57, (2) From Onarga, Ill., over U.S. Highway 54 to junction Interstate Highway 57, (3) From Paxton, Ill., over Illinois Highway 9 to junction Interstate Highway 57, (4) From Rantoul, Ill., over U.S. Highway 136 to junction Interstate Highway 57 west of Rantoul, Ill., (5) From junction U.S. Highway 45 and Interstate Highway 74 north of Urbana, Ill., over Interstate Highway 74 to the interchange of Interstate Highways 74 and 57 northwest of Champaign, Ill., (6) From Champaign, Ill., over Neil Street to junction Interstate Highway 74 north of Champaign, Ill., thence over Interstate Highway 74 to junction Interstate Highway 57, (7) From Champaign, Ill., over U.S. Highway 150 to junction access road, thence over access road to junction Interstate Highway 74 north of Champaign, Ill., thence over Interstate Highway 74 to junction Interstate Highway 57, (8) From Urbana, Ill., over Lincoln Avenue to junction Interstate Highway 74, thence over Interstate Highway 74 to junction Interstate Highway 57, (9) From Champaign, Ill., over access road to Interstate Highway 57 west of Champaign, Ill.,

(10) From Tuscola, Ill., over U.S. Highway 36 to junction Interstate Highway 57, and (11) From Mattoon, Ill., over Illinois Highway 16 to junction Interstate Highway 57, (D) From junction U.S. Highway 45 and Interstate Highway 57 south of Mattoon, Ill., over Interstate Highway 57 to junction U.S. Highway 45 north of Effingham, Ill., and (E) from junction U.S. Highway 45 and Interstate Highway 57 north of Effingham, Ill., over Interstate Highway 57 to Marion, Ill., with the following access routes: (1) From Effingham, Ill., over access road to junction Interstate Highway 57 west of Effingham, Ill., (2) From junction unnumbered highway and Illinois Highway 37 two miles south of Watson, Ill., over unnumbered highway to junction Interstate Highway 57, (3) From Farina, Ill., over Illinois Highway 185 to junction Interstate Highway 57, (4) From Salem, Ill., over U.S. Highway 50 to junction Interstate Highway 57, (5) From Mt. Vernon, Ill., over U.S. Highway 460 to junction Interstate Highway 57, (6) From Benton, Ill., over Illinois Highway 14 to junction Interstate Highway 57, (7) From West Frankfort, Ill., over Illinois Highway 149 to junction Interstate Highway 57, (8) From Johnston City, Ill., over unnumbered highway to junction Interstate Highway 57, (9) From Herrin, Ill., over Illinois Highway 148 to junction unnumbered highway, thence over unnumbered highway to junction Interstate Highway 57, and (10) From Marion, Ill., over Illinois Highway 13 to junction Interstate Highway 57 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to Hammond, Ind., thence over Sibley Blvd., to junction Illinois Highway 1, thence over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., and (2) From Chicago, Ill., over city streets to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 37, thence over Illinois Highway 37 to Marion, Ill., and return over the same routes.

No. MC–15317 (Deviation No. 2), CROWN TRANSIT LINES, INC., 1650 N. 14th St., Springfield, Ill., filed November 9, 1976. Carrier's representative: Edward McNamara, 907 S. Fourth St., Springfield, Ill. 62703. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From Champaign, Ill., over Interstate Highway 72 to Springfield, Ill., with the following access routes: (1) From Champaign, Ill., over city streets to junction Interstate Highway 72, (2) From Monticello, Ill., over city streets to junction Interstate Highway 72, (3) From Decatur, Ill., over city streets to junction Interstate Highway 72, and (4) From Springfield, Ill., over city streets to junction Interstate Highway 72, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Champaign, Ill., over Illinois Highway 10 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction Illinois Highway 105, thence over Illinois Highway 105 to junction U.S. Highway 36, thence over U.S. Highway 36 to Springfield, Ill., and return over the same routes.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Texas Docket No. 002600A3A, filed November 19, 1976. Applicant: RED ARROW FREIGHT LINES, INC., P.O. Box 1897, San Antonio, Tex. 78397. Applicant's representative: James Doherty, P.O. Box 1945, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to amend common carrier motor vehicle certificate of Public Convenience and Necessity No. 2600 and to authorize the transportation of *General commodities* as follows: Between Bay City, Tex., and the plantsite known as South Texas Project Houston Lighting and Power Company, Bay City, Tex., located on or adjacent to Farm Road 521 approximately 10.5 highway miles southwest of Wadsworth, Tex., and between the plantsite and the intersection of Farm Road 521 and State Highway 35 over the following routes: (1) From Bay City over State Highway 60 to its intersection with Farm Road 521, thence over Farm Road 521 to the plantsite, thence over Farm Road 521 to its intersection with State Highway 35, serving the plantsite and all intermediate points on Farm Road 521 and serving its junction with State Highway 35 as a point of joinder; and (2) From Bay City over State Highway 60 to its intersection with Farm Road 2668, thence over Farm Road 2668 to its intersection with Farm Road 521, thence over Farm Road 521 to the plantsite. Service in interstate or foreign commerce is proposed pursuant to the provisions of Section 206(a)(6) of the Interstate Commerce Act. Applicant proposes to tack and to coordinate the proposed additional services with all services authorized in intrastate commerce under Texas Certificate No. 2600 and with all service authorized in interstate and foreign commerce under authorities granted in Docket No. MC 2226 and all Subs thereunder. No duplicate authority is sought.

HEARING: Date, time and place will be scheduled January 24, 1977. Requests for procedural information should be addressed to the Texas Railroad Commission, P.O. Drawer 12967, Capitol Station, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-37601 Filed 12-22-76;8:45 am]

federal register

THURSDAY, DECEMBER 23, 1976

PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

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NOISE ABATEMENT OPERATING RESTRICTIONS

Limitations for Certain Turbojets, Propeller-Driven Small Airplanes, and Agricultural-Operation and Fire Fighting Propeller-Driven Aircraft

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket Nos. 13582 and 14317; Amdt. 91-136]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Subpart E—Operating Noise Limits [NEW]

PHASED COMPLIANCE WITH PART 36 NOISE LIMITS BY TURBOJETS WITH MAXIMUM WEIGHTS GREATER THAN 75,000 POUNDS

• The purpose of this amendment to Part 91 of the Federal Aviation Regulations (14 CFR Part 91) is to achieve further relief and protection to the public from aircraft noise by requiring certain previously excepted airplanes to meet present Federal noise standards in accordance with a phased time schedule ending on January 1, 1985. This amendment implements a decision, approved by the President on October 21, 1976, and announced in a comprehensive Aviation Noise Abatement Policy Statement issued by the Secretary of Transportation and the Federal Aviation Administrator on November 18, 1976. It extends current Federal noise standards to domestic commercial airplanes in not more than eight years from January 1, 1977. •

This amendment applies to U.S. registered civil subsonic turbojet airplanes with maximum weights greater than 75,000 pounds. It applies to airplanes with standard airworthiness certificates, if those airplanes are not engaged in foreign air commerce. For airplanes operated under Parts 121 and 135 of the Federal Aviation Regulations, dates for progressive fleet compliance with Part 36 are also prescribed in this amendment, as follows:

1. January 1, 1981, for at least one quarter of the four-engine airplanes with low bypass ratio engines.

2. January 1, 1981, for at least one quarter of the four-engine "pure jets."

3. January 1, 1981, for at least one half of all other airplane types.

4. January 1, 1983, for at least one half of the four-engine airplanes with low bypass ratio engines.

5. January 1, 1983, for at least one half of the four engine "pure jets."

6. January 1, 1983, for all other airplane types.

This document also contains a notice of FAA's decision not to prescribe operating noise limits for aircraft engaged in foreign air commerce (including operations under Part 129 of the Federal Aviation Regulations), or for airplanes weighing 75,000 pounds or less, at this time. This amendment is issued pursuant to § 611 of the Federal Aviation Act of 1958 (herein called "the Act").

While this amendment is expected to produce significant improvements in the noise environment at major airports, substantial local action will be necessary to complement the noise reduction actions of the Federal Government and air carriers. The only successful attack that can be launched on the overall problem of aircraft noise is one that involves the cooperative participation of all levels of government, as well as airport operators, air carriers, manufacturers, and airport neighbors. The responsibilities of all of these parties are stated in detail in the "Aviation Noise Abatement Policy," (herein called "the Policy Statement") of November 18, 1976. That document is in the public rules docket for this amendment.

In addition to the Policy Statement, the FAA has issued a final environmental impact statement (EIS), dated November 10, 1976, concerning this amendment. This document (herein called "the EIS") has been placed in the public rules docket for this amendment. It contains detailed analyses concerning the need for this amendment and its estimated costs and benefits. The EIS contains a detailed listing of the affected civil turbojet fleet and fleet forecasts developed by the FAA. These data were used in the environmental and inflationary impact analyses supporting this regulatory action.

As stated below, compliance with this amendment can be achieved by the acoustical modification, or "retrofit," of noncomplying airplanes or through their replacement with complying airplanes. While the cost and benefit analysis in the EIS indicates that prolonged retention of certain aircraft would be uneconomical due to increased maintenance and higher fuel cost differentials, the replacement policy of individual operators will depend on their capital investment plans and financial capability.

It should therefore be stressed, at the outset, that the purpose of this amendment is not to force the retrofit of older airplanes, but rather to encourage each operator to adopt whatever means of achieving compliance is best suited to his individual economic situation. This may involve replacement of older airplanes by new technology airplanes, the retrofitting of his current fleet, or a mixture of these options. However, the FAA recognizes the advancements in energy efficiency, safety, noise reduction, and engine emissions that are offered by new technology airplanes. This amendment is intended to encourage the introduction of the newest generation of airplanes into the fleet as soon as practicable. To maximize the incentive to replace rather than retrofit older airplanes, this amendment provides for a carefully controlled and limited extension of the January 1, 1981, and January 1, 1983, compliance dates for operators who elect to replace these older airplanes with new airplanes that comply with Part 36.

At the direction of the President, the Secretary, on December 1, 1976, conducted a public hearing on the need for special financing measures to assure timely compliance with this amendment, with particular emphasis on the replacement of the older, noisier four-engine airplanes. The Secretary will make a recommendation to the President by December 31, 1976.

I. BACKGROUND: THE NEED FOR THIS AMENDMENT

The current U.S. fleet is comprised of some 2,100 large jet aircraft. Of these, 1,600 (about three-fourths) do not currently comply with Part 36 noise standards. It has been estimated that between 1,300 and 1,600 of these noncomplying aircraft would remain in service throughout the 1970s and possibly some 50 percent would be in service by 1990 if there were no Federal action.

In extending the Part 36 noise standards to airplanes currently in operation, the FAA is acting pursuant to section 611 of the Act, which directs the FAA to afford present and future relief and protection to the public health and welfare by the control and abatement of aircraft noise, after considering whether noise abatement regulations are consistent with the highest degree of safety in air commerce and are economically reasonable, technologically practicable, and appropriate for the particular type of aircraft. This amendment to the Federal Aviation Regulations is the result of several years of study of these factors by the FAA and consultation with the Secretary of Transportation and the Environmental Protection Agency (EPA) in order to assure the fullest possible consideration of the public health and welfare, safety, economic reasonableness, and technological practicability.

The FAA and other Federal agencies have been developing a comprehensive program to reduce public exposure to aircraft noise. In addition to FAA-sponsored research in reduction of turbomachinery noise through the use of sound absorbing materials (SAM), NASA has conducted a parallel program which included SAM, but also focuses on reduction of JT8D jet exhaust noise by redesign of the engine itself by increasing the engine bypass ratio through replacement of the two-stage fan with a larger diameter single-stage fan (refan). Complementing these programs in source noise reduction, FAA and NASA have also been examining the use of operational procedures for further reductions in noise. This amendment does not signify an end to this important research, which, with other related research, will continue in its effort to ensure the broadest possible attack on the aircraft noise problem.

As more fully discussed below in relation to public comments, aircraft noise is a significant annoyance for six to seven million persons in the United States. The problem is particularly serious at some of the major airports. It represents, moreover, a significant or potential problem for residents living near many other airports across the nation. Aircraft noise is a problem of national scope because a significant portion of the American people are affected by it at many locations throughout the country. Airplane noise is also a peculiarly local problem, varying substantially among airport communities depending on the air service provided, the type and frequency of operations, the airport design and geographical arrangement, the mix of equipment and route patterns, the numbers of people who live nearby and their reaction to aircraft noise, and the general compatibility of land use in the surrounding areas.

The aircraft noise issue became increasingly important in the early 1960s

as airlines introduced jet aircraft to their fleets. The rapidly increasing number of commercial jet operations in the latter part of the decade further increased the importance of this problem. Because of its adverse effect on people, noise was soon recognized as a major constraint on the further development of commercial aviation. The engine manufacturers and the Federal Government both engaged in extensive research into quieting jet engines. In 1968, Congress gave the FAA the responsibility to regulate aircraft design and equipment for noise reduction purposes, and the FAA then embarked upon a long-term program of controlling aircraft noise at its source.

Of the six to seven million persons subject to significant aircraft noise, approximately 600,000 reside in areas that are severely impacted. Severe noise impacts include disturbances of the normal activities of airport neighbors—their conversation, sleep, and relaxation—and degrades the quality of life. Based on an analysis of citizen and Congressional complaints, the imposition of airport use restrictions, litigation, and the number of persons affected, the FAA has identified many airports where noise is an issue. A 1974 Department of Transportation study of 23 major airports identified eight airports that have neighboring populations of over 25,000 residing within noise contours representing serious noise annoyance, and 13 airports with at least 100,000 persons residing within noise contours representing considerable noise annoyance. For the 23 airports surveyed, five million people live within these noise contours (described in the Policy Statement and EIS as noise exposure forecast (NEF) 30 and 40 contours). In addition, the Air Transport Association has identified many airports as "noise sensitive," including several not treated in the 23-Airports Study. The affected airports are identified in the Policy Statement.

As a result of the impact of aircraft noise on airport neighbors, serious pressures have developed that could threaten the continued growth of a healthy air transportation system. These pressures include restrictions on airport usage such as curfews, restrictions on the use of certain aircraft, opposition to airport development, and serious liability exposure for existing airports. For example, over the past five years, airport proprietors have paid out over twenty-five million dollars in legal judgments and settlements in noise related suits and have spent over three million dollars in legal fees and other legal defense costs. This is in addition to the monies being spent by airport proprietors in acquiring land adjacent to their airports and soundproofing affected buildings such as schools, residences, and public buildings.

The health of the air transportation system is inseparable from the health of the national airport system. There are now over 13,000 public airports operating in the United States. These airports vary widely in their size, closeness to populated areas, and aircraft mix. Some of these airports are among the busiest in the world, with 84 airports having more than 200,000 annual operations, 160 airports having more than 150,000 operations each year, and well over 200 airports having more than 100,000 such operations. The busiest airports are generally located in the vicinity of the larger metropolitan areas, where the population is concentrated.

The critical conclusion coming out of the many years of FAA review of this problem is that, both from the standpoint of the quality of life in airport environments and from the standpoint of the preservation of a strong airport/air transportation system, Federal action is required to ensure that commercial aircraft comply with Part 36 noise levels within the next decade. The normal incentives of the private marketplace are not expected to achieve this. Fleet forecasts through the 1990's bear this out, as more full discussed below. This amendment is essential to provide the catalyst, and the legal framework, for a comprehensive, cooperative effort by Federal, State, and local governments, by air carriers and manufacturers, and by airport neighbors, to achieve meaningful relief from aircraft noise and also preserve the strength of our vital air transportation and airport system.

II. History of This Amendment

1. Part 36 of the Federal Aviation Regulations "Noise Standards: Aircraft Type Certification" (34 FR 18355; November 18, 1969), which became effective December 1, 1969, originally prescribed noise measurement, noise evaluation, and noise level requirements for the issuance of type certificates, and changes to those certificates, for subsonic transport category airplanes, and for subsonic turbojet engine-powered airplanes, regardless of category. That regulation initiated the noise abatement regulatory program of the FAA under the statutory authority of Pub. L. 90–411 (July 21, 1968) which added section 611 to the Act.

2. On November 4, 1970, the FAA published Notice No. 70–44, an advanced notice of proposed rule making (ANPRM) entitled "Civil Airplane Noise Reduction Retrofit Requirements" (35 FR 16980). That ANPRM proposed the retrofitting of existing subsonic turbojet engine-powered airplanes to achieve compliance with Part 36 noise levels.

3. After considering the comments in response to Notice 70–44, on March 22, 1974, the FAA issued a notice of proposed rule making (Notice 74–14) entitled "Civil Aircraft Fleet Noise Requirements" (39 FR 11302; March 27, 1974). That notice proposed that civil subsonic turbojet engine-powered airplanes with maximum weights of 75,000 pounds or more be required to comply with Part 36 noise standards. Notice 74–14 contained proposals applying to civil subsonic turbojet engine-powered airplanes weighing 75,000 pounds or more, and operated under Parts 91, 121, 123, 129, and 135. Comments received in response to that NPRM have been carefully reviewed (together with comments in response to Notice 75–5, which is discussed below) in the issuance of this amendment.

4. On December 13, 1974 (39 FR 43422), the Council on Environmental Quality (CEQ) published in the Federal Register a notice of availability for public review and comment with respect to a draft environmental impact statement prepared by the FAA regarding the rule proposed in Notice 74–14.

5. On January 28, 1975, pursuant to section 611(c)(1) of the Act, as amended by the Noise Control Act of 1972 (Pub. L. 92–574), the EPA submitted to the FAA its recommended regulation to amend Part 91 to require all civil subsonic turbojet engine-powered airplanes, including those weighing less than 75,000 pounds, to comply with the noise standards of Part 36 before June 30, 1978. Accordingly, under section 611(c)(1) of the Act, the FAA published Notice 75–5, "Civil Subsonic Turbojet Engine-Powered Airplanes: Noise Retrofit Requirements" (40 FR 8218; February 26, 1975). On March 18, 1975, pursuant to a notice of public hearing (40 FR 8243; February 26, 1975), the FAA conducted a public hearing in Washington, D.C., to afford interested persons the opportunity to submit written and oral comments and present views, data, or arguments regarding the EPA-recommended regulation.

6. Pursuant to section 611(b)(1) of the Act, the FAA has consulted with the Secretary of Transportation and EPA prior to adoption of this amendment. Also, submission of this amendment to the EPA for review prior to its adoption was accomplished in accordance with section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 h–7), and the guidelines of CEQ contained in 40 CFR 1500.9(b).

7. As discussed above, a final environmental impact statement, reflecting this amendment and the comments received on the draft EIS was issued on November 10, 1976, in accordance with the National Environmental Policy Act of 1969 and implementing guidelines of the CEQ, the Department of Transportation, and the FAA.

III. Relationship to Prior Rule Making

This amendment is an important part of the FAA's overall aircraft noise control and abatement program. The adoption of Part 36 in 1969 required new airplane types to be markedly quieter than the generation of turbojets developed in the late 1950's and early 1960's. Since the adoption of Part 36, the FAA has issued a number of notices proposing amendments to its provisions and, subsequent to notice and public procedure, has adopted those amendments which have been found to be consistent with the duties contained in section 611 of the Act. Those amendments have increased the protection of the public health and welfare by providing for the necessary control and abatement of aircraft noise and sonic boom. Further amendments

are currently under consideration by the FAA for future issuance.

In issuing amendments under the authority of section 611 of the Act, factors which the FAA must consider include the following:

1. Available data relating to aircraft noise, including the results of research, development, testing, and related evaluation activities.

2. The views and positions of other Federal, State, and interstate agencies.

3. Whether the proposed regulations are consistent with the highest degree of safety in air commerce and air transportation in the public interest.

4. Whether proposed regulations are:

a. Economically reasonable;

b. Technologically practicable; and

c. Appropriate for the particular types of aircraft, aircraft engines, applicance, or certificates to which they would apply.

5. The extent to which the proposed regulations contribute to providing protection to the public health and welfare by carrying out the purpose of section 611 of the Act.

Thus, in furtherance of its aircraft noise policy and its responsibility to issue appropriate rules for the control and abatement of aircraft noise and sonic boom, the FAA has adopted the following amendments to the FARs:

1. Amendment 36–1 (34 FR 18815; November 25, 1969) amended Appendix C of Part 36 regarding noise test procedures and standards, to ensure that the approach noise test is conducted with the aircraft in the configuration that is used for safety purposes during type certification and that the test conditions do not contribute to measured noise levels less than those generated in normal operation of the aircraft.

2. On March 28, 1973, the FAA published in the FEDERAL REGISTER an amendment to Part 91 (Amendment 91–112; 38 FR 8051) to prohibit unauthorized operation of civil aircraft at supersonic speeds over the United States.

3. Under Amendment 36–2 (38 FR 29569; October 26, 1973), the number of aircraft subject to Part 36 requirements was increased significantly. All subsonic turbojet-powered airplanes and transport category airplanes produced after January 1, 1974, including those produced under type designs certificated before the original Part 36 compliance dates, were required to comply with the noise level requirements of Part 36, regardless of the date of the type certificate.

4. In 1974, the FAA issued Amendment 36–3 (39 FR 43830; December 19, 1974) to increase the stringency of the conditions under which applicants for an acoustical change approval must show that issuance of authorization of type design changes of affected turbojet-powered airplanes and transport category airplanes would not result in an increase of takeoff or sideline noise levels of those aircraft.

5. Propeller-driven airplanes with maximum certificated weights less than 12,500 pounds were made subject to Part 36 noise requirements in late 1974, when Amendment 36–4 (40 FR 1029; January 6, 1975) was issued. As amended, Part 36 prescribes noise standards and test procedures and conditions for new type designs of normal, utility, acrobatic, transport, and restricted category propeller-driven small airplanes. It also prescribes noise regulations for issuing standard airworthiness and restricted category airworthiness certificates for newly produced propeller-driven small airplanes and prohibits acoustical changes in type designs of those airplanes that would increase their noise level emissions beyond the prescribed limits.

6. Amendment 36–5 (41 FR 35053; August 19, 1976) amended provisions of Part 36 relating to noise type certification and acoustical change approvals in Subpart A and Appendices A, B, and C. Those amendments involved the technical procedures and standards for measuring and evaluating the noise emissions in the noise tests of civil subsonic turbojet-powered airplanes and transport category large airplanes.

7. Recently, based on its consideration of recommended regulations submitted to it by EPA under § 611(c)(1) of the Act, the FAA adopted certain amendments and issued notices of proposed rule making under section 611(b) of the Act. The FAA issued the following regulatory actions:

a. Amendment 36–6 (issued December 17, 1976) amended the noise test provisions applicable to propeller-driven small airplanes. That amendment involved the noise measurement and evaluation provisions and the noise test engine power setting requirements in Appendix F of Part 36.

b. The EPA-proposed rule contained in Notice 74–39 (40 FR 1061; January 6, 1975) also concerned noise test requirements and operating limitations for those propeller-driven small airplanes designed for agricultural or firefighting operation purposes and which do not comply with Part 36 noise limits. After due consideration of that proposal, the FAA concluded that an appropriate regulatory constraint on the operation of those airplanes was beyond the scope of Notice 74–39. Accordingly, the FAA has recently issued an NPRM which proposes to prohibit operation of those airplanes that do not comply with Part 36, except to the extent necessary to (1) accomplish the work activity directly associated with the special purpose for which the airplane is designed and (2) conduct certain other limited operations related to that purpose.

c. Amendment 91–134 (41 FR 52388; November 29, 1976) amended Part 91 for noise abatement purposes to require that a pilot in command of a civil turbojet-powered airplane use the lowest authorized flap setting consistent with safety.

d. After review of the EPA proposed rule contained in Notice 75–35 (40 FR 44256; September 25, 1975) regarding the use of reduced flap settings for noise abatement purposes, the FAA concluded that a regulatory action in addition to the amendment adopted in Amendment 91–134 should be considered for adoption. Accordingly, the FAA issued Notice 76–26 (41 FR 52396; November 29, 1976) proposing an amendment to Part 91 to require that the landing flap setting for turbojet-powered airplanes be delayed until at or below 1,000 feet above the airport elevation, unless a landing flap setting at a higher altitude is necessary in the interest of safety.

IV. COMMENTS ON NOTICE NO. 74–14 AND NOTICE NO. 75–5

Interested persons have been afforded the opportunity to participate in this rule making by submitting comments to the regulatory docket for each notice and by participating in a public hearing on the matters contained in Notice 75–5. The written comments to the dockets and the written and oral presentations made at the public hearing, which were made a part of the docket for Notice 75–5, have been reviewed and all matters contained in those dockets have been considered in the issuance of this amendment.

While there are some significant differences between the proposals in Notice 74–14 and Notice 75–5, the major issues concerning the need for the further reduction of aircraft noise at the source and the means by which that noise reduction should be achieved, including the questions of when it should be accomplished, were raised in response to both notices. Over 800 comments were submitted to the two regulatory dockets. The two notices of proposed rule making attracted comments from a wide range of interests, including individual private citizens; citizen groups; airport operators and operating authorities; environmental interest groups; Federal, State, and local government bodies; foreign governments and entities; aviation trade/industry associations; domestic and foreign aircraft and aircraft engine manufacturers; and domestic and foreign aircraft owners and operators.

The comments focused on the following issues: the options or alternatives to the proposed rule making that might be available; the effects of aircraft noise on the public health and welfare, costs versus benefits, economic reasonableness, technological practicability, compliance dates, the need for tradeoffs, appropriateness to particular aircraft types; safety; impacts of the proposed rule on energy consumption and aircraft emissions; and miscellaneous issues. These comments are discussed below.

A. ALTERNATIVES TO THE PROPOSED REGULATION

Virtually every commenter expressed support for the goal of aircraft noise reduction or, more particularly, the need for appropriate action to abate the impact of noise annoyance in the airport environment. In responding to the issues involved in the proposals contained in the notices, many commenters recognized the broader issues of aircraft noise control going beyond source noise reduction. Some discussed the various methods which may be used to achieve noise relief and reduce noise impact on the community. Thus, the docket contains suggestions of noise control actions that

were alternative or supplemental to those proposed in the notices. Many of these suggestions were beyond the scope of the notices, such as suggestions for specific flight procedures. Other alternatives that were suggested included matters beyond direct FAA control, such as land-use controls.

The FAA agrees with those commenters who recognize that this rule-making action will not eliminate the aircraft noise problem. However, the FAA also agrees with many commenters that this amendment is a necessary step towards achieving appropriate reductions at the noise source and will contribute to making aircraft and airports more compatible with the communities they affect. As many commenters noted, a comprehensive program involving many levels of government and combining numerous noise control and abatement techniques is needed to achieve the necessary protection to the public health and welfare. A discussion of these other noise reduction techniques is contained in the EIS and Policy Statement.

The FAA does not agree with those commenters who believe that the use of specific noise abatement operating/flight procedures, or combination of procedures, would provide the necessary noise control and abatement. Further, some commenters mistakenly believed that using an operational procedure during the flight of a noncomplying aircraft can serve as a substitute for compliance with Part 36. While some procedures help to minimize the generation or the propagation of noise from the aircraft in flight, their benefits to the public health and welfare are most significant when combined with other effective techniques, such as the source noise control that results from compliance with Part 36. Operational procedures are not a substitute for, but complement, limitations on source noise generation.

Some commenters, particularly some aircraft owners and operators, suggested that the FAA should permit the use of noise abatement operating procedures as an alternative to compliance with source noise limits. The FAA notes that it has consistently supported the use of those procedures that are in conformity with the safe and efficient use of the navigable airspace and do not otherwise adversely affect safety. The significance of terminal area procedures and other airport noise abatement techniques is discussed in the Policy Statement. Several commenters recognized that, unless future reductions in aircraft noise emissions at the source completely satisfy the need for protection of the public health and welfare, supplemental action by aircraft and airport operators and state and local governmental entities will continue to be needed. The FAA agrees. However, the FAA believes that the fact that non-Federal action is necessary is not a justification for delaying strong Federal action to bring about that part of the overall solution that is within Federal control. Some commenters opposing adoption of the proposed rules pointed to local airport measures as alternative means of achieving noise control. Since many of these matters are within the authority and control of the local community, the FAA cannot ensure that they will be acted upon. The FAA agrees with those commenters who stress the important role of aggressive local action, including planned airport development, zoning and related land-use controls, and the use of sound suppression materials in certain buildings in achieving the desired reduction of aircraft noise impact on local communities. However, the FAA does not agree with the suggestion by some commenters that the noise impacted communities should bear the full burden of reducing aircraft noise around airports. As previously stated, the cumulative effect of the various components of a comprehensive noise program is, and is expected to continue to be, necessary to achieve the required protection to the public health and welfare. This amendment is a significant Federal contribution to that comprehensive program.

B. IMPACT ON THE PUBLIC

The disruptive effect of aircraft noise on the quality of life, and on the air transportation system, has been outlined above and is discussed in detail in the Policy Statement and EIS. Public comments fully support FAA's conclusions concerning the impact of aircraft noise on the public.

As previously stated, virtually every commenter to the two dockets and each participant at the public hearing expressed support for the goal of aircraft noise control and abatement. Private citizens; citizens groups; Federal, State, and local authorities; and in particular, airport operators and proprietors stressed the need for present, as well as future, aircraft noise reduction requirements. The noise of air carrier aircraft, that is, the heavier turbojet-powered airplanes, was cited as a principal target for such reductions by many commenters. The FAA agrees that available technology must be applied in the further reduction of noise of those aircraft. This amendment accomplishes that result consistent with the considerations listed in section 611(d) of the Act.

More than 500 comments cited the need for significant and immediate relief from aircraft noise. Many commenters furnished graphic descriptions of the annoyance and disruption of their lives caused by unacceptably high levels of aircraft noise. Most of these commenters urged, and many demanded, that the FAA immediately adopt the proposed rules but with compliance sooner than that proposed. Educators, students, nurses, doctors, and others involved in noise-sensitive activities that are routinely affected by the sound of aircraft expressed their personal concern with the disturbance of noisy aircraft. The FAA agrees that the proposed operating noise limits are needed and must be issued at this time. Further the compliance dates for accomplishing those reductions should be set at the earliest date consistent with the statutory duty to consider economic reasonableness, technologically practicability, and flight safety. This amendment achieves that result.

The FAA agrees that since economically reasonable technology is currently available for, and is employed on, new production aircraft of the same basic type designs as certain older aircraft in the existing fleet, there remains no justification for not requiring the use of that noise reduction technology on older models of similar aircraft types if the operators of these older airplanes elect not to replace them with new technology airplanes. However, this has not been shown to be the case for the smaller turbojet types, as discussed below with respect to airplanes weighing 75,000 pounds or less.

The public comments regarding the perceived impacts of aircraft noise have been reviewed and were found to be useful and informative. Those comments have assisted the FAA in determining, after due consideration of all comments, that the economic impacts imposed by this amendment are reasonable and appropriate in relation to the benefits to be achieved. These costs and benefits are discussed below.

C. IMPACT ON THE FLEET: COSTS AND BENEFITS

Many comments were received concerning the economic impacts of the proposed rules on aircraft operators and whether or not these impacts would be justified in terms of the noise reduction benefits to be obtained.

The comments addressing economic impact concentrated on the following issues: costs of retrofit, re-engining or replacement, technological practicability, refan availability, tradeoffs, appropriateness to particular airplane types, and compliance dates.

With respect to cost impacts, comments indicated that "hush kits" have substantial cost elements since (1) they are expensive to manufacture and install, (2) they cause weight and performance penalties leading to increased fuel usage and operating costs, and (3) they deflect expenditure from new, quieter airplanes, which retards the ultimate introduction of appreciably quieter new airplane types. The FAA has fully reviewed these factors and believes that the regulation, as issued herein, adequately accounts for these cost elements. Economically reasonable retrofit hardware is available for many airplane types. While there will necessarily be costs associated with the manufacturing and installation of retrofit hardware, these costs, as discussed more fully below and in the EIS, are considered by the FAA to be reasonable, particularly when considered in relation to the resulting noise reduction benefit which improves the quality of life and provides relief and protection to the public health and welfare from aircraft noise. The compliance dates and replacement plan provisions of this amendment permit adequate fleet plan-

ning to prevent premature investment in marginally effective retrofit technology and allow the phasing in of the most advanced new airplane types to replace airplanes that are becoming economically obsolete.

One comment highlighted the vulnerability of airplane operators to supply problems involving manufacturers. For example, it was stated that a prime supplier of quiet nacelle kits has ceased all kit production because of poor market conditions and that the production rate will only be known when the size and timing of the market is known. Problems associated with the production of critical forgings and other tooling equipment were also stressed. This planning problem was stated to be further confused by such unknowns as customer order size, time of production, and the inflation rate. The FAA believes that the planning time furnished in this amendment, and the flexibility that it allows, coupled with the certainty of the requirement for Part 36 compliance, will provide a firm planning basis for defining the retrofit market, establishing production schedules, and developing the best compliance options for each operator who elects not to replace older airplanes.

Several comments were received indicating that certain airplane types, such as the older four-engine axial flow turbojets, could not economically be brought into compliance. The issue raised by this objection is whether or not replacement of a noncomplying airplane type by a complying airplane type should be required where the cost of aircraft modification may be great in relation to the value of the airplane being modified. The FAA believes that, since unrestricted use of noncomplying airplanes lessens the public benefit resulting from compliance by other portions of the total fleet, replacement or retirement of these airplanes should be required, within reasonable time limits. Much attention has been given to such factors as airplane useful life, amortization, depreciation, and ultimate replacement. Because of the ample lead times in this amendment, including the replacement plan provisions, economically reasonable options are afforded by this amendment.

A somewhat contradictory pattern of comments emerged. Certain comments argued that no firm dates could be set because of the many variables involving retrofit kit production, and stated that no time limit could be established until the FAA obtains "guaranteed" dates from the manufacturers. Another line of comments stated that, while the dates proposed were too restrictive, the establishment of firm dates is essential to begin the procurement, production, and distribution processes necessary for effective fleet noise reduction. Both of these arguments appear to have merit. This amendment therefore accommodates both the need for maximum industry initiative and the need for a firm compliance schedule. This is done by permitting operators to obtain approval of replacement plans.

This is consistent with the primary goal of this amendment which is to extend the noise standards of Part 36 to the currently operating fleet of heavy turbojet airplanes while at the same time allowing the flexibility necessary to permit operators to purchase new technology airplanes where that option is superior to the modification of older airplanes. A recent NASA study has shown that substantial long-term (through the year 2000) reductions in noise, fuel consumption, and air polluting emissions are achievable through the development and introduction of more advanced technology than that currently available. The FAA believes that the greatest benefit to the public that could flow from this amendment would be the encouragement of aircraft operators and manufacturers, working together, to accelerate the growth and application of this new technology.

Many comments to Notice 75-5 stated that the dates proposed in the notice could not be met and must be relaxed. These comments furnished detailed information on the fleet-by-fleet timing problems involved in retrofit. This information indicated that it was not feasible to comply with the proposed rule by June 30, 1978, even if all retrofit type design changes had already been certificated. It was estimated that up to 30 months would be needed for availability of the first kit after receipt of the purchase order. Two to three months more time was urged as being essential to permit responsible decisions concerning the placing of purchase orders with manufacturers. For aircraft for which retrofit type design certification, production engineering, and tooling have not been accomplished, time frames in the order of three years were estimated before significant kit production rates could be achieved, with more time being estimated for total fleet compliance for these airplane types. Similar timing problems were stressed with respect to the replacement of older airplanes with newer airplane types.

Comments were received concerning the impact of the proposed compliance dates on foreign operators. For reasons discussed in Section IV below, the FAA has determined that a regulation should not be prescribed for foreign operators at this time.

One comment pointed out that the only retrofit kits that might be developed within shortened production schedules would have unacceptable losses in thrust and increases in fuel consumption. The FAA is particularly conscious of the secondary impacts that noise abatement type design decisions may have on safety, performance, and fuel consumption throughout the remaining useful life of an airplane. The dates prescribed in this amendment are selected to permit the development, marketing, and incorporation of hardware that is optimal in all of these respects for operators electing not to replace their older airplanes.

Strong public comment was received urging that there be no slippage in the proposed dates. Concern was expressed that the arguments in favor of further delay had run their course, were no longer valid, and should no longer be controlling. It was stated that the public interest requires that the proposed dates be met regardless of cost to the airlines. Other comments recognized the need to consider economic and technological factors in arriving at these compliance dates, but argued that the proposed dates adequately accounted for those factors and should be preserved.

The great volume of written and oral comment received in the docket and at the hearing has provided a clear perspective on the magnitude of the problems involved in overall fleet compliance with Part 36. The cumulative impacts of the proposed compliance dates on prototype testing and construction, certification testing, production engineering, materials availability, procurement by operators, delivery, and aircraft modification and downtime scheduling have been reviewed. In the preproduction phase, for example, an engine manufacturer indicated that a critical timing constraint on the production of retrofit kits is the extremely limited forging press capacity of his supplier, and the time (estimated as four years) required for this supplier of aluminum forgings to increase his production capacity. In summary, the information received in response to the notice clearly showed the extent to which the aircraft operator, who is the regulated person, is at the end of a long and complex chain of production stages over which he has no direct control and involving suppliers whose schedules and marketing patterns are beyond FAA regulatory control. The compliance dates in this amendment reflect this.

Each potentially viable option for accelerating total fleet compliance with Part 36 has been considered in its relation to the factors discussed above. Where possible, separate compliance schedules have been established in this amendment to accelerate compliance by different segments of the fleet. However, consistent with the duty specified in section 611(d) of the Act, the FAA does not believe that the total elimination of noncomplying airplanes, by retrofit, replacement, or retirement, can reasonably be mandated in less than the time permitted under this amendment.

Several comments stressed the development of refan technology as a superior alternative to retrofitting with quiet nacelle treatment. These comments urge that the FAA not force the premature incorporation of quiet nacelle treatment and then require a later retrofit to incorporate refan technology. These comments pointed out the wasted resources that would result from such a double retrofit. The FAA agrees in part with these comments. The lead times in this amendment, and its provision for approval of alternate compliance plans, are intended to encourage and facilitate the most flexible compliance programs consistent with the clear public need for a firm schedule of compliance. However, it should be pointed out that the noise

limits in this amendment will be continuously reviewed, and noise reduction technology assessed, to determine whether lower noise limits should be prescribed in the future. Therefore, compliance with this amendment should not be regarded as assuring that no further retrofit or airplane replacement will be required in the future.

Many comments were received concerning the proposal to require all operators to comply with Part 36 without "tradeoffs." (Under the "tradeoff" provisions of Appendix C of Part 36, the applicable noise limit may be exceeded at one or more measuring points (e.g. takeoff or approach) if that exceedence is offset by a noise level at another measuring point, such as sideline, that is sufficiently below the applicable limit.) These comments pointed out that current regulations permit the issuance of standard airworthiness certificates to newly produced airplanes of older type designs that use the tradeoff provisions of Part 36 to show compliance with that part. It was stated that an anomolous situation would be created if an airplane certificated using tradeoffs were not permitted to operate unless recertificated without tradeoffs. This same argument was raised concerning airplanes voluntarily brought into compliance with Part 36 prior to the issuance of operating noise limits. The FAA agrees with these comments. For airplanes that were in compliance with Part 36 prior to January 1, 1977, this amendment does not require recertification to Part 36 requirements without tradeoffs. This is also the case for airplanes that are shown (before or after January 1, 1977) to comply with Part 36 for the original issuance of a standard airworthiness certificate. For both classes of airplanes, the FAA believes that the increment of further noise reduction to be achieved by recertification does not justify the imposition of recertification costs.

Other comments argued that the older class of turbojets that have never been in compliance with Part 36 (i.e., those that were not designed or produced under Part 36 requirements or voluntarily brought into compliance with that part) should not be required to comply with Part 36 without tradeoffs when the newer technology airplanes may use tradeoffs. The FAA disagrees. Unlike the two cases discussed above, which involve airplanes for which a no-tradeoff requirement would involve recertification, it has been determined to be cost effective, for certain airplane types, to apply full acoustical treatment to reduce the high noise levels of previously noncomplying airplanes all the way down to compliance with Part 36 without tradeoffs. In many cases, the technology is already available. In other cases, it is expected to be available in sufficient time to permit compliance within the dates prescribed in this amendment. The degree of noise reduction this technology offers to noncomplying airplanes warrants the cost of a single retrofit requirement that does not permit tradeoffs to be used. The FAA recognizes, however, that certain of these older noncomplying airplanes either cannot comply with Part 36 without tradeoffs under any circumstances, or cannot comply at certain high weights. For those airplanes, this amendment permits the approval of the use of tradeoffs if the operator shows that, after full application of existing retrofit technology, the use of tradeoffs is required for compliance with Part 36.

In addition to the numerous comments addressing the costs that would result from the proposed regulation, many comments concerned the benefits to be expected from the rule. Several comments pointed out that complete resolution of the airport noise problem requires that state and local governments take aggressive action to achieve land-use compatibility around airports. The FAA agrees. The noise limits specified in Part 36 are the lowest noise levels that can be achieved, at the source, through reasonable application of available noise reduction technology. As stated above, the noise levels specified in Part 36 represent a significant improvement in source noise reduction, but complementary action by state and local governments, including airport proprietors, is a vital part of the overall solution to the airport noise problem.

In addition to comments relating the effectiveness of source noise reduction to the effectiveness of land-use controls, several comments addressed the direct benefits of the source noise limits as proposed. One comment stated that, if quiet nacelle treatment were required too early, this would so damage the economic condition of one carrier that it would be forced to leave older, noisier, less efficient ariplanes in service and delay the return to service of wide-bodied airplanes that were removed from service because of poor market conditions. The FAA has made every effort to ensure that this amendment will not have the counterproductive effect of extending the life of older airplanes and retarding the entry of new technology airplanes into service. As stated above, the lead times and replacement plan approval provisions in this amendment are intended to permit phased replacement of airplanes and not force the retrofitting of older airplanes to the exclusion of more effective options.

Several commentators stated that the actual perceived noise reduction from quiet nacelle retrofit is minimal and should not be required. The FAA disagrees. In terms of total fleet noise reduction, the FAA believes the requirement to achieve compliance with Part 36 will result in significant source noise reduction, and that the retrofit technology that is available for certain older airplanes will provide an important part of that overall fleet noise reduction. The FAA has given particular attention to detailed comments stating that there is no solid evidence that quiet nacelle retrofitting provides economically justifiable public health and welfare benefits. One of these comments concluded that it would be a misappropriation of financial resources to impose the burden of retrofit for so little benefit. Three conclusions are reached by the FAA in response to this comment. The first is that compliance with Part 36 through retrofit will result in significant noise benefits. Second, a firm noise ceiling, applicable to all heavy turbojets, will greatly assist state and local governments in adapting local land use to firm source noise levels. The third conclusion is that, because it encompasses both replacement and retrofit, this amendment permits the option selected by an operator to be the most cost effective means for bringing his fleet into compliance.

As a result of combined government and industry research, a safe and practicable application of acoustic technology has been developed and tested that will allow turbojet airplanes certificated prior to the adoption of Part 36 to be modified to comply with that part while maintaining full compliance with applicable airworthiness standards. The FAA, through cost-sharing contracts with industry, sponsored development of technology for acoustic treatment of engine nacelles and fan ducts of JT3D engines with sound absorbing materials (SAM), and demonstrated that it is technically feasible to modify engine/nacelle components to comply with Part 36 with airplane configurations that could be approved for air carrier operation. Under one contract, flight testing of a JT3D powered B–707 with quiet nacelles has shown the applicability of this treatment to the JT3D in a manner achieving compliance with Part 36 for these aircraft. Studies comparing the DC–8 with the B–707 indicate the general manner in which the DC–8 could also be modified to comply with Part 36 consistent with the highest degree of safety.

With regard to other aircraft types affected by the regulation, a modification to enable early production B–747's to comply with Part 36 has been approved and is available. Similarly, JT8D powered B–727, B–737, and DC–9 airplanes are being produced in configurations that comply with Part 36. This technology is appropriate for modification of previously manufactured airplanes of these types.

Appendix D of the EIS contains a detailed study of the noise reduction benefits of aircraft modifications under this amendment. It indicates that reductions at the Part 36 measuring points ranging up to 14 EPNdB will be achieved for a number of air carrier airplane types. The technological alternative of airplane modification has been thoroughly examined. The FAA has determined that SAM nacelle treatment will result in a degree of reduction of airplane noise levels that can significantly reduce annoyance. With respect to takeoff noise, for example, the absolute magnitude of the reduction in effective perceived noise decibels (EPNdB) ranges from 13 or 14 for JT3D powered airplanes, 4–6 for JT8D powered airplanes, and 3 for JT9D powered airplanes. Appendix F of the EIS discusses the subjective effects of

such noise reductions. In a letter to the FAA, referring to the above noise reductions for JT8D powered airplanes, members of The Committee on Hearing and Bioacoustics of The National Research Council of The National Academy of Sciences and The National Academy of Engineering stated:

> We believe that [these] noise reductions in aircraft noise level represent significant and beneficial improvements, which will provide meaningful and perceivable relief to airport neighbors. Recent research has indicated clearly that aircraft noise reductions on the order of 6 EPNdB are quite apparent to residents near airports and result in substantially less annoyance to those residents.

So far as cumulative noise exposure reductions are concerned, the data from the 23-Airport Study have been used by the FAA to model the effect of compliance with this amendment on a national basis. As described above, it is estimated that there are 6 million persons residing on 1,500 square miles exposed to cumulative noise levels of NEF 30 or higher and one-half million persons residing on 150 square miles exposed to NEP 40 or higher. These noise exposure levels range from substantial to very serious in terms of their adverse effect. The FAA estimates that compliance with this amendment will, by 1985, shrink the NEF 30 contours away from approximately 2.5 million persons, and the NEF 40 contours away from approximately 130,000 persons, if replacement of JT3D powered airplanes (i.e., the B-707 and DC-8) is extensive.

Under the regulatory reform policies of the Secretary and the Administrator, a comprehensive analysis of the costs and benefits of this amendment has been completed. The details of this study are shown in the Policy Statement and the appendices of the EIS, particularly Appendix D. Viable combinations of retrofit and replacement are analyzed. This study considered not only the above discussed noise benefits, but also the achievement of other important national objectives. These included the energy conservation benefits of improved fuel efficiency, the increasing importance of aeronautical exports to the national economy, the declining role of aerospace research and development as a percentage of national defense and NASA outlays, the stimulation of employment in the aerospace and related industries, and the advantages to the consumer of more advanced aircraft design and lower operating costs. Based on forecasts of aviation growth, the airport noise problem is expected to increase in the future despite the voluntary introduction of quieter aircraft. Between 1975 and 1990, annual air carrier operations are expected to increase to a degree that would create additional noise exposure which, without Federal action such as this amendment, could more than offset the reduction of noise resulting from the voluntary introduction of quieter airplanes.

The FAA has determined that this amendment is economically reasonable in its impacts. Modification of all affected aircraft would result in an investment cost over the eight-year period of some $700 million and an additional $250 million in operating costs. (This is equivalent to the information in the EIS, in connection with the cost/benefit analysis, which is expressed in terms of discounted values.) On a comparative basis, the increased outlays associated with these capital and operating costs represent less than 2 percent of estimated passenger and cargo revenues over the same timeframe. This is not more than $1.20 on the average 1975 domestic trunk airfare (which was approximately $60.00). Appendix D of the EIS describes the potential costs of this amendment more fully. In addition to the conclusion that the costs of this amendment are not excessive, the FAA also concludes, on the basis of its analysis of costs and benefits, that these costs are amply justified in terms of the significant noise reduction benefits of this amendment as also discussed in Appendix D of the EIS.

An important adjunct of the overall cost/benefit study was the possible impact of this amendment on inflationary forces in the national economy. Appendix C of the EIS contains this study, including unit cost estimates, effects on supplying industries, the economics of aircraft manufacturing, and employment impacts. The conclusion of this study is that, for all viable compliance options, the total cost of compliance will create additional direct and indirect demands on the supplying industries of 1.5 percent or less of projected output in any year, and that the modification and replacement programs will, at most, raise industry output to its peak 1968 levels. It was also concluded that there should not be any pressure on wages in particular professional or labor occupation groups. It is concluded that no identifiable inflationary pressures on wages or prices are expected through the issuance of this amendment.

In summary, after consideration of all of the issues discussed herein and in the Policy Statement and the EIS, the FAA has determined that this amendment is economically reasonable, technologically practicable, and appropriate to the particular airplane types to which it applies.

D. SAFETY

Responding to the EPA proposal, one commenter stated that sufficient research has not been conducted to determine the effects that retrofitting with currently available technology may have on the safety of flight of small business jets. That commenter opposed a requirement to retrofit those airplanes on grounds that adequate research has not been conducted.

Other commenters stated that adequate deicing systems for SAM treated engine nacelles are not available and that retrofit may require a change in fire detection and fire extinguishing procedures.

The FAA agrees that the noise levels in Part 36 should not be made applicable to civil subsonic turbojet engine-powered airplanes with maximum weights of less than 75,000 pounds at this time. Evaluations indicate that technology is not currently available to justify applying such a requirement across the board to all aircraft in this class. However, the FAA will continue to evaluate this matter and may propose, at a later date, that Part 36 noise requirements be made applicable to those airplanes, if appropriate technology becomes available and is shown to be economically reasonable and acoustically effective. This is more fully discussed below.

With regard to the comments concerning deicing systems and fire detecting and extinguishing systems, it should be noted that these matters will be given full consideration during certification tests and that safety will not be compromised.

A question was raised concerning the safety of an inlet ring in some of the SAM designs. The use of inlet rings on the affected aircraft configurations has been investigated from the standpoint of safety, and it has been determined that designs can be developed that will meet applicable airworthiness requirements.

In conclusion, the FAA emphasizes that, for the aircraft covered by this amendment, compliance with the requirements set forth in this amendment can be achieved in a manner consistent with the highest degree of safety.

E. ENERGY AND AIR QUALITY

Although there are several ways to achieve compliance with this amendment, most commenters critical of the proposals discussed problems associated with retrofit. In this connection, nearly all of those commenters asserted that retrofit would result in a substantial increase in fuel consumption. One commenter asserted that retrofit would derogate efforts currently being made to reduce petroleum consumption. Others estimated that the increase in fuel consumption would result in substantially higher operating costs.

The FAA disagrees with these comments. Extensive engine performance tests have been conducted to evaluate the effects of retrofit. These tests indicate that retrofitting the affected airplanes would result in a maximum of one percent increase in fuel consumption for most airplanes. This increase would constitute an 0.67 percent increase in air carrier fuel use, or an overall 0.43 percent increase in use of aviation fuel if the annual fuel consumption of all aircraft is considered. Moreover, aviation fuel consumption amounts to only 13 percent of the total consumption of fuel in the United States for transportation purposes. Energy expended on transportation constitutes approximately 24 percent of the total consumption of energy in the United States each year. Based on these statistics, retrofit would increase total energy consumption in the United States by no more than 0.013 percent annually. Accordingly, the FAA concludes that only minimal fuel consumption increases will result from retrofit modifications.

In addition, based on evaluations conducted, the FAA concludes that emissions from retrofitted airplanes will have a

negligible effect on air quality and will comply with emission standards established by the EPA. Since the modifications involved in retrofit would not involve changes to the combustion chambers, no fundamental change in the emission generation process is expected. No changes in thrust are expected during idle and taxi. Therefore, emissions associated with ground operations, which are the most critical with respect to the airport impact on air quality, are not expected to be changed.

By the compliance dates specified, it is reasonable to expect that some attrition will reduce the number of aircraft that might have had to be retrofitted if compliance with Part 36 were required at the present time. Based on such considerations, operators may elect to retire, rather than retrofit, some of those airplanes before the compliance dates, or may choose to replace others with new technology aircraft before that date. One result of such decisions would be smaller energy consumption increases attributable to retrofit.

Therefore, the FAA concludes that requiring the airplanes specified in this amendment to comply with Part 36 noise requirements by the dates prescribed, in addition to being necessary to protect the public from aircraft noise, will have a negligible effect on energy consumption and air quality.

F. MISCELLANEOUS

A number of comments contained observations regarding certain legal aspects of the proposals. In this connection, one commenter stated that the FAA should be concerned with the noise reduction of miiltary aircraft.

Section 611, which sets forth the noise abatement duties of the FAA, is in Title VI of the Act, which title authorizes the regulation of civil rather than public (including military) aircraft. Under that title, the FAA is not authorized to prescribe noise regulations controlling the design of military or other public aircraft.

Another comment stated that it would be arbitrary and discriminatory to apply the requirements of Part 36 only to airplanes with maximum weights greater than 75,000 pounds. This comment stated that such a weight distinction would unfairly burden the operators of the heavier aircraft as compared with the operators of lighter aircraft that are in direct competition with them. This weight distinction has been utilized in this amendment to identify those aircraft for which replacement or modification has been determined to meet the economic and technological considerations specified in section 611(d). For smaller airplane types, an across-the-board noise limit has not been shown to be economically reasonable, or technologically practicable at this time.

Finally, one commenter expressed concern that inspection and routine maintenance may become more difficult if retrofit is used to meet Part 36 requirements. That commenter cited as a particular problem the need for a hoist to remove the heavy nacelle lining of one type of airplane. The FAA notes that the SAM retrofit kit was designed to minimize the difficulties associated with the normal maintenance of aircraft engines. Moreover, it should be further noted that a hoist already is employed for routine engine removal and replacement.

VI. NOTICE OF DECISION NOT TO PRESCRIBE CERTAIN AMENDMENTS

Under section 611(c)(1)(B) of the Act, if the FAA elects not to prescribe an amendment in response to an EPA proposed regulation, the FAA must publish in the FEDERAL REGISTER a notice that it is not prescribing a regulation based on that proposal. In two respects, the FAA has elected, after comprehensive review, not to prescribe part of the regulation as proposed by EPA at this time. These involve the applicability of operating noise limits to airplanes engaged in foreign air commerce and to turbojets with maximum weights of 75,000 pounds or less.

A. AIRPLANES IN FOREIGN AIR COMMERCE

Under proposed § 91.301(b) in Notice 75–6, the noise requirements of Part 36 would be applicable to a civil subsonic turbojet engine-powered airplane having a foreign registration certificate.

Notice 74–14 contained an extensive discussion of the factors that must be considered in determining whether Part 36 noise requirements should be made applicable to foreign registered aircraft. In this connection, the FAA stated that "it is preferable that environmental problems affecting international civil aviation, like other aviation problems affecting more than one nation, be resolved by the International Civil Aviation Organization" (ICAO). On the other hand, the FAA observed that "equal and nondiscriminatory application of economically reasonable noise standards, to all operators, is an appropriate noise regulatory policy." While the notice proposed that Part 36 requirements be made applicable to foreign registered aircraft, the FAA stated that it would carefully review comments received from foreign and U.S. operators before taking any action on that proposal.

Several commentors expressed support for a proposed rule that would make Part 36 requirements applicable to those airplanes. However, comments received from nearly all foreign operators and governments and international airline groups expressed opposition to that proposal.

Most commenters opposing the proposal criticized the taking of unilateral action by the United States. In this connection, many of these commenters expressed their belief that noise standards affecting foreign operators should be developed in the ICAO forum. One commenter stated that the Council of ICAO has emphasized the need for all member states to refrain from unilateral action. The same commenter also observed that the ICAO Committee on Aircraft Noise has recorded the view that states should not apply national regulations to aircraft of other states without a prior bilateral or multilateral agreement. Others recommended negotiations to arrive at such agreements, stating that unilateral action is not in accordance with accepted international practice and not in the best interest of aviation. Noting that technical capabilities and environmental needs vary among nations, another commenter argued that a lack of formal international policy consistent with these considerations will lead to the enactment of conflicting unilateral requirements and perhaps to unmanageable international problems.

Comments cited Annex 16 to the Chicago Convention as the basis for their opposition to unilateral action. One commenter stated that tradeoffs should be allowed for retrofitted aircraft in accordance with Annex 16. That commenter contended that it would be extraordinary and unsatisfactory if an aircraft were not allowed to operate into and out of the United States, even though fully complying with that Annex and allowed to operate into and out of other ICAO member states. While observing that the standards of Part 36 are more severe than those of Annex 16, another commenter objected to the international application of Part 36 stating that the United States was a party to the introduction of Annex 16.

Other commenters based their objections on considerations of basic fairness. Several observed that foreign operators would be compelled to convert their entire fleets to comply with Part 36 requirements even though the modified airplanes would only infrequently serve U.S. airports. One commenter asserted, in essence, that operations into and out of the United States by foreign registered aircraft are minimal when compared to total U.S. operations, and that if foreign aircraft were subjected to Part 36 requirements, the benefit to the U.S. public would be insignificant.

Some commenters addressed the economic and technological considerations that would be involved if foreign registered aircraft were required to comply with Part 36. In this regard, one such commenter stated that certain aircraft operated into the United States can, after being retrofitted, meet current Part 36 requirements if tradeoffs are allowed. However, it was stated that other aircraft could meet ICAO Annex 16 noise levels but could not meet Part 36 noise levels even if Part 36 tradeoffs are permitted. Another contended that "hush kits" do not currently exist for some of its aircraft and that it cannot foresee their availability. That commenter further contended that retrofit for those aircraft could probably never be accomplished economically and that expensive reengining is not a feasible alternative.

Finally, one commenter asserted that foreign registered aircraft should not be affected by the proposal until basic environmental data is presented to show the need for such action.

The FAA believes that these issues are best resolved, in the first instance, at the international level. The importance of

international negotiation is stressed in the "International Air Transportation Policy of the United States," issued by the President on September 8, 1976. As stated in that document (and in the November 18, 1976, Policy Statement), the United States encourages agreement on international environmental issues through the ICAO forum where consistent with domestic legal requirements. This policy is intended to promote equal treatment for foreign and domestic carriers through international regulations and preclude any unwarranted economic advantages or disadvantages for competing carriers which would be created in a world air transportation environment characterized by diverse national noise requirements.

Under this policy, every effort will be made to obtain ICAO agreement on application of noise standards for existing aircraft in international operations. If it proves impossible to obtain international agreement on adequate aircraft operational noise standards, the United States, as discussed below, will develop U.S. national standards, applicable to airplanes engaged in foreign air commerce, in order to protect public health and welfare.

ICAO currently is studying noise reduction modifications with the aim of achieving an international agreement on that subject. In light of this and the potentially disruptive effect that action by the United States at this time could have on the orderly development of international noise abatement standards, which could benefit many nations, the FAA believes that it would be inappropriate at this time to make Part 36 requirements applicable to foreign registered aircraft. However, as stated in the Policy Statement, the United States will seek early agreement through ICAO on operational noise standards and an international schedule for compliance with Annex 16 or Part 36. If such agreement is not reached by January 1, 1980, the FAA will taken regulatory action to require all airplanes engaged in foreign air commerce to comply with Part 36 or Annex 16, during the period ending on January 1, 1985, at a phase rate of compliance similar to that established for domestic operations. The requirements ultimately applied to U.S. international flag carriers will not be more stringent than those applied to foreign air carriers, since this would place these U.S. air carriers at an economic disadvantage if they had to comply with noise standards more restrictive than those that apply to similar airplanes operated by foreign operators. Where U.S. air carriers serve both domestic and foreign routes, the requirements that are adopted for foreign registered airplanes will also be applied to the portion of the U.S. fleet engaged in foreign air commerce.

In summary, pending the development of international or U.S. operating noise limits for aircraft in foreign air commerce, this amendment does not apply to operators of foreign registered airplanes. In addition, to prevent unjust discrimination against the operators of U.S. registered airplanes that operate over the same routes as foreign registered airplanes, this amendment does not apply to the portion of the fleets of U.S. registered airplanes that are engaged in foreign air commerce. For this purpose, this amendment provides for approval of methods of determining the portion of each operator's fleet that is engaged in foreign air commerce. For example, one such method would be the number of takeoffs and landings, during a representative base period, that were conducted by an operator's fleet in foreign air commerce as a percentage of the total takeoffs and landings of that fleet (in foreign and other air commerce) during that base period. This amendment does not prejudge the method of apportionment that may be most appropriate for each fleet.

B. AIRPLANES WEIGHING 75,000 POUNDS OR LESS

As noted above, the EPA proposal applied to all civil subsonic turbojet engine-powered airplanes regardless of the weight of those airplanes. In Notice 75–5, the EPA expressed its belief that all of those aircraft, which currently do not meet the noise levels of Part 36," * * * are capable of meeting those levels by applications of various retrofit or re-engine options." EPA noted that "[s]ince all newly produced airplanes of that type (less than 75,000 pounds) must comply after January 1, 1975, with the noise levels prescribed in Part 36 (§§ 21.183(e) and 36.1(d)) of the Federal Aviation Regulations, there appears to be no valid justification to permit those airplanes in the existing fleets to be operated indefinitely at their present noise levels."

One commenter stated that retrofit solutions are available for all general aviation aircraft either in the form of noise suppressors, retrofits to the engines and nacelles, or retrofit powerplants. On the other hand, many others asserted that applying the requirements of Part 36 to aircraft weighing less than 75,000 pounds is unrealistic from a technological standpoint. In this connection, a number of commenters stated that "hush kits" have not been developed for their aircraft. One of those observed that, even if such a kit were developed for its aircraft, it would need tradeoffs to achieve compliance with Part 36. Others stated, in essence, that more time is needed for development of appropriate kits, one noting that the kits are in the engineering and development stages and in most cases there is no evidence as yet that they will function properly or be available in time to meet the compliance date. Also questioning the performance of available technology, another comment stated that the only "hush kit" available for small jet aircraft is of questionable value with respect to performance, safety, maintainability, and noise suppression capability.

Some persons based their objections on grounds that large airplanes, rather than those weighing less than 75,000 pounds, are responsible for the noise problem. Contending that large air carrier aircraft are the major cause of the problem, one commenter concluded that aircraft weighing less than 75,000 pounds should be given consideration in a separate notice of proposed rule making. Others argued that, if cumulative noise is the problem, scheduling is more significant than noise levels. In this regard, one commenter observed that business jet operations are sporadic while constant commercial operations at some airports are the cause of the noise problem. Based on this consideration, that commenter asserted that the public health and welfare is not endangered at the airports where jet operations are intermittent.

Some commenters cited operational noise abatement procedures as an alternative to compliance with Part 36 noise levels for aircraft weighing less than 75,000 pounds. Noting that testing of those procedures is going on at the present time and that positive results have been realized, one commenter asserted that more testing should be conducted to determine if there is a realistic alternative to compliance with the stringent regulatory requirements of Part 36. Another commenter contended that noise abatement procedures would be a realistic alternative if appropriate fines were levied on persons failing to observe those procedures. Operating procedures were also advocated by a commenter who argued that noise suppression devices, among other things, reduce engine efficiency and should not be required.

Other comments expressed the view that Part 36 requirements for business aircraft are unnecessary or, at the very least, should be delayed. With regard to necessity, several persons stated that normal attrition will eliminate the need to modify those aircraft. One commenter suggested that, to minimize the burden on industry, noise suppression should be accomplished when engine overhaul or replacement becomes necessary. Several persons suggested that plans to retrofit aircraft should be abandoned and that noise abatement should be focused on the next generation of small aircraft. This argument is based on their belief that, due to the new emission standards soon to become effective, many aircraft may have a useful life of two years or less.

Finally, many comments submitted in response to the proposal addressed the issue of economic reasonableness. In this connection, many persons asserted that the substantial cost of compliance is unreasonable in view of the minimal reduction in noise that would be realized, or asserted that the cost of substantial reductions in noise levels would be excessive. Also focusing on the cost of compliance, others stated that retrofit or re-engining would, in some cases, exceed the value of the airplanes to be modified, and would cause operators to dispose of their aircraft with resulting negative effects on employment and the economy. Still others stated that the proposal is unfair

since it would be more restrictive and costly when applied to business and corporate aircraft than when applied to large, commercial aircraft.

As stated above, the FAA does not regard operational noise abatement procedures as a viable alternative to retrofit or related means of noise suppression at the source. On the contrary, retrofit or reengining are a means to achieve compliance with Part 36 noise requirements at the time of certification. Operational noise abatement procedures are considered an appropriate means to further reduce noise where circumstances warrant.

On the other hand, the FAA believes that the noise reduction benefits, technological practicability, cost effectiveness, and economic impact of applying the proposed requirements, across the board, to all turbojets weighing 75,000 pounds or less have not yet been adequately determined.

As noted above, section 611(d) of the Act requires the FAA to consider whether its noise regulations are economically reasonable, technologically practicable, and appropriate to the particular type of aircraft to which they apply. The FAA has determined that there are noise reduction modifications that can be applied, during the original design and manufacturing of the smaller turbojet types, in a manner that complies with Part 36 consistent with the economic and technological constraints of section 611(d). However, in many cases, these modifications involve re-engining or other substantial redesign efforts that, while reasonable when spread over the production run, appear at this time to be of doubtful cost effectiveness if accomplished by retrofit. Unlike the economics of the mass fleet modification of heavy air carrier aircraft, or the economics of aircraft type design changes incorporated during the original manufacturing process, there is as yet no clear evidence that currently operating business or private jets weighing 75,000 pounds or less can be taken out of operation and retrofitted in an economically reasonable manner. This conclusion also applies with respect to regulatory action that might force the retirement of these aircraft. Unlike the larger aircraft types, for which the replacement or modification options have been shown to be reasonable and practicable under the terms of this amendment, more must be known regarding the economic factors involved in the application of operating noise limits to turbojets weighing 75,000 pounds or less. Many of the smaller turbojets are the major aeronautical investment of the corporations they serve. They are frequently the only airplane, or one of very few airplanes, owned by the operator. These airplanes are extremely varied in their missions. Their operating economics have not yet been summarized, in sufficient depth, to permit an adequate assessment of the probable impact of an across-the-board post-certification retrofit requirement. The supply problems affecting the small engine manufacturers also require further study before the overall impacts of specific compliance dates can be assessed.

In view of the fact that the retrofit of currently operating turbojet airplanes weighing 75,000 pounds or less would in most cases involve new airplane design and development programs, and considering that such major redesign involves the need for further data concerning the effects of such retrofit on safety, fuel consumption, flight performance, operating economics, maintenance, and emission propagation, the FAA concludes that operating noise limits for turbojet airplanes weighing 75,000 pounds or less cannot be adopted at this time in a manner that is fully consistent with the constraints in section 611(d) of the Act. However, the FAA is expanding its comprehensive analysis of the public impact of aircraft noise. This effort is part of a broad FAA review of the national aviation system aimed at determining the environmental benefits and related costs of source noise controls, operating procedures, and land use planning. This study includes investigations of the noise impacts of different aircraft classes (including the smaller business jets), new technology that might be applied in each class, and forecasts of the growth of each class. As the results of this study become available over the next two years, FAA will undertake such further actions as may be appropriate.

(Sec. 307, 313(a), 601, 603, 604, and 611, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, 1423, and 1424, and 1431 as amended by the Noise Control Act of 1972 (Pub. L. 92-574)); Section 6(c), Department of Transportation Act (49 U.S.C. 4321 et seq.); Executive Order 11514, March 5, 1970.)

In consideration of the foregoing, the Federal Aviation Administration hereby takes the following actions based on Notice 74-14, and in response to the proposed regulation submitted to it under section 611(c)(1) of the Act by the U.S. Environmental Protection Agency which was published as Notice 75-5 (40 FR 8218; February 26, 1975), regarding operating noise requirements for civil subsonic turbojet engine-powered airplanes:

(1) In accordance with section 611(c)(1)(B) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1431(c)(1)(B)), Notice is hereby given that, for the reasons stated in Section VI, above, the Federal Aviation Administration is not prescribing regulations, at this time, in response to the portions of the proposals submitted by EPA and contained in Notice 75-5 regarding the adoption of operating noise limits for turbojet airplanes having maximum weights of 75,000 pounds or less and for airplanes engaged in foreign air commerce.

(2) In accordance with section 611(c)(1)(A) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1431(c)(1)(A)), Part 91 of the Federal Aviation Regulations (14 CFR Part 36) is amended, effective January 24, 1977, by adding a new Subpart E to read as follows:

Subpart E—Operating Noise Limits

Sec.
91.301 Applicability; relation to Part 36.
91.303 Final compliance.
91.305 Phased compliance: Parts 121 and 135.
91.307 Foreign air commerce.
91.309 to 91.399 [Reserved]

AUTHORITY: Secs. 307, 313(a), 601, 603, 604, and 611, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, 1423, 1424 and 1431 as amended by the Noise Control Act of 1972 (Pub. L. 92-574)); sec. 6(c), Dept. of Transportation Act.

Subpart E—Operating Noise Limits

§ 91.301 Applicability; relation to Part 36.

(a) This subpart prescribes operating noise limits that apply, in the United States, to the operation of U.S. registered civil subsonic turbojet airplanes with maximum weights of more than 75,000 pounds, and having standard airworthiness certificates. It includes operations under this part, and Parts 121, 123, and 135 of this chapter, but does not include operations under Part 129 of this chapter.

(b) Unless otherwise specified, all references in this subpart to Part 36 refer to 14 CFR Part 36, including the noise levels in Appendix C of that part notwithstanding the provisions of that part excepting certain airplanes from those noise levels, and notwithstanding the tradeoff provisions of that part except as provided in paragraph (c) of this section.

(c) Tradeoffs may be used for the following airplanes:

(1) Airplanes shown to comply with Part 36 before January 1, 1977.

(2) Airplanes shown to comply with Part 36 prior to the issuance of an original standard airworthiness certificate on or after January 1, 1977.

(3) Airplanes for which the operator shows that, after full application of existing technology, the use of tradeoffs is required for compliance with Part 36.

§ 91.303 Final compliance.

On and after January 1, 1985, except as provided in § 91.307, no person may operate any airplane covered by this subpart, in the United States, unless that airplane has been shown to comply with Part 36.

§ 91.305 Phased compliance: Parts 121 and 135.

(a) Except as provided in § 91.307, each person operating airplanes covered by this subpart under an operating certificate issued under Parts 121 or 135 of this chapter shall comply with this section with respect to airplanes operated under that certificate.

(b) Unless scheduled for replacement in a plan approved under paragraph (c) of this section, airplanes shall be shown to comply with Part 36, or may not be operated in the United States, in accordance with the following schedule:

(1) By January 1, 1981:

(i) At least one quarter of the airplanes in each airplane type that has four

engines with no bypass ratio or with a bypass ratio less than two.

(ii) At least one half of the airplanes in each other airplane type.

(2) By January 1, 1983:

(i) At least one half of the airplanes in each airplane type that has four engines with no bypass ratio or with a bypass ratio less than two.

(ii) All other airplanes.

(c) Airplanes may be operated if, under an approved plan, replacement airplanes have been ordered and are scheduled for delivery prior to January 1, 1985, but not after the dates specified in the plan. For the purpose of this paragraph, replacement airplanes are airplanes shown to comply with Part 36 prior to the issuance of an original standard airworthiness certificate.

§ 91.307 Foreign air commerce.

A person may elect not to comply with this subpart with respect to that portion of the airplanes operated by him and shown, under an approved method of apportionment, to be engaged in foreign air commerce.

§§ 91.309—91.399 [Reserved]

NOTE: The FAA has determined that this document contains a major action requiring the preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107 and certifies that an inflation impact statement has been prepared.

Issued in Washington, D.C., on December 17, 1976.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.76-37648 Filed 12-22-76;8:45 am]

[Docket No. 13243; Amdt. 36-6]

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Noise Regulations for Propeller-Driven Small Airplanes Submitted to the FAA By the Environmental Protection Agency; Notice of Decision

This document contains an amendment to Part 36 of the Federal Aviation Regulations (14 CFR Part 36) and a notice of decision not to prescribe certain additional amendments to the current noise certification standards and test procedures applicable to propeller-driven small airplanes. This action is in response to recommended regulations submitted to the Federal Aviation Administration (FAA) on December 6, 1974, by the U.S. Environmental Protection Agency (EPA), under section 611(c) of the Federal Aviation Act of 1958, as amended, which were published in a notice of proposed rule making identified as Notice 74-36. The amendment to the Federal Aviation Regulations (FARs) is based on the EPA proposals and involves (1) an increase in the number of test flights over the measuring point; (2) an increase in the substitute "D_{80}" distances used in the performance correction formula when the actual distance is not listed in the approved performance information; and (3) a revision of the noise test engine power setting. This document also contains the FAA's decision, pursuant to section 611(c)(1) of the Federal Aviation Act of 1958, as amended, not to prescribe further amendments to the Federal Aviation Regulations based upon the remaining proposals contained in the EPA recommended regulation (Notice 74-39) regarding noise standards and procedures for propeller-driven small airplanes. However, as part of its response to the EPA recommended regulation, the FAA is also issuing a separate notice of proposed rule making (NPRM) under section 611(b)(1) of the Federal Aviation Act of 1958, as amended, containing a proposal that is beyond the scope of the EPA recommended regulation in Notice 74-39. That NPRM is published in the "Proposed Rule" portion of today's FEDERAL REGISTER. If adopted, the proposed rule would apply to small propeller-driven airplanes designed for "agricultural airplane operations," or for dispensing fire-fighting materials, which do not comply with the noise limits of FAR Part 36, and would prohibit operation except to the extent necessary to accomplish the work activity directly associated with the purpose for which the airplane is designed.

I. REGULATORY PROCEEDING HISTORY

On December 31, 1974, the FAA issued FAR Amendment 36-4 (40 FR 1029; January 6, 1975) to prescribe noise standards and procedures for propeller-driven small airplanes. FAR Amendment 36-4 was basd upon FAA Notice 73-26 published October 10, 1973 (38 FR 23016).

On December 6, 1974, the EPA submitted to the FAA proposed amendments to the Federal Aviation Regulation for consideration and publication in the FEDERAL REGISTER under section 611(c) of the Federal Aviation Act of 1958, as amended ("the Act"). Accordingly, the FAA issued Notice 74-39 containing EPA's recommended regulations and a notice of publication regarding the notice of proposed rule making. Those notices were published on January 6, 1975 (40 FR 1061), and January 3, 1975 (40 FR 820), respectively.

Pursuant to section 611(c) of the Act and based upon a notice published January 30, 1975 (40 FR 4478), on March 3, 1975, a public hearing was held in Washington, D.C. to receive oral and written presentations on the matters contained in the notices. Interested persons were also afforded the opportunity to submit written comments to the regulatory docket.

After due and careful consideration of the information provided by the EPA and by the written and oral comments presented at the public hearing, or submitted to the regulatory docket, and after consultation with the EPA and with the Secretary of Transportation, the FAA concludes that it should adopt certain amendments to the FARs contained in the EPA recommended regulation but that it should not prescribe regulations based on other EPA proposals.

Forty-four written or oral comments in response to Notice 74-39 were received from private citizens, citizens groups, state and local governments, aviation trade and user associations, and aircraft manufacturers. These comments, including the five oral presentations at the public hearing, address or affect the EPA proposals discussed below.

II. AMENDMENTS TO THE FEDERAL AVIATION REGULATIONS

A. TEST FLIGHT PROCEDURES

FAA Notice 73-26 (38 FR 28016; October 10, 1973) proposed to require a minimum of four horizontal test flights at maximum continuous power 1000 feet over a single noise measuring station to demonstrate compliance with the proposed noise level requirements. The EPA in response to that NPRM recommended that a minimum of six test flights should be required. The EPA contended that at least six flights (as required for turbojet and turbofan powered aircraft under FAR Part 36) are necessary to establish an adequate sample size to properly evaluate the noise emission of an airplane regardless of aircraft size. Based on the EPA recommendation and public comments submitted to the docket, the FAA adopted the EPA's recommendation in FAR Amendments 36-4 (§ F36.111). The FAA believes that the adoption of this recommendation has significantly improved the achievement of the confidence level of the noise data and evaluation in the noise certification test procedure for propeller-driven small airplanes. Since the FAA has already adopted this proposal in a previous amendment, further regulatory action is not needed in this proceeding.

Three commenters addressed the issue of the number of required test flights. Two simply agreed with the proposal without explanation. However, one commenter reported that its experience with noise measurement for German and Swiss noise certification has shown that four measurements are sufficient, if the measured levels difference is 1.5 dB(A) or less. The additional measurements are conducted only if that condition is not satisfied. The FAA is aware of this reported experience and procedure. However, as stated in the preamble to FAR Amendment 36-4, the FAA concluded that the six-flight requirement is necessary to achieve the required confidence level under FAR Part 36 Appendix F.

B. PERFORMANCE CORRECTION

The EPA stated in its recommended regulation (Notice No. 74-39) that it believed that the performance correction concept, which had been proposed (and subsequently adopted) by the FAA, was reasonable, but that it needed minor changes, including an additional factor to account for any difference between the aircraft test speed and the aircraft take-off speed. (Proposed § F36.201(b)).

The FAA and EPA each recognizes that the measurement of noise levels only during level flight has one deficiency; it does not account for the take-off performance of an aircraft.

The perceived and measured noise levels depend upon both the noise energy

of the source and distance between the noise source and the sound measuring device. Thus, the performance of the aircraft directly affects the level of noise perceived or measured on the ground. While the sound energy generated is constant for a given engine power setting (such as takeoff or maximum continuous), the noise level at the ground is dependent upon the climb path. In demonstrating takeoff noise, the steeper the climb, the higher the airplane above the measuring point, and the lower the measured or perceived noise level.

The level flight noise certification procedure prescribed for propeller-driven small airplanes does not itself provide information on the relationship between airplane performance and noise exposure on the ground. For example, two airplanes with the same power plant would be expected to produce about the same noise level over the measuring station at a height of 1000 feet, even though the total weight of one may be substantially greater than the other. However, for the reasons given above, a higher performance airplane (greater horsepower to weight ratio) would be expected to have the capability of achieving a higher altitude sooner, thus, producing less community noise impact and reduced perceived noise at the noise measuring point. To compensate for this factor in the simple flyover certification procedure, the FAA rule and the EPA proposal provide a "performance correction methodology" which would benefit airplanes with good take-off performance. As stated in the preamble of Notice 73–26, the proposed correction reflects the importance of good performance in removing the airplane as a noise source from the airport environs as rapidly as possible. As adopted by the FAA in Amendment 36–4, the performance correction factor is computed by using the following formula:

$$\Delta dB = 60 - 20 \log_{10} [(11430 - D_{50})(R/C)/V_y + 50]$$

Where: Δ dB is the correction that must be added algebraically to the measured values (limited to ±5 dB); D_{50} is the takeoff distance in feet from brake release to a point at which the airplane is at a height of 50 feet at maximum certificated takeoff weight; R/C is the certificated best rate of climb in feet per minute; and V_y is the airplane speed in feet per minute corresponding to the best rate of climb. When D_{50} is not listed in the approved performance information, the FAA correction procedure requires the use of 1,375 feet for a single engine airplane and 1,600 feet for a multi-engine airplane.

The EPA concurred with the concept, but proposed modifying the correction factor formula to read:

$$P = 60 - 20 \log [(11{,}500 - D_{50}) \sin \alpha + 50] - 10 \log (V_h/V_y)$$

Where: $\alpha = \arcsin (R/C)/V$; V_h = maximum speed (expressed in feet per minute) in horizontal flight at maximum continuous power or maximum test speed over the noise measuring station averaged for all test flights, whichever is greater; and V_y = best rate of climb speed at maximum takeoff weights, expressed in feet per minute.

In its recommended regulation, the EPA stated that it was concerned with the FAA substitute D_{50} distance, because it believes that the distances of 1,375 and 1,600 feet are too short and that manufacturers of low performance airplanes might, therefore, choose not to list the actual D_{50} distances. To encourage the manufacturers to determine performance correction factors based upon actual performance characteristics, the EPA proposed to increase those distances to 2,000 feet for single-engine airplanes and 3,000 feet for multi-engine airplanes. The current rule (§ F36.201 (d)) uses approximate average distances for existing airplane types and models.

The FAA agrees with the EPA that the goal of the performance correction procedure is to create a regulatory incentive for increasing the performance of propeller-driven small airplanes. Thus, the substitute D_{50} distance (for use when an actual D_{50} takeoff distance is not listed in the approved performance information) should be more representative of approximately the longest D_{50} distance of current types and models of propeller-driven small airplanes. However, the FAA believes that the 3,000-foot distance (for multi-engine airplanes) recommended by the EPA exceeds the longest actual distance of any current type or model and, therefore, would result in an excessive penalty.

FAA review indicates that the longest D_{50} distances of current single-engine and multi-engine airplanes are approximately 2,000 feet and 2,700 feet, respectively. These distances are adopted in this amendment.

The EPA also noted that aircraft under test conditions (i.e. horizontal flight, maximum continuous power at 1,000 feet height above the test site) can be expected to fly over the test site at a speed greater than the takeoff climb speed. Therefore, the duration of the sound would be less under test conditions than the duration of sound experienced under or alongside an actual takeoff flight path. To better assess the noise measured under the specified test conditions, the EPA proposed to correct the noise level for performance (10 log (V_η V_γ)) to account for the change in speed which results in a change in noise duration. The measurement of duration is a factor in EPNL, also proposed by the EPA, but does not affect noise measurements using A-weighted dB, adopted by the FAA for the reasons discussed in the preamble to Amendment 36–4 and below. The FAA concludes that FAR Part 36 noise levels include consideration of performance and of noise duration and that further correction of measured data is not needed.

Four commenters responding to Notice 74–39 discussed the EPA proposed test performance correction. One commenter stated that while the performance correction contained in the proposed rule acknowledged the superior takeoff performance of turboprop aircraft, it is inadequate when related to the 11,500 feet correction distance point. The commenter felt that the correction should be related to the 21,000 feet (3.5 n.m.) point for better consistency with the FAR Part 36, Appendix C procedure which is applicable to propeller-driven large airplanes.

The FAA disagrees, since the purpose of the correction procedure is to reward those aircraft with good takeoff performance which will result in lower community noise impacts. The 3.5 n.m. point is used in the certification of large and jet powered aircraft but is not representative of noise impact-area at general aviation airports which primarily serve propeller-driven small airplanes.

Another commenter suggested that the certified best rate of climb (R/C) and corresponding airplane speed (V) must be determined from data for "aircraft in clean configuration." The FAA notes that these factors are measured during the airworthiness certification of the aircraft where it is also in the applicant's best interests to insure that these values are derived with the aircraft in a clean configuration. Therefore, leaving the choice of configuration to the applicant (as is presently done) will generally achieve the result sought by the commenter. The FAA believes it is not necessary to require noise certification testing in a clean configuration.

One commenter indicated that there is a need for a special factor for a fixed-pitch propeller in the performance correction formula. According to the commenter, this need arises from the fact that while the noise from the propeller rises at a rate almost linearly with the rotational Mach number (tip speed/speed of sound), the aerodynamic performance of a fixed-pitch propeller does not rise as rapidly as it does for a variable-pitch propeller. However, since the purpose of the performance correction is to reward the better noise reduction designs, the FAA does not agree. The commenter's recommendation would, in effect, provide an increased benefit to a noisier aircraft design feature, and thereby negate the intended incentive for employing the better designs.

Another commenter recommended that to obtain the equivalent of EPNL data, the correction should be made to the 1,000-foot altitude horizontal flight measurements, rather than to the takeoff climb data. This commenter felt that if the manufacturer does not choose to use actual takeoff distances in calculating the correction to his EPNL, he should be required to use distances which do not permit rating the airplane quieter than it is. While the commenter may be confusing a decrease in perceived or measured noise levels due to improved climb performance with a decrease in noise produced by an airplane, the FAA agrees that the incentive to develop better performance designs should not be limited to those airplanes which already have better than average performance characteristics. A manufacturer who does not list the actual D_{50} distance in the approved performance information should be required to use the approximate D_{50} distance of the current lowest performance airplane when calculating the performance correction. Thus, the com-

menter's argument has been essentially accepted in adopting the amendment.

The effect of a longer substitute D_{50} distance than that prescribed in FAR § F36.201 would be an increased incentive for aircraft manufacturers who do not achieve the average takeoff performance. The intent of the Noise Control Act of 1972, upon which the FAA and the EPA actions are based, is in part, to encourage the early and widespread application of the best available noise reduction technology consistent with economic reasonableness. With this objective in mind, the FAA analyzed the effects of the correction procedures proposed by the EPA and those adopted in FAR Amendment 36–4. As the EPA acknowledges, the differences are relatively minor and the precise effects on the takeoff performance of future aircraft types are not completely predictable; however, the FAA's analysis indicates that the procedure adopted in FAR § F36.201 does not create an adequate climb performance incentive, since it does not consistently apply to those airplanes which have less than average takeoff performance and which are not required to include the actual D_{50} distance in approved performance information during certification. Therefore, the FAA agrees that § F36.201 should be amended to create an increased incentive to produce aircraft with improved performance capabilities. The FAA concludes that the EPA proposal, as modified, accomplishes that purpose. Thus, the FAA is adopting the EPA recommended regulation regarding this proposal, as modified.

C. ENGINE POWER SETTING

The EPA proposed rule (§ F36.111(b)) would require that demonstration test overflights be performed at the "highest propeller rotational speed (rpm) corresponding to rated maximum continuous power," and that accelerated flight be measured and reported. Appendix F of FAR Part 36, as adopted in FAR Amendment 36–4, currently prescribes the test requirement in terms of "rated maximum continuous power" which necessarily has a corresponding rotational speed.

The EPA recommended regulation in Notice 74–39 does not discuss the purpose of the proposed redefinition of the required power setting and neither of the commenters on this proposal provided any reason for their positions (one in favor, one opposed) or what, if any, impact the amendment would have. However, the EPA project report submitted to the FAA indicates an intention to delete the current requirement for a specific engine power setting. The EPA reasons that, since the effectiveness of applied noise control techniques would be determined at the highest propeller rotational speed (rpm) corresponding to maximum continuous power, the resulting test data would be valid for other power settings as well. Further, since takeoff power (when available), is used only for takeoff and a relatively short portion of the climb path, after which power is reduced to less than takeoff power, the reduced power is appropriate in the horizontal flight test procedure, if the overflight is performed at the corresponding highest propeller rotation speed.

The FAA agrees, in general, particularly since use of takeoff power is limited to the period of time shown in the approved engine specification, but notes that "rated maximum continuous power" is a term of engine rating generally applicable only to engine certification and not to aircraft certification or operation. The FAA agrees that the current engine power requirement is not realistic since it also relates to engine operating limitations established during engine certification. Since current FAR § F36.111(b) requires noise test flights at rated maximum continuous power, the EPA proposal would, in effect, delete the engine-power component of the requirement and rely solely on propeller rotation speed as the controlling mechanism. While the propeller is the dominant noise source and that propeller tip speed relates directly to the level of noise generated, the FAA believes that to properly account for the noise of the propeller/engine combination, the test procedure must retain an engine power specification no less than the maximum power approved for continuous normal operation (as well as, a propeller speed corresponding to that power).

The FAA notes that, since under certain conditions the highest propeller rotational speed can be achieved or maintained at significantly reduced manifold pressure (engine power) or turbine rpm, high propeller rotational speed does not necessarily have a corresponding high engine power level. Therefore, the FAA agrees with the proposal, except for its redefinition of engine power so as to completely eliminate the engine power requirement. The FAA also concludes that the standard should be prescribed in terms of engine power which has a corresponding propeller rotational speed (rpm).

The EPA also proposed to required measuring and reporting accelerated flight (where it is permitted); however, the FAA believes that the use of accelerated flight does not have a significant effect on the accuracy of measured data under the current rule. The purpose of the EPA proposal regarding accelerated flight is adequately satisfied under FAR § F36.109(g), which requires that aircraft speed and position and engine performance parameters be recorded at an approved sampling rate sufficient to insure compliance with the test procedures and conditions. Further, most propeller-driven small airplanes are not equipped with acceleration measuring instruments or devices and, if adopted, the proposal would require additional test measuring equipment to be installed. The FAA concludes that the measuring and reporting portion of the EPA proposal should not be adopted at this time and consideration of amending the test procedure should focus on the propeller/engine specification.

The FAA believes that the purpose of the noise regulation is to prescribe noise standards and test procedures for propeller-driven small airplanes which reflect the noise levels to which the community is exposed during normal operation of the aircraft, rather than theoretical levels or those generated in abnormal or emergency operation. Thus, the FAA concludes that noise test (engine) power should be prescribed at no less than the power corresponding to the highest normal operating power consistent with airworthiness requirements and safe operating conditions for normal operation. As previously stated, the FAA believes that since propeller/engine noise is a function of power, as well as propeller rotation speed, the engine power specifications should not be deleted entirely but amended to require the highest power in the normal operating range which is provided in an Airplane Flight Manual, or in any combination of approved manual material, approved placard, or approved instrument markings. Thus, the test power requirement must be consistent with airworthiness requirements for normal operation and with safe operating considerations. The FAA concludes that the EPA proposal, as modified, accomplishes that purpose. Thus, the FAA is adopting the EPA recommended regulation regarding this proposal, as modified. This results in a required power level that is not greater than that in the prior rule but greater than that potentially permitted in the EPA proposal.

D. COMPLIANCE/EFFECTIVE DATES

The EPA proposed to apply its recommended regulations to applications for type certificates made after October 10, 1973 (the date of FAA Notice 73–26). Since notice and public procedure regarding the EPA proposals did not begin until January 3, 1975 (the date of the notice of publication regarding Notice 74–39), and since the FAA had issued its own regulations based on FAA Notice 73–26 on December 31, 1974, the FAA believes that it should not adopt the EPA proposed compliance/effective date which related to the prior FAA NPRM.

In considering the date for compliance with the amendments being adopted, the FAA notes that the amendments involve the noise test and noise evaluation procedure and have no significant effect on the noise limits prescribed for propeller-driven airplanes under Appendix F. Thus, there will be little, if any, impact upon applications for type certificates or acoustical change approvals. However, the FAA is aware that some potential burden may result from these changes in the manner of conducting the noise certification test and evaluating the resulting data. In this case, the FAA concludes that, while the necessary adjustments will be minor, a reasonable period must be provided for them to be made. Similarly, those noise tests that are completed prior to the effective date of this amendment should not be required to be repeated under the amended procedure. The FAA believes 30 days is an adequate and reasonable period. Thus, the FAA is adopting a compliance date which requires that noise tests conducted after

the effective date of this amendment be performed under the amended procedure. This amendment is effective January 24, 1977.

III. Notice of Decision Not To Prescribe Amendments

A. AGRICULTURAL OPERATION AND FIRE FIGHTING AIRPLANES

Under the EPA recommended regulation contained in Notice No. 74-39, an airplane designed for agricultural or fire fighting operation would be required to undergo noise measurement testing in accordance with the Appendix F of FAR Part 36, even though that airplane may be excepted from demonstrating compliance with the noise levels prescribed in § 36.301. The EPA proposed exception to compliance would apply only if an operating limitation (proposed § 36.1583 (c)) regarding FAA approved noise abatement flight plans and routes were issued. Similar requirements were originally proposed by the FAA in Notice 73-26; however, in FAR Amendments 36-4, the FAA proposal was modified to make the rule more workable and to eliminate unnecessary restrictions on the continuation of those beneficial operations.

The FAA believes that the cost burden on certification applicants in submitting extensive noise test data and analyses primarily for statistical and informational purposes is not justified. Conducting noise testing solely to establish the noise levels produced by these excepted airplanes without also requiring compliance has not been shown to be needed. Further, as previously stated in the preamble to FAR Amendment 36-4, the FAA concludes that neither agricultural nor fire fighting operations could be continued under the operating limitation as proposed because those operations frequently involve practical exigencies requiring a greater than average performance and the capability of rapid response which is not compatible with flight-by-flight approval of all routes and all flight plans to promote noise abatement. Thus, the current noise limits do not apply to propeller-driven small airplanes "designed for 'agricultural operations' * * * or for dispensing fire fighting materials" (FAR § 36.1(a)(2)).

While the EPA proposal does not discuss the basis of its proposed rule, after analysis of that proposal and the regulatory docket, the FAA agrees that the current exception to the noise certification rules adopted by the FAA for agricultural and fire fighting airplanes should be amended. The FAA believes, however, that the amendment should clearly prohibit those operations which are not necessary to accomplish the work activity directly associated with the purpose for which the airplane is designed. The FAA believes that the exception is still justified as it applies to operations for which the airplane is designed but that it should not be extended to other operations by those airplanes. However, the FAA believes that such an amendment is not within the scope of the notice of the EPA proposal. Thus, while the FAA concludes that it should not adopt any amendment based on the EPA proposal, the FAA is issuing a separate notice of proposed rule making which proposes to amend FAR Part 91 to prohibit operation of an airplane designed for agricultural operations or for dispensing fire fighting materials, which do not comply with the applicable noise limits of Part 36, except to the extent necessary to accomplish the work activity directly associated with the purpose for which the airplane is designed. (That NPRM is being published in the "Proposed Rule" section of Today's Federal Register.)

One commenter to the EPA proposal questioned both whether any small airplane exceeds "high-noise levels" except at full power and why only agricultural and fire fighting airplanes would be excluded under the rule, since safety of all operations involving full power for business and pleasure aircraft are just as important. However, stating that the health and welfare of the rural populace requires protection comparable to that afforded elsewhere, another commenter opposed the exclusion of aircraft used in agricultural operations from the noise standards for propeller-driven small airplanes. The FAA agrees that additional limitations may be needed but concludes that the distinction for agricultural and fire fighting aircraft is justified, in part, because greater than average performance and quick response time are frequently required in these operations. The public interest considerations dictate, as a matter of flight safety, that the small number of these special purpose airplanes should be partially excepted from the normal noise certification standards. A review of the safety and operating issues involved does not reveal a similar need to apply these exceptions to the noise standards to other propeller-driven small airplanes. For the unexcepted airplanes, noise certification testing and compliance is required to assure the protection of the public health and welfare from noise emissions above those noise levels prescribed in Appendix F. Further, the FAA believes that the exception to required compliance with noise emission standards for aircraft designed for agricultural or fire fighting operations should be specifically restricted solely to those operations for which the airplane is designed. Thus, while the FAA concludes that it should not adopt the amendment proposed by the EPA, based on experience in noise type certification under Subpart F of FAR Part 36, and analysis of the proposal and information in the regulatory docket, the FAA concludes that it should propose an amendment to the exception to the noise standards for agricultural operation and fire fighting airplanes which would restrict operations by excepted airplanes to those operations for which they are designed. As previously stated, such a proposal is being issued in a separate notice of proposed rule making.

B. NOISE EVALUATION MEASURING UNIT

The EPA proposed to adopt the Effective Perceived Noise Level (EPNL) in units of EPNdB, rather than the A-weighted noise level (AL) in units of dB(A) as the noise measure for propeller-driven small airplanes in current Appendix F of FAR Part 36 (Proposed § F36.301). In addition, the EPA proposes to require the use of the procedures in Appendix B of FAR Part 36 for converting the measured noise of propeller-driven small airplanes into the EPNdB units. (Proposed § F36.301(a)). According to the EPA, it proposed adopting the more complex noise evaluation unit primarily because future aircraft types may develop potentially obnoxious noise signatures which would not be reflected in the A-weighted noise measure.

In its proposal, the EPA refers to its report to Congress in August 1973, wherein it recommended a cumulative noise exposure measure based upon AL (A-weighted level). The EPA indicated, however, that the "use of an A-weighted sound level precludes the assessment of penalties for the existence of tones in the noise in the interest of simplifying the measure procedure. When appropriate, penalties for tones and other subjective attributes should be made in source regulations such as FAR 36." (Emphasis added).

The FAA believes that, in terms of providing protection to persons from noise annoyance, there is no significant achievable difference between using dB(A) or EPNdB for propeller-driven small airplane noise. Frequency tones and noise duration are not significant factors in perceived noise emissions of propeller-driven small airplanes. However, in terms of the complexity of noise testing, the difference is very significant. Further, it is unlikely that the developing technology of propeller-driven small airplanes will generate noise characteristics significantly different in quality from those currently produced. Thus, the FAA concludes that the use of EPNL would be an unwarranted and an unnecessary burden. There is no currently demonstrated need to apply the more complex unit of measurement to all current and future propeller-driven small airplanes on the assumption that new noise characteristics may emerge from new generation aircraft designs.

Information submitted to the FAA varies widely regarding the cost effectiveness of using EPNL instead of dB(A) measurements. In the EPA's project supporting its proposed regulations, the EPA estimated the cost of complying with the proposed EPA procedures, including EPNdB, to be "between 20 and 30 thousand dollars" for each aircraft manufacturer. The manufacturers' trade association comment to Notice 74-39, however, estimated that the cost of the equipment alone, which is necessary to compute aircraft noise levels in terms of EPNL, would be "$50,000 over that required for dB(A) measurement." The FAA believes that both equipment cost estimates are essentially correct in the specific contexts in

which they are reported. However, the FAA experience with the implementation of FAR Part 36 indicates that few applicants for type certificates (usually manufacturers) actually purchase a computer or other major cost equipment items solely for noise test compliance purposes. Rather they tend to use existing commercial computation facilities/services or lease the necessary equipment for their own personnel to use. Under these conditions the FAA believes, that for most manufacturers there is not a substantial equipment cost differential incurred in using EPNdB rather than dB(A) as the unit of measurement. However, applicants for acoustic change approvals for propeller-driven small airplanes are usually individual owner/operators who have neither the facilities or equipment nor the technical know-how to operate rented equipment themselves. The owner/operator may also need to test an acoustic change before submitting it to the official FAA-witnessed tests. The complexity of calculating EPNdB under such circumstances is not as cost effective as the simpler dB(A), which reduces the down time of the airplane and equipment needs, and provides immediate test results. Another commenter correctly observed that "measurements in units of dB(A) can be evaluated and the 90% confidence interval examined in the field, to ascertain if additional noise overflights are required to obtain the required confidence level." Since a computer is required to calculate EPNL, such field determinations are practically impossible. If additional test flights are needed, it would be necessary to reschedule aircraft and acoustic equipment for a subsequent return to the field. Therefore, the FAA concludes that to be appropriate to the type of aircraft to which it applies, the designation of the simpler technique and calculation in using dB(A) for noise compliance tests for propeller-driven small airplanes should be retained.

The EPA also pointed out that "the main consideration is that EPNdB allows a correction for the presence of tone and the duration of sound, neither of which is accounted for in dB(A). As a growing number of propeller-driven planes are powered by turbine engines, it is imperative that a noise measurement standard be used which will most closely recognize that effect." The EPA estimated the current percentage of turbine powered aircraft in the propeller-driven small aircraft fleet to be 1.24 percent; this figure would increase to 1.69 percent in 1980 and reach 2.10 percent by 1985. Even assuming the need for making tonal corrections to measurements of noise from the turbine-powered propeller-driven small airplanes, the FAA concludes that the added cost involved in testing all propeller-driven small airplanes on the EPNL measurement is not justified at this time. The FAA notes, however, that nothing submitted to the rulemaking docket supports a conclusion that such a need for tonal corrections actually exists.

Twelve other persons commented on the issue of the noise measurement unit. Most believe that dB(A) is the appropriate unit, because the use of the dB(A) scale is a more cost-effective and practical standard than EPNdB. They indicate that the character of the sound generated by the propeller-driven small airplane does not warrant the more sophisticated test equipment and the rigorous data reduction required by the EPNdB standard. The FAA agrees in general with the reasoning expressed by these commenters.

Two comments supported the EPA's proposal. One commenter in recommending the use of EPNL stated that "while EPNL measurements and calculations are more complicated than with dB(A), the EPNL system takes into account details regarding the noise spectrum and flyover cycle duration which are not as accurately evaluated or are not evaluated at all using dB(A)." As stated above, the FAA has carefully considered the issues involved and concludes that no real need has been shown for the more complicated measurement unit and that, therefore, the added costs have not been justified at this time.

Another commenter supporting the EPA proposal stated that as an increasing number of propeller-driven planes are powered by turbine engines, the regulatory noise measurement standard should more closely recognize the effect on the human ear. Since the FAA believes the EPA recommended noise measurement unit would not be cost effective and that there is little, if any, preferential value of EPNL to the public health and welfare when applied to propeller-driven small airplanes, it does not accept the commenter's suggestion. A second recommendation by this commenter would require the use of both EPNdB and dB(A) measurements during compliance demonstration tests. While monitoring the aircraft test using dB(A) sound level meters may in some cases reduce the need to schedule retesting at later dates, such measurements would not consistently predict the effectiveness of subsequently analyzed EPNdB data measurements. Further, the FAA considers the dual measuring procedure unnecessary. As previously stated, the current procedure provides adequate and sufficient noise data for determining compliance with noise level standards.

The adequacy of the dB(A) measuring unit to provide protection to the public health is also supported by its adoption by other Federal agencies. The dB(A) unit has been selected by the Department of Labor and the Department of Health, Education and Welfare (HEW) for the critical task of rating and limiting noise hazards. The value of dB(A) is stressed in the document entitled "Criteria for a Recommended Standard for Occupational Exposure to Noise" published by HEW in 1972.

Studies such as NASA's "Community Reaction to Airport Noise" stress the fact that simple weighted sound pressure level values (dB(A) and dB(N)) provide adequate approximations to more complex measures for the purpose of determining community noise exposure.

The FAA believes the use of dB(A) is consistent with the qualifications in EPA's noise measurement recommendations, since the FAA has determined that noise emission characteristics of propeller-driven small airplanes do not need regulatory penalties to account for tone or duration, and EPA's recommendation is linked to a concern for those factors.

The use of dB(A) ensures that reasonably priced meters can give an immediate reading upon which to base a decision for additional test flights. If this decision can be made while aircraft are available and test conditions are established, savings in cost and time are possible. Finally, dB(A) is the unit used in evaluating nonaviation transportation noise sources, and is used in setting noise limits in many industrial and nonindustrial noise standards.

Since there appears to be no clear benefit in a complex measure, the FAA concludes that from an environmental standpoint and in terms of cost effectiveness, dB(A) is the unit of noise measurement that should be applied to the certification testing of propeller-driven small airplanes. Thus, no amendment is adopted based on this EPA proposal.

C. NOISE COMPLIANCE LEVELS AND DATES

The EPA stated in its recommended regulation that it believed that the noise level requirements achieved under FAR Part 36, Appendix F, do not sufficiently represent the maximum safe and economical noise control that can be implemented by applications of current and available technology. Further, the EPA believes that modifications are necessary to properly reflect the achievements that can be anticipated by the application of future technology.

Specifically, the EPA proposed the following noise standards and compliance dates (Proposed § F36.301):

(1) *For T/C applications made between October 10, 1973, and January 1, 1975.* Aircraft weighing up to 1,320 pounds (599 kg) may not exceed 79 EPNdB. That noise level limit increases at a rate of 1 EPNdB for each additional 165 pounds (75 kg) to a maximum of 93 EPNdB at 3,630 pounds (1,647 kg) which limit applies to aircraft up to 12,500 pounds (5,670 kg).

(2) *For T/C applications made between January 2, 1975, and January 1, 1980, and for new production aircraft manufactured on or after January 2, 1977.* The basic limit is the same as in paragraph (1) above, except that the maximum noise level is 91 EPNdB at 3,300 pounds (1,397 kg) and applies to aircraft weighing up to, and including, 12,500 pounds (5,670 kg).

(3) *For T/C applications made after January 2, 1980.* The noise level limit would be prescribed under the formula EPNL=89–15 log (12.5/W); "W" is the aircraft maximum certificated takeoff weight in thousands of pounds.

In its proposal, the EPA compared the FAR Part 36 compliance noise levels with the noise emission levels produced by a wide variety of existing propeller-driven airplanes. In so doing, the EPA stated that "a large number of the small existing propeller airplanes are capable of producing significantly lower noise levels than that being proposed by the FAA for all future types." The FAA recognizes that some current aircraft types have noise emission levels that are lower than those required under FAR Part 36, Appendix F. However, the levels adopted by the FAA in FAR Amendment 36-4 require significant noise reductions affecting approximately 20 percent of the aircraft types and approximately one-half the aircraft type-models of propeller-driven small airplanes currently in production. It was pointed out by several participants at the public hearings held on the EPA proposal that the FAR Part 36 requirement entails significant economic impact on affected aircraft manufacturers and, thus, their customers, and that the imposition of more restrictive standards or earlier compliance dates, such as those proposed by the EPA, would have profound economic implications. For example, if a sound level limit of 5 dB(A) lower than those in FAR Part 36 were adopted (a level which is still somewhat higher than the equivalent EPNdB proposed by the EPA), the FAA estimates that the noise level limits would be exceeded by approximately 90 percent of existing aircraft models. While some models that meet the present FAR Part 36, Appendix F noise standards could, with relatively minor modifications, achieve the initial lower level proposed by the EPA, this is not the case with most current models. Compliance with future noise level limits would be even more questionable. Since the Noise Control Act of 1972 requires the FAA to consider whether proposed noise standards are "economically reasonable," and appropriate for the particular type of aircraft; as well as "technologically practicable," the FAA must carefully weigh the economic consequences of incrementally lower noise level standards, applicable to both current and future airplanes.

Several commenters estimate that the majority of currently produced aircraft models would require extensive modification in order to attain the EPA recommended lower noise levels, and that the increase in cost of most models would be significantly higher than that reflected in the EPA proposal even excluding the additional higher operating costs for those models requiring more powerful engines to maintain the desired levels of performance. The FAA has not received information from which to assess whether the estimates submitted to the docket regarding the anticipated costs of significant noise level reduction are representative of those which would actually occur. It is evident, however, that if design changes such as those cited by commenters would be needed, the EPA proposal would involve a significant design modification and investment by the airframe and engine manufacturers. It would particularly burden this segment of the aviation industry which neither has the research and development resources nor anticipates the market base to amortize the resulting costs.

Testimony at the public hearing and comments submitted to the regulatory docket raise questions regarding the views expressed by the EPA concerning the ready availability of economical technology with which to meet its proposed standards. The EPA believes that a reduction in noise levels, which is larger than those prescribed in FAR Part 36, could be achieved by more effective application of "current technology," "available technology," and "future technology" without imposing a significant economic burden. According to the EPA, the equivalent of 2 or 3 dB(A) further reduction in propeller, engine, or exhaust noise, which EPA identifies as the principal noise sources in propeller-driven small airplanes, is possible and is needed to provide the required protection to the public health and welfare. The EPA states that the use of a more efficient three-bladed propeller rotating at a lower tip-speed by means of reduction gearing and the application of noise muffling materials and exhaust mufflers will achieve economical noise control at the levels it recommends. The FAA notes, however, that the EPA proposal is based upon several assumptions which are not discussed in the recommended regulation. The EPA recommended regulation and the comments received in the docket and at the public hearing do not present specific information or analysis regarding how particular aircraft types or models can achieve significant and economical noise reductions under the EPA proposal. The FAA believes that such information and supportive data is essential to the support of the proposal. Information concerning particular airplanes is needed regarding (1) any incremental noise reduction which can be economically achieved beyond those currently required by FAR Part 36, including the additional benefit, if any, of such reductions on the public health and welfare; (2) any noise control techniques which are, or may be available, but which are not or will not be effectively applied to particular aircraft unless lower noise levels are adopted; (3) any cost increases which would result from applying those techniques; and (4) any reduction in performance, fuel economy, engine emissions, or other factor which affects its use for its intended purposes, its airworthiness, or its acceptance in the market place. While the FAA is aware that the noise control techniques suggested by the EPA are, or will be applied in varying degrees to certain aircraft in achieving compliance with FAR Part 36 noise levels, it does not have, and the docket does not contain, information or data that will reasonably support a finding that these techniques can be more effectively applied at this time. In adopting FAR Amendment 36-4, the FAA concluded that the prescribed noise levels provided the protection to the public health and welfare required by section 611(d) of the Act. Further, as stated in the preamble to FAR Amendment 36-4, "the FAA believes that, rather than require specific type design details, this first issuance of a noise rule for propeller-driven small airplanes should set quantitative noise limits and permit any means of compliance that also complies with the applicable airworthiness requirements." Since the docket has not presented information adequate to support a finding that noise control technology is not being effectively utilized or that specific design details should be required under aircraft noise regulations, the FAA concludes that it could not adopt any regulation based on this proposal at this time without ignoring the duty in section 611(d)(4) of the Act to consider economic reasonableness and technological practicability.

The EPA also recommended the use of a ducted fan propulsion system or one of its derivatives. However, several commenters were critical of a ducted fan as a noise abatement technique and the FAA generally agrees with those commenters. The ducted fan is generally not practical for most current single-engine airplanes because it seriously reduces forward visibility for the pilot and significantly affects the aircraft weight/thrust ratio. Thus, for most airplanes to use the ducted fan, they would have to be redesigned into pusher type configurations; that in turn would require extensive modification to the wings, flight control, landing gear, fuselage and seating. Such extensive redesigning virtually produces a new aircraft type. In addition, the thrust efficiency of a ducted fan propulsion system is significantly less than that of a conventional propeller at the altitudes and speeds for which propeller-driven small aircraft are usually designed. The installation of more powerful engines would be required in many cases to compensate for thrust loss and avoid decreased useful load capacity and performance.

Fourteen other comments were submitted to the docket regarding EPA's proposed noise emission levels and compliance dates. One comment expressed the views of several persons who believe "that an aircraft with less than 300 horsepower does not emit offensive noise to the extent that it warrants regulation." Another commenter complained that the limitation of noise emission on airplanes with only 150 horsepower is not justified. Under the Noise Control Act of 1972, the FAA is required to issue noise standards and rules which afford relief and protection to the public health and welfare from aircraft noise. In prescribing these regulations, the FAA must consider whether they would be "consistent with the highest degree of safety in air commerce or air transportation in the public interest" and whether they are "economically reasonable, technologically practicable, and appropriate" for the type of aircraft, engine, appliance, or certificate to which they would apply. The FAA and the EPA have determined that the prescription of rules which af-

ford relief and protection from the noise emissions of propeller-driven aircraft is appropriate, and find no rational basis for distinguishing among these airplanes, except with regard to aircraft weight which, to some extent, reflects the horsepower of the engines. Thus, lower horsepowered airplanes as a class should not be excluded from the application of appropriate noise standards. However, the noise levels prescribed in the FAA noise standard applicable to propeller-driven small airplanes do reflect consideration of the extent to which their noise emissions impact the community.

Other commenters specifically addressed the need for the EPA proposed regulations and believe the FAA should reject the EPA proposed noise levels and their date of implementation. Some concern was expressed that the EPA proposals, if adopted, would eliminate the substantial equivalence with the accepted international (ICAO) standard for small propeller aircraft. In opposing the EPA's proposal, one commenter at the public hearing argued that the EPA had admittedly used NASA research goals as a basis for their recommendations. The commenter stated his belief that a base of technical data to support EPA's conclusions must have a firmer foundation. While agreeing that the noise standards initially adopted by the FAA may not attain the eventually achievable measure of protection from unwarranted small aircraft noise, the FAA believes that further noise reductions should await a more definitive showing that the required technology can be applied in an economically reasonable manner.

In its proposal, the EPA states that it may be assumed that the least noisy airplanes currently being produced meet applicable airworthiness standards and "are competing economically in the marketplace with other propeller-driven small airplanes with higher noise levels." Thus, the EPA concludes that the application of existing noise reduction technology has not had a detrimental impact on the competitiveness of such airplanes. However, no information or data is presented in the docket by which this conclusion may be assessed. The FAA believes that at least one important aspect of the competitiveness among various airplanes in the marketplace has not been addressed. While for purposes of noise control regulation propeller-driven small airplanes are treated as a class according to aircraft weight, they are designed and flown for a wide range of purposes requiring different flight and performance characteristics. Comparisons of marketplace acceptance among the least noisy airplanes and noisier airplanes should include only those airplanes which actually compete for the same portion of the market. The docket does not provide a basis for such comparisons.

Two commenters fully supported the EPA proposals at the public hearing. One comment questioned whether continued production of noisy aircraft can be justified when aircraft manufacturers can build aircraft that are much quieter than some currently in production. Another comment stated his belief that the FAA rule does not adequately control propeller-driven aircraft noise, but rather removes existing voluntary restraints by eliminating all incentive for the implementation of available noise control technology.

In response to questions seeking to clarify their statements, neither of these commenters offered information regarding any incremental benefits or cost/benefits tradeoffs under the EPA proposal or regarding the degree of detriment to the public health and welfare caused by noise emissions from propeller-driven small airplanes. In the preamble to FAR Amendment 36-4, the FAA responded as follows to a similar comment regarding inclusion of a more specific provision in the rule for progressively reducing the noise level limits as new and more advanced technology is developed: "The FAA agrees that the regulation should be reviewed and amended when justified by new technology. However, this should be accomplished in each case, with notice and public procedure as required by the Administrative Procedure Act." After carefully considering the EPA proposed noise levels and compliance dates in light of all comments to the docket, the FAA concludes that there is not sufficient supporting information or data to permit an informed determination as to whether these EPA proposals are currently either "economically reasonable" or "technologically practicable" within the meaning of section 611 of the Act. The docket contains no information regarding any incremental benefits to the public health and welfare which would be achieved and that would justify adopting the proposed noise level amendments to FAR Part 36.

In its proposal, the EPA states it has not demonstrated any certain or probable increment of benefit to the public health or welfare that would be achieved by imposing lower noise limits. The EPA has stated that data on the magnitude of the health and welfare effects of propeller-driven small airplanes, "are not available; consequently, cost effectiveness and/or cost benefits tradeoff of how much noice reduction is justified cannot be made." The EPA indicates that its objective is the issuance of regulations that "shall be the 'umbrella' type in the sense that those aircraft regulated can all comply by use of available technology but some may be capable of achieving lower noise levels than others by virtue of being able to use the technology more effectively." While the FAA generally agrees with this regulatory philosophy, after reviewing the technology and economics involved, the FAA believes that the statutory requirements are met by the standards in FAR Part 36, which for continued production, require modification of a significant proportion of current aircraft types and of a substantial percentage of current models. Thus, existing regulations provide adequate noise control and abatement by achieving a reduction in noise level that was imposed after consideration of economic and technological impact. The FAA also believes the current standards and regulations achieve the objective of the EPA recommended regulation, i.e., prescribing an "umbrella" or upper limit for aircraft noise levels which can be lowered, according to the development of technologies and to the cost effectiveness of prescribing those noise levels. Further study of the detrimental effects of noise emissions from propeller-driven small airplanes may also reveal the need and justification for lower noise levels in the future. The FAA will continue to assess the noise emission impact of propeller-driven small airplanes to determine when further reductions in noise levels become appropriate and otherwise consistent with the limitations of § 611(d)(4) of the Act.

D. FIELD CALIBRATIONS WITH VOLTAGE INSERT DEVICES

Under the EPA recommended rule, "field calibrations must be supplemented with the use of an insert voltage device to place a known signal at the input of the microphone, just prior to and after recording aircraft noise data." (Proposed § F36.107(c)).

While the FAA would have no objection to the use of such a device either in the laboratory or in the field, the docket does not demonstrate any persuasive technical reason for requiring it in field calibrations. In view of the rapidly changing technology in acoustical measurement, the FAA believes it should not restrict use of future technologies by prescribing the proposed calibration procedure or equipment. Rather, it should afford maximum flexibility in equipment and methodology used while setting specific requirements on the types and quality of data used to demonstrate compliance with prescribed noise level limits. No comment on this proposal was received in the regulatory docket. Thus, the FAA concludes that it should not adopt any regulation based on this EPA proposal but should continue to consider for approval any calibration procedure which yields accurate and reproducible results and which is consistent with International Electrotechnical Commission (IEC) Publication No. 179, dated 1973, entitled "Precision Sound Level Meters."

E. CORRECTIONS FOR WINDSCREEN LOSSES

The EPA also proposed in § F36.105(f) of its recommended regulations to require that when a windscreen is employed with the microphone during compliance testing, "corrections for any insertion loss produced by the windscreen, as a function of frequency, must be applied to the measured data and that the corrections applied must be reported."

While no commenter addressed this proposal, the FAA believes that, as adopted, the current Appendix F provides an adequate means of accounting for correction of windscreen losses without separate treatment under the rule. FAR § F36.109(a) requires that data representing physical measurements or corrections to measured data be recorded in permanent form and appended to the record (however, corrections to measurements for normal equipment response deviations need not be reported). All

other corrections must be approved and estimates must be made of the individual errors inherent in each of the operations employed in obtaining the final data. The FAA concludes, therefore, that amendment of § F36.109, based on this EPA proposal, is not necessary and that the EPA's recommended regulations on this topic should not be adopted.

F. MINOR LANGUAGE DIFFERENCES AND SATISTICAL DATA REQUIREMENTS

The text of the EPA's proposed rule contains several minor provisions which the EPA does not discuss in the preamble to Notice 74–39. Some of these provisions differ from the language in the rule adopted in FAR Amendment 36–4. Most of these differences appear to be minor in nature and the FAA believes that they do not affect the level of protection from aircraft noise afforded by the rule.

The FAA notes, however, that several of the differences would require measuring and reporting some data which would provide only statistical information without any apparent increase in the environmental benefits achieved by the rule. While the materials in the docket do not discuss the purpose of these provisions, the FAA believes that it should not use noise certification rules to obtain data for statistical purposes, unless there is a demonstrated relationship with the need to protect the public health and welfare. Examples of EPA recommendations that the FAA believes would be a requirement to provide statistical data not needed for noise certification or helpful in reducing noise include—(1) the recording and reporting of the "true and indicated airspeed" and engine performance in the specific terms of power, manifold pressure, and blade pitch in every test (proposed § F36.109(e)(4) and (5)); and (2) correcting test data to the additional reference conditions of "sea level pressure of 2116 psf" and "zero wind" (proposed § F36.201(c)). Further, the FAA does not believe that correction to "sea level pressure" is practicable or that correction to "zero wind" is needed for single point measurements such as those prescribed for propeller-driven small airplanes. Thus, the FAA concludes that it should not prescribe regulations based on those EPA proposals.

G. ECONOMIC REASONABLENESS

Section 611(d) of the Federal Aviation Act of 1958, as amended, requires, among other things, that the FAA consider whether proposed aircraft noise standards and regulations are "economically reasonable." The preceding discussions of the respective EPA proposals generally include assessment of their economic reasonableness or cost effectiveness. However, review of the regulatory docket reveals that most commenters speak to the economic implication and adequacy of the EPA recommended regulation-as-a-whole, rather than as separate proposals. Twenty-five of the 44 commenters included written submissions or oral presentations regarding the economic effects of the EPA recommended regulations.

Representative of the general tenor of the comments from small airplane pilot/owners is one which said that the commenter is troubled by an observed trend towards increasing costs of private flying as a result of regulatory amendments. Other commenters address concern for the anticipated economic burden on the aircraft manufacturers and ultimately purchasers and operators of new aircraft if the EPA proposals were adopted. Several commenters stated that they believe the impact of increased cost of aircraft as a result of implementation of the EPA proposals would be inflationary and have a stifling effect on the growth of general aviation. Another commenter stated that "With ever increasing financial demands being placed on the industry, there should be unquestionable justification for adding to the already monumental costs of purchasing and operating a small propeller-driven airplane. We certainly have no qualms about quieter aircraft; however, we do feel that new acoustical standards should be adopted only at a rate that is consistent with advances in technology and without sacrifice to performance of efficiency * * *. Let's have quieter airplanes but let's not do it by forcing them to stay on the ground."

These and similar comments indicate that commenters believe that the costs of complying with EPA's proposed noise limits and other recommended regulations would be significant. The EPA itself estimated the cost of the type certification and the modifications needed for compliance with its proposal would range from $300 to $2,500 per airplane, depending upon the type of airplane and the production run. While the EPA concluded that this increase for an airplane ranging in price from $14,000 to $25,000 appeared to be "economically reasonable for the reduced noise benefits to be derived," the cost data and information submitted to the docket do not discuss what noise benefits would be achieved under the proposal. In addition aircraft manufacturers suggest that the costs would be several times as large as those estimated by the EPA.

Other commenters, while not providing specific cost information, frequently expressed concern for the costs of complying with the EPA proposals. All parties agree that adoption of the EPA proposals would result in increased costs. As previously stated, however, the docket does not contain data or information from which to demonstrate that any certain or probable increment of benefit to the public health and welfare would be achieved by adopting the recommended regulations. Absent such data and information regarding the achievable benefits to the public health and welfare, the FAA concludes that the EPA proposals considered in this section cannot be issued consistent with the requirement in section 611(d) of the Federal Aviation Act of 1958 to consider whether a proposed regulation is economically reasonable and technologically practicable.

H. GENERAL COMMENTS

The regulatory docket for Notice 74–35 received several comments addressing subjects not relevant to the issues involved in the EPA proposals. Thus, many of those comments were beyond the scope of Notice 74–39, and are not discussed in this notice. However, some comments address relevant matters not previously discussed.

One commenter argued that most of the objection to aircraft noise comes from those people in the vicinity of an airport and that most of these people knew the consequences of their decision to live near areas of aircraft noise. This commenter concluded, "we do not believe that the aviation industry should suffer because a minority of the population choose to live in such areas." Another commenter said, "Since I know that I will inevitably be taxed to support aviation, as an aircraft owner, I would prefer that my taxes went toward the support of more essential research. Research toward making aviation more acceptable to the general public, as in quieter engines, is a worthy investment." Several other commenters generally opposed the EPA proposals on various grounds relating to the lack of need for further noise constraints on general aviation airplanes or to commenters' beliefs that the sound of an aircraft engine is not as offensive as other noise sources, including other modes of transportation.

As discussed in the preamble to FAR Amendment 36–4, the FAA has determined that the control and abatement of noise produced by propeller-driven small airplanes is appropriate and necessary under the Noise Control Act of 1972. The scope of Notice 74–39 encompasses the recommended regulations submitted by the EPA which it believes are necessary to protect the public health and welfare. To the extent the commenters suggest that there is an absence of information demonstrating the extent to which the proposals would be cost-effective or benefit the public health and welfare, the FAA agrees. The FAA also agrees that further research on this important matter is essential to determine the need for further noise limit reductions in the future.

The FAA is expanding its comprehensive analysis of the public impact of aircraft noise. This effort is part of a broad FAA review of the national aviation system aimed at determining the environmental benefits and related costs of source noise controls, operating procedures, and land use planning. This study includes investigations of the noise impacts of different aircraft classes (including propeller-driven small airplanes), new technology that might be applied to each class, and forecasts of the growth of each class. As the results of this study become available over the next two years, FAA will undertake such future actions as may be appropriate.

Despite the assurance in the preamble to Notice 74–39 that the proposed rules would not require a retrofit of existing

propeller-driven small airplanes, several persons commented on that issue. One suggested that before requiring retrofitting of existing airplanes, the FAA should provide earlier notice because "with an advance notice of retrofit requirements, airplane manufacturers will have an opportunity to plan for changes in the power plants at a later date." The FAA is aware of the problem raised by this commenter and will consider that suggestion in any future rule-making proceedings regarding proposals to prescribe retrofit requirements for propeller-driven small airplanes.

Several commenters objected generally to the EPA proposal because the FAA had already adopted noise limitations for propeller-driven small airplanes. The FAA concludes that the airplane noise regulation recommended by the EPA has been carefully considered and that the EPA has provided several significant contributions to the noise certification test procedure in its recommended regulations which contribute to carrying out the purposes of section 611 of the Act. For the reasons discussed above, those proposals are adopted by the FAA in the following amendments to the Federal Aviation Regulations or, as modified, are being proposed for adoption in separate notice of proposed rule making.

IV. AMENDMENT AND NOTICE OF DECISION

AUTHORITY: [Sections 313(a), 601, 603, and 611 of the Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423, and 1431), as amended by the Noise Control Act of 1972 (Pub. L. 92-574, Oct. 27, 1972); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)); Title I of the National Environmental policy Act of 1969 (42 U.S.C. 4321 et seq.); and Executive Order 11514, dated March 5, 1970.]

In consideration of the foregoing, the Federal Aviation Administration hereby takes the following actions in response to the recommended regulation submitted to it under section 611(c)(1) of the Act by the U.S. Environmental Protection Agency which was published as Notice 74-39 (40 FR 1061; January 6, 1975), regarding noise standards and test procedures applicable to propeller-driven small airplanes:

(1) Notice is hereby given in accordance with section 611(c)(1)(B) of the Federal Aviation Act of 1958, as amended eral Aviation Administration is not pre- (49 U.S.C. 1431(c)(1)(B)) that the Fedscribing regulations in response to the proposals contained in Notice 74-39 regarding (a) agricultural operation and fire fighting airplane exception to required compliance; (b) EPNdB as the noise evaluation measuring unit; (c) noise compliance levels and dates; (d) field calibrations with voltage-insert devices; (e) corrections for windscreen losses; and (f) other minor proposals and statistical data requirements not adopted under item (2).

(2) In accordance with section 611(c)(1)(A) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1431(c)(1)(A)), Appendix F of Part 36 of the Federal Aviation Regulations (14 CFR Part 36) is amended, effective January 24, 1977, as follows:

1. Paragraph (b) of section F36.111 is revised to read as follows:

Section F36.111 Flight procedures.

* * * * *

(b) Each test over flight must be conducted:

(1) At not less than the highest power in thenormal operating range provided in an Airplane Flight Manual, or in any combination of approved manual material, approved placard, or approved instrument markings; and

(2) At stabilized speed with propellers synchronized and with the airplane in cruise configuration, except that if the speed at the normal operating range provided in an graph would exceed the maximum speed authorized in level flight, accelerated flight is acceptable.

§ F36.201 [Amended]

2. Paragraph (d) of section F36.201 is amended by deleting the figure "1375'" and inserting the figure "2000'" in place thereof; and by deleting the figure "1600'" and inserting the figure "2700'" in place thereof.

Issued in Washington, D.C., on December 17, 1976.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.76-37649 Filed 12-22-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36, and 91]

[Docket No. 16382; Notice No. 76-27]

AGRICULTURAL OPERATION AND FIRE FIGHTING PROPELLER-DRIVEN SMALL AIRPLANES

Noise Abatement Operating Restriction

The Federal Aviation Administration is considering amending Parts 21, 36, and 91 of the Federal Aviation Regulations to prohibit the operation of propeller-driven small airplanes that are designed for agricultural operation, or dispensing fire fighting materials, which do not comply with the noise limits under Appendix F of FAR Part 36, except to the extent necessary to accomplish the work activity directly associated with the purpose for which the airplane is designed (including flight crew training in the special purpose operation of the airplane). These amendments would revise § 2193 and add new §§ 36.1583 and 91.59, and would apply to airplanes that do not have flight time prior to January 1, 1980.

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 Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Ave., SW., Washington, D.C. 20591. Comments on the overall environmental aspects of the proposed rule are specifically invited. Information on the economic impact that might result because of the adoption of the proposed rule is also requested. All communications received by the FAA on or before February 28, 1977, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of the comments received. All comments will be available, both before and after the closing date for comments, in the FAA Rules Docket for examination by interested persons.

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

I. BACKGROUND

On December 31, 1974, the Federal Aviation Administration (FAA) issued Amendments 21-42 and 36-4 to the Federal Aviation Regulations (40 FR 1029; January 6, 1975) which prescribe noise standards and test procedures applicable to propeller-driven small airplanes.

On December 6, 1974, under § 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. Law 92-574), the U.S. Environmental Protection Agency (EPA) submitted to the FAA its recommended regulation regarding noise standards and test procedures applicable to propeller-driven small airplanes. Accordingly, the FAA published the EPA proposals in a notice of proposed rule making (NPRM) identified as Notice 74-39 (40 FR 1061; January 6, 1975). In accordance with section 611(c)(1) the Federal Aviation Act of 1958, as amended (the "Act"), the FAA conducted public rule-making proceedings regarding the proposed amendments contained in Notice 74-39. Subsequently, in a document entitled: "Noise Regulations for Propeller-Driven Small Airplanes Submitted to the FAA by the Environmental Protection Agency and Notice of Decision" (which is being published in the "Rules" portion of today's FEDERAL REGISTER), the FAA is—(1) adopting certain amendments to FAR Part 36, which are modifications of the proposed regulations submitted by the EPA, and (2) announcing its decision not to prescribe further amendments in response to the remaining EPA proposals contained in Notice 74-39.

As discussed in the Notice of Decision, having considered the EPA proposed rule concerning agricultural operation and fire fighting airplanes, the FAA believes that the scope of the exception currently prescribed in the FARs for those aircraft should be amended. However, the FAA concluded that the appropriate amendment would be beyond the scope of Notice 74-39 and, therefore, should be the subject of further notice and public procedure in considering that amendment for adoption. This notice implements that decision.

Under the EPA recommended regulation contained in Notice No. 74-39, an airplane designed for agricultural or fire fighting operation would be required to undergo noise measurement testing in accordance with the Appendix F of FAR Part 36, even though that airplane may be excepted from required compliance with the noise levels prescribed in § F36.301. The EPA proposed exception to compliance, if adopted, would have applied only if an operating limitation regarding FAA approved noise abatement flight plans and routes were issued.

As stated in the preamble to FAR Amendment 36-4 and the Notice of Decision, the FAA concluded that the cost burden on certification applicants in submitting extensive noise test data and analyses primarily for statistical and informational purposes was not justified. Conducting noise testing solely to establish the noise levels produced by these excepted airplanes without also requiring compliance was not shown to be needed. Further, the FAA concluded that neither agricultural nor fire fighting operations could be continued under the rule as proposed because those operations frequently involve practical exigencies requiring a greater than average performance and the capability of rapid response which are not compatible with flight-by-flight approval of all routes and all flight plans to promote noise abatement. Thus, while the FAA concluded that it should not adopt an amendment based on the EPA proposal, the FAA believes that it should consider amending the scope of the current exception to the noise certification rules for agricultural operation and fire fighting airplanes.

FAR Part 36 currently prescribes noise standards for propeller-driven small airplanes "except airplanes that are designed for 'agricultural aircraft operations' as defined in § 137.3 of this chapter, as effective January 1, 1966, or for dispensing fire fighting materials." (FAR § 36.1(a)(2)). That exception applies without regard to the category in which the aircraft is type certificated. For various reasons, most agricultural operations and fire fighting airplanes are type certificated in the restricted category and thus, are limited under § 91.39(a)(2) to operations associated with the purpose for which the airplane is designed. However, those airplanes may, in some cases, be certificated in the standard classification under applicable airworthiness requirements. While it still believes that the public benefit derived from the agricultural and fire fighting operations justifies retaining the exception to noise limit requirements for the limited number of these special purpose airplanes, the FAA believes that this public benefit does not justify operations by those airplanes which are not necessary to accomplish the agricultural operation or fire fighting purpose. Thus, the FAA proposes adopting a new § 91.59 to prohibit operation of an airplane with a standard airworthiness certificate that is designed for agricultural operations or for dispensing fire fighting materials, which does not comply with the applicable noise limits of Part 36, except to the extent necessary to accomplish the work directly associated with the purpose for which the airplane is designed. The FAA also proposes to include a provision in the proposed § 91.59 to permit conducting an operation for the exclusive purpose of providing flight-crew training in the special purpose operation of the airplane. Agricultural aircraft operated under Part 137 of the Federal Aviation Regulations would also be permitted to conduct "non-dispensing aerial work operations" as described in § 137.29(c) of that Part.

So that pilots will know which airplanes, within a type or model, are within the scope of new § 91.59, a new § 36.1583 would be added requiring a statement, in the Airplane Flight Manual or other approved manual material, marking, or placards, that advises the pilot of this fact. So that approvals of changes to the type design of agricultural or firefighting airplanes do not circumvent the intent of this amendment, it would also apply to acoustical changes to those aircraft. Consistent with this, § 21.93 would be amended to delete the total exclusion of agricultural and firefighting airplanes from the defi-

nition of "acoustical change," and limit that exclusion to aircraft "for which no requirements are prescribed in Part 36 of this chapter."

As proposed, the cutoff date for first flight time (January 1, 1980) would refer to the first flight time of the aircraft, in the case of applicants for the original issuance of a standard airworthiness certificate, but would refer to the first flight time of the aircraft in the configuration for which approval is requested, in the case of applicants for acoustical change approvals.

The proposed rule would assure that FAR Part 36 noise limits are met by the affected special purpose airplanes which are type certificated in categories other than "restricted" and operated for purposes besides those for which they are designed. The impact of the proposed rule would be to prohibit operations not directly associated with the designed for purpose by these airplanes which do not comply with FAR Part 36. An FAA analysis of the potential impacts under the proposal indicates that aircraft manufacturers have expressed an interest in type certificating in categories other than "restricted" and under the exception in § 36.1(a)(2) only in connection with airplanes manufactured for export. Thus, there should be very limited economic impact on airplane operations. The proposed rule, if adopted, would foreclose the potential operations permitted under the current rule and, thus, provide increased control of future aircraft noise and corresponding protection to the public health and welfare. Further, the proposed rule would not result in an increase in current fuel usage or engine emission and no inflationary or other significant economic impact would result.

The rule proposed in this notice has been reviewed in accordance with Executive Order 11821, entitled "Inflationary Impact Statements" (39 FR 41501; November 29, 1974), and it has been determined that the preparation of an inflationary impact statement is not necessary.

This amendment is proposed under the authority of §§ 307(c), 313(a), 601(a) and 611(b) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(c), 1354(a), 1421, and 1431(b)); § 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.); and Executive Order 11514, March 5, 1970.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Parts 21, 36 and 91 of the Federal Aviation Regulations (14 CFR Parts 21, 36, and 91) as hereinafter set forth:

§ 21.93 [Amended]

1. Paragraph (b)(3) of § 21.93 of Part 21 would be amended by adding the following at the end of the first sentence, within the parenthesis, after the words "firefighting materials": "and for which no requirements are prescribed in Part 36 of this chapter."

2. A new § 36.1583 would be added to Part 36 to read as follows:

§ 36.1583 Noncomplying agricultural and fire fighting airplanes.

(a) This section applies to propeller-driven small airplanes:

(1) That are designed for "agricultural aircraft operations" as defined in § 137.3 of this chapter, as effective on January 1, 1966, or for dispensing fire fighting materials;

(2) For which application is made for the original issue of a standard airworthiness certificate, and that have not had any flight time before January 1, 1980; and

(3) For which application is made for an acoustical change, for airplanes that have a standard airworthiness certificate after the change in type design and have not had any flight time, before January 1, 1980, in the changed configuration for which approval is requested.

(b) For airplanes covered by this section and that do not comply with the noise limits prescribed in Subpart F of this part, a statement must be furnished, in the manner prescribed in § 36.1581, reading as follows:

Noise Abatement: This airplane does not comply with the applicable noise limits in Part 36 of the Federal Aviation Regulations and shall be operated in compliance with noise abatement regulations applicable to airplanes that have not had flight time before January 1, 1980.

3. A new § 91.59 would be added to Part 91 to read as follows:

§ 91.59 Agricultural and firefighting airplane noise restrictions.

(a) This section applies to propeller-driven small airplanes, having standard airworthiness certificates, that are designed for "agricultural aircraft operations" as defined in § 137.3 of this chapter, as effective on January 1, 1966, or for dispensing fire fighting materials, and that have not had flight time before January 1, 1980.

(b) If the Airplane Flight Manual, or other approved manual material, markings, or placards for the airplane indicate that the airplane does not comply with the applicable noise limits in Appendix F of Part 36 of this chapter, no person may operate that airplane, other than to the extent necessary for the accomplishment of the work activity directly associated with the purpose for which it is designed, except as provided in paragraph (c) of this section.

(c) The airplane may be operated—

(1) To provide flight crewmember training in the special purpose operation for which the airplane is designed; and

(2) In the conduct of "nondispensing aerial work operations" in accordance with § 137.29(c) of this chapter.

Issued in Washington, D.C., on December 17, 1976.

JOAN B. BARRIAGE,
Acting Director,
Office of Environmental Quality.

[FR Doc.76-37650 Filed 12-22-76;8:45 am]

federal register

THURSDAY, DECEMBER 23, 1976

PART III

FEDERAL COMMUNICATIONS COMMISSION

■

CLASS D STATIONS IN CITIZENS RADIO SERVICE

Revision of Operating Rules

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20120; FCC 76-1138]

CLASS D STATIONS IN CITIZENS RADIO SERVICE

Revision of Operating Rules

Adopted: December 14, 1976.

Released: December 16, 1976.

In the matter of revision of operating rules for Class D stations in the Citizens Radio Service; FCC 76-1138; Dockets 20120; RM-1508, 1592, 1733, 1751, 1841, 1905, 1991, 2053, 2084, 2132, 2300, 2317, 2318; *Third Report and Order.*

1. A Notice of Inquiry and Further Notice of Proposed Rule Making in the above-captioned matter was released March 29, 1976 and published in the FEDERAL REGISTER April 6, 1976, 41 FR 14527 (1976). A Second Report and Order was released July 29, 1976 and published in the FEDERAL REGISTER August 4, 1976, 41 FR 32678 (1976).

2. In our Notice of Inquiry and Further Notice of Proposed Rule Making, we proposed to change the names of the Citizens Radio Service and its subdesignations. We proposed to redesignate the Citizens Radio Service the General Radio Service, and the Class D and Class A Services were to be redesignated the CB Radio Service and the UHF CB Service, respectively. We believed the new names would be more descriptive of the character of the Services and more in keeping with present user references to the Services.

3. The comments we received in response to the proposal to change the name of the Citizens Radio Service were generally favorable. In its Second Report and Order in this proceeding, however, the Commission deferred action on this proposal, stating that it would be implemented at a more appropriate time in the future.

4. We believe that the time is now right for the implementation of the name changes, and we are therefore changing the names of the Citizens Radio Service and its subdesignations, as follows: the Citizens Radio Service is redesignated the *Personal Radio Services;* the Class A Service is redesignated the *General Mobile Radio Service;* the Class C Service is redesignated the *Radio Control (R/C) Service;* and the Class D Service is redesignated the *Citizens Band (CB) Radio Service.*

5. We estimate that the total conversion of all license documents and other printed materials to reflect the various name changes adopted herein will require at least five years. Supplies of application forms and licenses at the Commission bearing the new designations will be put into use as soon as stocks of the present forms are exhausted. Licensees must not attempt to exchange their present licenses for licenses bearing the new Service designations, as this would seriously burden our application processing facilities.

6. Another matter we addressed in our Notice of Inquiry and Further Notice of Proposed Rule Making was a proposal that a copy of Part 95 of the Commission's Rules and Regulations be furnished with each Class D transmitter sold. We adopted this proposal in the Second Report and Order. We believe it to be essential that all licensees have in their possession a set of pertinent rules to aid them in determining the procedures necessary for proper and legal operation in the Service they are using. We do not believe, however, that Part 95 of the Rules must be retained in its entirety by all licensees. Rather, we believe that licensees should possess and be familiar with only those parts of Part 95 directly affecting their operations.

7. We are aware of the difficulty many people encounter reading and understanding Part 95 of the Rules. Much of the material contained therein is of either a legal or technical nature and is not organized in a manner facilitating rapid comprehension. As a first step towards a more comprehensible Part 95, we are therefore reorganizing the rules governing the Personal Radio Services into four subparts. The four new subparts of Part 95 are as follows: Subpart A, encompassing application procedures and operating rules for the General Mobile Radio Service; Subpart C, encompassing application procedures and operating rules for the Radio Control (R/C) Service; Subpart D, encompassing application procedures and operating rules for the Citizens Band (CB) Radio Service; and Subpart E, encompassing all technical requirements and type acceptance standards pertinent to radio equipment used by licensees operating under the provisions of Subparts A, C, and D. We are revising the rules to require that each licensee have in his possession the rule subpart governing the radio service in which he is operating, instead of the complete Part 95. We are also revising the rules to require that only subpart D of Part 95 need be provided with each CB Service transmitter sold. Suppliers wishing to do so may of course continue to supply complete editions of Part 95, however.

8. The rule revisions we are adopting herein are largely of an editorial nature. We expect to make future, more substantive revisions to Part 95 as our resources permit. Our objectives are to clarify the text of Part 95, thereby increasing its readability, and to eliminate altogether those regulations and restrictions found to be unnecessary. Each of the new subparts of Part 95 is considerably shorter and better organized than the present Part 95, and we believe that the increased length of the reorganized rule part is more than offset by its reduced complexity.

9. In view of the foregoing, we believe that the revised rules, as discussed above, are in the public interest. Accordingly, pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, *it is ordered* That Parts 0, 1, 2, 5, 15, 23, 25, 73, 74, 89, 91, 93, 95, and 99 of the Commission's Rules are amended as set forth below effective January 27, 1977. *It is further ordered* That this proceeding is Continued.

FEDERAL COMMUNICATIONS COMMISSION.[1]
VINCENT J. MULLINS,
Secretary.

(Secs. 4, 303, 48 Stat., 1066, 1082; as amended, 47 U.S.C. 154, 303.)

Parts 0, 1, 2, 5, 15, 23, 25, 73, 74, 89, 91, 93 and 99 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended, as follows:

PART 0—COMMISSION ORGANIZATION

1. § 0.241(c) is amended to read as follows:

§ 0.241 Authority delegated to the Chief Engineer.

* * * * *

(c) To assign new or modified call signs to stations in all of the radio services except the Personal and Amateur Radio Services. See §§ 0.332(a) and 1.550 of this chapter.

* * * * *

2. § 0.242(a) and (c) are amended to read as follows, and § 0.242(c)(14) is amended:

§ 0.242 Additional authority delegated to the Chief Engineer.

* * * * *

(a) In accordance with applicable rules, all applications filed in a region for authorizations in the Public Safety, Land Transportation, and Industrial Radio Services (excluding applications in the Industrial Radiolocation Service) and for General Mobile Radio Service station authorizations in the Personal Radio Services.

* * * * *

(c) On the following matters insofar as they involve the Public Safety, Industrial, Land Transportation (excluding the Industrial Radiolocation Service), Personal Radio Services (General Mobile Radio Service only) or Remote Pickup Broadcast Service (shared frequencies only).

* * * * *

(14) To act on requests for assignment of call signs to new stations in the Personal Radio Services (General Mobile Radio Service only) and for changes in the call signs of existing stations in this service.

* * * * *

3. § 0.431 is amended to read as follows:

§ 0.431 The FCC Service Frequency Lists.

Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of an automated record system. All stations licensed by the Commission are included, except the following: Aircraft,

[1] Commissioners Lee and Hooks absent; Commissioner White not participating.

amateur, personal (except General Mobile Radio Service), Civil Air Patrol, and disaster. The resulting documents, the FCC service frequency lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public inspection at each of the Commission's Field Operations Bureau field offices (see § 0.121) and, in Washington, D.C., in the offices of the Chief Engineer. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).

4. § 0.455(h)(1) is amended to read as follows:

§ 0.455 Other locations at which records may be inspected.

* * * * *

(h) * * *

(1) Amateur Radio Service and Personal Radio Services application files.

* * * * *

5. § 0.481 is amended to read as follows:

§ 0.481 Place of filing of applications for radio authorizations.

Class of station	Method of filing	Number of copies
(a) Alaskan fixed public and Alaskan public coastal.	VIA engineer in charge radio district No. 14 Seattle, Wash. 98104.	2
(b) Amateur	See secs. 0.483 and 0.485.	As specified in form.
(c) Interim ship station license.	See sec. 0.487	Do.
(d) Personal	To Federal Communications Commission, Gettysburg, Pa. 17325.	Do.
(e) Ship (FCC forms 502 and 405-B).	do	Do.
(f) Aircraft (FCC forms 404 and 405-B).	do	Do.
(g) All others	Directly to the main Washington, D.C., office of the Commission. See sec. 0.401.	Do.

PART 1—PRACTICE AND PROCEDURE

§ 1.912 Where applications are to be filed.

* * * * *

(d) All formal applications for Radio control (R/C) or Citizens Band (CB) new, modified, or renewal station authorizations shall be submitted to the Commission's office, Gettysburg, Pennsylvania 17326. All formal applications for ship station licenses (FCC Forms 502 and 405-B) shall be submitted to the Commission's office, Box 1040, Gettysburg, Pennsylvania 17325. All formal applications for aircraft station licenses (FCC Forms 404 and 405-B) shall be submitted to the Commission's office, Box 1030, Gettysburg, Pennsylvania 17325. Any special requests or applications for special temporary authority concerning a Radio Control (R/C) or Citizens Band (CB) station and all applications for General Mobile Radio Service station licenses shall be filed in accordance with paragraph (e) of this section.

* * * * *

7. § 1.922 is amended to read as follows:

§ 1.922 Forms to be used.

FCC Form:

* * * * *

	Title
505	Application for station license in the R/C or CB service.
*	* * * *
555-B	Temporary permit, citizens band (CB) radio service, personal radio service.

* * * * *

8. § 1.924 (a)(2) and (c)(3) are amended to read as follows:

§ 1.924 Assignment or transfer of control, voluntary and involuntary.

(a) * * *

(2) Licenses for stations in the Amateur, Aviation (aircraft), Personal, and Maritime (ship) Radio Services cannot be assigned. Whenever there is a change of ownership of one of these latter stations, the new owner must apply for a new license. Upon receipt of the new license, the former license must be surrendered for cancellation.

* * * * *

(c) * * *

(3) In the case of stations in the Amateur, Aviation (aircraft), Personal, and Maritime (ship) Radio Services, involuntary assignment of licenses will not be made; such licenses shall be surrendered for cancellation upon the death or legal disability of the licensee.

9. § 1.925(d) is amended to read as follows:

§ 1.925 Application for special temporary authorization or temporary permit.

* * * * *

(d) An individual applicant for a Citizens Band (CB) station license in the Personal Radio Services may operate his radio station pending issuance of his CB station authorization by the Commission for a period of 60 days, under a temporary permit, evidenced by a properly executed certification made on FCC Form 555-B.

10. § 1.926 (b)(5), (10) and (11) are amended to read as follows:

§ 1.926 Application for renewal of license.

* * * * *

(b) * * *

(5) Beginning April 1, 1972, applications for renewal of licenses for base, mobile and fixed stations operating on frequencies below 950 MHz in the Public Safety, Industrial, Land Transportation Radio Services, and for General Mobile Radio Service stations in the Personal Radio Services which are located in the Chicago, Ill., Regional Area (defined in Parts 89, 91, 93, and 95 of this chapter) shall be filed on FCC Form 425. Such applications shall be filed at the Commission's Washington, D.C. office until January 1, 1973. After January 1, 1973, they shall be filed at the Commission's Chicago Regional Office.

* * * * *

(10) Application for renewal of Radio Control (R/C) or Citizens Band (CB) station license in the Personal Radio Services shall be submitted on FCC Form 505.

(11) Application for renewal of General Mobile Radio Service station license in the Personal Radio Services shall be submitted on FCC Form 400.

* * * * *

11. § 1.931(b) is amended to read as follows:

§ 1.931 Application for extension of construction permit.

* * * * *

(b) Application for extension of time within which to construct a station in the Public Safety, Industrial and Land Transportation Radio Services shall be submitted on FCC Form 400 or on FCC Form 402, as appropriate; in the Aviation Services, on FCC Form 406, except Civil Air Patrol applications which shall use FCC Form 480; in the case of General Mobile Radio Service stations in the Personal Radio Services, on FCC Form 400; and in all other services, on FCC Form 701. Such application shall be filed at least 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

12. § 1.933(b) is amended to read as follows:

§ 1.933 Installation or removal of apparatus.

* * * * *

(b) In the Personal Radio Services, replacement of transmitting equipment may be made without prior authorization: *Provided*, The replacement transmitter appears in the Commission's "Radio Equipment List," as designated for use in the Personal Radio Services or, in the case of an R/C station [or a CB station until November 23, 1978 if first licensed prior to November 22, 1974], using crystal control, the substitute equipment is crystal controlled: *Provided, further*, That the substitute equipment employs the same type of emission and does not exceed the frequency tolerance and power limitations prescribed for the particular class of station involved.

13. § 1.951(a) and (d) are amended to read as follows:

§ 1.951 How applications are distributed.

(a) Amateur and Citizens Division: Amateur, Disaster, RACES, and Personal.

* * * * *

(d) Chicago, Ill., Regional Office (beginning January 1, 1973): applications for base, mobile and fixed stations to operate on frequencies below 950 MHz with-

in the Chicago, Ill., Region (defined in Parts 89, 91, 93 and 95 of this chapter) filed in the Public Safety, Land Transportation, and Industrial (excluding Industrial Radiolocation) Services, and for General Mobile Radio Service stations in the Personal Radio Services.

14. § 1.952(b) is amended to read as follows:

§ 1.952 How file numbers are assigned.

* * * * *

(b) File number symbols and service or class of station designators:

* * * * *

PERSONAL RADIO SERVICES

CA—General Mobile Radio Service.
CC—Radio Control (R/C) Service.
CD—Citizens Band (CB) Radio Service.

* * * * *

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

15. In § 2.1 the definition "Citizens radio service" is deleted and the following definition "Personal radio services" added alphabetically to read as follows:

§ 2.1 Definitions.

* * * * *

Personal radio services. A radiocommunication service of fixed, land, and mobile stations intended for personal or business radiocommunications, radio signaling, control of remote objects or devices by means of radio, and other purposes not specifically prohibited.

* * * * *

16. § 2.106 is amended to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

United States		Federal Communications Commission				
Band (megahertz)	Allocation	Band (megahertz)	Service	Class of Station	Frequency (megahertz)	Nature (of services and stations)
5	6	7	8	9	10	11
*	*	*	*	*	*	*
26.95 to 27.54	NG	26.95 to 26.96	Fixed	Fixed	26.955	International. Fixed public.
		26.96 to 27.23 (225) (US 1).	Personal	Fixed. Land Mobile.	27.12	Industrial, scientific and medical equipment.
		27.23 to 27.28 (225).	Personal. Fixed. Mobile.	do		Personal. Public safety. Industrial. Land transportation.
		27.28 to 27.41	Personal. Land mobile.	Base. Land mobile.		Personal. Industrial.
		27.41 to 27.54	Land mobile	do		Industrial.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (megahertz)	Service	Band (megahertz)	Service	Band (megahertz)	Allocation	Band (megahertz)	Service	Class of station	Frequency (megahertz)	Nature (of services and stations)
1	2	3	4	5	6	7	8	9	10	11
						456 to 459	Land mobile. (NG112).	Land mobile		Public safety. Industrial. Land transportation.
						459 to 460	Land mobile. (NG112).	Base. Land mobile.		Domestic. Public. (12)NG.
460 to 470 (324B).	Fixed. Mobile. Meteorological-satellite (space-to-Earth). (318A).				(US100) (US201) (US209).	460 to 462.5375	Land mobile	do		Public safety. Industrial. Land transportation.
						462.5375 to 462.7375.	do	do		Personal.
						462.7375 to 465.0125.	do	do		Public safety. Industrial. Land transportation.
						465.0125 to 467.5375.	do	Land mobile		Do.
						467.5375 to 467.7375.	do	do		Personal.
						467.7375 to 470.	do	do		Public safety. Industrial. Land transportation.
470 to 890 (332A).		470 to 890 (329A) (332) (332A).	Broadcasting	470 to 902	NG. (NG30) (NG43) (NG63) (US36) (US88) (US100) (US116) (US215).	470 to 512	Broadcasting. Land mobile. (NG66).	Television broadcasting. Land mobile. Base.		Broadcasting. Public safety. Industrial. Land transportation. Domestic Public.
						512 to 806	Broadcasting	Television broadcasting.		
						806 to 821	Land mobile	Land mobile		Conventional and trunked Systems.
						821 to 825	do			Reserve.
						825 to 845	do	Land mobile		Cellular systems.
						845 to 851	do			Reserve.

17. In § 2.106, Note NG56 is amended to read as follows:

* * * * *

NG FOOTNOTES

* * * * *

NG56 The frequencies 72.08, 72.16, 72.24, 72.32, 72.40, 72.96, and 75.64 MHz may be authorized for low powered (1-watt input) mobile operations in the Personal Radio Services for radio control of models subject to the condition that interference will not be caused to remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television stations operating on Channels 4 or 5. TV interference shall be considered to occur whenever reception of regularly used television signals is impaired or destroyed, regardless of the strength of the television signals or the distance to the television station.

* * * * *

18. § 2.302 is amended to read as follows:

§ 2.302 Call signs.

Class of station	Composition of call sign	Call sign blocks
*	*	*
Personal radio	3 letters, 4 digits, or 4 letters, 4 digits.	KAA0001 through KZZ9999, WAA0001 through WPZ9999, KAAA0001 through KZZZ9999.
Personal radio, temporary permit.	3 letters, 5 digits	KAA00000 through KZZ99999.
Personal radio in trust territories.	1 letter, 4 digits	K0031 through K9999.

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

19. § 5.69 is amended to read as follows:

§ 5.69 Notification to the National Radio Astronomy Observatory.

In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N on the north, 78°30′ W on the east, 37°30′ N on the south and 80°30′ W on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, West Virginia, 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

PART 15—RADIO FREQUENCY DEVICES

20. § 15.59 (a) and (b) are amended to read as follows:

§ 15.59 Interference requirement for a CB receiver.

(a) For the purpose of this regulation a CB receiver is defined as any receiver that operates in the Personal Radio Services on frequencies allocated for CB stations, as well as any receiver provided with a separate band specifically designed to receive the transmissions of CB stations in the Personal Radio Services. The term CB receiver includes the following:

A CB receiver sold as a separate piece of equipment.

The receiver section of a CB transceiver.

A converter to be used with any receiver for the purpose of receiving CB transmissions.

The CB band of a multiband receiver in which such band can be separately selected and is labelled "CB band" or "11 meter band."

(b) * * * *Provided, however,* If the receiver is a part of a CB transceiver for which an application for type acceptance is filed on or after September 10, 1976, an application for certification of the receiver section of such transceiver must be filed simultaneously with the application for type acceptance.

* * * * *

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

21. § 23.20(b) is amended to read as follows:

§ 23.20 Assignment of frequencies.

* * * * *

(b) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N on the north, 78°30′ W on the east, 37°30′ N on the south and 80°30′ W on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, West Virginia, 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in ihs application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of twenty (20) days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the twenty day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

PART 25—SATELLITE COMMUNICATIONS

22. § 25.203(g) is amended to read as follows:

§ 25.203 Choice of sites and frequencies.

* * * * *

(g) Notification to the National Radio Astronomy Observatory: In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, W. Va., any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south and 80°30′ W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, W. Va. 24944,

in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the observatory. After receipt of such applications, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

PART 73—RADIO BROADCAST SERVICES

23. In § 73.1207(c) Note 2(d) is added to read as follows:

§ 73.1207 Rebroadcast.

* * * * *

NOTE 2. * * *

* * * * *

(d) A broadcasting station may not rebroadcast, live or delayed, the transmissions of a Personal Radio Services station.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

24. § 74.405(b) is amended to read as follows:

§ 74.405 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

* * * * *

(b) * * *

CATEGORY II

* * * * *

GROUP D

Domestic public land mobile radio service.[1]

GROUP E

Personal radio services (General Mobile Radio Service).

* * * * *

PART 89—PUBLIC SAFETY RADIO SERVICE

25. § 89.81(b) is amended to read as follows:

§ 89.31 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

* * * * *

(b) * * *

CATEGORY II

GROUP D

Domestic public land mobile radio service.[1]

GROUP E

Personal radio services (General Mobile Radio Service).

* * * * *

26. § 89.101(d)(3) is amended to read as follows:

§ 89.101 Frequencies.

* * * * *

(d) * * *

(3) Effective September 10, 1976, station authorizations for the use of 27.235, 27.245, 27.255, 27.265, and 27.275 MHz will be issued only to applicants in the Personal Radio Services. Licenses in the Public Safety Radio Services authorizing the use of these frequencies shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 and 27.41 MHz should be modified prior to December 31, 1979 to permit operation on other authorized frequencies.

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

27. § 91.67(b) is amended to read as follows:

§ 91.67 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

* * * * *

(b) * * *

CATEGORY II

GROUP D

Domestic public land mobile radio service.[1]

GROUP E

Personal Radio Services (General Mobile Radio Service).

* * * * *

28. § 91.254(b)(5) is amended to read as follows:

§ 91.254 Frequencies available.

* * * * *

(b) * * *

(5) Effective September 10, 1976, station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

* * * * *

29. § 91.304(b)(7) is amended to read as follows:

§ 91.304 Frequencies available.

* * * * *

(b) * * *

(7) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

* * * * *

30. § 91.354(b)(3) is amended to read as follows:

§ 91.354 Frequencies available.

* * * * *

(b) * * *

(3) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other frequencies.

* * * * *

31. § 91.404(b)(8) is amended to read as follows:

§ 91.404 Frequencies available.

* * * * *

(b) * * *

(8) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

* * * * *

32. § 91.454(b)(6) is amended to read as follows:

§ 91.454 Frequencies available.

* * * * *

(b) * * *

(6) Effective September 10, 1976, station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to

[1] These frequencies will not be shared with private systems in the Chicago region at this time.

December 31, 1979, to permit operation on other authorized frequencies.

* * * * *

33. § 91.504(b)(5) is amended to read as follows:

§ 91.504 Frequencies available.

* * * * *

(b) * * *

(5) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

* * * * *

34. § 91.554(b)(5) is amended to read as follows:

§ 91.554 Frequencies available.

* * * * *

(b) * * *

(5) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

* * * * *

35. § 91.730 (b)(9) and (b)(13) are amended to read as follows:

§ 91.730 Frequencies available.

* * * * *

(b) * * *

(9) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

* * * * *

(13) This frequency is shared with Radio Control (R/C) stations in the Personal Radio Services which are used solely for the radio control of models.

* * * * *

36. § 91.754(b)(1) is amended to read as follows:

§ 91.754 Frequencies available.

* * * * *

(b) * * *

(1) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 29.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

* * * * *

37. In § 91.806 the headnote and text are amended to read as follows:

§ 91.806 Participation of General Mobile Radio Service licensees in the Personal Radio Services.

Industrial entities may utilize their Personal Radio Services (General Mobile Radio Service) facilities, licensed to them under § 95.55 of the Commission's rules, in the operation of their own Detailed Operational Industrial Communications Emergency Plans as developed in accordance with the procedures established in this subpart.

PART 93—LAND TRANSPORTATION RADIO SERVICES

38. § 93.67(b) is amended to read as follows:

§ 93.67 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

* * * * *

(b) * * *

* * * * *

CATEGORY II

GROUP D

Domestic public land mobile radio service.[1]

GROUP E

Personal Radio Services (General Mobile Radio Service).

* * * * *

39. §§ 93.254(d), 93.356(d), 93.404(d) and 93.504(d) are amended as follows:

§ 00.000 Frequencies below 952 MHz available for base, mobile, and operational fixed stations.

* * * * *

(d) Effective September 10, 1976, station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Personal Radio Services. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979 to permit operation on authorized frequencies.

PART 99—DISASTER COMMUNICATIONS SERVICE

40. § 99.11(e) is amended to read as follows:

§ 99.11 Applications.

* * * * *

(e) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia, any applicant for a station authorization other than mobile, temporary base, temporary fixed, Personal Radio, Civil Air Patrol, or Amateur seeking a station license for a new station, or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15′ N on the north, 78°30′ W on the east, 37°30′ N on the south, and 80°30′ W on the west, shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, West Virginia 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity, if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

* * * * *

PART 95—PERSONAL RADIO SERVICE

Part 95 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as set forth below:

Redesignation table

	Subpt. A	C	D	Former edition
General:				
Basis and purpose	§ 95.1	.201	.401	§ 95.1
Definitions	§ 95.3	.203	.403	§ 95.3
Applications and licenses:				
Eligibility for station license	§ 95.11	.211	.411	§ 95.13
General citizenship requirements	§ 95.13	.213	.413	§ 95.7
Standard forms to be used	§ 95.15	.215	.415	§ 95.19
Filing of applications	§ 95.17	.217	.417	§ 95.15
Mailing address furnished by licensee	§ 95.19	.219	.419	§ 95.14
Who may sign applications	§ 95.21	.221	.421	§ 95.17
Defective applications	§ 95.23	.223	.423	§ 95.29
Amendment or dismissal of application	§ 95.25	.225	.425	§ 95.25
Partial grant	§ 95.27	.227	.427	§ 95.31
License term	§ 95.29	.229	.429	§ 95.33
Types of operation authorized	§ 95.31	.231	.431	§ 95.6
Transfer of license prohibited	§ 95.33	.233	.433	§ 95.27
Changes in terms of license	§ 95.35	.235	.435	§ 95.35
Limitations on antenna structures	§ 95.37	.237	.437	§ 95.37
Station operating requirements:				
Station authorization required	§ 95.51	.251	.451	§ 95.11
Posting station license and transmitter identification cards or plates	§ 95.53	.253	.453	§ 95.101
Authorized frequencies	§ 95.55	.255	.455	§ 95.41
Policy governing the assignment/availability of frequencies	§ 95.57	.257	.457	§ 95.5
Emission types authorized	§ 95.59	.259		§ 95.47
Telephony only			.459	§ 95.47
Permissible communications	§ 95.61		.461	§ 95.81
Emergency and assistance to motorist use	§ 95.63		.463	§ 95.85
Operation by, or on behalf of, persons other than the licensee	§ 95.65	.265	.465	§ 95.87
Telephone answering services	§ 95.67		.467	§ 95.89
Duration of transmissions	§ 95.69	.269	.469	§ 95.91
Station identification	§ 95.71	.271	.471	§ 95.95
Station location	§ 95.73	.273	.473	§ 95.117
Control points, dispatch points and remote control	§ 95.75			§ 95.113
Dispatch points and remote control		.275	.475	§ 95.113
Civil defense communications	§ 95.77		.477	§ 95.121
Station administration requirements:				
Prohibited communications	§ 95.101	.301	.501	§ 95.83
False signals	§ 95.103		.503	§ 95.115
Current copy of rules required	§ 95.105	.305	.505	§ 95.105
Answers to notices of violations	§ 95.107	.307	.507	§ 95.113
External radio frequency power amplifiers prohibited			.509	§ 95.44
Transmitter service and maintenance	§ 95.111	.311	.511	§ 95.97
Modification of transmitters			.513	§ 95.35
Tests and adjustments	§ 95.115	.315	.515	§ 95.93
Inspection and maintenance of tower marking and lighting and associated control equipment	§ 95.117			§ 95.107
Recording of tower light inspections	§ 95.119			§ 95.111
Inspection of stations and station records	§ 95.121	.321	.521	§ 95.103

Technical regulations

	Subpt. E	Former edition
General:		
Basis and purpose	§ 95.601	§ 95.1
Definitions	§ 95.603	§ 95.3
Frequencies, power and emissions:		
Availability of frequencies	§ 95.611	§ 95.41
Transmitter power	§ 95.613	§ 95.43
Frequency tolerance	§ 95.615	§ 95.45
Emission limitations	§ 95.617	§ 95.49
Modulation requirements	§ 95.619	§ 95.51
Compliance with technical requirements	§ 95.621	§ 95.53
Prohibited equipment: External Radio Frequency Power Amplifiers	§ 95.631	§ 95.44
Type acceptance and certification:		
Acceptability of transmitters for licensing	§ 95.641	§ 95.55
Procedure for type acceptance of equipment	§ 95.643	§ 95.57
Additional requirements for type acceptance	§ 95.645	§ 95.58
Submission of noncrystal controlled class C station transmitters for type approval	§ 95.647	§ 95.59
Type approval of receiver-transmitter combinations	§ 95.649	§ 95.61
Minimum equipment specifications	§ 95.651	§ 95.63
Test procedure	§ 95.653	§ 95.65
Certificate of type approval	§ 95.655	§ 95.67

Subpart A—General Mobile Radio Service

Sec.
95.1 Basis and purpose.
95.3 Definitions.

APPLICATIONS AND LICENSES

95.11 Eligibility for station license.
95.13 General citizenship requirements.
95.15 Standard forms to be used.
95.17 Filing of applications.
95.19 Mailing address furnished by licensee.
95.21 Who may sign applications.
95.23 Defective applications.
95.25 Amendment or dismissal of application.
95.27 Partial grant.
95.29 License term.
95.31 Types of operation authorized.
95.33 Transfer of license prohibited.
95.35 Changes in terms of license.
95.37 Limitations on antenna structures.

STATION OPERATING REQUIREMENTS

95.51 Station authorization required.
95.53 Posting station license and transmitter identification cards or plates.
95.55 Authorized frequencies.
95.57 Policy governing the assignment of frequencies.
95.59 Emission types authorized.
95.61 Permissible communications.
95.63 Emergency and assistance to motorist use.
95.65 Operation by, or on behalf of, persons other than the licensee.
95.67 Telephone answering services.
95.69 Duration of transmissions.
95.71 Station identification.
95.73 Station location.
95.75 Control points, dispatch points and remote control.
95.77 Civil defense communications.

STATION ADMINISTRATION REQUIREMENTS

95.101 Prohibited communications.
95.103 False signals.
95.105 Current copy of rules required.
95.107 Answers to notices of violations.
95.111 Transmitter service and maintenance.
95.115 Tests and adjustments.
95.117 Inspection and maintenance of tower marking and lighting and associated control equipment.
95.119 Recording of tower light inspections.
95.121 Inspection of stations and station records.

Subpart B—[Reserved.]

GENERAL

Subpart C—Radio Control (R/C) Service

GENERAL

Sec.
95.201 Basis and purpose.
95.203 Definitions.

APPLICATIONS AND LICENSES

95.211 Eligibility for station license.
95.213 General citizenship requirements.
95.215 Standard forms to be used.
95.217 Filing of applications.
95.219 Mailing address furnished by licensee.
95.221 Who may sign applications.
95.223 Defective applications.
95.225 Amendment or dismissal of application.
95.227 Partial grant.
95.229 License term.
95.231 Types of operation authorized.
95.233 Transfer of license prohibited.
95.235 Changes in terms of license.
95.237 Limitations on antenna structures.

STATION OPERATING REQUIREMENTS

95.251 Station authorization required.
95.253 Posting station license and transmitter identification cards or plates.
95.255 Authorized frequencies.
95.257 Policy governing the availability of frequencies.
95.259 Emission types authorized.
95.265 Operation by, or on behalf of, persons other than the licensee.
95.269 Duration of transmissions.
95.271 Station identification.
95.273 Station location.
95.275 Dispatch points and remote control.

STATION ADMINISTRATION REQUIREMENTS

95.301 Prohibited communications.
95.305 Current copy of rules required.
95.307 Answers to notices of violations.
95.311 Transmitter service and maintenance.
95.315 Tests and adjustments.
95.321 Inspection of stations and station records.

Subpart D—Citizens Band (CB) Radio Service

GENERAL

95.401 Basis and purpose.
95.403 Definitions.

APPLICATIONS AND LICENSES

95.411 Eligibility for station license.
95.413 General citizenship requirements.
95.415 Standard forms to be used.
95.417 Filing of applications.
95.419 Mailing address furnished by licensee.
95.421 Who may sign applications.
95.423 Defective applications.
95.425 Amendment or dismissal of application.
95.427 Partial grant.
95.429 License term.
95.431 Types of operation authorized.
95.433 Transfer of license prohibited.
95.435 Changes in terms of license.
95.437 Limitations on antenna structures.

STATION OPERATING REQUIREMENTS

Sec.
95.451 Station authorization required.
95.453 Posting station license and transmitter identification cards or plates.
95.455 Authorized frequencies.
95.457 Policy governing the availability of frequencies.
95.459 Telephony only.
95.461 Permissible communications.
95.463 Emergency and assistance to motorist use.
95.465 Operation by, or on behalf of, persons other than the licensee.
95.467 Telephone answering services.
95.469 Duration of transmissions.
95.471 Station identification.
95.473 Station location.
95.475 Dispatch points and remote control.
95.477 Civil Defense communications.

STATION ADMINISTRATION REQUIREMENTS

95.501 Prohibited communications.
95.503 False signals.
95.505 Current copy of the rules required.
95.507 Answers to notices of violations.
95.509 External radio frequency power amplifiers prohibited.
95.511 Transmitter service and maintenance.
95.513 Modification of transmitters.
95.515 Tests and adjustments.
95.521 Inspection of stations and station records.

Subpart E—Technical Regulations

GENERAL

95.601 Basis and purpose.
95.603 Definitions.

FREQUENCIES, POWER AND EMISSIONS

95.611 Availability of frequencies.
95.613 Transmitter power.
95.615 Frequency tolerance.
95.617 Emission limitations.
95.619 Modulation requirements.
95.621 Compliance with technical requirements.

PROHIBITED EQUIPMENT

95.631 External radio frequency power amplifiers prohibited.

TYPE ACCEPTANCE AND CERTIFICATION

95.641 Acceptability of transmitters for licensing.
95.643 Procedure for type acceptance of equipment.
95.645 Additional requirements for type acceptance.
95.647 Submission of noncrystal controlled Class C station transmitters for type approval.
95.649 Type approval of receiver-transmitter combinations.
95.651 Minimum equipment specifications.
95.653 Test procedure.
95.655 Certificate of type approval.

AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

Subpart A—General Mobile Radio Service

GENERAL

§ 95.1 Basis and purpose.

These rules are designed to provide for private short-distance personal or business radio-communications service for the business or personal activities of licensees, for radio signaling, for the control of remote objects or devices by means of radio; all to the extent that these uses are not specifically prohibited in this part.

§ 95.3 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

(a) Definitions of stations: *General Mobile Radio Service station.* A station in the Personal Radio Services licensed to be operated on an assigned frequency in the 460–470 MHz band with a transmitter output power of not more than 50 watts.

Base station. A station in the land mobile service not intended for operation while in motion.

Fixed station. A station intended to be operated between specified fixed points.

Mobile station. A station intended to be operated between mobile and land stations or between mobile stations. A mobile station is operated while in motion or during halts at unspecified points.

(b) Miscellaneous definitions: *Antenna structure.* The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

Assigned frequency. The frequency appearing on a station authorization from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

Control point. A control point is an operating position which is under the control and supervision of the licensee, at which a person immediately responsible for the proper operation of the transmitter is stationed, and at which adequate means are available to aurally monitor all transmissions and to render the transmitter inoperative.

Dispatch point. A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point.

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radio-navigation service or other safety service or seriously degrades, obstructs or repeatedly interrupts a radio-communication service operating in accordance with applicable laws, treaties, and regulations.

Man-made structure. A man-made structure is any construction other than a tower, mast or pole.

Necessary bandwidth. For a given class of emission, the minimum value of the occupied bandwidth sufficient to ensure the transmission of information at the rate and with the quality required for the system employed, under specified conditions. Emissions useful for the good functioning of the receiving equipment, as for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

Person. The term "person" includes an individual, partnership, association, joint-stock company, trust or corporation.

Remote control. The term "remote control" when applied to the use or operation from someother point on the same premises of a personal radio services station means the control of the transmitting equipment of that station from any place other than the location of the transmitting equipment except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft or vehicle shall not be considered to be remote control.

Station authorization. Any construction permit, temporary permit, license or special temporary authorization issued by the Commission.

APPLICATIONS AND LICENSES

§ 95.11 Eligibility for station license.

Subject to the general restrictions of § 95.13, any person is eligible to hold an authorization to operate a station: Provided that if an applicant for a station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age. An unincorporated association, when licensed under the provisions of this paragraph, may upon specific prior approval of the Commission provide radiocommunications for its members.

NOTE: While the basis of eligibility in this service includes any state, territorial, or local governmental entity, or any agency operating by the authority of such governmental entity, including any duly authorized state, territorial, or local civil defense agency, it should be noted that the frequencies available to station in this service are shared without distinction between all licensees and that no protection is afforded to the communications of any station in this service from interference which may be caused by the authorized operation of other licensed stations.

§ 95.13 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

§ 95.15 Standard forms to be used.

(a) *FCC Form 400. Application for Radio Station Authorization in the Safety and Special Radio Services.* Except as provided in paragraph (b) of this section, this form shall be used when:

(1) Application is made for a new base station or fixed station authorization. Separate applications shall be submitted for each proposed base or fixed station at different fixed locations: however, all equipment intended to be operated at a single fixed location is considered to be one station which may, if necessary, be classed as both a base station and a fixed station.

(2) Application is made for a new station authorization for any required number of mobile units (including hand-carried and pack-carried units) to be operated as a group in a single radiocommunication system in a particular area. An application for mobile station authorization may be combined with the application for a single base station authorization when such mobile units are to be operated with that base station only.

(3) Application is made for station license of any ———— base station or

fixed station upon completion of construction or installation in accordance with the terms and conditions set forth in any construction permit required to be issued for that station, or application for extension of time within which to construct such a station.

(4) Application is made for modification of any existing ———— ———— station authorization in those cases where prior Commission approval of certain changes is required (see § 95.35).

(5) Application is made for renewal of an existing ———— station authorization, or for reinstatement of such an expired authorization.

(6) Each applicant in the Safety and Special Radio Services (1) for modification of a station license involving a site change or a substantial increase in tower height or (2) for a license for a new station must, before commencing construction, supply the environmental information, where required, and must follow the procedure prescribed by Subpart I of Part 1 of this chapter (§§ 1.1301 through 1.1319) unless Commission action authorizing such construction would be a minor action within the meaning of Subpart I of Part 1.

(7) Application is made for an authorization for a new ———— base or fixed station to be operated at unspecified or temporary locations. When one or more individual transmitters are each intended to be operated as a base station or as a fixed station at unspecified or temporary locations for indeterminate periods, such transmitters may be considered to comprise a single station intended to be operated at temporary location. The application shall specify the general geographic area within which the operation will be confined. Sufficient data must be submitted to show the need for the proposed area of operation.

(b) Applicants for ———— ———— stations located in the Chicago Regional Area (defined to consist of the counties listed below) shall use FCC Form 425 in lieu of FCC Form 400.

ILLINOIS

1. Boone.
2. Bureau.
3. Carroll.
4. Champaign.
5. Christian.
6. Clark.
7. Coles.
8. Cook.
9. Cumberland.
10. De Kalb.
11. De Witt.
12. Douglas.
13. Du Page.
14. Edgar.
15. Ford.
16. Fulton.
17. Grundy.
18. Henry.
19. Iroquois.
20. Jo Daviess.
21. Kane.
22. Kankakee.
23. Kendall.
24. Knox.
25. Lake.
26. La Salle.
27. Lee.
28. Livingston.
29. Logan.
30. Macon.
31. Marshall.
32. Mason.
33. McHenry.
34. McLean.
35. Menard.
36. Mercer.
37. Moultrie.
38. Ogle.
39. Peoria.
40. Piatt.
41. Putnam.
42. Rock Island.
43. Sangamon.
44. Shelby.
45. Stark.
46. Stephenson.
47. Tazewell.
48. Vermilion.
49. Warren.
50. Whiteside.
51. Will.
52. Winnebago.
53. Woodford.

INDIANA

1. Adams.
2. Allen.
3. Benton.
4. Blackford.
5. Boone.
6. Carroll.
7. Cass.
8. Clay.
9. Clinton.
10. De Kalb.
11. Delaware.
12. Elkhart.
13. Fountain.
14. Fulton.
15. Grant.
16. Hamilton.
17. Hancock.
18. Hendricks.
19. Henry.
20. Howard.
21. Huntington.
22. Jasper.
23. Jay.
24. Kosciusko.
25. Lake.
26. Lagrange.
27. La Porte.
28. Madison.
29. Marion.
30. Marshall.
31. Miami.
32. Montgomery.
33. Morgan.
34. Newton.
35. Noble.
36. Owen.
37. Parke.
38. Porter.
39. Pulaski.
40. Putnam.
41. Randolph.
42. St. Joseph.
43. Starke.
44. Steuben.
45. Tippecanoe.
46. Tipton.
47. Vermillion.
48. Vigo.
49. Wabash.
50. Warren.
51. Wells.
52. White.
53. Whitley.

IOWA

1. Cedar.
2. Clinton.
3. Dubuque.
4. Jackson.
5. Jones.
6. Muscatine.
7. Scott.

MICHIGAN

1. Allegan.
2. Barry.
3. Berrien.
4. Branch.
5. Calhoun.
6. Cass.
7. Clinton.
8. Eaton.
9. Hillsdale.
10. Ingham.
11. Ionia.
12. Jackson.
13. Kalamazoo.
14. Kent.
15. Lake.
16. Mason.
17. Mecosta.
18. Montcalm.
19. Muskegon.
20. Newaygo.
21. Oceana.
22. Ottawa.
23. St. Joseph.
24. Van Buren.

OHIO

1. Defiance.
2. Mercer.
3. Paulding.
4. Van Wert.
5. Williams.

WISCONSIN

1. Adams.
2. Brown.
3. Calumet.
4. Columbia.
5. Dane.
6. Dodge.
7. Door.
8. Fond du Lac.
9. Grant.
10. Green.
11. Green Lake.
12. Iowa.
13. Jefferson.
14. Juneau.
15. Kenosha.
16. Kewaunee.
17. Lafayette.
18. Manitowoc.
19. Marquette.
20. Milwaukee.
21. Outagamie.
22. Ozaukee.
23. Racine.
24. Richland.
25. Rock.
26. Sauk.
27. Sheboygan.
28. Walworth.
29. Washington.
30. Waukesha.
31. Waupaca.
32. Waushara.
33. Winnebago.

(c) *FCC Form 703. Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License.* This form shall be used when application is made for consent to transfer control of a corporation holding any station authorization.

§ 95.17 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to this Service are discussed in § 95.15, and may be obtained from the Washington, D.C. 20554, office of the Commission, or from any of its engineering field offices.

(b) Applications for station authorizations, applications for consent to transfer of control of a corporation holding a radio station authorization, requests for special temporary authority or other special requests, and correspondence relating to an application for a radio station authorization shall be submitted to the Commission's Office at Washington, D.C. 20554, and should be directed to the attention of the Secretary. Applicants for stations in the Chicago Regional Area, defined in § 95.15 shall submit their applications to the Commission's Chicago Regional Office.

(c) Unless otherwise specified, an application shall be filed at least 60 days prior to the date on which it is desired that Commission action thereon be completed. In any case where the applicant has made timely and sufficient application for renewal of license, in accordance with the Commission's rules, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(e) Applicants proposing to construct a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

§ 95.19 Mailing address furnished by licensee.

Except for applications submitted by Canadian citizens pursuant to agreement between the United States and Canada (TIAS No. 6931), each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for these purposes.

§ 95.21 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications,

amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of the fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment, U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 95.23 Defective applications.

(a) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(b) When an application is considered to be incomplete or defective, such application will be returned to the applicant, unless the Commission may otherwise direct. The reason for return of the applications will be indicated, and if appropriate, necessary additions or corrections will be suggested.

§ 95.25 Amendment or dismissal of application.

(a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for the original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

§ 95.27 Partial grant.

Where the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, or from its effective date if a later date is specified, file with the Commission a written rejection of the grant as made. Upon receipt of such rejection, the Commission will vacate its original action upon the application and, if appropriate, set the application for hearing.

§ 95.29 License term.

Licenses will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

§ 95.31 Types of operation authorized.

Stations may be authorized as mobile stations, as base stations, as fixed stations, or as base or fixed stations to be operated at unspecified or temporary locations.

§ 95.33 Transfer of license prohibited.

A station authorization may not be transferred or assigned. In lieu of such transfer or assignment, an application for new station authorization shall be filed in each case, and the previous authorization shall be forwarded to the Commission for cancellation.

§ 95.35 Changes in terms of license.

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of license be submitted to the Commission. Application for modification shall be submitted in the same manner as an application for a new station license, and the licensee shall forward his existing authorization to the Commission for cancellation immediately upon receipt of the superseding authorization. Any of the following changes to authorized stations may be made only upon approval by the Commission:

(1) Increase the overall number of transmitters authorized.

(2) Change the presently authorized location of a fixed or base station or control point.

(3) Move, change the height of, or erect a station antenna structure.

(4) Make any change in the type of emission or any increase in bandwidth of emission or power of a station.

(5) Addition or deletion of control point(s) for an authorized transmitter of a station.

(6) Change or increase the area of operation of a mobile station or a base or fixed station authorized to be operated at temporary locations.

(7) Change the operating frequency of a station.

(b) Commission approval is not required to change either of the following terms:

(1) Name of a licensee (without changes in the ownership, control or corporate structure.)

(2) Mailing address of a licensee (without changing the authorized location of the base or fixed station). Although prior approval of the Commission is not required for these changes, prompt written notice must be furnished to the Commission as soon as possible after the change has been implemented. This notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, and the call signs and classes of all radio stations authorized to the licensee under this part. This notice shall be sent to (1) Secretary, Federal Communications Commission, Washington, D.C. 20554, and (2) to Engineer in Charge of the Radio District in which the station is located, and a copy shall be maintained with the license of the station until a new license is issued.

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station may be made without prior Commission approval. Included in such changes is the substitution of transmitting equipment at any station, provided that the equipment employed is included in the Commission's "Radio Equipment List," and is listed as acceptable for use in this service.

§ 95.37 Limitations on antenna structures.

(a) Except as provided in paragraph (b) of this section, an antenna for a station which exceeds the following height limitations may not be erected or used unless notice has been filed with both the FAA on FAA Form 7460-1 and with the Commission on Form 714 or on the license application form, and prior approval by the Commission has been obtained for:

(1) Any construction or alteration of more than 200 feet in height above ground level at its site (§ 17.7(a) of this chapter).

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes (§ 17.7(b) of this chapter):

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports, and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports, and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the

nearest landing and takeoff area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(3) Any construction or alteration on any airport listed in the Airport Directory of the current Airman's Information Manual (§ 17.7(c) of this chapter).

(b) A notification to the Federal Aviation Administration is not required for any of the following construction or alteration of station antenna structures.

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption shall submit a statement with their application to the Commission explaining the basis in detail for their finding (§ 17.14(a) of this chapter).

(2) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure (§ 17.14(b) of this chapter).

(c) Further details as to whether an aeronautical study and/or obstruction marking and lighting may be required, and specifications for obstruction marking and lighting when required, may be obtained from Part 17 of this chapter, "Construction, Marking, and Lighting of Antenna Structures."

(d) Subpart I of Part 1 of this chapter contains procedures implementing the National Environmental Policy Act of 1969. Applications for authorization of the construction of certain classes of communications facilities defined as "major actions" in § 1.305 thereof, are required to be accompanied by specified statements. Generally these classes are:

(1) Antenna towers or supporting structures which exceed 300 feet in height and are not located in areas devoted to heavy industry or to agriculture.

(2) Communications facilities to be located in the following areas:

(i) Facilities which are to be located in an officially designated wilderness area or in an area whose designation as a wilderness is pending consideration;

(ii) Facilities which are to be located in an officially designated wildlife preserve or in an area whose designation as a wildlife preserve is pending consideration;

(iii) Facilities which will affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology or culture, which are listed in the National Register of Historic Places or are eligible for listing (see 36 CFR 800.22 (d) and (f) and 800.10); and

(iv) Facilities to be located in areas which are recognized either nationally or locally for their special scenic or recreational value.

(3) Facilities whose construction will involve extensive change in surface features (e.g. wetland fill, deforestation or water diversion).

NOTE: The provisions of this paragraph do not include the mounting of FM, television or other antennas comparable thereto in size on an existing building or antenna tower. The use of existing routes, buildings and towers is an environmentally desirable alternative to the construction of new routes or towers and is encouraged.

If the required statements do not accompany the application, the pertinent facts may be brought to the attention of the Commission by any interested person during the course of the license term and considered de novo by the Commission.

STATION OPERATING REQUIREMENTS

§ 95.51 Station authorization required.

No radio station shall be operated in this Service except under and in accordance with an authorization granted by the Federal Communications Commission.

§ 95.53 Posting station license and transmitter identification cards or plates.

(a) The current authorization, or a clearly legible photocopy thereof, for each station operated at a fixed location shall be posted at a conspicuous place at the principal fixed location from which such station is controlled, and a photocopy of such authorization shall also be posted at all other fixed locations from which the station is controlled. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location when such transmitter is not in view of, or is not readily accessible to, the operator of at least one of the locations at which the station authorization or a photocopy thereof is required to be posted.

(b) The current authorization for each station operated as a mobile station shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452-C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each of such transmitters: *Provided*, That, if the transmitter is not in view of the location from which it is controlled, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

§ 95.55 Authorized frequencies.

(a) Frequencies available for assignment in the General Mobile Radio Service.

BASE AND MOBILE (MHz)

Base and mobile (MHz)	*Mobile only (MHz)*
462.550	467.550
462.575	467.575
462.600	467.600
462.625	467.625
462.650	467.650
462.675	467.675
462.700	467.700
462.725	467.725

(b) Special conditions—(1) Frequency assignment to fixed stations.

(i) Fixed stations which are used to control base stations of a system may be assigned the frequency assigned to the mobile units associated with the base station. Such fixed stations shall comply with the following requirements if they are located with 75 miles of the center of urbanized areas of 200,000 or more population.

(A) If the station is used to control one or more base stations located within 45 degrees of azimuth, a directional antenna having a front-to-back ratio of at least 15 dB shall be used at the fixed station. For other situations where such a directional antenna cannot be used, a cardioid, bidirectional or omnidirectional antenna may be employed. Consistent with reasonable design, the antenna used must, in each case, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each base station and limit radiation in other directions to the extent feasible.

(B) The strength of the signal of a fixed station controlling a single base station may not exceed the signal strength produced at the antenna terminal of the base receiver by a unit of the associated mobile station, by more than 6 dB. When the station controls more than one base station, the 6 dB control-to-mobile signal difference need be verified at only one of the base station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile of the control station site.

(C) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(D) Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, table 23, page 50. The centers of urbanized areas are determined from the Appendix, page 226 of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(ii) Fixed stations, other than those used to control base stations, which are located 75 or more miles from the center

of an urbanized area of 200,000 or more population. The centers of urbanized areas of 200,000 or more population are listed on page 226 of the Appendix to the U.S. Department of Commerce publication "Air Line Distance Between Cities in the United States." When the fixed station is located 100 miles or less from the center of such an urbanized area, the power output may not exceed 15 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz.

(2) Stations authorized prior to March 18, 1968. Fixed station located 100 or more miles from the center of any urbanized area of 200,000 or more population authorized to operate on frequencies other than those listed in subparagraph (1) of this paragraph will not have to change frequencies provided no interference is caused to the operation of stations in the land mobile service.

§ 95.57 Policy governing the assignment of frequencies.

(a) Each frequency available for assignment to, or use by, stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; however, the use of a particular frequency may be restricted to (or in) one or more specified geographical areas.

(b) In no case will more than one frequency be assigned to stations for the use of a single applicant in any given area until it has been demonstrated conclusively to the Commission that the assignment of an additional frequency is essential to the operation proposed.

(c) All applicants and licensees in this service shall cooperate in the selection and use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities.

§ 95.59 Emission types authorized.

(a) Transmitters used at stations in this service will normally be authorized to transmit radiotelephony only.

(b) The use of tone signals or signalling devices solely to actuate receiver circuits, such as tone operated squelch or selective calling circuits, the primary function of which is to establish or maintain voice communications, is permitted.

(c) The use of tone signals solely to attract attention is prohibited.

(d) Other types of emission may be authorized for stations in this service, provided that need thereof is demonstrated. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required. For information regarding the classification of emissions and the calculation of bandwidths, reference should be made to Part 2 of this chapter.

(e) The transmission of audible tone signals or a sequence of tone signals for the operation of the tone operated squelch or selective calling circuits shall not exceed a total of 15 seconds duration. Continuous transmission of a subaudible tone for this purpose is permitted. For the purposes of this section, any tone or combination of tones having no frequency above 150 hertz shall be considered subaudible.

§ 95.61 Permissible communications.

Stations licensed in this Service are authorized to transmit the following types of communications:

(a) Communications to facilitate the personal or business activities of the licensee.

(b) Communication relating to:

(1) The immediate safety of life or the immediate protection of property in accordance with § 95.63.

(2) The rendering of assistance to a motorist, mariner or other traveler.

(3) Civil defense activities in accordance with § 95.77.

(4) Other activities only as specifically authorized pursuant to § 95.65.

(c) Communications with stations authorized in other radio services except as prohibited in § 95.101(a)(3).

§ 95.63 Emergency and assistance to motorist use.

(a) All stations shall give priority to the emergency communications of other stations which involve the immediate safety of life of individuals or the immediate protection of property.

(b) Any station in this service may be utilized during an emergency involving the immediate safety of life of individuals or the immediate protection of property for the transmission of emergency communications. It may also be used to transmit communications necessary to render assistance to a motorist.

(1) When used for transmission of emergency communications certain provisions in this part concerning use of frequencies (§ 95.55); prohibited uses (§ 95.101(a)(3)); operation by or on behalf of persons other than the licensee (§ 95.65) and duration of transmissions (§ 95.69(a)) shall not apply.

(2) The exemptions granted from certain rule provisions in subparagraph (1) of this paragraph may be rescinded by the Commission at its discretion.

(c) If the emergency use under paragraph (b) of this section extends over a period of 12 hours or more, notice shall be sent to the Commission in Washington, D.C., as soon as it is evident that the emergency has or will exceed 12 hours. The notice should include the identity of the stations participating, the nature of the emergency, and the use made of the stations. A single notice covering all participating stations may be submitted.

§ 95.65 Operation by, or on behalf of, persons other than the licensee.

(a) Transmitters authorized in this service must be under the control of the licensee at all times. A licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license, and shall be responsible for the proper operation of all units of the station.

(b) Stations may be operated only by the following persons, except as provided in paragraph (c) of this section:

(1) The licensee;

(2) Members of the licensee's immediate family living in the same household;

(3) The partners, if the licensee is a partnership, provided the communications relate to the business of the partnership;

(4) The members, if the licensee is an unincorporated association, provided the communications relate to the business of the association;

(5) Employees of the licensee only while acting within the scope of their employment;

(6) Other persons, upon specific prior approval of the Commission shown on or attached to the station license, under the following circumstances:

(i) Licensee is a corporation and proposes to provide private radiocommunication facilities for the transmission of messages or signals by or on behalf of its parent corporation, another subsidiary of the parent corporation, or its own subsidiary. Any remuneration or compensation received by the licensee for the use of the radiocommunication facilities shall be governed by a contract entered into by the parties concerned and the total of the compensation shall not exceed the cost of providing the facilities. Records which show the cost of service and its nonprofit or cost-sharing basis shall be maintained by the licensee.

(ii) Licensee proposes the shared or cooperative use of a station with one or more other licensees in this service for the purpose of communicating on a regular basis with units of their respective stations, or with units of other stations if the communications transmitted are otherwise permissible. The use of these private radiocommunication facilities shall be conducted pursuant to a written contract which shall provide that contributions to capital and operating expense shall be made on a nonprofit, cost-sharing basis, the cost to be divided on an equitable basis among all parties to the agreement. Records which show the cost of service and its nonprofit, cost-sharing basis shall be maintained by the licensee. In any case, however, licensee must show a separate and independent need for the particular units proposed to be shared to fulfill his own communications requirements.

(iii) Other cases where there is a need for other persons to operate a unit of licensee's radio station. Requests for authority may be made either at the time

of the filing of the application for station license or thereafter by letter. In either case, the licensee must show the nature of the proposed use and that it relates to an activity of the licensee, how he proposes to maintain control over the transmitters at all times, and why it is not appropriate for such other person to obtain a station license in his own name. The authority, if granted, may be specific with respect to the names of the persons who are permitted to operate, or may authorize operation by unnamed persons for specific purposes. This authority may be revoked by the Commission, in its discretion, at any time.

(c) An individual who was formerly a station licensee shall not be permitted to operate any station of the same class licensed to another person until such time as he again has been issued a valid radio station license , when his license has been:

(1) Revoked by the Commission.

(2) Surrendered for cancellation after the institution of revocation proceedings by the Commission.

(3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Commission.

§ 95.67 Telephone answering services.

(a) Notwithstanding the provisions of § 95.65, a licensee may install a transmitting unit of his station on the premises of a telephone answering service. The same unit may not be operated under the authorization of more than one licensee. In all cases, the licensee must enter into a written agreement with the answering service. This agreement must be kept with the licensee's station records and must provide, as a minimum, that:

(1) The licensee will have control over the operation of the radio unit at all times;

(2) The licensee will have full and unrestricted access to the transmitter to enable him to carry out his responsibilities under his license;

(3) Both parties understand that the licensee is fully responsible for the proper operation of the station; and

(4) The unit so furnished shall be used only for the transmission of communications to other units belonging to the licensee's station.

(b) A station licensed to a telephone answering service shall not be used to relay messages or transmit signals to its customers.

§ 95.69 Duration of transmissions.

(a) All communications or signals, regardless of their nature shall be restricted to the minimum practicable transmission time. The radiation of energy shall be limited to transmissions modulated or keyed for actual permissible communications, tests, or control signals. Continuous or uninterrupted transmissions from a single station or between a number of communicating stations is prohibited, except for communications involving the immediate safety of life or property.

(b) The transmission of permissible control signals shall be limited to the minimum practicable time necessary to accomplish the desired control or actuation of remote objects or devices. The continuous radiation of energy for periods exceeding 3 minutes duration for the purpose of transmission of control signals shall be limited to control functions requiring at least one or more changes during each minute of such transmission. An exception to the limitations contained in this paragraph may be authorized upon a satisfactory showing that a continuous control signal is required to perform a control function which is necessary to insure the safety of life or property.

§ 95.71 Station identification.

(a) The call sign of a station shall consist of either three letters followed by four digits or shall consist of four letters followed by four digits.

(b) Each transmission of the station call sign shall be made in the English language by each unit, shall be complete, and each letter and digit shall be separately and distinctly transmitted. Only standard phonetic alphabets, nationally or internationally recognized, may be used in lieu of pronunciation of letters for voice transmission of call signs. A unit designator or special identification may be used in addition to the station call sign but not as a substitute therefor.

(c) Except as provided in paragraph (d) of this section, all transmissions from each unit of a station shall be identified by the transmission of its assigned call sign at the beginning and end of each transmission or series of transmissions, but at least at intervals not to exceed ten (10) minutes.

(d) Unless specifically required by the station authorization, the transmissions of a station need not be identified when the station

(1) automatically retransmits the information received by radio from another station which is properly identified or (2) is not being used for telephony emission.

(e) In lieu of complying with the requirements of paragraph (c) of this section, base stations, fixed stations, and mobile units when communicating with base stations may identify as follows:

(1) Base stations and fixed stations shall transmit their call signs at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

(2) A mobile unit communicating with a base station on the same frequency shall transmit once during each exchange of transmissions any unit identifier which is on file in the station records of such base station.

(3) A mobile unit communicating with a base station on a different frequency shall transmit its call sign at the end of each transmission or exchange of transmissions, or once each 15-minute period of a continuous exchange of communications.

§ 95.73 Station location.

(a) The specific location of each base station and each fixed station and the specific area of operation of each mobile station shall be indicated in the application for license. An authorization may be granted for the operation of a base station or fixed station in this service at unspecified temporary fixed locations within a specified general area of operation. However, when any unit or units of a base station or fixed station authorized to be operated at temporary locations actually remains or is intended to remain at the same location for a period of over a year, application for separate authorization specifying the fixed location shall be made as soon as possible but not later than 30 days after the expiration of the 1-year period.

(b) A mobile station authorized in this service may be used or operated anywhere in the United States subject to the provisions of paragraph (d) of this section: *Provided*, That when the area of operation is changed for a period exceeding 7 days, the following procedure shall be observed:

(1) When the change of area of operation occurs inside the same Radio District, the Engineer in Charge of the Radio District involved and the Commission's office, Washington, D.C. 20554, shall be notified.

(2) When the station is moved from one Radio District to another, the Engineers in Charge of the two Radio Districts involved and the Commission's Office, Washington, D.C. 20554, shall be notified.

(c) A mobile station authorized in this service may be used or operated on any vessel, aircraft, or vehicle of the United States: *Provided*, That when such vessel, aircraft, or vehicle is outside the territorial limits of the United States, the station, its operation, and its operator shall be subject to the governing provisions of any treaty concerning telecommunications to which the United States is a party, and when within the territorial limits of any foreign country, the station shall be subject also to such laws and regulations of that country as may be applicable.

§ 95.75 Control points, dispatch points, and remote control.

(a) Each base or fixed station shall be provided with a control point, the location of which will be specified in the license. The location of the control point must be the same as the transmitting equipment unless the application includes a request for a different location. Exception to the requirement for a control point may be made by the Commission upon specific request and justification therefor in the case of certain unattended stations employing special emissions pursuant to § 95.59(d). Authority for such exception must be shown on the license.

(b) No authorization is required to install dispatch points.

(c) A base or fixed station may be authorized to be used or operated by remote control from another fixed

location or from mobile units: *Provided*, That adequate means are available to enable the person using or operating the station to render the transmitting equipment inoperative from each remote control position should improper operation occur.

§ 95.77 Civil defense communications.

A licensee of a station authorized under this part may use the licensed radio facilities for the transmission of messages relating to civil defense activities in connection with official tests, or drills conducted by, or actual emergencies proclaimed by, the civil defense agency having jurisdiction over the area in which the station is located: *Provided*, That:

(a) The operation of the radio station shall be on a voluntary basis.

(b) Such communications are conducted under the direction of civil defense authorities.

(c) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use.

(d) In the event such use is to be a series of pre-planned tests or drills of the same or similar nature which are scheduled in advance for specific times or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, staing the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests.

(e) The Commission may, at any time, order the discontinuance of such special use of the authorized facilities.

Station Administration Requirements

§ 95.101 Prohibited communications.

(a) A station shall not be used:

(1) For any purpose, or in connection with any activity, which is contrary to Federal, State, or local law.

(2) For the transmission of communications containing obscene, indecent, profane words, language, or meaning.

(3) To communicate with an Amateur Radio Service station, an unlicensed station, or foreign stations except for communications pursuant to §§ 95.65(b) and 95.77.

(4) To convey program material for retransmission, live or delayed, on a broadcast facility. Note: A station may be used in connection with, administrative, engineering, or maintenance activities of a broadcasting station: A station may be used for control functions by radio which do not involve the transmission of program material; and a station may be used in the gathering of news items or preparation of programs: Provided, that the actual or recorded transmissions of the station are not broadcast at any time in whole or in part.

(5) To intentionally interfere with the communications of another station.

(6) For the direct transmission of any material to the public through a public address system or similar means.

(7) For the transmission of music, whistling, sound effects, or any material for amusement or entertainment purposes, or solely to attract attention.

(8) To transmit the word "MAYDAY" or other international distress signals, except when the station is located in a ship, aircraft, or other vehicle which is threatened by grave and imminent danger and requests immediate assistance.

(9) For advertising or soliciting the sale of any goods or services.

(10) For transmitting messages in other than plain language. Abbreviations including nationally or internationally recognized operating signals, may be used only if a list of all such abbreviations and their meaning is kept in the station records and made available to any Commission representative on demand.

(11) To carry on communications for hire, whether the remuneration or benefit received is direct or indirect.

(b) A licensee of a station who is engaged in the business of selling radio transmitting equipment shall not allow a customer to operate under his station license. In addition, all communications by the licensee for the purpose of demonstrating such equipment shall consist only of brief messages addressed to other units of the same station.

§ 95.103 False signals.

No person shall transmit false or deceptive communications by radio or identify the station he is operating by means of a call sign which has not been assigned to that station.

§ 95.105 Current copy of rules required.

Each licensee in this service shall maintain as a part of his station records a current copy of Subpart A of Part 95, Personal Radio Services, of this chapter. Additional requirements of a technical nature may be found in Subpart E of this part.

§ 95.107 Answers to notices of violations.

(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the notice. If an answer cannot be sent nor an acknowledgment made within such period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of the action taken to correct the condition or omission complained of and to preclude its recurrence. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the licensee must comply with the provisions of 95.621 and the answer to the notice shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge, if any, shall also be given.

§ 95.111 Transmitter service and maintenance.

(a) All transmitter adjustments or tests while radiating energy during or coincident with the construction, installation, servicing, or maintenance of a radio station in this service, which may affect the proper operation of such stations, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests. Further, in any case where a transmitter adjustment which may affect the proper operation of the transmitter has been made while not radiating energy by a person not the holder of the required commercial radio operator license or not under the supervision of such licensed operator, other than the factory assembling or repair of equipment, the transmitter shall be checked for compliance with the technical requirements of the rules by a commercial radio operator of the proper grade before it is placed on the air.

(b) Any tests and adjustments necessary to correct any deviation of a transmitter of any station in this service from the technical requirements of the rules in this part shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed.

§ 95.115 Tests and adjustments.

All tests or adjustments of radio transmitting equipment involving an external connection to the radio frequency output circuit shall be made using a nonradiating dummy antenna. However, a brief test signal, either with or without modulation, as appropriate, may be transmitted when it is necessary to adjust a transmitter to an antenna for a new station installation or for an existing installation involving a change of antenna or change of transmitters, or when necessary for the detection, measurement, and suppression of harmonic or other spurious radiation. Test transmissions using a radiating antenna shall not exceed a total of 1 minute during any 5-minute period, shall not interfere with communications already in progress on the operating frequency, and shall be properly identified as required by § 95.-71 but may otherwise be unmodulated as appropriate.

§ 95.117 Inspection and maintenance of tower marking and lighting, and associated control equipment.

The licensee of any radio station which has an antenna structure required to be painted and illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and Part 17 of this chapter, shall perform the inspection and maintain the tower marking and lighting, and associated control equipment, in accordance with the requirements set forth in Part 17 of this chapter.

§ 95.119 Recording of tower light inspections.

When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made in the station records in conformity with the requirements set forth in Part 17 of this chapter.

§ 95.121 Inspection of stations and station records.

All stations and records of stations in this Service shall be made available for inspection upon the request of an authorized representative of the Commission made to the licensee or to his representative (see § 1.6 of this chapter). Unless otherwise stated in this part, all required station records shall be maintained for a period of at least 1 year.

Subpart B—[Reserved]

Subpart C—Radio Control (R/C) Service

General

§ 95.201 Basis and purpose.

These rules are designed to provide for radio signaling, for the control of remote objects or devices by means of radio; all to the extent that these uses are not specifically prohibited in this part.

§ 95.203 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

(a) Definitions of stations.

Radio Control (R/C) Service station. A station in the Personal Radio Services licensed to be operated on an authorized frequency in the 26.96–27.23 MHz band, or on the frequency 27.255 MHz, for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, or on an authorized frequency in the 72–76 MHz band for the radio control of models used for hobby purposes only.

Mobile station. A station intended to be operated while in motion or during halts at unspecified points.

(b) Miscellaneous definitions.

Antenna structure. The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

Control point. A control point is an operating position which is under the control and supervision of the licensee, at which a person immediately responsible for the proper operation of the transmitter is stationed, and at which adequate means are available to aurally monitor all transmissions and to render the transmitter inoperative.

Dispatch point. A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point.

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radio-navigation service or other safety service or seriously degrades, obstructs or repeatedly interrupts a radio-communication service operating in accordance with applicable laws, treaties, and regulations.

Man-made structure. A man-made structure is any construction other than a tower, mast or pole.

Omnidirectional antenna. An antenna designed so the maximum radiation in any horizontal direction is within 3 dB of the minimum radiation in any horizontal direction.

Person. The term "person" includes an individual, partnership, association, joint-stock company, trust or corporation.

Remote control. The term "remote control" when applied to the use or operation of a personal radio services station means control of the transmitting equipment of that station from any place other than the location of the transmitting equipment, except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft or vehicle shall not be considered to be remote control.

Station authorization. Any construction permit, temporary permit, license, or special temporary authorization issued by the Commission.

Applications and Licenses

§ 95.211 Eligibility for station license.

(a) Subject to the general restrictions of § 95.213 any person is eligible to hold an authorization to operate a station : *Provided*, That, if an applicant is an individual or partnership, such individual or each partner is twelve or more years of age. An unincorporated association, when licensed under the provisions of this paragraph, may upon specific prior approval of the Commission provide radiocommunications for its members.

NOTE.—While the basis of eligibility in this service includes any state, territorial, or local governmental entity, or any agency operating by the authority of such governmental entity, including any duly authorized state, territorial, or local civil defense agency, it should be noted that the frequencies available to stations in this service are shared without distinction between all licensees and that no protection is afforded to the communications of any station in this service from interference which may be caused by the authorized operation of other licensed stations.

(b) No person shall hold more than one station license.

§ 95.213 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

§ 95.215 Standard forms to be used.

(a) FCC Form 505, *Application for Station License in the R/C or CB Service.* This form shall be used when:

(1) Application is made for a new station authorization.

(2) Application is made for modification of any existing station authorization in those cases where prior Commission approval of certain changes is required (see § 95.235).

(3) Application is made for renewal of an existing station authorization, or for reinstatement of such an expired authorization.

(b) *FCC Form 703, Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License.* This form shall be used when application is made for consent to transfer control of a corporation holding any station authorization.

§ 95.217 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to this Service are discussed in § 95.215, and may be obtained from the Washington, D.C., 20554, office of the Commission, or from any of its engineering field offices.

(b) All formal applications for new, modified, or renewal station authorizations shall be submitted to the Commission's office at Gettysburg, Pa. 17326.

applications for consent to transfer of control of a corporation holding any station authorization, requests for special temporary authority or other special requests, and correspondence relating to an application for a station authorization shall be submitted to the Commission's Office at Washington, D.C. 20554, and should be

directed to the attention of the Secretary.

(e) Unless otherwise specified, an application shall be filed at least 60 days prior to the date on which it is desired that Commission action thereon be completed. In any case where the applicant has made timely and sufficient application for renewal of license, in accordance with the Commission's rules, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statement's may constitute a defect in the application.

(e) Applicants proposing to construct a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

§ 95.219 Mailing address furnished by licensee.

Except for applications submitted by Canadian citizens pursuant to agreement between the United States and Canada (TIAS No. 6931), each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for these purposes.

§ 95.221 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed: copies may be conformed.

(d) Applications, amendments, and related statements of the fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment. U.S. Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communication Act of 1934, as amended.

§ 95.223 Defective applications.

(a) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(b) When an application is considered to be incomplete or defective, such application will be returned to the applicant, unless the Commission may otherwise direct. The reason for return of the applications will be indicated, and if appropriate, necessary additions or corrections will be suggested.

§ 95.225 Amendment or dismissal of application.

(a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for the original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

§ 95.227 Partial grant.

Where the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, or from its effective date if a later date is specified, file with the Commission a written rejection of the grant as made. Upon receipt of such rejection, the Commission will vacate its original action upon the application and, if appropriate, set the application for hearing.

§ 95.229 License term.

Licenses will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

§ 95.231 Types of operation authorized.

Stations are authorized as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.

§ 95.233 Transfer of license prohibited.

A station authorization may not be transferred or assigned. In lieu of such transfer or assignment, an application for new station authorization shall be filed in each case, and the previous authorization shall be forwarded to the Commission for cancellation.

§ 95.235 Changes in terms of license.

(a) Commission approval is required to increase the number of transmitters authorized for a particular station.

(b) Commission approval is not required to change either of the following terms:

1. Name of a licensee (without changes in the ownership, control or corporate structure.)

2. Mailing address of a licensee.

Although prior approval of the Commission is not required for any of these changes, prompt written notice must be furnished to the Commission as soon as possible after the change has been implemented. This notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name and/or address, and the call signs and classes of all radio stations authorized to the licensee under this part. This notice shall be sent to FCC, Gettysburg, PA, 17325, and a copy shall be maintained with the records of the station.

(c) Commission approval is not required to substitute transmitting equipment at any station, provided that the equipment employed is included in the Commission's "Radio Equipment List" and is listed as acceptable for use in the R/C Service. Provided it is crystal-controlled and otherwise complies with the power, frequency tolerance, emission and modulation percentage limitations prescribed, non-type acceptance equipment may be substituted at R/C stations operated on frequencies in the 26.99–27.26 MHz band.

§ 95.237 Limitations on antenna structures.

(a) All antennas (both receiving and transmitting) and supporting structures associated or used in conjunction with a Station operated from a fixed location must comply with at least one of the following:

(1) The antenna and its supporting structure does not exceed 20 feet in height above ground level; or

(2) The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, tree or man-made structure on which it is mounted: or

NOTE.—A man-made structure is any construction other than a tower, mast, or pole.

(3) The antenna is mounted on the transmitting antenna structure of an-

other authorized radio station and exceeds neither 60 feet above ground level nor the height of the antenna supporting structure of the other station; or

(4) The antenna is mounted on and does not exceed the height of the antenna structure otherwise used solely for receiving purposes, which structure itself complies with subparagraph (1) or (2) of this paragraph.

(5) The antenna is omnidirectional and the highest point of the antenna and its supporting structure do not exceed 60 feet above ground level and the highest point also does not exceed one foot in height above the established airport elevation for each 100 feet of horizontal distance from the nearest point of the nearest airport runway.

NOTE.—A work sheet will be made available upon request to assist in determining the maximum permissible height of an antenna structure.

(b) R/C stations operated on frequencies in the 72–76 MHz band shall employ a transmitting antenna which complies with all of the following:

(1) The gain of the antenna shall not exceed that of a half-wave dipole;

(2) The antenna shall be immediately attached to, and an integral part of, the transmitter; and

(3) Only vertical polarization shall be used.

(c) Subpart I of Part 1 of this chapter contains procedures implementing the National Environmental Policy Act of 1969. Applications for authorization of the construction of certain classes of communications facilities defined as "major actions" in § 1.305 thereof, are required to be accompanied by specified statements. Generally these classes are:

(1) Antenna towers or supporting structures which exceed 300 feet in height and are not located in areas devoted to heavy industry or to agriculture.

(2) Communications facilites to be located in the following areas:

(i) Facilities which are to be located in an officially designated wilderness area or in an area whose designation as a wilderness is pending consideration;

(ii) Facilities which are to be located in an officially designated wildlife preserve or in an area whose designation as a wildlife preserve is pending consideration;

(iii) Facilities which will affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology or culture, which are listed in the National Register of Historic Places or are eligible for listing (see 36 CFR 800.22 (d) and (f) and 800.10); and

(iv) Facilities to be located in areas which are recognized either nationally or locally for their special scenic or recreational value.

(3) Facilities whose construction will involve extensive change in surface features (e.g. wetland fill, deforestation or water diversion).

NOTE: The provisions of this paragraph do not include the mounting of FM, television or other antennas comparable thereto in size on an existing building or antenna tower. The use of existing routes, buildings and towers is an environmentally desirable alternative to the construction of new routes or towers and is encouraged.

If the required statements do not accompany the application, the pertinent facts may be brought to the attention of the Commission by any interested person during the course of the license term and considered de novo by the Commission.

STATION OPERATING REQUIREMENTS

§ 95.251 Station authorization required.

No radio station shall be operated in this service except under and in accordance with an authorization granted by the Federal Communications Commission.

§ 95.253 Posting station license and transmitter identification cards or plates.

(a) The current authorization, or a clearly legible photocopy thereof, for each station (including units of a station) operated at a fixed location shall be posted at a conspicuous place at the principal fixed location from which such station is controlled, and a photocopy of such authorization shall also be posted at all other fixed locations from which the station is controlled. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that photocopy. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location when such transmitter is not in view of, or is not readily accessible to, the operator of at least one of the locations at which the station authorization or a photocopy thereof is required to be posted.

(b) The current authorization for each station operated as a mobile station shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each of such transfitters: *Provided*, That, if the transmitter is not in view of the location from which it is controlled, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

§ 95.255 Authorized frequencies.

R/C stations are authorized to operate on the following frequencies subject to the classifications and conditions set forth below.

(a) Control of remote objects or devices by radio, or remote actuation of devices which are used solely as a means of attracting attention.

(MHz): 26.995; 27.045; 27.095; 27.145; 27.195; 27.255 [1].

(b) Radio remote control of any model used for hobby purposes.

(MHz): 72.16; 72.32; 72.96.

(c) Radio remote control of aircraft models only.

(MHz): 72.08; 72.24; 72.40; 75.64.

(d) Special conditions.

(1) Such stations operate on a shared basis with other stations in this Service.

(2) The frequencies available for the control of remote objects or devices or for the remote actuation of devices which are used solely as a means of attracting attention are not afforded any protection from interference caused by the operation of industrial, scientific, or medical devices within the 26.96–27.28 MHz band.

(3) The frequencies available for the radio remote control of models used for hobby purposes are subject to the condition that interference will not be caused to the remote control of industrial equipment operating on the same or adjacent frequencies or to the reception of television transmissions on Channels 4 and 5. These frequencies are not afforded any protection from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies.

§ 95.257 Policy governing the availability of frequencies.

(3) Each frequency available for use by stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; however, the use of a particular frequency may be restricted to (or in) one or more specified geographical areas.

(b) All applicants and licensees in this service shall cooperate in the selection and use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities.

(c) Simultaneous operation on more than one frequency in the 72–76 MHz band by a transmitter or transmitters of a single licensee is prohibited whenever such operation will cause harmful interference to the operation of other licensees in this service.

§ 95.259 Emission types authorized.

(a) Transmitters used in this service are authorized to use amplitude tone modulation or on-off unmodulated carrier only, for the control of remote objects or devices by radio or for the remote actuation of devices which are used solely as a means of attracting attention.

(b) A station in this service is prohibited from transmitting any form of telegraphy, telephony or recorded communications.

(c) Telemetering, except for the transmission of simple, short duration signals

[1] This frequency is shared with stations in other services.

indicating the presence or absence of a condition or the occurrence of an event, is also prohibited.

§ 95.265 Operation by, or on behalf of, persons other than the licensee.

(a) Transmitters authorized in this service must be under the control of the licensee at all times. A licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license, and shall be responsible for the proper operation of all units of the station.

(b) Stations may be operated only by the following persons, except as provided in paragraph (c) of this section:

(1) The licensee;

(2) Members of the licensee's immediate family living in the same household;

(3) The partners, if the licensee is a partnership, provided the communications relate to the business of the partnership;

(4) The members, if the licensee is an unincorporated association, provided the communications relate to the business of the association;

(5) Employees of the licensee only while acting within the scope of their employment;

(6) Any person under the control or supervision of the licensee when the station is used solely for the control of remote objects or devices, other than devices used only as a means of attracting attention; and

(7) Other persons, upon specific prior approval of the Commission shown on or attached to the station license, under the following circumstances:

(i) Licensee is a corporation and proposes to provide private radiocommunication facilities for the transmission of messages or signals by or on behalf of its parent corporation, another subsidiary of the parent corporation, or its own subsidiary. Any remuneration or compensation received by the licensee for the use of the radiocommunication facilities shall be governed by a contract entered into by the parties concerned and the total of the compensation shall not exceed the cost of providing the facilities. Records which show the cost of service and its nonprofit or cost-sharing basis shall be maintained by the licensee.

(ii) Other cases where there is a need for other persons to operate a unit of licensee's radio station. Requests for authority may be made either at the time of the filing of the application for station license or thereafter by letter. In either case, the licensee must show the nature of the proposed use and that it relates to an activity of the licensee, how he proposes to maintain control over the transmitters at all times, and why it is not appropriate for such other person to obtain a station license in his own name. The authority, if granted, may be specific with respect to the names of the persons who are permitted to operate, or may authorize operation by unnamed persons for specific purposes. This authority may be revoked by the Commission, in its discretion, at any time.

(c) An individual who was formerly a station licensee shall not be permitted to operate any station of the same class licensed to another person until such time as he again has been issued a valid radio station license, when his license has been:

(1) Revoked by the Commission.

(2) Surrendered for cancellation after the institution of revocation proceedings by the Commission.

(3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Commission.

§ 95.269 Duration of transmissions.

(a) All communications or signals, regardless of their nature, shall be restricted to the minimum practicable transmission time. The radiation of energy shall be limited to transmissions modulated or keyed for actual permissible communications, tests, or control signals. Continuous or uninterrupted transmissions from a single station or between a number of communicating stations is prohibited, except for communications involving the immediate safety of life or property.

(b) The transmission of permissible control signals shall be limited to the minimum practicable time necessary to accomplish the desired control or actuation of remote objects or devices. The continuous radiation of energy for periods exceeding 3 minutes duration for the purpose of transmission of control signals shall be limited to control functions requiring at least one or more changes during each minute of such transmission. However, while it is actually being used to control model aircraft in flight by means of interrupted tone modulation of its carrier, a station may transmit a continuous carrier without being simultaneously modulated if the presence or absence of the carrier also performs a control function. An exception to the limitations contained in this paragraph may be authorized upon a satisfactory showing that a continuous control signal is required to perform a control function which is necessary to insure the safety of life or property.

§ 95.271 Station identification.

(a) The call sign of a station shall consist of either three letters followed by four digits or shall consist of four letters followed by four digits.

(b) Unless specifically required by the station authorization, the transmissions of an R/C station need not be identified.

§ 95.273 Station location.

(a) A station may be used or operated anywhere in the United States subject to the provisions of paragraph (b) of this section.

(b) A mobile station authorized in this service may be used or operated on any vessel, aircraft, or vehicle of the United States: *Provided*, That when such vessel, aircraft, or vehicle is outside the territorial limits of the United States, the station, its operation, and its operator shall be subject to the governing provisions of any treaty concerning telecommunications to which the United States is a party, and when within the territorial limits of any foreign country, the station shall be subject also to such laws and regulations of that country as may be applicable.

§ 95.275 Dispatch points and remote control.

(a) No authorization is required to install dispatch points.

(b) Operation of any station by remote control is prohibited except remote control by wire upon specific authorization by the Commission when satisfactory need is shown.

STATION ADMINISTRATION REQUIREMENTS

§ 95.301 Prohibited communications.

(a) A station shall not be used:

(1) For any purpose, or in connection with any activity, which is contrary to Federal, State, or local law.

(2) To intentionally interfere with the communications of another station.

(3) To carry on communications for hire, whether the remuneration or benefit received is direct or indirect.

(b) A licensee of a station who is engaged in the business of selling radio transmitting equipment shall not allow a customer to operate under his station license.

§ 95.305 Current copy of rules required.

Each licensee in this service shall maintain as a part of his station records a current copy of Subpart C of Part 95, Personal Radio Services, of this chapter. Additional requirements of a technical nature may be found in Subpart E of this part.

§ 95.307 Answers to notices of violations.

(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the notice. If an answer cannot be sent nor an acknowledgment made within such period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of the action taken to correct the condition or omission complained of and to preclude its recurrence. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the licensee must comply with the

provisions of § 95.621, and the answer to the notice shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge, if any, shall also be given.

§ 95.311 Transmitter service and maintenance.

(2) Except as provided in paragraph (c) of this section, all transmitter adjustments or tests while radiating energy during or coincident with the construction, installation, servicing, or maintenance of a radio station in this service, which may affect the proper operation of such stations, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radio telegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests. Further, in any case where a transmitter adjustment which may affect the proper operation of the transmitter has been made while not radiating energy by a person not the holder of the required commercial radio operator license or not under the supervision of such licensed operator, other than the factory assembling or repair of equipment, the transmitter shall be checked for compliance with the technical requirements of the rules by a commercial radio operator of the proper grade before it is placed on the air.

(b) Except as provided in § 95.621 and in paragraph (c) of this section, no commercial radio operator license is required to be held by the person performing transmitter adjustments or tests during or coincident with the construction, installation, servicing, or maintenance of transmitters, : *Provided*, That there is compliance with all of the following conditions:

(1) The transmitting equipment shall be crystal-controlled with a crystal capable of maintaining the station frequency within the prescribed tolerance;

(2) The transmitting equipment either shall have been factory assembled or shall have been provided in kit form by a manufacturer who provided all components together with full and detailed instructions for their assembly by nonfactory personnel;

(3) The frequency determining elements of the transmitter, including the crystal(s) and all other components of the crystal oscillator circuit, shall have been preassembled by the manufacturer, pretuned to a specific available frequency, and sealed by the manufacturer so that replacement of any component or any adjustment which might cause off-frequency operation cannot be made without breaking such seal and thereby voiding the certification of the manufacturer required by this paragraph;

(4) The transmitting equipment shall have been so designed that none of the transmitter adjustments or tests normally performed during or coincident with the installation, servicing, or maintenance of the station, or during the normal rendition of the service of the station, or during the final assembly of kits or partially preassembled units, may reasonably be expected to result in off-frequency operation, excessive input power, overmodulation, or excessive harmonics or other spurious emissions; and

(5) The manufacturer of the transmitting equipment or of the kit from which the transmitting equipment is assembled shall have certified in writing to the purchaser of the equipment (and to the Commission upon request) that the equipment has been designed, manufactured, and furnished in accordance with the specifications contained in the foregoing subparagraphs of this paragraph. The manufacturer's certification concerning design and construction features of station transmitting equipment, as required if the provisions of this paragraph are invoked, may be specific as to the particular unit of transmitting equipment or general as to a group or model of such equipment, and may be in any form adequate to assure the purchaser of the equipment or the Commission that the conditions described in this paragraph have been fulfilled.

(6) Any tests and adjustments necessary to correct any deviation of a transmitter of any station in this service from the technical requirements of the rules in this part shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed.

§ 95.315 Tests and adjustments.

All tests or adjustments of radio transmitting equipment involving an external connection to the radio frequency output circuit shall be made using a non-radiating dummy antenna. However, a brief test signal, either with or without modulation, as appropriate, may be transmitted when it is necessary to adjust a transmitter to an antenna for a new station installation or for an existing installation involving a change of antenna or change of transmitters, or when necessary for the detection, measurement, and suppression of harmonic or other spurious radiation. Test transmissions using a radiating antenna shall not exceed a total of 1 minute during any 5-minute period, shall not interfere with communications already in progress on the operating frequency, and shall be properly identified as required by § 95.271 but may otherwise be unmodulated as appropriate.

§ 95.321 Inspection of stations and station records.

All stations and records of stations shall be made available for inspection upon the request of an authorized representative of the Commission made to the licensee or to his representative (see § 1.6 of this chapter). Unless otherwise stated in this part, all required station records shall be maintained for a period of at least 1 year.

Subpart D—Citizens Band (CB) Radio Service

General

§ 95.401 Basis and purpose.

These rules are designed to provide a private short-distance radiocommunications service for the business or personal activities of licensees, all to the extent that these uses are not specifically prohibited in this part.

§ 95.403 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

(a) Definition of stations.

Citizens Band (CB) Radio Service station. A station in the Personal Radio Services licensed to be operated for radiotelephony only, on an authorized frequency in the 26.96–27.41 MHz band.

Mobile station. A station intended to be operated while in motion or during halts at unspecified points.

(b) Miscellaneous definitions.

Antenna structures. The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

Control point. A control point is an operating position which is under the control and supervision of the licensee, at which a person immediately responsible for the proper operation of the transmitter is stationed, and at which adequate means are available to aurally monitor all transmissions and to render the transmitter inoperative.

Dispatch point. A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point.

External radio frequency power amplifiers. As defined in § 2.815(a) and as used in this part, an external radio frequency power amplifier is any device which, (1) when used in conjunction with a radio transmitter as a signal source is capable of amplification of that signal, and (2) is not an integral part of a radio transmitter as manufactured.

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radio-navigation service or other safety service or seriously degrades, obstructs or repeatedly interrupts a radio-communication service operating in accordance with applicable laws, treaties, and regulations.

Man-made structure. A man-made structure is any construction other than a tower, mast or pole.

Omnidirectional antenna. An antenna designed so the maximum radiation in any horizontal direction is within 3 dB of the minimum radiation in any horizontal direction.

Person. The term "person" includes an individual, partnership, association, joint-stock company, trust or corporation.

Remote control. The term "remote control" when applied to the use or operation of a personal radio services station means control of the transmitting equipment of that station from any place other than the location of the transmitting equipment, except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft or vehicle shall not be considered to be remote control.

Sideband emission.

Single sideband emission. An emission in which only one sideband is transmitted. The carrier, or a portion thereof, also may be present in the emission.

Double sideband emission. An emission in which both upper and lower sidebands resulting from the modulation of a particular carrier are transmitted. The carrier, or a portion thereof, also may be present in the emission.

Station authorization. Any construction permit, temporary permit, license, or special temporary authorization issued by the Commission.

APPLICATIONS AND LICENSES

§ 95.411 Eligibility for station license.

(a) Subject to the general restrictions of § 95.413, any person is eligible to hold an authorization to operate a station : *Provided,* That if an applicant for a station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age; An unincorporated association, when licensed under the provisions of this paragraph, may upon specific prior approval of the Commission provide radiocommunications for its members.

NOTE: While the basis of eligibility in this service includes any state, territorial, or local governmental entity, or any agency operating by the authority of such governmental entity, including any duly authorized state, territorial, or local civil defense agency, it should be noted that the frequencies available to stations in this service are shared without distinction between all licensees and that no protection is afforded to the communications of any station in this service from interference which may be caused by the authorized operation of other licensed stations.

(b) No person shall hold more than one station license.

§ 95.413 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

§ 95.415 Standard forms to be used.

(a) *FCC Form 505: Application for Station License in the R/C or CB Service.* This form shall be used when:

(1) Application is made for a new station authorization.

(2) Application is made for modification of any existing station authorization in those cases where prior Commission approval of certain changes is required (see § 95.435).

(3) Application is made for renewal of an existing station authorization, or for reinstatement of such an expired authorization.

(b) *FCC Form 555–B. Temporary Permit, in the CB Service.* This form shall be used when application is made by an individual for temporary operating authorization.

(c) *FCC Form 703. Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License.* This form shall be used when application is made for consent to transfer control of a corporation holding any station authorization.

§ 95.417 Filing of applications.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to this Service are discussed in § 95.415, and may be obtained from the Washington, D.C. 20554, office of the Commission, or from any of its engineering field offices.

(b) All formal applications for new, modified, or renewal station authorizations shall be submitted to the Commission's office, Gettysburg, Pa. 17326. An application for a temporary permit shall be made by completing and making the certifications required by FCC Form 555–B.

Applications for consent to transfer of control of a corporation holding a station authorization, requests for special temporary authority or other special requests, and correspondence relating to an application for a station authorization shall be submitted to the Commission's Office at Washington, D.C. 20554, and should be directed to the attention of the Secretary.

(c) Unless otherwise specified, an application shall be filed at least 60 days prior to the date on which it is desired that Commission action thereon be completed. In any case where the applicant has made timely and sufficient application for renewal of license, in accordance with the Commission's rules, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(d) A temporary permit may not be held by an applicant already holding a station license.

(e) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(f) Applicants proposing to construct a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

§ 95.419 Mailing address furnished by licensee.

Except for applications submitted by Canadian citizens pursuant to agreement between the United States and Canada (TIAS No. 6931), each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for these purposes.

§ 95.421 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments thereto, and related statements of fact required by the Commission shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; or by a member who is an officer, if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible government entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government, including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

(c) Only the original of applications, amendments, or related statements of fact need be signed; copies may be conformed.

(d) Applications, amendments, and related statements of the fact need not be signed under oath. Willful false statements made therein, however, are punishable by fine and imprisonment. U.S.

Code, Title 18, section 1001, and by appropriate administrative sanctions, including revocation of station license pursuant to section 312(a)(1) of the Communications Act of 1934, as amended.

§ 95.423 Defective applications.

(a) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(b) When an application is considered to be incomplete or defective, such application will be returned to the applicant, unless the Commission may otherwise direct. The reason for return of the applications will be indicated, and if appropriate, necessary additions or corrections will be suggested.

§ 95.425 Amendment or dismissal of application.

(a) Any application may be amended upon request of the applicant as a matter of right prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner and with the same number of copies as required for the original application.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

§ 95.427 Partial grant.

Where the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, or from its effective date if a later date is specified, file with the Commission a written rejection of the grant as made. Upon receipt of such rejection, the Commission will vacate its original action upon the application and, if appropriate, set the application for hearing.

§ 95.429 License term.

Licenses will normally be issued for a term of 5 years from the date of original issuance, major modification, or renewal.

§ 95.431 Types of operation authorized.

Stations are authorized as mobile stations only; however, they may be operated at fixed locations in accordance with other provisions of this part.

§ 95.433 Transfer of license prohibited.

A station authorization may not be transferred or assigned. In lieu of such transfer or assignment, an application for new station authorization shall be filed in each case, and the previous authorization shall be forwarded to the Commission for cancellation.

§ 95.435 Changes in terms of license.

(a) Commission approval is required to increase the number of transmitters authorized for a particular station.

(b) Commission approval is not required to change either of the following terms:

1. Name of a licensee (without changes in the ownership, control or corporate structure.)

2. Mailing address of a licensee.

Although prior approval of the Commission is not required for any of these changes, prompt written notice must be furnished to the Commission as soon as possible after the change has been implemented. This notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records the new name and/or address, and the call signs and classes of all radio stations authorized to the licensee under this part. This notice shall be sent to FCC, Gettysburg, PA, 17325, and a copy shall be maintained with the records of the station.

(c) Commission approval is not required to substitute transmitting equipment at any station, provided that the equipment employed is included in the Commission's "Radio Equipment List" and is listed as acceptable for use in this Service.

§ 95.437 Limitations on antenna structures.

(a) All antennas (both receiving and transmitting) and supporting structures associated or used in conjunction with a station operated from a fixed location must comply with at least one of the following:

(1) The antenna and its supporting structure does not exceed 20 feet in height above ground level; or

(2) The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, tree or man-made structure on which it is mounted; or

(3) The antenna is mounted on the transmitting antenna structure of another authorized radio station and exceeds neither 60 feet above ground level nor the height of the antenna supporting structure of the other station; or

(4) The antenna is mounted on and does not exceed the height of the antenna structure otherwise used solely for receiving purposes, which structure itself complies with subparagraph (1) or (2) of this paragraph.

(5) The antenna is omnidirectional and the highest point of the antenna and its supporting structure do not exceed 60 feet above ground level and the highest point also does not exceed one foot in height above the established airport elevation for each 100 feet of horizontal distance from the nearest point of the nearest airport runway.

NOTE: A work sheet will be made available upon request to assist in determining the maximum permissible height of an antenna structure.

(b) Subpart I of Part 1 of this chapter contains procedures implementing the National Environmental Policy Act of 1969. Applications for authorization of the construction of certain classes of communications facilities defined as "major actions" in § 1.305 thereof, are required to be accompanied by specified statements. Generally these classes are:

(1) Antenna towers or supporting structures which exceed 300 feet in height and are not located in areas devoted to heavy industry or to agriculture.

(2) Communications facilities to be located in the following areas:

(i) Facilities which are to be located in an officially designated wilderness area or in an area whose designation as a wilderness is pending consideration;

(ii) Facilities which are to be located in an officially designated wildlife preserve or in an area whose designation as a wildlife preserve is pending consideration;

(iii) Facilities which will affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology or culture, which are listed in the National Register of Historic Places or are eligible for listing (see 36 CFR 800.22 (d) and (f) and 800.10); and

(iv) Facilities to be located in areas which are recognized either nationally or locally for their special scenic or recreational value.

(3) Facilities whose construction will involve extensive change in surface features (e.g. wetland fill, deforestation or water diversion).

NOTE: The provisions of this paragraph do not include the mounting of FM, television or other antennas comparable thereto in size on an existing building or antenna tower. The use of existing routes, buildings and towers is an environmentally desirable alternative to the construction of new routes or towers and is encouraged.

If the required statements do not accompany the application, the pertinent facts may be brought to the attention of the Commission by any interested person during the course of the license term and considered de novo by the Commission.

STATION OPERATING REQUIREMENTS

§ 95.451 Station authorization required.

No radio station shall be operated in this service except under and in accordance with an authorization granted by the Federal Communications Commission.

§ 95.453 Posting station license and transmitter identification cards or plates.

(a) The current authorization, or a clearly legible photocopy thereof, for each station (including units of a station) operated at a fixed location shall be posted at a conspicuous place at the principal fixed location from which such station is controlled, and a photocopy of such authorization shall also be posted at all other fixed locations from which the station is controlled. If a photocopy of the authorization is posted at the principal control point, the location of the original shall be stated on that

photocopy. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each transmitter operated at a fixed location when such transmitter is not in view of, or is not readily accessible to, the operator of at least one of the locations at which the station authorization or a photocopy thereof is required to be posted.

(b) The current authorization for each station operated as a mobile station shall be retained as a permanent part of the station records, but need not be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C) or a plate of metal or other durable substance, legibly indicating the call sign and the licensee's name and address, shall be affixed, readily visible for inspection, to each of such transmitters: *Provided,* That, if the transmitter is not in view of the location from which it is controlled, or is not readily accessible for inspection, then such card or plate shall be affixed to the control equipment at the transmitter operating position or posted adjacent thereto.

§ 95.455 Authorized frequencies.

(a) The following frequencies may be used for communications between stations:

MHz—26.965; 26.925; 26.985; 27.005; 27.015; 27.025; 27.035; 27.055; 27.075; 27.085; 27.105; 27.115; 27.125; 27.135; 27.155; 27.165; 27.175; 27.185; 27.205; 27.215; 27.225; 27.235; 27.245; 27.255; 27.265; 27.275; 27.285; 7.205; 27.305; 27.315; 27.325; 27.335; 27.345; 27.355; 27.265; 27.275; 27.285; 27.295; 27.305;

(b) Special conditions.

(1) These frequencies are available on a shared basis with other stations in this Service.

(2) These frequencies are subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96–27.28 MHz band.

(3) The frequency 27.065 MHz shall be used solely for:

(i) Emergency communications involving immediate safety of life of individuals or the immediate protection of property or

(ii) Communications necessary to render assistance to a motorist.

§ 95.457 Policy governing the availability of frequencies.

(a) Each frequency available for use by stations in this service is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant; however, the use of a particular frequency may be restricted to (or in) one or more specified geographical areas.

(b) All applicants and licensees in this service shall cooperate in the selection and use of the frequencies assigned or authorized, in order to minimize interference and thereby obtain the most effective use of the authorized facilities.

§ 95.459 Telephony only.

(a) Transmitters used at stations in this service are authorized to transmit telephony (voice), either single or double sideband.

(b) Tone signals or signalling devices may not be used, except for functions such as tone operated squelch or selective calling circuits used primarily to establish or maintain voice contact. Signals may not be used solely to attract attention or to control remote objects or devices.

(c) The transmission of audible tone signals or a sequence of tone signals for the operation of the tone operated squelch or selective calling circuits shall not exceed a total of 15 seconds duration. Continuous transmission of a subaudible tone for this purpose is permitted. For the purposes of this section, any tone or combination of tones having no frequency above 150 hertz shall be considered subaudible.

§ 95.461 Permissible communications.

Stations are authorized to transmit the following types of communications:

(a) Communications to facilitate the personal or business activities of the licensee.

(b) Communication relating to:

(1) The immediate safety of life or the immediate protection of property in accordance with § 95.463.

(2) The rendering of assistance to a motorist, mariner or other traveler.

(3) Civil defense activities in accordance with § 95.477.

(4) Other activities only as specifically authorized pursuant to § 95.465.

(c) Communications with stations authorized in other radio services except as prohibited in § 95.501(a)(3).

§ 95.463 Emergency and assistance to motorist use.

(a) All stations shall give priority to the emergency communications of other stations which involve the immediate safety of life of individuals or the immediate protection of property.

(b) Any station in this service may be utilized during an emergency involving the immediate safety of life of individuals or the immediate protection of property for the transmission of emergency communications. It may also be used to transmit communications necessary to render assistance to a motorist.

(1) When used for transmission of emergency communications certain provisions in this part concerning use of frequencies (§ 95.455); prohibited uses (§ 95.501(a)(3)); operation by or on behalf of persons other than the licensee (§ 95.465) and duration of transmissions (§ 95.469(a) and (b)) shall not apply.

(2) When used for transmissions of communications necessary to render assistance to a traveler, the provisions of this Part concerning duration of transmission § 95.469(b) shall not apply.

(3) The exemptions granted from certain rule provisions in subparagraphs (1) and (2) of this paragraph may be rescinded by the Commission at its discretion.

(c) If the emergency use under paragraph (b) of this section extends over a period of 12 hours or more, notice shall be sent to the Commission in Washington, D.C., as soon as it is evident that the emergency has or will exceed 12 hours. The notice should include the identity of the stations participating, the nature of the emergency, and the use made of the stations. A single notice covering all participating stations may be submitted.

§ 95.465 Operation by, or on behalf of, persons other than the licensee.

(a) Transmitters authorized in this service must be under the control of the licensee at all times. A licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his station license, and shall be responsible for the proper operation of all units of the station.

(b) Stations may be operated only by the following persons, except as provided in paragraph (c) of this section:

(1) The licensee;

(2) Members of the licensee's immediate family living in the same household;

(3) The partners, if the licensee is a partnership, provided the communications relate to the business of the partnership;

(4) The members, if the licensee is an unincorporated association, provided the communications relate to the business of the association;

(5) Employees of the licensee only while acting within the scope of their employment;

(6) Other persons, upon specific prior approval of the Commission shown on or attached to the station license, under the following circumstances:

(i) Licensee is a corporation and proposes to provide private radiocommunication facilities for the transmission of messages or signals by or on behalf of its parent corporation, another subsidiary of the parent corporation, or its own subsidiary. Any remuneration or compensation received by the licensee for the use of the radiocommunication facilities shall be governed by a contract entered into by the parties concerned and the total of the compensation shall not exceed the cost of providing the facilities. Records which show the cost of service and its nonprofit or cost-sharing basis shall be maintained by the licensee.

(ii) Other cases where there is a need for other persons to operate a unit of licensee's radio station. Requests for authority may be made either at the time of the filing of the application for station license or thereafter by letter. In either case, the licensee must show the nature of the proposed use and that it relates to an actiivty of the licensee, how he proposes to maintain control over the transmitters at all times, and why it is not appropriate for such other person to obtain a station license in his own name.

The authority, if granted, may be specific with respect to the names of the persons who are permitted to operate, or may authorize operation by unnamed persons for specific purposes. This authority may be revoked by the Commission, in its discretion, at any time.

station licensee shall not be

(c) An individual who was formerly a permitted to operate any station licensed to another person until such time as he again has been issued a valid radio station license when his license has been:

(1) Revoked by the Commission.

(2) Surrendered for cancellation after the institution of revocation proceedings by the Commission.

(3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Commission.

§ 95.467 Telephone answering services.

(a) Notwithstanding the provisions of § 95.465 a licensee may install a transmitting unit of his station on the premises of a telephone answering service. The same unit may not be operated under the authorization of more than one licensee. In all cases, the licensee must enter into a written agreement with the answering service. This agreement must be kept with the licensee's station records and must provide, as a minimum, that:

(1) The licensee will have control over the operation of the radio unit at all times;

(2) The licensee will have full and unrestricted access to the transmitter to enable him to carry out his responsibilities under his license;

(3) Both parties understand that the licensee is fully responsible for the proper operation of the station; and

(4) The unit so furnished shall be used only for the transmission of communications to other units belonging to the licensee's station.

(b) A station licensed to a telephone answering service shall not be used to relay messages or transmit signals to its customers.

§ 95.469 Duration of transmissions.

(a) All communications or signals, regardless of their nature, shall be restricted to the minimum practicable transmission time. The radiation of energy shall be limited to transmissions modulated or keyed for actual permissible communications, tests, or control signals. Continuous or uninterrupted transmissions from a single station or between a number of communicating stations is prohibited, except for communications involving the immediate safety of life or property.

(b) All communications between stations (interstation) shall be restricted to not longer than five (5) continuous minutes. At the conclusion of this 5 minute period, or the exchange of less than 5 minutes, the participating stations shall remain silent for at least one minute.

(c) All communications between units of the same station (intrastation) shall be restricted to the minimum practicable transmission.

§ 95.471 Station identification.

(a) The call sign of a station shall consist of either three letters followed by four digits or shall consist of four letters followed by four digits. The call sign of a station operating under a temporary permit shall consist of three letters followed by five digits.

(b) Each transmission of the station call sign shall be made in the English language by each unit, shall be complete, and each letter and digit shall be separately and distinctly transmitted. Only standard phonetic alphabets, nationally or internationally recognized, may be used in lieu of pronunication of letters for voice transmission of call signs. A unit designator or special identification may be used in addition to the station call sign but not as a substitute therefor.

(c) Except as otherwise provided, all transmissions from each unit of a station shall be identified by the transmission of its assigned call sign at the beginning and end of each transmission or series of transmissions, but at least at intervals not to exceed ten (10) minutes.

§ 95.473 Station location.

(a) A station may be used or operated anywhere in the United States subject to the provisions of paragraph (b) of this section.

(b) A mobile station authorized in this service may be used or operated on any vessel, aircraft, or vehicle of the United States: *Provided*, That when such vessel, aircraft, or vehicle is outside the territorial limits of the United States, the station, its operation, and its operator shall be subject to the governing provisions of any treaty concerning telecommunications to which the United States is a party, and when within the territorial limits of any foreign country, the station shall be subject also to such laws and regulations of that country as may be applicable.

§ 95.475 Dispatch points and remote control.

(a) No authorization is required to install dispatch points.

(b) Operation of any station by remote control is prohibited except remote control by wire upon specific authorization by the Commission when satisfactory need is shown.

§ 95.477 Civil defense communications.

A licensee of a station authorized under this part may use the licensed radio facilities for the transmission of messages relating to civil defense activities in connection with official tests or drills conducted by, or actual emergencies proclaimed by, the civil defense agency having jurisdiction over the area in which the station is located: *Provided*, That:

(a) The operation of the radio station shall be on a voluntary basis.

(b) Such communications are conducted under the direction of civil defense authorities.

(c) As soon as possible after the beginning of such use, the licensee shall send notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications being transmitted and the duration of the special use of the station. In addition, the Engineer in Charge shall be notified as soon as possible of any change in the nature of or termination of such use.

(d) In the event such use is to be a series of pre-planned tests or drills of the same or similar nature which are scheduled in advance for specific times or at certain intervals of time, the licensee may send a single notice to the Commission in Washington, D.C., and to the Engineer in Charge of the Radio District in which the station is located, stating the nature of the communications to be transmitted, the duration of each such test, and the times scheduled for such use. Notice shall likewise be given in the event of any change in the nature of or termination of any such series of tests.

(e) The Commission may, at any time, order the discontinuance of such special use of the authorized facilities.

STATION ADMINISTRATION REQUIREMENTS

§ 95.501 Prohibited communications.

(a) A station shall not be used:

(1) For any purpose, or in connection with any activity, which is contrary to Federal, State, or local law.

(2) For the transmission of communications containing obscene, indecent, profane words, language, or meaning.

(3) To communicate with an Amateur Radio Service station, an unlicensed station, or foreign stations except for communications pursuant to § 95.463(b) and § 95.477.

(4) To convey program material for retransmission, live or delayed, on a broadcast facility.

NOTE: A station may be used in connection with, administrative, engineering, or maintenance activities of a broadcasting station; A station may be used in the gathering of news items or preparation of programs: Provided, that the actual or recorded transmissions of the station are not broadcast at any time in whole or in part.

(5) To intentionally interfere with the communications of another station.

(6) For the direct transmission of any material to the public through a public address system or similar means.

(7) For the transmission of music, whistling, sound effects, or any material for amusement or entertainment purposes, or solely to attract attention.

(8) To transmit the word "MAYDAY" or other international distress signals, except when the station is located in a ship, aircraft, or other vehicle which is threatened by grave and imminent

danger and requests immediate assistance.

(9) For advertising or soliciting the sale of any goods or services.

(10) For transmitting messages in other than plain language. Abbreviations including nationally or internationally recognized operating signals, may be used only if a list of all such abbreviations and their meaning is kept in the station records and made available to any Commission representative on demand.

(11) To carry on communications for hire, whether the remuneration or benefit received is direct or indirect.

(b) A station may not be used to communicate with, or attempt to communicate with, any unit of the same or another station over a distance of more than 150 miles.

(c) A licensee of a station who is engaged in the business of selling radio transmitting equipment shall not allow a customer to operate under his station license. In addition, all communications by the licensee for the purpose of demonstrating such equipment shall consist only of brief messages addressed to other units of the same station.

§ 95.503 False signals.

No person shall transmit false or deceptive communications by radio or identify the station he is operating by means of a call sign which has not been assigned to that station.

§ 95.505 Current copy of rules required.

Each licensee in this service shall maintain as a part of his station records a current copy of Subpart D of Part 95, Personal Radio Services, of this chapter. Additional requirements of a technical nature may be found in Subpart E of this part.

§ 95.507 Answers to notices of violations.

(a) Any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

(b) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer, in duplicate, direct to the office of the Commission originating the notice. If an answer cannot be sent nor an acknowledgment made within such period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(c) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of the action taken to correct the condition or omission complained of and to preclude its recurrence. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the licensee must comply with the provisions of § 95.621 and the answer to the notice shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification shall be given as will permit ready identification of the application. If the notice of violation relates to lack of attention to or improper operation of the transmitter, the name and license number of the operator in charge, if any, shall also be given.

§ 95.509 External radio frequency power amplifiers prohibited.

No external radio frequency power amplifier shall be used or attached, by connection, coupling attachment or in any other way at any station.

NOTE.—An external radio frequency power amplifier at a station will be presumed to have been used where it is in the operator's possession or on his premises and there is extrinsic evidence of any operation of such station in excess of power limitations provided under this rule part unless the operator of such equipment holds a station license in another radio service under which license the use of the said amplifier at its maximum rated output power is permitted.

§ 95.511 Transmitter Service and Maintenance.

(a) Except as provided in paragraph (b) of this section, all transmitter adjustments or tests while radiating energy during or coincident with the construction, installation, servicing, or maintenance of a radio station in this service, which may affect the proper operation of such stations, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radio telegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests. Further, in any case where a transmitter adjustment which may affect the proper operation of the transmitter has been made while not radiating energy by a person not the holder of the required commercial radio operator license or not under the supervision of such licensed operator, other than the factory assembling or repair of equipment, the transmitter shall be checked for compliance with the technical requirements of the rules by a commercial radio operator of the proper grade before it is placed on the air.

(b) Except as provided in § 95.621 and in (c) of this section, no commercial radio operator license is required to be held by the person performing transmitter adjustments or tests during or coincident with the construction, installation, servicing, or maintenance of transmitters used at stations authorized prior to May 24, 1974: *Provided*, That there is compliance with all of the following conditions:

(1) The transmitting equipment shall be crystal-controlled with a crystal capable of maintaining the station frequency within the prescribed tolerance;

(2) The transmitting equipment either shall have been factory assembled or shall have been provided in kit form by a manufacturer who provided all components together with full and detailed instructions for their assembly by nonfactory personnel;

(3) The frequency determining elements of the transmitter, including the crystal(s) and all other components of the crystal oscillator circuit, shall have been preassembled by the manufacturer, pretuned to a specific available frequency, and sealed by the manufacturer so that replacement of any component or any adjustment which might cause off-frequency operation cannot be made without breaking such seal and thereby voiding the certification of the manufacturer required by this paragraph;

(4) The transmitting equipment shall have been so designed that none of the transmitter adjustments or tests normally performed during or coincident with the installation, servicing, or maintenance of the station, or during the normal rendition of the service of the station, or during the final assembly of kits or partially preassembled units, may reasonably be expected to result in off-frequency operation, excessive input power, overmodulation, or excessive harmonics or other spurious emissions; and

(5) The manufacturer of the transmitting equipment or of the kit from which the transmitting equipment is assembled shall have certified in writing to the purchaser of the equipment (and to the Commission upon request) that the equipment has been designed, manufactured, and furnished in accordance with the specifications contained in the foregoing subparagraphs of this paragraph. The manufacturer's certification concerning design and construction features of station transmitting equipment, as required if the provisions of this paragraph are invoked, may be specific as to the particular unit of transmitting equipment or general as to a group or model of such equipment, and may be in any form adequate to assure the purchaser of the equipment or the Commission that the conditions described in this paragraph have been fulfilled.

(c) Any tests and adjustments necessary to correct any deviation of a transmitter of any station in this service from the technical requirements of the rules in this part shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed.

§ 95.513 Modification of transmitters.

(a) Transmitting equipment type accepted for use in this service shall not be modified by the user. Changes which are specifically prohibited include:

(1) Internal or external connection or addition of any part, device or accessory not included by the manufacturer with the transmitter for its type acceptance. This shall not prohibit the external connection of antennas or antenna transmission lines, antenna switches, passive networks for coupling transmission lines or antennas to transmitters, or replacement of microphones.

(2) Modification in any way not specified by the transmitter manufacturer and not approved by the Commission.

(3) Replacement of any transmitter part by a part having different electrical characteristics and ratings from that replaced unless such part is specified as a replacement by the transmitter manufacturer.

(4) Substitution or addition of any transmitter oscillator crystal unless the crystal manufacturer or transmitter manufacturer has made an express determination that the crystal type, as installed in the specific transmitter type, will provide that transmitter type with the capability of operating within the frequency tolerance specified in § 95.615 (a).

(5) Addition or substitution of any component, crystal or combination of crystals, or any other alteration to enable transmission on any frequency not authorized for use by the licensee.

(b) Only the manufacturer of the particular unit of equipment type accepted for use in CB stations may make the permissive changes allowed under the provisions of Part 2 of this chapter for type acceptance. However, the manufacturer shall not make any of the following changes to the transmitter without prior written authorization from the Commission:

(1) Addition of any accessory or device not specified in the application for type acceptance and approved by the Commission in granting said type acceptance.

(2) Addition of any switch, control, or external connection.

(3) Modification to provide capability for an additional number of transmitting frequencies.

§ 95.515 Tests and adjustments.

All tests or adjustments of radio transmitting equipment involving an external connection to the radio frequency output circuit shall be made using a nonradiating dummy antenna. However, a brief test signal, either with or without modulation, as appropriate, may be transmitted when it is necessary to adjust a transmitter to an antenna for a new station installation or for an existing installation involving a change of antenna or change of transmitters, or when necessary for the detection, measurement, and suppression of harmonic or other spurious radiation. Test transmissions using a radiating antenna shall not exceed a total of 1 minute during any 5-minute period, shall not interfere with communications already in progress on the operating frequency, and shall be properly identified as required by § 95.471, but may otherwise be unmodulated as appropriate.

§ 95.521 Inspection of stations and station records.

All stations and records of stations in this service shall be made available for inspection upon the request of an authorized representative of the Commission made to the licensee or to his representative . Unless otherwise stated in this part, all required station records shall be maintained for a period of at least 1 year.

WORD INDEX TO PART 95, SUBPART D

A

Abbreviations ..... 95.501(a)
Address change ..... 95.435(b)
Adjustments, Tests and 95.511, 95.513, 95.515
Advertising ..... 95.501(a)
Age requirement 95.411
Agriculture, U.S. Dep't. of ..... 95.417(f)
Amendment of application 95.425
Amplifiers/amplification ..... 95.403(b), 95.509
Antennas ..... 95.403(b), 95.437, 95.513, 95.515
Application/applicant ..... 95.411(a), 95.415, 95.417, 95.419, 95.421, 95.423, 95.425, 95.427, 95.433, 95.437(b)
Assignment of license 95.433
Association, unincorporated ..... 95.411(a), 95.421(a), 95.465(b)
Authorization ..... 95.411(a), 95.415(a), (b), 95.417(b), 95.433, 95.451, 95.453, 95.475

B

Broadcasting 95.501
Bureau of Land Management ..... 95.417(f)
Business activities ..... 95.461, 95.465(b)

C

Call signs ..... 95.435(b), 95.453(b), 95.471, 95. 503
Canada 95.419
Cancellation (of license) ..... 95.433, 95.465(c)
Citizenship, requirements of 95.413
Civil defense communications 95.477
Communications-for-hire ..... 95.501(a)
Compensation ..... 95.465(b)
Construction permit ..... 95.415(c), 95.507(c)
Continuous transmissions ..... 95.469(a)
Contract 95.465
Corporation ..... 95.415(c), 95.421(a), 95.465(b)
Crystals ..... 95.511(b), 95.513
Customers, CB operation by ..... 95.501(c)

D

Deceptive communications 95.503
Defective application ..... 95.417(f), 95.423
Department of Agriculture, U.S. ..... 95.417(f)
Department of the Interior, U.S. ..... 95.417(f)
Dismissal of Application ..... 95.425(b)
Dispatch points ..... 95.403(b), 95.475
Distress signals, international ..... 95.501(a)
Duration of transmissions 95.463, 95.469

E

Eligibility 95.411
Emergency Communications ..... 95.455(b), 95.463
Emissions (see Telephony) ..... 95.403(b), 95.459
Employee(s) ..... 95.465(b)
Entertainment ..... 95.501(a)
Environmental Policy Act, National ..... 95.437(f)
Equipment, demonstrations of ..... 95.501(c)
Expired authorization ..... 95.415(a)
External radio frequency power amplifiers 95.509

F

False signals 95.503
Family, use of one license by ..... 95.465(b)
First-class Commercial radio operator license 95.511
Fixed operation 95.431, 95.437
Five minute rule ..... 95.469(b)
Foreign country, operation in 95.473
Foreign government 95.413
Forest Service, U.S. ..... 95.417(f)
Forms 95.415
Frequency ..... 95.403(a), 95.411(a), 95.455, 95.457, 95.463

G

Government, state and local ..... 95.411, 95.421(a)

H

Household ..... 95.465(b)

I

Identification, station 95.471
Illegal communications 95.501
Indecent [words] 95.501
Individual ..... 95.411(a), 95.421(a), 95.465(c)
Interference ..... 95.403(b), 95.455(b), 95.501(a)
Interior, U.S. Department of ..... 95.417(f)
International distress signals ..... 95.501(a)

L

Law, operation contrary to ..... 95.501(a)
License (See also "authorization") ..... 95.403(b), 95.411(a), 95.413, 95.415(a), 95.417, 95.429, 95.433, 95.435, 95.465
License, transfer of 95.433
Linears 95.509
Location, station 95.473

M

Mailing address ..... 95.419, 95.435(b)
Maintenance, transmitter service and 95.511, 95.515
Manufacturer, CB 95.511, 95.513
MAYDAY ..... 95.501(a)
Mobile stations 95.431
Modification of license ..... 95.415(a), 95.417(b), 95.429
Modification of transmitters 95.513
Motorist ..... 95.455(b), 95.463(b)
Music 95.501

N

Name change ..... 95.435(b)
National Environmental Policy Act ..... 95.437(f)
National Register of Historic Places ..... 95.437(f)
Notice of violations 95.507

O

Oath ..... 95.421(d)
Obscene [words] 95.501

P

Partial grant 95.427
Partnership ..... 95.411(a), 95.465(b)
Permissible communications 95.461
Permit ..... 95.403(b), 95.415(b), 95.417(b), (d), 95.471(a)
Personal Radio Services 95.403, 95.505
Posting requirements 95.453
Profane [words] 95.501
Prohibited Communications 95.463, 95.501
Public Address system 95.501

R

Radio telegraph commercial license 95.511
Radiotelephone commercial license 95.511
Records, station ..... 95.435(b), 95.465(b), 95.467, 95.521
Reinstatement ..... 95.415(a)
Relay messages ..... 95.467(b)
Remote control ..... 95.403(b), 95.475
Remuneration ..... 95.465(b), 95.501(a)
Renewal ..... 95.415(a), 95.417(b), (c), 95.429
Repair of equipment 95.511, 95.513, 95.515
Representative of foreign government 95.413

Retransmission ..... 95.501(a)
Revocation ..... 95.465(c)
Rules 95.505

S

Safety ..... 95.455(b), 95.463, 95.469
Second-class commercial radio operator license 95.511
Service, transmitter 95.511
Sideband emission ..... 95.403(b), 95.459(a)
Signalling Devices/Signals ..... 95.459, 95.467, 95.469, 95.501(a)
Signing (of applications) 95.421, 95.425
Sound effects ..... 95.501(a)
Special Temporary Authority (STA) 95.417
Squelch ..... 95.459(b)
Station ..... 95.403(a), 95.411(a), 95.417(f), 95.431, 95.433, 95.435, 95.437, 95.451, 95.453, 95.457, 95.461, 95.463, 95.465, 95.467, 95.471, 95.473, 95.477, 95.501, 95.503, 95.511
Station identification 95.471
Station location 95.473
Station records ..... 95.435(b), 95.465(b), 95.467, 95.521
Surrender, license ..... 95.465(c)

T

Telephone answering services 95.467
Telephony ..... 95.459(a)
Temporary Authority, Special ..... 95.417(b)
Temporary permit ..... 95.415(b), 95.417(d), 95.471(a)
Term, license 95.429
Tests and adjustments 95.511, 95.513, 95.515
Tone operated squelch ..... 95.459(b)
Tone signals ..... 95.459(b), (c)
Transfer of license 95.433
Transmitter/transmitting equipment ..... 95.403(b), 95.435(a), (c), 95.453(b), 95.453(b), 95.459(a), 95.465, 95.469, 95.501(c), 95.507(c), 95.511
Traveler (see motorist) ..... 95.455(b), 95.463(b)

U

U.S. Dept. of Agriculture ..... 95.417(f)
U.S. Dept. of Interior ..... 95.417(f)
U.S. Forest Service ..... 95.417(f)
Uninterrupted transmissions ..... 95.469(a)

V

Violations 95.507

W

Whistling ..... 95.501(a)
Wilderness area 95.437
Wildlife preserve 95.437

Subpart E—Technical Regulations

General

§ 95.601 Basis and purpose.

These rules are designed to provide the technical standards necessary for proper operation and maintenance of units used in the Personal Radio Services. They also provide for procedures whereby manufacturers of radio equipment to be used or operated in the Personal Radio Services may obtain type acceptance of such equipment as may be appropriate.

§ 95.603 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter.

(a) Definitions of stations.

Base station. A land station in the land mobile service carrying on a service with land mobile stations.

General Mobile Radio Service station. A station in the Personal Radio Services licensed to be operated on an assigned frequency in the 460–470 MHz band with a transmitter output power of not more than 50 watts.

Radio Control (R/C) Service station. A station in the Personal Radio Services licensed to be operated on an authorized frequency in the 26.96–27.23 MHz band, or on the frequency 27.255 MHz, for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, or on an authorized frequency in the 72–76 MHz band for the radio control of models used for hobby purposes only.

Citizens Band (CB) Radio Service station. A station in the Personal Radio Services licensed to be operated for radiotelephony only, on an authorized frequency in the 26.96–27.41 MHz band.

Base station. A station in the land mobile service not intended for operation while in motion.

Fixed station. A station intended to be operated between specified fixed points.

Mobile station. A station intended to be operated between mobile and land stations or between mobile stations. A mobile station is operated while in motion or during halts at unspecified points.

(b) Miscellaneous definitions.

Antenna structure. The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

Assigned frequency. The frequency appearing on a station authorization from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

Authorized bandwidth. The maximum permissible bandwidth for the particular emission used. This shall be the occupied bandwidth or necessary bandwidth, whichever is greater.

Carrier power. The average power at the output terminals of a transmitter (other than a transmitter having a suppressed, reduced or controlled carrier) during one radio frequency cycle under conditions of no modulation.

External radio frequency power amplifiers. As defined in § 2.815(a) and as used in this part, an external radio frequency power amplifier is any device which, (1) when used in conjunction with a radio transmitter as a signal source is capable of amplification of that signal, and (2) is not an integral part of a radio transmitter as manufactured.

Harmful interference. Any emission, radiation or induction which endangers the functioning of a radio-navigation service or other safety service or seriously degrades, obstructs or repeatedly interrupts a radio-communication service operating in accordance with applicable laws, treaties, and regulations.

Man-made structure. Any construction other than a tower, mast or pole.

Mean power. The power at the output terminals of a transmitter during normal operation, averaged over a time sufficiently long compared with the period of the lowest frequency encountered in the modulation. A time of 1/10 second during which the mean power is greatest, will be selected normally.

Necessary bandwidth. For a given class of emission, the minimum value of the occupied bandwidth sufficient to ensure the transmission of information at the rate and with the quality required for the system employed, under specified conditions. Emissions useful for the good functioning of the receiving equipment, as for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

Occupied bandwidth. The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5% of the total mean power radiated by a given emission.

Omnidirectional antenna. An antenna designed so the maximum radiation in any horizontal direction is within 3 dB of the minimum radiation in any horizontal direction.

Peak envelope power. The average power at the output terminals of a transmitter during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation.

Remote control. The term "remote control" when applied to the use or operation of a personal radio services station means control of the transmitting equipment of that station from any place other than the location of the transmitting equipment, except that direct mechanical control or direct electrical control by wired connections of transmitting equipment from some other point on the same premises, craft or vehicle shall not be considered to be remote control.

Sideband Emission

Single sideband emission. An emission in which only one sideband is transmitted. The carrier, or a portion thereof, also may be present in the emission.

Double sideband emission. An emission in which both upper and lower sidebands resulting from the modulation of a particular carrier are transmitted. The carrier, or a portion thereof, also may be present in the emission.

Station authorization. Any construction permit, license, or special temporary authorization issued by the Commission.

Frequencies, Power and Emissions

§ 95.611 Availability of frequencies.

(a) Frequencies available for assignment in the General Mobile Radio Service:

Base and Mobile (MHz)	*Mobile Only (MHz)*
462.550	467.550
462.575	467.575
462.600	467.600
462.625	467.625
462.650	467.650
462.675	467.675
462.700	467.700
462.725	467.725

(b) Fixed stations in the General Mobile Radio Service.

(1) Such fixed stations may be eligible for an assigned frequency under the following conditions:

(i) Fixed stations which are used to control base stations of a system may be assigned the frequency assigned to the mobile units associated with the base station. Such fixed stations shall comply with the following requirements if they are located within 75 miles of the center of urbanized areas of 200,000 or more population.

(*a*) If the station is used to control one or more base stations located within 45 degrees of azimuth, a directional antenna having a front-to-back ratio of at least 15 dB shall be used at the fixed station. For other situations where such a directional antenna cannot be used, a cardioid, bidirectional or omnidirectional antenna may be employed. Consistent with reasonable design, the antenna used must, in each case, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each base station and limit radiation in other directions to the extent feasible.

(*b*) The strength of the signal of a fixed station controlling a single base station may not exceed the signal strength produced at the antenna terminal of the base receiver by a unit of the associated mobile station, by more than 6 dB. When the station controls more than one base station, the 6 dB control-to-mobile signal difference need be verified at only one of the base station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile of the control station site.

(*c*) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(*d*) Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, table 23, page 50. The centers of urbanized areas are determined from the Appendix, page 226 of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(ii) Fixed stations, other than those used to control base stations, which are located 75 or more miles from the center of an urbanized area of 200,000 or more population. The centers of urbanized areas of 200,000 or more population are listed on page 226 of the Appendix to the U.S. Department of Commerce publication "Air Line Distance Between Cities in the United States." When the fixed station is located 100 miles or less from the center of such an urbanized area, the power output may not exceed 15 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems, separation between transmit-receive frequencies is 5 MHz.

(2) Such fixed stations authorized prior to March 18, 1968, located 100 or more miles from the center of any urbanized area of 200,000 or more population, authorized to operate on frequencies other than those specified above, will not have to change frequencies provided no interference is caused to the operation of stations in the land mobile service.

(c) R/C stations. (1) Frequencies authorized for use at R/C stations.

(a) Control of remote objects or devices by radio, or remote actuation of devices which are used solely as a means of attracting attention.

MHz: 26.995; 27.045; 27.095; 27.145; 27.195; 27.255.[1]

(b) Radio remote control of any model used for hobby purposes.

MHz: 72.16; 72.32; 72.96.

(c) Radio remote control of aircraft models only.

MHz: 72.08; 72.24; 72.40; 75.64.

(2) Special conditions.

(a) Such stations may employ only amplitude tone modulation or on-off keying of the unmodulated carrier.

(b) Such stations operate on a shared basis with other stations in the Personal Radio Services on the frequencies authorized above.

(c) The frequencies available for the control of remote objects or devices or for the remote actuation of devices which are used solely as a means of attracting attention are not afforded any protection from interference caused by the operation of industrial, scientific, or medical devices within the 26.96–27.28 MHz band.

(d) The frequencies available for the radio remote control of models used for hobby purposes are subject to the condition that interference will not be caused to the remote control of industrial equipment operating on the same or adjacent frequencies or to the reception of television transmissions on Channels 4 and 5. These frequencies are not afforded any protection from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies.

(d) CB stations.

(1) Frequencies Authorized for use at CB Stations.

(i) The following frequencies may be used for communications between CB stations:

MHz: 26.965; 26.975; 26.985; 27.005; 27.015; 27.025; 27.035; 27.055; 27.075; 27.085; 27.105; 27.115; 27.125; 27.135; 27.155; 27.165; 27.175; 27.185; 27.205; 27.215; 27.225; 27.235; 27.245; 27.255; 27.265; 27.275; 27.285; 27.295; 27.305; 27.315; 27.325; 27.335; 27.345; 27.355; 27.365; 27.375; 27.385; 27.395; 27.405.

(2) Special conditions.

(i) The frequencies listed above are available for use with radiotelephony (voice) transmissions only.

[1] This frequency is shared with stations in other services.

(ii) These frequencies are available on a shared basis with other stations in the Personal Radio Services.

(iii) These frequencies are subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96–27.28 MHz band.

(iv) The frequency 27.065 MHz shall be used solely for emergency communications, which are defined as:

(*a*) communications involving the immediate safety of life of individuals or the immediate protection of property, or

(*b*) Communications necessary to render assistance to a motorist.

§ 95.613 Transmitter power.

(a) Transmitter power is the power at the transmitter output terminals and delivered to the antenna, antenna transmission line, or any other impedance-matched, radio frequency load.

(1) For single sideband transmitters and other transmitters employing a reduced carrier, a suppressed carrier or a controlled carrier, used at CB stations, transmitter power is the peak envelope power.

(2) For all transmitters other than those covered by paragraph (a)(1) of this section, the transmitter power is the carrier power.

(b) The transmitter power of a station shall not exceed the following values under any condition of modulation or other circumstances.

Class of station		*Transmitter power in watts*
General mobile radio service		50
R/C	27.255 MHz	25
	26.995 to 27.195 MHz	4
	72 to 76 MHz	.75
CB	Carrier (where applicable)	4
	Peak envelope power (where applicable)	12

§ 95.615 Frequency tolerance.

(a) Except as provided in paragraphs (b) and (c) of this section, the carrier frequency of a transmitter in this service shall be maintained within the following percentage of the authorized frequency:

Class of station	Frequency tolerance	
	Fixed and base	Mobile
General mobile:		
Radio service	0.00025	0.0005
R/C		.005
CB		.005

(b) Transmitters used at R/C stations operating on authorized frequencies between 26.99 and 27.26 MHz with 2.5 watts or less mean output power, which are used solely for the control of remote objects or devices by radio (other than devices used solely as a means of attracting attention), are permitted a frequency tolerance of 0.01 percent.

(c) General Mobile Radio Service ---------- stations operated at a fixed location used to control base stations, through use of a mobile only frequency, may operate with a frequency tolerance of 0.0005 percent.

§ 95.617 Emission limitations.

(a) Each authorization issued to a General Mobile radio station will show, as a prefix to the classification of the authorized emission, a figure specifying the maximum bandwidth to be occupied by the emission.

(b) The authorized bandwidth of the emission of any transmitter employing amplitude modulation shall be 8 kHz for double sideband and 4 kHz for single sideband. The authorized bandwidth of the emission of any transmitter employing frequency or phase modulation (Class F2 or F3) shall be 20 kHz. The use of F2 and F3 emissions in the frequency band 26.96 MHz–27.41 MHz is not authorized.

(c) The mean power of emissions shall be attenuated below the mean power of the transmitter in accordance with the following schedule:

(1) When using emissions other than single sideband:

(i) On any frequency removed from the center of the authorized bandwidth by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the center of the authorized bandwidth by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels;

(2) When using single sideband emissions:

(i) On any frequency removed from the center of the authorized bandwidth by more than 50 percent up to and including 150 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the center of the authorized bandwidth by more than 150 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels;

(3) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth: at least 43+10 log (mean power in watts) decibels, for CB transmitters type accepted before September 10, 1976 and all General Mobile Radio Service transmitters.

(4) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth up to a frequency of twice the fundamental frequency; at least 53+10 log (mean power in watts) decibels, for CB transmitters type accepted after September 10, 1976.

(5) On any frequency twice or greater than twice the fundamental frequency: at least 60 decibels (mean power in watts) for CB transmitters type accepted after September 10, 1976.

NOTE.—The requirements of paragraph (c) must be met both with and without connection of all attachments acceptable for use with such transmitters. External speakers, microphones, power cords, and antennas are among the devices included in this requirement. Additionally, if it is shown that a licensee causes interference to television reception because of insufficient harmonic attenuation, he may be required to insert a low pass filter between the transmitter RF output terminal and the antenna feedline.

(d) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

§ 95.619 Modulation requirements.

(a) When double sideband, amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall not exceed 100 percent.

(b) Each transmitter for use in CB stations, other than single sideband, suppressed carrier, or controlled carrier, for which type acceptance is requested after May 24, 1974, having more than 2.5 watts maximum output power shall be equipped with a device which automatically prevents modulation in excess of 100 percent on positive and negative peaks.

(c) The maximum audio frequency required for satisfactory radiotelephone intelligibility for use in this service is considered to be 3000 Hz.

(d) Transmitters for use at General Mobile Radio Service stations shall be provided with a device which automatically will prevent greater than normal audio level from causing modulation in excess of that specified in this subpart; *Provided, however,* That the requirements of this paragraph shall not apply to transmitters authorized at mobile stations and having an output power of 2.5 watts or less.

(e) Each transmitter of a General Mobile Radio Service station which is equipped with a modulation limiter in accordance with the provisions of paragraph (d) of this section shall also be equipped with an audio low-pass filter. This audio low-pass filter shall be installed between the modulation limiter and the modulated stage and, at audio frequencies between 3 kHz and 20 kHz, shall have an attenuation greater than the attenuation at 1 kHz by at least; 60 $\log_{10}$ (f/3) decibels where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

(f) Simultaneous amplitude modulation and frequency or phase modulation of a transmitter is not authorized.

(g) The maximum frequency deviation of frequency modulated transmitters used at General Mobile Radio stations shall not exceed ±5 kHz.

§ 95.621 Compliance with technical requirements.

(a) Upon receipt of notification from the Commission of a deviation from the technical requirements of the rules in this part, the radiations of the transmitter involved shall be suspended immediately, except for necessary tests and adjustments, and shall not be resumed until such deviation has been corrected.

(b) When any station licensee receives a notice of violation indicating that the station contained in Subpart E of this part, or where it otherwise appears that operation of a station in this service may not be in accordance with applicable technical standards, the Commission may require the licensee to conduct such tests as may be necessary to determine whether the equipment is capable of meeting these standards and to make such adjustments as may be necessary to assure compliance therewith. A licensee who is notified that he is required to conduct such tests and/or make adjustments must, within the time limit specified in the notice, report to the Commission the results thereof.

(c) All tests and adjustments which may be required in accordance with paragraph (b) of this section shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial operator license, either radiotelephone or radio telegraph as may be appropriate for the type of emission employed. In each case, the report which is submitted to the Commission shall be signed by the licensed commercial operator. Such report shall describe the results of the tests and adjustments, the test equipment and procedures used, and shall state the type, class, and serial number of the operator's license. A copy of this report shall also be kept with the station records.

PROHIBITED EQUIPMENT

§ 95.631 External radio frequency power amplifiers prohibited.

No external radio frequency power amplifier shall be used or attached, by connection, coupling attachment or in any other way at any CB station.

NOTE.—An external radio frequency power amplifier at a CB station will be presumed to have been used where it is in the operator's possession or on his premises and there is extrinsic evidence of any operation of such CB station in excess of power limitations provided under this rule part unless the operator of such equipment holds a station license in another radio service under which license the use of the said amplifier at its maximum rated output power is permitted.

TYPE ACCEPTANCE AND CERTIFICATION

§ 95.641 Acceptability of transmitters for licensing.

Transmitters type approved or type accepted for use under this part are included in the Commission's Radio Equipment List. Copies of this list are available for public reference at the Commission's Washington, D.C. offices and field offices. The requirements for transmitters which may be operated under a license in this service are set forth in the following paragraphs.

(a) General Mobile Radio Service Stations: All transmitters shall be type accepted.

(b) R/C stations:

(1) Transmitters operated in the band 72–76 MHz shall be type accepted.

(2) All transmitters operated in the band 26.99–27.26 MHz shall be type approved, type accepted or crystal controlled.

(c) CB Stations:

(1) All transmitters first licensed, or marketed as specified in § 2.805 of this chapter, prior to November 22, 1974, shall be type accepted or crystal controlled.

(2) All transmitters first licensed, or marketed as specified in § 2.803 of this

chapter, on or after November 22, 1974, shall be type accepted.

(3) Effective November 23, 1978, all transmitters shall be type accepted.

(4) Effective January 1, 1977 transmitters which are equipped to operate on any frequency not included in § 95.611 may not be installed at or used by any CB station unless there is a station license posted at the transmitter location, or a transmitter identification card (FCC Form 452-C) attached to the transmitter, which indicates that operation of the transmitter on such frequency has been authorized by the Commission.

(5) No CB transmitter type accepted pursuant to an application filed prior to September 10, 1976 shall be manufactured on or after August 1, 1977.

(6) No CB transmitter type accepted pursuant to an application filed prior to September 10, 1976 shall be marketed on or after January 1, 1978.

NOTE.—A "transmitter" is defined to include any radio frequency (RF) power amplifier.

(d) With the exception of equipment type approved for use at a R/C station, all transmitting equipment authorized in this service shall be crystal controlled.

(e) No controls, switches or other functions which can cause operation in violation of the technical regulations of this part shall be accessible from the operating panel or exterior to the cabinet enclosing a transmitter authorized in this service.

§ 95.643 Procedure for type acceptance of equipment.

(a) Any manufacturer of a transmitter built for use in this service, except noncrystal controlled transmitters for use at R/C stations, may request type acceptance for such transmitter in accordance with the type acceptance requirements of this part, following the type acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization by following the type acceptance procedures set forth in Part 2 of this chapter. Such transmitters, if accepted, will not normally be included on the Commission's "Radio Equipment List", but will be individually enumerated on the station authorization.

(c) Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. These rules include information with respect to withdrawal of type acceptance, modification of type-accepted equipment, and limitations on the findings upon which type acceptance is based.

(d) Transmitters equipped with a frequency or frequencies not listed in § 95.611(d) will not be type accepted for use at CB stations unless the transmitter is also type accepted for use in the service in which the frequency is authorized, if type acceptance in that service is required.

§ 95.645 Additional requirements for type acceptance.

(a) All transmitters shall be crystal controlled.

(b) Except for transmitters type accepted for use at General Mobile Radio Service stations transmitters shall not include any provisions for increasing power to levels in excess of the pertinent limits specified in § 95.613.

(c) In addition to all other applicable technical requirements set forth in this part, transmitters for which type acceptance is requested for use at CB stations shall comply with the following:

(1) Single sideband transmitters and other transmitters employing reduced, suppressed or controlled carrier shall include a means for automatically preventing the transmitter power from exceeding either the maximum permissible peak envelope power or the rated peak envelope power of the transmitter, whichever is lower.

(2) Multi-frequency transmitters shall be capable of operation only on those frequencies authorized by § 95.611.

(3) All transmitter frequency determining circuitry (including crystals), other than the frequency selection mechanism, employed in CB station equipment shall be internal to the equipment and shall not be accessible from the exterior of the equipment cabinet or operating panel. Add-on devices, whether internal or external to the equipment, the function of which is to extend the frequency coverage capability of a CB unit beyond its original frequency coverage capability, shall not be sold, manufactured, or attached to any transmitter capable of operation on CB frequencies.

(4) Single sideband transmitters shall be capable of transmitting on the upper sideband. Capability for transmission also on the lower sideband is permissible.

(5) The total dissipation ratings, established by the manufacturer of the electron tubes or semiconductors which supply radio frequency power to the antenna terminals of the transmitter, shall not exceed 10 watts. For electron tubes, the rating shall be the Intermittent Commercial and Amateur Service (ICAS) plate dissipation value if established. For semiconductors, the rating shall be the collector or device dissipation value, whichever is greater, which may be temperature derated to not more than 50° C.

(d) Only the following external transmitter controls, connections or devices will normally be permitted in transmitters for which type acceptance is requested for use at CB stations. Approval of additional controls, connections or devices may be given after consideration of the functions to be performed by such additions.

(1) Primary power connection. (Circuitry or devices such as rectifiers, transformers, or inverters which provide the nominal rated transmitter primary supply voltage may be used without voiding the transmitter type acceptance.)

(2) Microphone connection.

(3) Radio frequency output power connection.

(4) Audio frequency power amplifier output connector and selector switch.

(5) On-off switch for primary power to transmitter. May be combined with receiver controls such as the receiver on-off switch and volume control.

(6) Upper-lower sideband selector; for single sideband transmitters only.

(7) Selector for choice of carrier level; for single sideband transmitters only. May be combined with sideband selector.

(8) Transmitting frequency selector switch.

(9) Transmit-receive switch.

(10) Meter(s) and selector switch for monitoring transmitter performance.

(11) Pilot lamp or meter to indicate the presence of radio frequency output power or that transmitter control circuits are activated to transmit.

(e) An instruction book for the user shall be furnished with each transmitter sold and one copy (a draft or preliminary copy is acceptable providing a final copy is furnished when completed) shall be forwarded to the Commission with each request for type acceptance or type approval. The book shall contain all information necessary for the proper installation and operation of the transmitter including:

(1) Instructions concerning all controls, adjustments and switches which may be operated or adjusted without causing violation of technical regulations of this part;

(2) Warnings concerning any adjustment which, according to the rules of this part, may be made only by, or under the immediate supervision of, a person holding a commercial first or second class radio operator license;

(3) Warnings concerning the replacement or substitution of crystals, tubes or other components which could cause violation of the technical regulations of this part and of the type acceptance or type approval requirements of Part 2 of this chapter;

(4) Warnings concerning licensing requirements and details concerning the application procedures for licensing.

(f) A CB Radio Service application form (FCC Form 505), a Temporary Permit, CB Radio Service (FCC Form 555-B), and a copy of Subpart D of Part 95 of the Commission's Rules and Regulations, each to be current at the time of packing of the transmitter, shall be furnished with each transmitter marketed after January 1, 1977.

(g) The serial number of each new CB unit marketed after January 1, 1977, shall be engraved on the unit's chassis.

§ 95.647 Submission of noncrystal controlled Class C station transmitters for type approval.

Type approval of noncrystal controlled transmitters for use at R/C stations in

this service may be requested in accordance with the procedure specified in Part 2 of this chapter.

§ 95.649 Type approval of receiver-transmitter combinations.

Type approval will not be issued for transmitting equipment for operation under this part when such equipment is enclosed in the same cabinet, is constructed on the same chassis in whole or in part, or is identified with a common type or model number with a radio receiver, unless such receiver has been certificated to the Commission as complying with the requirements of Part 15 of this chapter.

§ 95.651 Minimum equipment specifications.

Transmitters submitted for type approval in this service shall be capable of meeting the technical specifications contained in this part, and in addition, shall comply with the following:

(a) Any basic instructions concerning the proper adjustment, use, or operation of the equipment that may be necessary shall be attached to the equipment in a suitable manner and in such positions as to be easily read by the operator.

(b) A durable nameplate shall be mounted on each transmitter showing the name of the manufacturer, the type or model designation, and providing suitable space for permanently displaying the transmitter serial number, FCC type approval number, and the class of station for which approved.

(c) The transmitter shall be designed, constructed, and adjusted by the manufacturer to operate on a frequency or frequencies available to the class of station for which type approval is sought. In designing the equipment, every reasonable precaution shall be taken to protect the user from high voltage shock and radio frequency burns. Connections to batteries (if used) shall be made in such a manner as to permit replacement by the user without causing improper operation of the transmitter. Generally accepted modern engineering principles shall be utilized in the generation of radio frequency currents so as to guard against unnecessary interference to other services. In cases of harmful interference arising from the design, construction, or operation of the equipment, the Commission may require appropriate technical changes in equipment to alleviate interference.

(d) Controls which may effect changes in the carrier frequency of the transmitter shall not be accessible from the exterior of any unit unless such accessibility is specifically approved by the Commission.

§ 95.653 Test procedure.

Type approval tests to determine whether radio equipment meets the technical specifications contained in this part will be conducted under the following conditions:

(a) Gradual ambient temperature variations from 0° to 125° F.

(b) Relative ambient humidity from 20 to 95 percent. This test will normally consist of subjecting the equipment for at least three consecutive periods of 24 hours each, to a relative ambient humidity of 20, 60, and 95 percent, respectively, at a temperature of approximately 80° F.

(c) Movement of transmitter or objects in the immediate vicinity thereof.

(d) Power supply voltage variations normally to be encountered under actual operating conditions.

(e) Additional tests as may be prescribed, if considered necessary or desirable.

§ 95.655 Certificate of type approval.

A certificate or notice of type approval, when issued to the manufacturer of equipment intended to be used or operated in the Personal Radio Services, constitutes a recognition that on the basis of the test made, the particular type of equipment appears to have the capability of functioning in accordance with the technical specifications and regulations contained in this part: *Provided,* That all such additional equipment of the same type is properly constructed, maintained, and operated: *And provided further,* That no change whatsoever is made in the design or construction of such equipment except upon specific approval by the Commission.

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federal register

THURSDAY, DECEMBER 23, 1976

PART IV



DEPARTMENT OF THE INTERIOR

Office of the Secretary

■

EMPLOYEE RESPONSIBILITIES AND CONDUCT

Revised Regulations

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

The regulations of the Department of the Interior governing the conduct and responsibilities of regular and special employees of the Department are revised. The revision involves clarification of regulations previously published, expanded coverage of employees required to file financial disclosure statements, and addition of public disclosure requirements applicable to recent "Sunshine in Government" legislation. The specific new and expanded provisions of most significance include:

1. Section 20.735–14 is revised to clarify criteria for conditions under which an Indian or Alaska Native (a) may serve as an officer or representative of his or her tribe, band, pueblo or corporation and (b) may occupy a policy or decision-making position within the Bureau of Indian Affairs at an office which has jurisdiction over his or her home reservation.

2. On March 22, 1976, the Department of the Interior published in the FEDERAL REGISTER (41 FR 11838–11840) proposed regulations to implement section 522 of the Energy Policy and Conservation Act, 42 U.S.C. 6392, requiring public disclosure of certain specified, known financial interests by officers and employees performing duties under the Act. The proposed regulations were published pursuant to section 522(b) of the Act.

Interested persons were given until April 26, 1976, to submit written comments, suggestions, or objections to the proposed regulations. Several offices within the Department and one member of the public submitted written comments. These have been given consideration in the rulemaking process. Significant comments are discussed below.

The suggestion was made that personnel of three offices within the Department listed as exempt from filing public disclosure statements under proposed § 20.735–20(b) be covered. A member of the public made a similar suggestion in regard to the Commissioner of Indian Affairs. The proposed subsection (b) has been deleted from these final regulations. Each officer or employee, including those in units listed under the proposed subsection (b), must now file if he or she is a covered employee, as the term is defined in § 20.735(a)(1).

A suggestion was made to revise the proposed definition of "property" by referring to surface and subsurface rights. The proposed definition of property has been deleted. In its place has been substituted the term "energy property," § 20.735–20(a)(2). We believe that this is a term which is relevant to the Act and has been incorporated in this final regulation. The definition is broad and similar to that proposed by the Federal Energy Administration (41 FR 14261), whose employees also are subject to the Act. The definition contains no reference to surface and subsurface rights since such language could be construed as placing a limitation on the broad meaning intended.

The suggestion was made that the reference to "holding companies" be deleted from proposed § 20.735–20(f)(1)(iii) in view of the discussion of § 20.735–20(a)(4). Subsection (iii) has been deleted as unnecessary. The final regulation, § 20.735–20(a)(4), defines "engaged in energy business" and in so doing makes reference to "parent company or holding company". The definition makes clear that regardless of whether a parent or holding company is directly involved, it is considered as engaged in energy business if one or more of its subsidiaries in the United States is engaged in the energy business.

A commentator suggested that the Office of Land Use and Water Planning be deleted from the list of organizations exempt under proposed § 20.735–20(B)(3)(i). Because this Office has been abolished by order of the Secretary, the suggestion is moot.

Another commentator suggested that the proposed public disclosure statement contain notice to the individual that the statement is subject to examination and copying by the general public. The suggestion has been adopted.

In addition, consideration has been given to comments of the Office of the Comptroller General and from several members of the Congress. These comments have been carefully studied and extensively utilized in the preparation of these final regulations. The result has been, as reflected in these regulations, (1) clarification, revision and deletion of portions of the proposed regulations, (2) inclusion of new terms with definitions in line with those of the Federal Energy Administration, where practical, and (3) provision for identification of specific positions to be exempted in accordance with section 522(c) of the Act.

The proposed regulations indicate that the Department intended to amend sections 20.735–22, –23, and –51. These amendments have been incorporated in this publication.

Numerous editorial changes have been necessary because of revisions, reparagraphing, and redesignation of the public disclosure statement as DI–211B rather than DI–211.

3. Public Law 94–429 (16 U.S.C. 1901), enacted September 28, 1976, provides for the regulation of mining activity within areas of the National Park System. Section 13 thereof, under the title "Sunshine in Government," provides that each officer or employee of the Secretary of the Interior who performs any function or duty under the Act, or under any of several Acts amended by Public Law 94–429, and has any known financial interest in any person subject to the Acts or in any person holding a mining claim, annually file a written statement concerning such interests. 16 U.S.C. 1912. In addition, the Secretary is to prescribe rules which define "known financial interest," and include provisions for filing statements, and their review, and methods for monitoring and enforcing section 13 of the Act. Section 13(a) of the Act also provides that the public disclosure statement shall be available to the public.

It is apparent that the contents of a written statement filed by an employee pursuant to section 13 of the Act will relate to the area of conflict of interest. Therefore, existing regulations which deal with this area of employee conduct are amended as indicated below.

Section 20.735–11 is amended by adding subsection (e). This new subsection summarizes the provisions of section 13 of the Act and brings the implementing regulations within the scope of Subpart B, Conflict of Interest.

Section 20.735–19 is new. It sets forth definitions, specifies who is to file a public disclosure statement, when and where to file, what to report, procedures for review and analysis of statements, and procedures for public access to statements. A new Department form (DI–211A), Public Disclosure Statement of Known Financial Interest) has been developed for use by employees who are covered by the law and these regulations.

4. The Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701, became law on October 21, 1976. Section 313 thereof, titled "Sunshine in Government," provides that each officer or employee of the Secretary of the Interior or of the Bureau of Land Management who performs any function or duty under the Act and has any known financial interest, as outlined in the section, annually file a written public disclosure statement concerning such interests. 43 U.S.C. 1743(a). In addition, the Secretary is required to prescribe rules which define "known financial interests", to include provisions for filing statements, for their review, and methods for monitoring and enforcing section 313(a) of the Act. Section 313(a) also provides that the public disclosure statement shall be available to the public.

It is apparent that the contents of a written public disclosure statement filed by an employee pursuant to section 313 of the Act will relate to the area of conflict of interest. Therefore, existing regulations dealing with this area of employee conduct are amended as indicated below.

Section 20.735–11 is amended by adding subsection (d). This new subsection summarizes the provisions of section 313 of the Act and brings the implementing regulations within the scope of Subpart B, Conflict of Interest.

Section 20.735–18 is new. It sets forth definitions, specifies who is to file a public disclosure statement, when and where to file, what to report, procedures for review and analysis of statements, and procedures for public access to statements. A new Department form has been developed for use by employees who are covered by the law and these regulations. It is form DI–211, titled: Public Disclosure Statement of Known Financial Interest.

5. In defining "known financial interest" in sections 20.735–18, 19 and 20, we found that two elements must be considered. First, the employee must know

he or she has a financial interest; second the employee must know that the interest is in a person subject to the respective Acts. Clearly, "known" includes actual knowledge. In consideration of what knowledge should be imputed to the employee, we provided that the term includes knowledge which one ought reasonably be expected to have.

Generally an officer or employee is expected to "know" that a person owns an interest subject to one of the three public disclosure Acts:

(a) When the covered employee is doing business as an individual, a sole proprietorship or a partnership, and owns such an interest;

(b) When the person is doing business in any other organizational form, and an examination of the annual financial statement, or other corporate or business report routinely circulated to investors reveals that such person owns such an interest; or

(c) When that person appears on any list of persons performing activities subject to each of the Acts, which list is prepared and circulated to employees by the Department.

6. The Confidential Statements of Employment and Financial Interests forms (DI–212, DI–213) for regular and special government employees, respectively, were changed to require fuller disclosure as to number of shares of stock and value of investments (see appendices B–1 and B–2).

7. Paragraph 20.735–22(a) is changed to provide that all employees who occupy positions classified GS–15 or higher shall file Confidential Statements of Employment and Financial Interests. In addition, each employee whose position is identified in Appendix C shall file such statement. Appendix C is revised in its entirety and published herein.

8. Appendices D, E, and F to these regulations identify the bureaus and offices of the Department, or subunits thereof, performing functions or duties under the Federal Land Policy and Management Act, Mining in the Parks Act, and Energy Policy and Conservation Act, respectively, and also lists positions within such bureaus, offices, and subunits that have been specifically exempted by the Secretary from the public disclosure requirements of the three Acts because the positions were both nonregulatory and nonpolicymaking. Appendices D, E, and F are not published herein but will be published separately in the FEDERAL REGISTER by about December 31, 1976.

Because Part 20 consists of rules of agency organization, procedure and practice, adoption of the revised Part 20 through the rulemaking procedure prescribed in 5 U.S.C. 553 is not required and the revised Part 20 is accordingly adopted without resort to that procedure. In accordance with the public policy expressed in 5 U.S.C. 553 and the Department's policy statement of May 4, 1971, on rulemaking procedures, interested persons may, however, submit written comments, suggestions, data or arguments concerning the revised Part 20 to the Director, Office of Audit and Investigation, U.S. Department of the Interior, Washington, D.C. 20240, on or before January 24, 1977. All such comments received will be given full consideration.

This revision of Part 20 was approved by the Civil Service Commission on December 9, 1976, and shall be effective December 23, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

DECEMBER 17, 1976.

Subpart A—General Provisions

Sec.
20.735–1 Policy and general responsibilities.
20.735–2 Definitions.
20.735–3 Delegations of authority and channels for counseling.
20.735–4 Sanctions.

Subpart B—Conflict of Interest

20.735–11 Scope of subpart.
20.735–12 Statutory prohibitions.
20.735–13 Specific prohibitions imposed by regulation.
20.735–14 Indian and Alaska Native organizations.
20.735–15 Financial interests.
20.735–16 Outside work and interests.
20.735–18 Specific regulations under the Federal Land Policy and Management Act.
20.735–19 Specific regulations under the Mining in the Parks Act.
20.735–20 Specific regulations under the Energy Policy and Conservation Act.
20.735–21 Certificates of disclaimer.
20.735–22 Employees required to file statements of employment and financial interests; manner of filing.
20.735–23 Review and analysis of statements.
20.734–24 Procedures for resolving conflicts of interest.
20.735–25 Appeals procedures.

Subpart C—Ethical and Other Conduct and Responsibilities of Employees

20.735–31 Scope of subpart.
20.735–32 Gifts, entertainment, and favors.
20.735–33 Teaching, lecturing, and writing.
20.735–34 Government property.
20.735–36 Indebtedness.
20.735–37 Specific types of conduct.

Subpart D—Special Government Employees, Responsibilities, Ethical and Other Conduct

20.735–41 Statutes relating to conflict of interest.
20.735–42 Restrictions upon special Government employees.
20.735–43 Statements of employment and financial interests.

Subpart E—Bibliography of Statutes

20.735–51 Miscellaneous statutory provisions and restrictions.

APPENDICES

Appendix A–1 Employee Certification—U.S. Geological Survey
Appendix A–2 Employee Certification—Bureau of Indian Affairs
Appendix A–3 Employee Certification—Bureau of Land Management
Appendix A–4 Employee Certification—Bureau of Mines
Appendix A–5 Employee Certification—Mining Enforcement and Safety Administration
Appendix A–6 Employee Certification—Office of the Secretary
Appendix B–1 Confidential Statement of Employment and Financial Interests (Form DI–212)
Appendix B–2 Confidential Statement of Employment and Financial Interests (Form DI–213)
Appendix B–3 Public Disclosure Statement of Known Financial Interests (Federal Land Policy and Management Act—Form DI–211)
Appendix B–4 Public Disclosure Statement of Known Financial Interests (Mining in the Parks Act—Form DI–211A)
Appendix B–5 Public Disclosure Statement of Known Financial Interests (Energy Policy and Conservation Act — Form DI–211B)
Appendix C List of Employees, in addition to GS–15's and higher, required to file Confidential Statements of Employment and Financial Interests (Form DI–212)

AUTHORITY: The provisions of this Part 20 issued under E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR 1964–1965, Comp.; 5 CFR 735. 104; 5 U.S.C. 301; P.L. 94–579; P.L. 94–429; P.L. 94–163.

Subpart A—General Provisions

§ 20.735–1 Policy and general responsibilities.

(a) *Purpose.* These regulations set forth Department policies and identify principal laws and regulations which relate to employee conduct and responsibilities. The regulations are applicable to all regular and special employees of the Department. Exceptions to this general provision are stated in the specific section or paragraph to which they apply.

(b) *General policy.* Employees of the Department are expected to maintain especially high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of Government business and the continual trust and confidence of citizens in their Government. Employees are expected to comply with all Federal statutes, Civil Service Commission regulations and Department regulations. The conduct of employees should reflect the qualities of courtesy, consideration, loyalty to the United States, a deep sense of responsibility for the public trust, promptness in dealing with and serving the public, and a standard of personal behavior which will be a credit to the individual. These principles apply to official conduct and to private conduct which affects in any way the ability of the employee or the Department to effectively accomplish the work of the Department.

(c) *Conformance with policy.* Employees are required to carry out the announced policies and programs of the Department. The right of employees to express personal opinions and points of view will be respected. Such opinions or points of view will not, however, reduce the employee's responsibility to effectively perform the duties which he or she is assigned. An employee is subject to appropriate disciplinary action if he or she fails to carry out any lawful regulation, order, or policy, or deliberately refuses to obey the proper requests of superiors having responsibility for his or her performance.

(d) *Bureau responsibility.* (1) Heads of bureaus and offices authorized to take action under § 20.735–3 shall establish and maintain internal procedures and guidelines to adequately and systematically inform employees of the content, meaning, and importance of the regulations in this part. Such supplementary guidelines may include specific or additional restrictions applicable to employees of the bureau or office. They shall be approved by the Department Ethics Counselor before they are issued.

(2) Copies of the regulations in this part shall be given to each employee and special Government employee upon entrance to duty. Each bureau and office shall remind its employees and special Government employees of the regulations in this part at least once annually, through a publication or memorandum issued to all employees. In addition, announcements of vacancies in those positions for which a statement of employment and financial interest is required (§ 20.735–22) will alert applicants to the filing requirement.

(e) *Employee responsibility.* It is the responsibility of employees to familiarize themselves, and to comply with the regulations in this part. Employees are expected to consult with their supervisors and personnel officers on general questions they may have regarding the applicability of the regulations. On specific matters and for guidance on questions of conflict of interest employees may obtain authoritative advice and guidance from Ethics Counselors, Deputy Ethics Counselors, Assistant Ethics Counselors, or the Department Ethics Counselor (§ 20.735–3). In addition, policy and decision-making officials should be careful in dealing with representatives of private industry so as not to give an opinion or decision contrary to expressed Department or bureau policy. A memorandum of discussion may be prepared to document discussions with representatives of private industry for future reference.

(f) *Conduct codes of specific groups.* Special codes of conduct may be developed, or adopted if established by the profession in which the employee is engaged, by the Department for specific groups of employees engaged in the same occupation or profession. Special codes of conduct may be considered in cases where (1) the number of employees involved is large, or (2) the work is performed by members of the group with minimum direct supervision. Proposals for special codes of conduct including procedures for their implementation will be submitted to the Department Ethics Counselor for approval. The Office of Personnel Management and the Office of the Solicitor shall concur in such codes before they are issued.

§ 20.735–2 Definitions.

Bureau. Refers to program-oriented organization of the Department of the Interior, such as the Geological Survey, Bureau of Mines, or the Mining Enforcement and Safety Administration.

Office. Refers to the specific offices to which authority to administer employee conduct regulations is delegated by § 20.735–3.

Employee. Refers to a regular officer or employee of the Department who is appointed or employed to serve more than 130 days in any period of 365 days.

Special Government Employee. Refers to an employee or officer of the Department of the Interior who is retained, designated, appointed, or employed to perform temporary duties with or without compensation, for not to exceed 130 days during any period of 365 consecutive calendar days, either on a full-time or intermittent basis (18 U.S.C. 202).

Executive Order. Refers to Executive Order 11222 of May 8, 1965.

§ 20.735–3 Delegations of authority and channels for counseling.

(a) *Designation of Ethics Counselors.* (1) The Assistant Secretary-Administration and Management for administering the regulations governing the conduct and responsibilities of employees in the Department of the Interior. The Assistant Secretary-Administration and Management has designated the Director, Office of Audit and Investigation as Department Ethics Counselor who shall:

(i) Provide advice, assistance, and guidance to all levels of Ethics Counselors within the Department.

(ii) Monitor the conflict of interest program, using reports requested of bureaus and offices and periodic audits performed by the Office of Audit and Investigation. These audits will be conducted on a cyclical basis to ensure that each bureau or office is reviewed at least once every three years or upon request of the Department Ethics Counselor.

(iii) Review statements of employment and financial interests for those Department employees cited in paragraph 20.-735–22(c)(2) of this part.

(iv) Elect to exercise, for reasonable cause, the authorities and responsibilities of any other Ethics Counselor within the Department either for the duration of an individual case or totally for a period not to exceed six months.

(2) Each bureau head, the Solicitor, the Director of the Office of Hearings and Appeals, and the Director of the Office of Water Research and Technology are designated as Ethics Counselors. Ethics Counselors are responsible for administering the regulations governing the conduct and responsibilities of employees in their respective bureaus or offices.

(3) Each Ethics Counselor shall designate the Bureau Personnel Officer (or other qualified headquarters employee) as Deputy Ethics Counselor. Deputy Ethics Counselors may carry out operational duties of the Ethics Counselor within their bureaus or offices under the general direction of the Ethics Counselor, including reviewing statements of employment and financial interests, informally resolving conflict of interest situations, and answering employee conduct questions.

(4) Each Ethics Counselor may also designate regional or area personnel officers (or other qualified employees) as Assistant Ethics Counselors to perform the operational duties of the Ethics Counselor at the field office level. Assistant Ethics Counselors may also be designated within the bureau or office headquarters.

(5) The Chief, Division of Personnel Services, Office of Secretarial Operations, is designated Deputy Ethics Counselor for employees and special Government employees of the Office of the Secretary and other offices for which personnel services are provided by this division. The Assistant Secretary-Administration and Management shall perform the functions of a bureau or office Ethics Counselor with respect to these employees. The Office of Hearings and Appeals, the Office of the Solicitor, the Office of Water Research and Technology, and those employees identified specifically within the responsibilities of the Department Ethics Counselor are excluded from the provisions of this paragraph.

(b) *Channels for counseling.* (1) Each employee and special Government employee shall be informed annually by the bureau or office head of the name, address, and telephone number of the Ethics Counselor whom he or she may contact.

(2) It is the Department's policy to encourage responsible disposition of counseling requests at the level at which they are first received. Ethics Counselors, if located in the field, may seek advice from Regional Solicitors, or from the Associate Solicitor for General Law if located in Washington, D.C. Matters of unusual significance or complexity may be referred through channels to the Department Ethics Counselor.

(3) Employees may also request counseling assistance from the Regional Solicitors or the Associate Solicitor for General Law, as appropriate. Such requests will be made through the Ethics Counselor serving their office.

§ 20.735–4 Sanctions.

Violations of the regulations in this part by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law. Such disciplinary action shall be taken in accordance with applicable laws, Executive Orders, or regulations (see Federal Personnel Manual and additions thereto).

Subpart B—Conflict of Interest

§ 20.735–11 Scope of subpart.

(a) *Content.* This subpart prescribes policies and procedures for the avoidance of conflicting interests in connection with an employee's Government position or in the discharge of his or her official responsibilities, and sets out the requirements for reporting and reviewing financial interests and outside employment.

(b) *Types of requirements.* All employees are subject to two types of requirements in connection with apparent or actual conflicting financial interests. One is a criminal statute, 18 U.S.C. 208, which by its terms prohibits participation by

any employee in certain official activities where he or she has a conflicting personal financial interest. Other requirements have been established under Executive Order 11222. The Executive Order and Civil Service Commission regulations require that employees occupying certain Government positions must report all personal interests and outside employment by filing a statement of employment and financial interests. The statute and the Executive Order have the common objective of deterring the occurrence of conflicting financial interest situations. The statute prohibits and punishes, while the Executive Order requires the statement of employment and financial interests which is intended to serve as an aid to the employee and those who review his or her statement in avoidance of the conflicting situation through advice and counseling.

(c) *General applicability.* The requirements of 18 U.S.C. 208 apply to all employees of the Department notwithstanding the requirement under this subpart for filing a statement of employment and financial interests by certain employees. All employees shall avoid acquiring a financial interest or taking any action that could result in a violation of 18 U.S.C. 208 or of these regulations.

(d) *Federal Land Policy and Management Act requirements.* Section 313(a) of the Act, Pub. L. 94–579, 90 Stat. 2743, requires each officer or employee of the Department who performs any function or duty under the Act and has a known financial interest in any person who (1) applies for or receives any permit, lease, or right-of-way under, or (2) applies for or acquires any land or interests therein under, or (3) is otherwise subject to the provisions of the Act to file annually with the Secretary a written statement disclosing all such interests held during the preceding calendar year. Such statement is subject to examination and is available for copying by the public upon request. Subsection (b) requires definition of the term "known financial interest," establishment of methods for filing statements, and a report to Congress on June 1 of each year. Subsection (c) provides that specific positions or classes thereof which are nonregulatory and nonpolicymaking may be identified and officers or employees occupying such positions shall be exempted from the requirements of section 313. Subsection (d) provides that any officer or employee who is subject to, and knowingly violates subsection (a) shall be fined not more than $2,500 or imprisoned not more than one year, or both. Section 20.735–18 implements the statutory requirements of section 313 of the Federal Land Policy and Management Act.

(e) *Mining in the Parks Act requirements.* Section 13(a) of the Act, Pub. L. 94–429, requires each officer or employee of the Department who performs any function or duty under the Act, or any Acts amended by the Act, and has a known financial interest (1) in any person subject to such Acts or (2) in any person who holds a mining claim within the boundaries of units of the National Park System, to file annually with the Secretary a written statement disclosing all such interests held during the preceding calendar year. Such statement is subject to examination and is available for copying by the public upon request. Subsection (b) requires definition of the term "known financial interest," establishment of methods for filing statements, and a report to Congress on June 1 of each year. Subsection (c) provides that specific positions or classes thereof, which are nonregulatory and nonpolicymaking may be identified and the officers or employees occupying such positions shall be exempted from the requirements of section 13. Subsection (d) provides that any officer or employee who is subject to and knowingly violates subsection (a) shall be fined not more than $2,500 or imprisoned not more than one year, or both. Section 20.735–19 implements the statutory requirements of section 13 of the Mining in the Parks Act.

(f) *Energy Policy and Conservation Act requirements.* Section 522(a) of the Act, 42 U.S.C. 6392, requires each officer or employee of the Department who performs any function or duty under the Act and has a known financial interest in any person engaged in certain specified businesses or in property from which coal, natural gas, or crude oil is commercially produced, to file annually with the Secretary a written statement disclosing all such interests held during the preceding calendar year. Such statement is subject to examination and is available for copying by the public upon request. Subsection (b) requires definition of the term "known financial interest," establishment of methods for filing statements, and a report to Congress on June 1 of each year. Subsection (c) provides that specific positions or classes thereof which are nonregulatory and nonpolicymaking may be identified and officers or employees occupying such positions shall be exempted from the requirements of section 522. Subsection (d) provides that any officer or employee who is subject to, and knowingly violates subsection (a) shall be fined not more than $2,500 or imprisoned not more than one year, or both. Section 20.735–20 implements the statutory requirements of section 522 of the Energy Policy and Conservation Act.

§ 20.735–12 Statutory prohibitions.

(a) The statutes generally spoken of as the conflict of interest laws, insofar as they relate to regular employees, are sections 203, 205, 207, 208, and 209 of Title 18 of the United States Code. The Department of Justice, in a memorandum of January 28, 1963 (28 FR 985; 18 U.S.C. 201, note) summarized the main provisions of conflict of interest laws as follows:

A regular officer or employee of the Government—that is, one appointed or employed to serve more than 130 days in any period of 365 days—is in general subject to the following major prohibitions (the citations are to the new sections of Title 18 of the United States Code):

1. He may not, except in the discharge of his official duties represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

2. He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate, or person with whom he is negotiating for employment has a financial interest (18. U.S.C. 208).

3. He may not, after his Government employment has ended represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

4. He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). This temporary restraint of course gives way to the permanent restraint described in paragraph 3 if the matter is one in which he participated personally and substantially.

5. He may not receive any salary, or supplementation of his Government salary, from a private source as compensation of his services to the Government (18 U.S.C. 209).

(b) In addition to the general provisions contained in Title 18 U.S.C. the following restrictions are imposed specifically on selected Department of the Interior employees by other statutes:

(1) 43 U.S.C. 11 applies to the Bureau of Land Management employees. Section 11 provides:

The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office.

An employee, or the spouse of an employee, stationed in Alaska may purchase or lease one tract of land, not exceeding five acres, for residence or recreation purposes in the State of Alaska.

(2) 30 U.S.C. 6 imposes certain restrictions upon Bureau of Mines employees. Section 6 provides:

In conducting inquiries and investigations authorized under sections 1, 3, and 5 to 7 of this Title neither the Director nor any member of the Bureau of Mines shall have any personal or private interest in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property or issue any report as to the valuation or the management of any mine or other private mineral property.

Nothing herein shall be construed as preventing the temporary employment by the Bureau of Mines, at a compensation not to exceed $10 per day, in a consulting capacity or in the investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

(3) 43 U.S.C. 31(a) imposes certain restrictions upon members of the Geological Survey. Member is defined for the purposes of these prohibitions as any person on the rolls of the Geological Survey without regard to the duration or

nature of his or her appointment. Section 31(a) provides in part:

> The Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

Members of the Geological Survey are restricted by Section 31(a) from holding any personal or private interests, direct or indirect, in lands whose title is in the United States. They are also restricted from holding personal or private interests, direct or indirect, in the mineral wealth of such lands. This latter provision is extended by paragraph 20.735–13(b) to restrict members of the Geological Survey from holding substantial personal or private interests, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where specifically authorized by the Director of Geological Survey.

(4) 25 U.S.C. 68, which concerns trading with Indians provides:

> No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall be liable to a penalty of $5,000, and shall be removed from his office.

The preceding law should be read in light of 25 U.S.C. 68a, which relates to employees making purchases from Indians, and 25 U.S.C. 441, which relates to Indian employees being entitled to Indian benefits. In addition, 25 CFR 251.5 and 251.6 provide exceptions applicable to each of these laws.

§ 20.735–13 Specific prohibitions imposed by regulations.

(a) *Mining Enforcement and Safety Administration.* Neither the Administrator nor any member of the Mining Enforcement and Safety Administration shall have any personal or private interest, direct or indirect, in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or other private mineral property. Nothing herein shall be construed as preventing the temporary employment by the Mining Enforcement and Safety Administration in a consulting capacity or in the investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by the Mining Enforcement and Safety Administration. The Administrator of the Mining Enforcement and Safety Administration may authorize exceptions to this restriction on an individual basis for cause.

(b) *Geological Survey.* In addition to the statutory restrictions cited in paragraph 20.735–12(b)(3), members of the Geological Survey shall not hold substantial personal or private interests, direct or indirect, in any private mining enterprise doing business in the United States. The Director of Geological Survey may authorize exceptions to this restriction on an individual basis for cause.

(c) *Office of the Secretary.* The statutory restrictions quoted in paragraph 20.735–12(b) shall also apply to the employees of the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer who are required to file a statement of employment and financial interests. The Secretary may authorize exceptions to these restrictions for individual employees or a class of employees for cause.

§ 20.735–14 Indian and Alaska Native organizations.

(a) *General restrictions.* Indian and Alaska Native employees are subject to the general restrictions on financial interests set forth in § 20.735–15 and on outside work set forth in § 20.735–16.

(b) *Special conditions.* Many Indian or Alaska Native employees of the Department, especially within the Bureau of Indian Affairs, are members of federally recognized tribes, bands, pueblos or corporations created under the Alaska Native Claims Settlement Act. These employees cannot absolve themselves of tribal membership or ownership in Indian or Alaska Native corporations. Additionally, by operation of law and policy, the Bureau of Indian Affairs must give preference to Indians in all personnel actions, and is pursuing a policy of Indian Self-Determination. In recognition of these factors, membership in an Indian tribe, band or pueblo which receives services from Interior or ownership of interests in an Indian or Alaska Native corporation established under the Indian Reorganization Act or the Alaska Native Claims Settlement Act shall not be considered a conflicting interest except as restricted by the provisions of this section. Ownership of interests in an Indian or Alaska Native corporation shall be reported by the employee on the statement of employment and financial interests whenever such a statement is required.

(1) Except for membership on a tribal election board, an Indian or Alaska Native employee of the Bureau of Indian Affairs may, with the approval of the Commissioner, be involved in tribal affairs as an officer or representative when circumstances justify and no real or apparent conflict of interest is created. Requests will be handled on a case-by-case basis and, if approved will require that such duties be carried out while on (i) off duty hours, (ii) leave without pay, (iii) administrative leave, or (iv) an Intergovernmental Personnel Act assignment. If service is provided to a tribe or Alaska Native Corporation in accordance with these special conditions, the employee may not thereafter, if the tribal organization with which he served is within the jurisdiction or area of responsibility of the office to which the employee is assigned, participate in his governmental capacity in a decision or recommendation involving a particular matter in which he participated while serving the tribal organization. It is the duty of the employee to identify to his supervisor the extent of participation in tribal matters and request, when appropriate, that he be relieved from acting on the matter in his governmental capacity.

(2) An Indian or Alaska Native may hold, in the Bureau of Indian Affairs, a policy or decision-making position as identified in the Bureau of Indian Affairs Manual Part 735, on his or her home reservation, Area Office, or in the Central Office, with approval of the Commissioner, when the following conditions are met:

(i) During tenure the employee may not lease more than $500 in value per year from the tribe or Alaska Native corporation for his or her personal benefit. The Commissioner may authorize exceptions from the $500 limitation on an individual basis for cause;

(ii) Divestiture of tribal financial interest (as well as any personal outside financial interest) that creates an apparent or actual conflict situation unless such divestiture is precluded by law or the Commissioner determines that factors, such as but not limited to tribal custom or severe financial hardship, provide a basis for authorizing an individual exception;

(iii) Acquisition of Indian lands is limited to five (5) acres or less during tenure in office and may be further restricted to no acquisition of Indian lands if the employee presently holds any Indian lands;

(iv) Acquisition of any loans or grants through the tribal governing body is prohibited during tenure in office by the employee, spouse, minor children or other relatives residing in the employee's home. As an exception, loans or grants are not prohibited for Higher Education and Adult Vocational Training programs;

(v) Any personal indebtedness to the tribal governing body will be settled in full prior to appointment. The Appointing Officer may grant extensions not to exceed 90 days after appointment; and

(vi) Any other specific conflict must be satisfactorily resolved.

(3) An Indian or Alaska Native employee of the Department shall not make nor participate in a substantial manner in any decision of the Department if he has a private direct interest as defined in paragraph 20.735–15(b) in the results of the decision. If the decision is one which the employee would be expected to make if he or she had no direct interest, the matter shall be referred to the next higher authority of the Department which does not have such private direct interest in an appropriate form but without recommendation by the employee having a private direct interest.

(4) The restrictions stated in this section shall apply to temporary and intermittent employees and consultants employed by the Department except employees or consultants who are members of boards or other organization which have as a principal purpose consultation with the Department or Bureau of Indian Affairs on the programs and policies of the Department related to Indians and Alaska Natives.

(5) The terms "officer or representative" as used in this section mean the occupant of an elective or other position in an official governing body of the tribe, band, pueblo or corporation or any position of the governing body which carries with it the right to vote in the proceedings of the body or to make substantial decisions on behalf of the governing body.

§ 20.735–15 Financial interests.

(a) No Department employee shall:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her Government duties and responsibilities.

(2) Engage in, directly or indirectly, a financial transaction resulting from, or primarily relying on, information obtained through his or her Government employment.

(3) Have an interest in a contract with the Government or with an Indian tribe for the purchase, transportation, or delivery of goods or supplies for the Indian tribes. While Federal employees may, under regulations of the Secretary, purchase products, services or commodities from Indians, such purchases may not be made for the purposes of resale (25 U.S.C. 87(a)).

(b) Definitions:

Apparent Conflict. A situation where a reasonable member of the public could suppose an employee to be in conflict, even though he or she might not be.

Conflict. A situation where an employee's public duty is or will be affected by his or her interest, such as when the employee owns or has an interest in a company, land, or other entity, which is or will be affected by operations or decisions he or she makes or in which he or she is involved.

Direct Interest. Ownership or part ownership by an employee in his or her own name of lands, stocks, bonds, or other holdings. Direct interest includes the holdings of a spouse and minor child. The holdings of other relatives, including in-laws, who live in the employee's home are also considered to be the direct interest of the employee.

Indirect Interest. Ownership of a financial interest by an employee in the name of another person where the employee still reaps the benefits. This is considered the same as a Direct Interest insofar as these regulations are concerned (except as qualified by paragraph 20.735–24(a) (3) and (4)).

§ 20.735–16 Outside work and interests.

(a) *Policy.* Outside work is permitted to the extent that it does not prevent an employee from devoting his or her primary interests, talents, and energies to the accomplishments of his or her work for the Department or tend to create a conflict between the private interests of an employee and the employee's official responsibilities. The employee's outside work shall not reflect discredit on the Government or the Department.

(b) *Definitions:*

Active Proprietary Management. An outside work business affiliation in which ownership is coupled with responsibility for day to day management efforts in making decisions, supervising operations, dealing with the public, and otherwise discharging essential tasks in the direction of the business.

Outside Work. All gainful employment other than the performance of official duties including but not limited to self-employment, working for another employer, the management or operation of a private business for profit (including personally-owned businesses, partnerships, corporations, and other business entities).

(c) *Restrictions.* (1) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his or her Government employment. Any work assignment or employment affiliation which might encourage on the part of members of the general public a reasonable belief of a conflict of interest falls in this category. Incompatible activities include but are not limited to outside work which tends to impair the employee's mental or physical capacity to perform his or her Government duties and responsibilities in an acceptable manner.

(2) An employee shall not receive any salary or anything of monetary value from a private source as compensation for services to the Government (18 U.S.C. 209). This includes acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest.

(3) A Bureau of Mines or Mining Enforcement and Safety Administration employee may not work on any private report as to the valuation or the management of any mine or other private mineral property with or without remuneration.

(4) A Geological Survey employee may not work on any surveys or examinations for private parties or corporations with or without remuneration.

(5) Active proprietary management of any except the smallest business is questionable because of the probability that such management responsibilities may interfere with the employee's obligations to his or her primary employer, the Federal Government. Employees are especially urged to seek the advice of their Ethics Counselors before committing themselves to such activities.

(6) An employee shall not perform outside work:

(i) Which is of such a nature that it may be reasonably construed by the public to be the official act of the Department; or

(ii) Which involves the use of Government facilities, equipment, and supplies of whatever kind; or

(iii) Which involves the use of official information not available to the public.

(7) While an employee is not prohibited from performing outside work solely because the work is of the same general nature as the work he or she performs for the Government, no employee may perform outside work:

(i) If the work is such that the employee would be expected to do it as a part of his or her regular duties; or

(ii) If the work involves active proprietary management of a business closely related to the official work of the employee; or

(iii) If the work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his or her official duties.

(8) A Government employee shall not use his or her Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or herself or another person particularly one with whom he or she has family, business or financial ties.

(9) This section does not preclude an employee from:

(i) Participation in the activities of national or state political parties which are not otherwise prohibited by law (paragraphs 20.735–37 (i) and (j)); or

(ii) Participation in the affairs of, or acceptance of an award for, meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

§ 20.735–18 Specific regulations under the Federal Land Policy and Management Act.

(a) *Definitions.* (1) "Covered employee" means an officer or employee of the Department of the Interior performing a function or duty under the Federal Land Policy and Management Act, Pub. L. 94–579, 90 Stat. 2743, whose position has not been exempted by the Secretary of the Interior from the reporting requirements of section 313 of the Act.

(2) "Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business.

(3) "Public Land" means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except (i) lands located on the Outer Continental Shelf, and (ii) lands held for the benefit of Indians, Aleuts and Eskimos.

(4) "Engaged in business subject to the Federal Land Policy and Management Act" means conduct of any business involving the use, occupancy or development of public land or of mineral, timber, range, wildlife, recreation, watershed or other resources thereon. A parent company or holding company is "engaged in business subject to the Federal Land Policy and Management Act" if one or more of its subsidiaries is "engaged in business subject to the Federal

Land Policy and Management Act." A mutual fund or investment club is within the definition if it specializes in a business involved in the use, occupancy or development of public lands or of mineral, timber, range, wildlife, recreation, watershed or other resources thereon.

(5) "Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee), including, but not limited to (i) the ownership of common stock, preferred stock, bonds, debentures, warrants or a partnership share, (ii) a leasehold, rental, permit, license, right of way, or contract, or (iii) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

(6) "Known financial interest" means (i) any right of a covered employee to use, occupy or develop public land or mineral, timber, range, wildlife, recreation, watershed or other resources thereon, or (ii) any pecuniary interest of a covered employee in any person whom the employee knows, or could reasonably be expected to know, is engaged in a business subject to the Federal Land Policy and Management Act.

(b) *Who shall file.* (1) The Act applies to all officers and employees of the Department who perform functions or duties under it. All such officers and employees must file a public disclosure statement unless they occupy a position which has been specifically exempted by the Secretary of the Interior from the reporting requirements of section 313 of the Act or are no longer employed by the Department at the time a filing is due.

(2) Appendix D of this part lists the bureaus and offices of the Department, or subunits thereof, performing functions or duties under the Act and also lists positions which the Secretary has determined are of a nonregulatory and nonpclioymaking nature and has exempted from the reporting requirements of section 313 of the Act.

(3) The head of each affected bureau or office will annually review and update the related portion of Appendix D to this part. Proposed revisions or a certification that revision is not required shall be submitted to the Department Ethics Counselor by no later than September 30 of each year. The Secretary may revise Appendix D by the addition or deletion of positions at any time he determines such revisions are required to carry out the purpose of the law or the regulations of this part. Additions to, deletions from and other amendments of the list of positions in Appendix D are effective upon notification to the incumbents or publication in the FEDERAL REGISTER.

(c) *When to file.* Each covered employee required to file a public disclosure statement shall file such a statement on form DI–211 (see Appendix B–3). The Ethics Counselor shall notify each such employee, and furnish the form to the employee by December 15 of each year. The employee shall file a completed statement with the appropriate Ethics Counselor by no later than February 1 of each year showing applicable holdings and interests for the previous calendar year.

(d) *Where to file.* The Secretary shall file his statement with the Department Ethics Counselor. All other covered employees shall file their statements as provided in § 20.735–22(c) for form DI–212 (Statement of Employment and Financial Interests).

(e) *What to report.* (1) Covered employees will report all information required on Form DI–211 (Appendix B–3). An employee is not required to report:

(i) Holdings owned by his spouse or children.

(ii) Holdings acquired by trustee for blind trust. Covered employees who are beneficiaries of blind trusts are required to disclose only interests that are initially committed to the blind trust, not of interests thereafter acquired by the trustee of which the employee or officer has no actual knowledge.

(2) Covered employees having no known financial interest to report shall file a form DI–211 indicating thereon, where appropriate, "None".

(f) *Procedure.* (1) Review and analysis of statements. The head of each affected bureau or office will annually review and update Appendix D in accordance with subsection (b) above. After the employee files a statement pursuant to subsections (b) (c) (d) and (e) above, review and analysis of the statement shall be pursuant to § 20.735–23, insofar as what is provided there is not inconsistent with the provisions of this § 20.735–18.

(2) Procedures for remedial action shall be pursuant to § 20.735–24, insofar as what is provided there is not inconsistent with the provisions of this § 20.735–18.

(3) Appeals procedures shall be pursuant to § 20.735–25, insofar as what is provided there is not inconsistent with the provisions of this § 20.735–18.

(4) The annual report required by section 313(b)(2) of the Act shall be prepared under the supervision of the Department Ethics Counselor for submission to the Congress by June 1.

(g) *Public access to and copying of statements; fees.* (1) Form DI–211 shall be available for review or copying at those offices where employees are required to file pursuant to § 20.735–22(c). Within 30 days after receipt (by March 1) the DI–211 forms will be available to the public centrally at the Department Library, 18th and C Street, NW., Washington, D.C. 20240.

(2) The fee schedule for services performed in obtaining or copying a statement is set forth in 43 CFR Part 2, Appendix A, which is made applicable to this regulation.

§ 20.735–19 Specific regulations under the Mining in the Parks Act.

(a) *Definitions.* (1) "Covered employee" means an officer or employee of the Department of the Interior performing a function or duty under the Mining in the Parks Act, Pub. L. 94–429, whose position has not been exempted by the Secretary of the Interior from the reporting requirements of section 13 of the Act.

(2) "Mining claim" means any patented or unpatented mining claim within any area of the National Park System.

(3) "Mining activity" means any exploration and assessment work, preparation of mining claims for the extraction of minerals, mining, transportation of the extracted minerals, processing of the extracted minerals or reclamation of a mining claim following mining, provided these activities take place, in whole or part, within the boundaries of any area of the National Park System.

(4) "Engaged in business subject to the Mining in the Parks Act" means the conduct of a business involving the ownership of, or the right to use or occupy, a mining claim or the conduct of mining activity. A parent company is "engaged in business subject to the Mining in the Parks Act" if one or more of its subsidiaries is "engaged in business subject to the Mining in the Parks Act." A mutual fund or investment club is within the definition if it specializes in a business or businesses which own or have the right to occupy or use mining claims or conduct mining activity.

(5) "Person" means any individual, corporation, partnership, association, consortium, or any other entity organized for a common business purpose.

(6) "Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee), including, but not limited to, (i) the ownership of common stock, preferred stock, bonds, debentures, warrants or a partnership share, (ii) a leasehold, rental, permit, license, right of way, or contract or (iii) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

(7) "Known financial interest" means (i) any mining claim which a covered employee owns or has the right to occupy and use, (ii) any mining activity in which a covered employee is engaged, or (iii) any pecuniary interest of a covered employee in any person whom the employee knows, or could reasonably be expected to know, is engaged in business subject to the Mining in the Parks Act.

(b) *Who shall file.* (1) The Act applies to all officers and employees of the Department who perform functions or duties under it. All such officers and employees must file a public disclosure statement unless they occupy a position which has been specifically exempted by the Secretary of the Interior from the reporting requirements of section 13 of the Act or are no longer employed by the Department at the time a filing is due.

(2) Appendix E to this part lists the bureaus and offices of the Department, or subunits thereof, performing functions or duties under the Act and also lists positions which the Secretary has determined are of a nonregulatory and nonpolicymaking nature and has exempted from the reporting requirements of section 13 of the Act.

(3) The head of each affected bureau or office will annually review and update

the related portion of Appendix E to this part. Proposed revisions or a certification that revision is not required shall be submitted to the Department Ethics Counselor by no later than September 30 of each year. The Secretary may revise Appendix E by the addition or deletion of positions at any time he determines such revisions are required to carry out the purpose of the law or the regulations of this part. Additions to, deletions from and other amendments of the list of positions in Appendix E are effective upon notification to the incumbents or publication in the FEDERAL REGISTER.

(c) *When to file.* Each covered employee required to file a public disclosure statement shall file such a statement on form DI–211A (see Appendix B–4). The Ethics Counselor shall notify each such employee, and furnish the form to the employee by December 15 of each year. The employee shall file a completed statement with the appropriate Ethics Counselor by no later than February 1 of each year showing applicable holdings and interests for the previous calendar year.

(d) *Where to file.* The Secretary shall file his statement with the Department Ethics Counselor. All other covered employees shall file their statements as provided in § 20.735–22(c) for form DI–212 (Statement of Employment and Financial Interests).

(e) *What to report.* (1) Covered employees will report all information required on form DI–211A (Appendix B–4). An employee is not required to report:

(i) Holdings owned by his spouse or children.

(ii) Holdings acquired by trustee for blind trust. Covered employees who are beneficiaries of blind trusts are required to disclose only interests that are initially committed to the blind trust, not of interests thereafter acquired by the trustee of which the employee or officer has no actual knowledge.

(2) Covered employees having no known financial interest to report shall file a form DI–211A indicating thereon, where appropriate, "None".

(f) *Procedure.* (1) Review and analysis of statements. The head of each affected bureau or office will annually review and update Appendix E in accordance with subsection (b) above. After the employee files a statement pursuant to subsections (b), (c), (d), and (e) above, review and analysis of the statement shall be pursuant to § 20.735–23, insofar as what is provided there is not inconsistent with the provisions of this § 20.735–19.

(2) Procedures for remedial action shall be pursuant to § 20.735–24, insofar as what is provided there is not inconsistent with the provisions of this § 20.735–19.

(3) Appeals procedures shall be pursuant to § 20.735–25, insofar as what is provided there is not inconsistent with the provisions of this § 20.735–19.

(4) The annual report required by section 13(b)(2) of the Act shall be prepared under the supervision of the Department Ethics Counselor for submission to the Congress by June 1.

(g) *Public access to and copying of statements; fees.* (1) Form DI–211A shall be available for review or copying at those offices where employees are required to file pursuant to § 20.735–22(c). Within 30 days after receipt (by March 1) the DI–211A forms will be available to the public centrally at the Department Library, 18th and C Streets, N.W., Washington, D.C. 20240.

(2) The fee schedule for services performed in obtaining or copying a statement is set forth in 43 CFR Part 2, Appendix A, which is made applicable to this regulation.

§ 20.735–20 Specific regulations under the Energy Policy and Conservation Act.

(a) *Definitions.* (1) "Covered employee" means an officer or employee of the Department of the Interior performing a function or duty under the Energy Policy and Conservation Act, 42 U.S.C. 6201, whose position has not been exempted by the Secretary of the Interior from the reporting requirements of section 522 of the Act.

(2) "Energy property" means real property from which coal, natural gas or crude oil is commercially produced.

(3) "Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, who directly or through other persons subject to their control does business in any part of the United States. For purposes of this definition, the United States includes the Outer Continental Shelf.

(4) "Engaged in energy business" means the active conduct of one or more of the businesses of exploring, developing, producing, or refining, transporting by pipeline, or distributing (other than at the retail level) coal, natural gas, or petroleum products. A parent company or holding company is "engaged in energy business" if one of its subsidiaries in the United States is "engaged in energy business". A mutual fund or investment club is within the definition if it specializes in a business or businesses which explore, develop, refine, transport by pipeline or distribute (other than at the retail level) coal, natural gas, or petroleum products in the United States.

(5) "Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee), including, but not limited to (i) the ownership of common stock, preferred stock, bonds, debentures, warrants or a partnership share, (ii) a leasehold, rental permit, license, right of way, or contract, or (iii) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

(6) "Known financial interest" means (i) any energy property which a covered employee owns or has a right to occupy or use and (ii) any pecuniary interest of a covered employee in a person whom the employee knows, or could reasonably be expected to know, owns or has the right to occupy energy property or is engaged in energy business.

(b) *Who shall file.* (1) The Act applies to all officers and employees of the Department who perform functions or duties under it. All such officers and employees must file a public disclosure statement unless they occupy a position which has been specifically exempted by the Secretary of the Interior from the reporting requirements of section 522 of the Act or are no longer employed by the Department at the time a filing is due.

(2) Appendix F to this part lists the bureaus and offices of the Department, or subunits thereof, performing functions or duties under the Act and also lists positions which the Secretary has determined are of a nonregulatory and nonpolicymaking nature and has exempted from the reporting requirements of section 522 of the Act.

(3) The head of each affected bureau or office will annually review and update the related portion of Appendix F to this part. Proposed revisions or a certification that revision is not required shall be submitted to the Department Ethics Counselor by no later than September 30 of each year. The Secretary may revise Appendix F by the addition or deletion of positions at any time he determines such revisions are required to carry out the purpose of the law or the regulations of this part. Additions to, deletions from and other amendments of the list of positions in Appendix F are effective upon notification to the incumbents or publication in the FEDERAL REGISTER.

(c) *When to file.* Each covered employee required to file a public disclosure statement shall file such a statement on form DI–211B (see Appendix B–5). The Ethics Counselor shall notify each such employee, and furnish the form to the employee by December 15 of each year. The employee shall file a completed statement with the appropriate Ethics Counselor by no later than February 1 of each year showing applicable holdings and interests for the previous calendar year.

(d) *Where to file.* The Secretary shall file his statement with the Department Ethics Counselor. All other covered employees shall file their statements as provided in § 20.735–22(c) for form DI–212 (Statement of Employment and Financial Interests).

(e) *What to report.* (1) Covered employees will report all information required on form DI–211B (Appendix B–5). An employee is not required to report:

(i) Holdings owned by his spouse or children.

(ii) Holdings acquired by trustee for blind trust. Covered employees who are beneficiaries of blind trusts are required to disclose only interests that are initially committed to the blind trust, not of interests thereafter acquired by the trustee of which the employee or officer has no actual knowledge.

(2) Covered employees having no known financial interest to report shall file a form DI–211B indicating thereon, where appropriate, "None".

(f) *Procedure.* (1) Review and analysis of statements. The head of each affected

bureau or office will annually review and update Appendix F in accordance with subsection (b) above. After the employee files a statement pursuant to subsections (b) (c) (d) and (e) above, review and analysis of the statement shall be pursuant to § 20.735–23, insofar as what is provided there is not inconsistent with the provisions of the § 20.735–20.

(2) Procedures for remedial action shall be pursuant to § 20.735–24, insofar as what is provided there is not inconsistent with the provisions of this § 20.-735–20.

(3) Appeals procedures shall be pursuant to § 20.735–25, insofar as what is provided there is not inconsistent with the provisions of this § 20.735–20.

(4) The annual report required by section 522(b)(2) of the Act shall be prepared under the supervision of the Department Ethics Counselor for submission to the Congress by June 1.

(g) *Public access to and copying of statements:* fees. (1) Form DI–211B shall be available for review or copying at those offices where employees are required to file pursuant to § 20.735–22(c). Within 30 days after receipt (by March 1) the DI–211B forms will be available to the public centrally at the Department Library, 18th and C Streets, N.W., Washington, D.C. 20240.

(2) The fee schedule for services performed in obtaining or copying a statement is set forth in 43 CFR Part 2, Appendix A, which is made applicable to this regulation.

§ 20.735–21 Certificates of disclaimer.

Each employee covered by the restrictions in § 20.735–12 and § 20.735–13 will sign a certificate upon entrance to duty or upon transfer between bureaus or offices indicating that he or she is aware of the restrictions pertinent to his or her employment and that he or she is in compliance with such restrictions. Each employee currently employed and covered by one or more of the restrictions in § 20.735–12 and § 20.735–13 will sign such a certificate within 120 days of the effective date of these regulations unless the head of the bureau or office concerned determines that a similar certificate previously signed by the employee is adequate. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action under the provisions of § 20.735–23 through 25. (See Appendix A for applicable certificate.)

§ 20.735–22 Employees required to file statements of employment and financial interests: Manner of Filing.

(a) *Who shall file.* All employees who occupy a position classified GS–15 or higher shall file a Statement of Employment and Financial Interests (form DI–212). In addition each employee whose position is listed in Appendix C to this part shall file a form DI–212. The head of each bureau or office will annually review and update the related portion of Appendix C to this part. Proposed revisions or a certification that revision is not required shall be submitted to the Department Ethics Counselor by no later than September 30 of each year. The Secretary may revise Appendix C by the addition or deletion of positions at any time he determines such revisions are required to carry out the purpose of law, the Executive Order, the Civil Service Commission regulations, or the regulations of this part. Additions to, deletions from, and other amendments of the list of positions in Appendix C are effective upon actual notification to the incumbents. The amended Appendix C shall be submitted annually for publication in the FEDERAL REGISTER. Employees are and shall be included in the Appendix C pursuant to the following criteria:

(1) Employees in administrative law judge positions regardless of pay level.

(2) Employees classified at GS–13 or above (or comparable pay level) who are in positions whose duties and responsibilities require making a Government decision or taking a Government action which could result in a conflict of interest. Examples (not all-inclusive) of such duties are:

Contracting and procurement.

Administering or monitoring grants, loans or subsidies.

Selecting concessioners, approving or administering concessions contracts, or approving concessions management policies.

Regulating, auditing, or inspecting private or other non-Federal enterprise.

Recommending policy for private or other non-Federal enterprise.

Sitting on special committees that may influence policies on private or other non-Federal enterprise.

Appraising or acquiring real estate for the Government.

Enforcing Federal laws.

Conducting other activities where the decision or action has an economic impact on the interests of any private or other non-Federal enterprise.

(3) Employees in other positions classified at GS–13 or above (or comparable pay level) who are in positions whose duties and responsibilities may create an appearance of a conflict of interest. Presidential Interchange Executives and other employees on loan to the Department from industry or other non-Government agency are included under this requirement. Others which may be included are those positions involving such duties as the following:

Participation in the decision-making process on matters that may affect private or other non-Federal enterprise.

Planning or developing activities that may affect private or other non-Federal enterprise.

Reviewing results of operations.

Meeting with public media personnel or preparing and disseminating public information.

Supervising others who must file employment and financial interest statements.

Analyzing or reviewing economic data relating to or of potential value to non-Federal enterprise.

Conducting any other activities that could have an economic impact on the interests of any private or other non-Federal enterprise.

(4) Employees classified at GS–12 or below who are in positions that meet the criteria for positions at GS–13 or above and also:

Who have duties similar to those of a GS–13 in the same occupation in those areas of responsibility where a significant potential for conflict of interest exists.

Who function with a minimum of supervision either because of the nature of their job or because of remote location.

Who make Government decisions that directly affect the economic interests of any private or other non-Federal enterprise.

(5) Filing by employee on temporary assignment or detail.

(i) In some instances, temporary assignments or details will involve employees in policy or decision-making situations different from those in the employee's regular position. An employment and financial interest statement may be necessary, either because the position to which the employee is temporarily assigned is listed in the appendix to this regulation, or because the bureau or office head, task force leader, or project manager, may decide the temporary or detail position requires it.

(ii) In these instances, the temporarily assigned or detailed employee shall file an employment and financial interest statement before the effective date of the assignment or detail, or, if the employee has a statement on file, it shall be updated and reviewed by the applicable Ethics Counselor for conflict or possible conflict with the employee's new duties.

(iii) Each bureau or office is responsible for implementing paragraph 20.735–22(a)(6)(ii) so that statements are filed or updated and reviewed. Assignments of 30 days or less are exempt from the requirement.

(b) *When to file.* Each employee required to file a statement of employment and financial interests shall file such a statement on Form DI–212. (See Appendix B–1) The Ethics Counselors shall notify each such employee and furnish the form to the employee by December 15 of each year. The employee shall file a completed statement of employment and financial interest with the appropriate Ethics Counselor:

(1) By no later than February 1 of each year showing holdings and interests as of December 31, or

(2) Within thirty days after notification that his or her position has been added to the list in Appendix C, or classified at GS–15 or above or

(3) At the time of entrance on duty if a new employee. Persons transferring between bureaus or offices will be treated as new employees.

(c) *Where to file.* (1) The Department Ethics Counselor, his or her immediate supervisor, and the Assistant Secretary—Administration and Management will file statements with the Under Secretary.

(2) Persons in the following positions will file statements with the Department Ethics Counselor: The Under Secretary; Deputy Under Secretaries; Assistants to the Secretary; Solicitor and Deputy Solicitor; Assistant and Deputy Assistant Secretaries; Heads of bureaus and offices; the High Commissioner and Deputy High Commissioner of the Trust Territory; the Governor and Secretary of American Samoa; and such others as the Secretary may designate.

(3) Employees in the Office of the Solicitor (except for the Solicitor and Deputy Solicitor) will file statements with the Solicitor or the Deputy Ethics Counselor for the Office of the Solicitor, as the Solicitor may direct.

(4) Employees in the Office of Hearings and Appeals (except for the Director) will file statements with the Director, Office of Hearings and Appeals or the Deputy Ethics Counselor for the Office of Hearings and Appeals as the Director may direct.

(5) Employees in the Office of Water Research and Technology (except for the Director) will file statements with the Director, Office of Water Research and Technology or the Deputy Ethics Counselor for the Office as the Director may direct.

(6) Employees and special Government employees in the Office of the Secretary and in other Department offices, except those employees mentioned in (1), (2), (3), (4), and (5), of this paragraph will file statements with the Chief, Division of Personnel Services, Office of Secretarial Operations.

(7) Employees and special Government employees in bureaus (except for the head of the bureau) will file statements with the bureau head, Deputy Ethics Counselor, or the Assistant Ethics Counselor as the head of the bureau may direct.

(d) *What to report.* (1) Employees will report all information required on form DI–212 (Appendix B–1). An employee is not required to report connection with, or interest in:

(i) A professional society;

(ii) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(2) Except where organic act restrictions apply, either by statute or regulation (§ 20.735–12 and 13), an employee may also exclude:

(i) Holdings in widely held mutual funds, investment clubs or regulated investment companies not specializing in a particular industry.

(ii) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

(3) Retirement benefits, vested rights to retirement benefits, or investments in self-employment or individual retirement plans must be reported by employees on form DI–212. Such interests shall be reviewed on a case-by-case basis to ensure that they do not place the employee in a conflict or appearance of conflict situation.

(4) If any information required to be included on a statement of employment and financial interests or supplementary statement is not known to the employee but is known to another person, the employee shall request that other person to submit information on his behalf on form DI–212 to the appropriate Ethics Counselor. This requirement may be waived for holdings in an approved blind trust (paragraph 20.735–24(a)(3)).

(e) *Confidentiality of employees' statements.* (1) Each statement of employment and financial interests is a "Non-security Confidential" document and will be held in confidence. The statement will be transmitted in a blue envelope so marked by the employee to the Ethics Counselor designated in paragraph (c) of this section. Ethics Counselors are responsible for maintaining the statements in strict confidence. Employees having access to statements shall not allow information to be disclosed from statements except to those individuals who must have access in order to carry out responsibilities assigned by these regulations or specific law.

(2) Statements of employment and financial interest will be retained by the Ethics Counselors who actually perform the review. The personnel office holding the employee's official personnel folder must be notified when the review has been completed. All statements shall be destroyed two years after an employee leaves a position in which a statement is required or two years after the employee leaves the Department, whichever is earlier.

§ 20.735–23 Review and analysis of statements.

(a) Each employee and special Government employee statement shall be reviewed by the Ethics Counselor with whom it is filed by no later than March 3 of each year to ensure that the employee is in compliance with these regulations. The Ethics Counselor may consult with the Regional Solicitor, or the Division of General Law of the Office of the Solicitor in Washington, as the case may be (§ 20.735–3(b)(2)), in the conduct of the review. The Ethics Counselor will exercise judgment and reasonableness in reviewing statements, but will be alert to potential conflicts, actual conflicts, or apparent conflicts which may be indicated.

(b) In the event that an employee's statement of employment and financial interest reflects a potential conflict, conflict, or apparent conflict, the Assistant or Deputy Counselor shall endeavor to resolve the matter informally with the employee. If it cannot be so resolved, the employee's statement, and a full report of efforts made to determine the existence or non-existence of conflict and to resolve it, shall be referred to the bureau or office Ethics Counselor for appropriate action under § 20.735–24.

(c) At all stages in the review process employees shall be provided full opportunity to offer information and explanation prior to final determination.

(d) Each bureau and office shall certify to the Department Ethics Counselor that all required reviews of statements have been completed. Certificates are required annually by no later than March 18.

§ 20.735–24 Procedures for resolving conflicts of interest.

(a) *Remedial action to affect resolution.* Violations of the regulations in this part, including the statutory regulations which are incorporated, by an employee or special Government employee may be cause for mandatory remedial action. If the bureau or office Ethics Counselor decides that remedial action is required, immediate action shall be initiated to eliminate the conflict or appearance of conflict of interest within a reasonable time, generally ninety days. Remedial action may include any of the following actions:

(1) *Reassignment or restriction of the employee.* If an employee is in a job where there is a conflict of interest, it may be possible to reassign the employee to another job where no such conflict would exist. It may also be possible to restrict the employee from performing the particular duties that are creating the conflict or the appearance of a conflict of interest. Although the number of cases where this remedy can be used should be rare, the possibility should be explored before divestiture of the interest is ordered.

(2) *Divestiture of the interest.* If the conflict involves the ownership of stocks, lands, etc., or outside employment or business interest, the bureau or office Ethics Counselor may order the employee to divest himself/herself of the stocks, land, or business interest or to discontinue outside employment, whichever is appropriate. Divestiture of the interest shall be ordered in all situations where reassignment or restrictions of an employee will not resolve the conflict or where the conditions for a trust described below are not met.

(3) *Establishment of a Blind Trust.* The Department Ethics Counselor may allow an employee the option to place holdings in a blind trust. A blind trust is established when by written agreement, the employee gives complete control and legal title to a trustee. Employees are permitted to use a blind trust unless such an action is specifically precluded by a statutory restriction (§ 20.735–12). In order to be acceptable as a remedy for a conflict of interest situation, the blind trust must meet the following conditions:

(i) Employees shall have no knowledge of and no control over the holdings in the trust.

(ii) Employees must direct the trustees to divest the corpus of those holdings which created the conflict of interest. Such divestiture is required as soon as reasonably possible.

(iii) Employees must direct the trustee not to acquire holdings which would or could create a conflict of interest situation.

(iv) The agreement must cover all required matters and must be approved in advance by the Department Ethics Counselor and the Office of the Solicitor.

(4) *Other forms of trust.* Employees who have pre-existing trusts or inherited trusts (not established by themselves) may, in rare instances and on a case-by-

case basis, receive authorization from his or her designated Ethics Counselor to continue the trust provided the employee has no control over its management or assets.

(b) *Authority to order remedial action.* (1) Each bureau or office Ethics Counselor is authorized and shall order resolution of conflict of interest situations within their bureaus and offices. The advice of the Solicitor or Department Ethics Counselor may be sought before such an order is issued. This authority may not be redelegated.

(2) The Assistant Secretary—Administration and Management will be responsible for ordering resolution of conflict of interest situations for employees who file with the Chief, Division of Personnel Services, Office of Secretarial Operations (§ 20.735–22(c)(6)).

(3) The Under Secretary is responsible for ordering resolution of conflict of interest situations for employees who file with the Under Secretary (§ 20.735–22(c)(1)) or the Department Ethics Counselor (§ 20.735–22(c)(2)) except for situations involving himself or herself and Assistants to the Secretary.

(4) The Secretary shall order resolution of conflict of interest situations involving the Under Secretary and Assistants to the Secretary.

(c) *Disciplinary action.* An employee who refuses to comply with an order for remedial action shall be considered to be in violation of these regulations and may be subject to disciplinary action including suspension or removal from his position as provided by § 20.735–4.

§ 20.735–25 Appeals procedures.

(a) *Employee's complaint on filing requirement.* Any employee required to file a statement of employment and financial interest under paragraph 20.735–22 shall be given an opportunity for review through the Department's grievance procedure as to whether his or her position has been improperly included.

(b) *Employees complaint on conflict of interest decision.* (1) An employee has the right to appeal an order for remedial action under paragraph 20.735–24 and shall have 30 days to exercise this right before any disciplinary action is initiated. Appeals shall be made in writing.

(2) Orders for remedial action issued by a bureau or office Ethics Counselor may be appealed to the Assistant Secretary-Administration and Management whose decision shall be final.

(3) Orders for remedial action issued by the Assistant Secretary-Administration and Management may be appealed to the Under Secretary whose decision shall be final.

(4) Orders for remedial action issued by the Under Secretary may be appealed to the Secretary whose decision shall be final.

(5) Each appeal shall be considered by a review board consisting of the Department Ethics Counselor, a representative of the Solicitor, and a representative of the Office of Personnel Management. The review board shall:

(i) Obtain from the appropriate Ethics Counselor a full statement of actions and considerations which led to the order for remedial action including any supporting documentation or files used by the Ethics Counselor.

(ii) Obtain from the employee all information, exhibits or documents which he or she feels should be considered before a final decision is made.

(iii) Provide to the official who will decide the appeal an advisory recommendation on the appeal. The views of dissenting members of the review board shall also be provided.

(6) An employee may request that a final decision made under the procedures in this paragraph be reviewed through the Department's grievance procedures.

Subpart C—Ethical & Other Conduct and Responsibilities of Employees

§ 20.735–31 Scope of Subpart.

(a) *Standards of conduct.*—This subpart contains policies, procedures and restrictions concerning the ethical and other conduct and responsibilities of employees in the discharge of their official responsibilities. Civil Service regulations state that any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct on the part of a Federal employee is cause for his or her removal from the service of the Government. Employees are expected to maintain high standards of ethical, moral, and other conduct and to avoid any actions which could reflect adversely on the Department or the Government service or which would jeopardize the employee's effectiveness in dealings with his peers, supervisors, and the public.

§ 20.735–32 Gifts, entertainment, and favors.

(a) *Soliciting or accepting gifts.* Except as provided in paragraph (c) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with this Department;

(2) Conducts operations or activities that are regulated by this Department; or,

(3) Has interests that may be substantially affected by the performance or non-performance of the employee's official duty.

(b) *Voluntary donations.* Except as specifically authorized by law, employees are not authorized to accept on behalf of the United States voluntary donations from private sources for travel expenses in the form of cash, or of services in kind, such as hotel accommodations. Bona fide reimbursement for actual expenses for travel and such other necessary subsistence may be accepted if no Government payment or reimbursement is made. However, an employee may not be reimbursed for payments made for him for excessive personal living expenses, gifts or entertainment or if such reimbursement is prohibited by law relating to the specific situation in which it is offered. An employee who is officially directed to participate in a convention, seminar, or similar meeting of an association on an active duty basis and is authorized to receive per diem and other travel expenses from the Government, shall not accept travel, subsistence, or payment of other expenses from the association or outside organization (46 CG 689).

(c) *Exclusions.* (1) The prohibitions of subparagraph (a) of this section do not apply in the context of obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) An employee may accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) An employee may accept loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans;

(4) An employee may accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal value.

(d) *Actions to be avoided.* An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(e) *Soliciting contributions.* An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as a marriage, illness, or retirement.

(f) *Gifts from foreign government.* An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342. It is Congressional policy that employees and their families shall not accept or retain gifts except under the following circumstances:

(1) When the gift is of minimal value and the gift is tendered as a souvenir or mark of courtesy;

(2) When refusal of a gift of more than minimal value would be likely to cause offense or embarrassment or otherwise adversely affect the foreign relations

of the United States it may be accepted. However:

(i) If gifts of more than minimal value are accepted they shall not be retained. They must be deposited with the Chief of Protocol, Department of State, unless he has authorized the Agency to retain the gift for official use (22 CFR 3.5).

(ii) If a gift of more than minimal value is tendered in the form of travel or accommodation expenses, the offer should be referred to the Department of State for handling in accordance with the authorities of that Department.

(iii) "Minimal value" is defined as a retail value that would not exceed $50 in the United States.

§ 20.735–33 Teaching, lecturing and writing.

(a) General Policy. Employees are encouraged to engage in teaching, lecturing, or writing that is not prohibited by law, the Executive Order, Civil Service regulations or the regulations of this part.

(b) Using information obtained because of employment—An employee shall not teach, lecture, or write using information obtained because of his or her Government employment, except when that information has been or on request will be made available to the general public, or when the Secretary of the Interior or his designee gives written authorization that use of non-public information is in the public interest.

(c) Preparing persons for examinations—An employee shall not teach, lecture, or write to prepare a person or class of persons for an examination given by the Civil Service Commission or the Board of Examiners for the Foreign Service.

(d) Officers and officials. The Secretary, the Under Secretary, Assistant Secretaries, heads of bureaus and other Department officers, and key full-time officials who report directly to the Secretary as his principal assistants, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing or appearance the subject of which:

(1) Is devoted substantially to the responsibilities, programs, or operations of this Department; or

(2) Draws substantially on official data or ideas which are not part of the body of public information.

§ 20.735–34 Government property.

(a) *General responsibility.* Employees shall be held accountable for Government property and moneys entrusted to their individual use or in connection with their official duties. It is their responsibility to protect and conserve Government property and to use it economically and for official purposes only.

(b) *Misuse of Government vehicles.* Employees shall not use or authorize the use of a Government-owned or leased motor vehicle for other than official purposes. (Interior Property Management Regulations 114–38.50.)

(c) *Misuse of Government aircraft.* Employees shall not use or authorize the use of a Government owned or leased aircraft for other than official purposes. (Interior Property Management Regulation 114–38.5312).

§ 20.735–36 Indebtedness.

(a) *Employee responsibility.* An employee:

(1) Should pay each just financial obligation (one either acknowledged by the employee or reduced to judgment by a court);

(2) Must refund salary overpayments, travel expense advances, and pay income taxes when due so as not to embarrass the Department;

(3) Must pay a final determination of indebtedness for Federal, state or local taxes so as to prevent embarrassment to the Department.

(b) *Department responsibility.* The Department will not act as a collection agency for private debts owed by its employees, except as required by law, nor does the Department, or any bureau or office, determine the validity or amounts of disputed debts.

(c) *Access to employees.* Whether by telephone or otherwise, creditors or collectors shall not have access to employees on premises occupied by the Department during working hours. If, nevertheless, the employee is approached during working hours, he shall inform the creditor or collector that he is not allowed to transact private business during official hours and that any discussions must be held after hours and away from Department premises.

(d) *Disciplinary action.* An employee may be subject to removal if his failure to meet just financial obligations becomes chronic or causes an embarrassment to or places undue burden on the Department. A decision to remove an employee for these reasons must be taken with full consideration for any extenuating circumstances over which the employee has no control, such as sickness, accident, or death in the family.

§ 20.735–37 Specific types of conduct.

(a) *Negotiations for employment.* It is the policy of the Department that employees shall not negotiate for future non-Federal employment with persons or organizations having business with the Department which the employee is called upon to officially render advice on or make judgments about. In the event that an employee desires to negotiate for such employment, he or she shall request permission from his or her supervisor. The supervisor will consult with the appropriate Ethics Counselor. If the supervisor and the Ethics Counselor determine that the proposed negotiations will not adversely affect the Government's interests, the supervisor may authorize the employee to proceed to negotiate.

(b) *Selling or soliciting.* Employees and other persons are prohibited from selling or soliciting for personal gain within any building or on any lands occupied or used by the Department without proper permission.

(c) *Gambling activity.* An employee shall not participate while on duty for the Government in any gambling activity, including the operation of a gambling device, conducting a lottery or pool, participating in a game for money or property, or selling or purchasing a numbers slip or ticket. However, this paragraph does not preclude activities:

(1) Necessitated by the employee's law enforcement duties; or

(2) Carried out by employees to solicit their own members for support of employee organizations or welfare funds under policies and procedures approved by the Department.

(d) *Money lending activities.* The practice of money lending between or among employees is to be discouraged. Organized financial lending activities by employees, except when officially sponsored by the Department, are prohibited. Properly constituted employee credit unions that provide various financial services to employee members are sanctioned.

(e) *Endorsements.* Employees are prohibited from endorsing in an official capacity the proprietary products or processes of manufacturers or the services of commercial firms for advertising, publicity, or sales purposes. Use of materials, products, or services by the Department does not constitute official endorsement.

(f) *Habitual use of intoxicants.* An employee who habitually uses intoxicants to excess is subject to removal (5 U.S.C. 7352). Disciplinary action will be considered if an employee rejects or ignores treatment or other appropriate assistance.

(g) *Community and professional activities.* Employees are encouraged to participate in the activities of professional societies and civic organizations whose purpose and objectives are not inconsistent with those of the bureau in which they are employed or of the Department. However, such participation must not affect adversely an employee's performance at his regularly assigned duties.

(h) *Budget estimates and legislation.* Since the enactment of the Budget and Accounting Act of 1921, it has been Executive policy to consider budget estimates transmitted to the Congress with the approval of the President to be binding upon the executive departments and agencies. Employees are expected to conform to this policy by refraining from efforts to promote an increase in the Department budget as approved by the President. Employees are also required to refrain from promoting or opposing legislation relating to programs of the Department without the official sanction of the proper Department authority. It should be clearly understood, however, that nothing in this policy is to be considered as restraining or interfering with the obligation of employees to respond freely and candidly to any congressional inquiries made of them in regard to appropriations or related matters.

(i) *Political activity.* Subchapter III of Chapter 73 of Title 5, United States Code (formerly referred to as the Hatch Act) states generally that employees may not use their official authority or influence for the purpose of interfering with an election or affecting its results, and they may not take an active part in political management or in political campaigns.

An employee is subject to dismissal for violation. (5 CFR Part 733 and Chapter 733, Federal Personnel Manual.) Information regarding the prohibition against employees engaging in political activity, including certain exceptions, is contained in Pamphlet 20 "Political Activity of Federal Officers and Employees", issued by the Civil Service Commission.

(j) *Political affiliation.* Under the Civil Service regulations, no person in the Executive Branch with authority to take or recommend a personnel action relative to a person in, or an eligible candidate or applicant for, a position in the competitive service, may make inquiry concerning his political affiliation. All disclosures concerning political affiliation shall be ignored. Except as may be authorized or required by law, discrimination may not be exercised, threatened, or promised by any person in the Executive branch against or in favor of an employee in, or an eligible candidate or applicant for, a position in the competitive service because of his political affiliation (5 CFR, Part 733, and Chapter 733, Federal Personnel Manual).

(k) *Equal employment opportunity policies.* It is the policy of the Federal Government that there shall be no discrimination based on such factors as race, creed or religion, color, national origin, political affiliation, physical handicap, sex, age, union membership or non-membership, and similar matters not related to merit and fitness.

(l) *Nepotism.* Employment by reason of blood or marriage relationships rather than merit is prohibited. No employee shall supervise a member of his family except in emergency situations such as forest fires, floods, earthquakes, or at isolated field stations or where there is a shortage of quarters. Exceptions in other situations may be made with the approval of the head of the bureau or office. (Regarding summer employees, refer to current Department directives.)

(m) *Employee organizations.* An employee may not knowingly be a member of an organization of Government employees that advocates the overthrow of our constitutional form of government in the United States (5 U.S.C. 7311). Employees are also prohibited from striking against the Federal Government. Further information regarding employee affiliation with employee organizations is found in the Departmental Manual, Part 370, Chapter 711, Labor Management Relations.

(n) *Patents.* Patent regulations issued by the Secretary, 43 CFR 6, define the rights and obligations of employees with respect to any inventions made or developed while they are employed in the Department. Under the regulations each employee shall submit a report on any invention made or developed to the Solicitor, through supervisory channels. This includes inventions developed on Government time and those developed on the employee's time and with his materials.

(o) *Practitioners.* The Department has adopted regulations and restrictions applicable to individuals who practice before the Department. These are included in 43 CFR 1. Former officers or employees, including special Government employees, cannot practice at any time with regard to matters in which they participated personally and substantially as a Government employee through decision, approval, disapproval, or recommendation. Also, if a period of one year has not passed since the termination of their employment with the Government, they cannot practice with regard to any matter that was under their official responsibility.

(p) *Notary.* An employee is prohibited from charging fees for performance of any notorial act for any employee of the Federal Government in his official capacity or for any person during the hours of such notary's service to the Government (E.O. 977, Nov. 24, 1908).

(q) *Franking Privilege and Official Stationery.* An employee is prohibited from using Government franked envelopes, with or without applied postage, or official letterhead stationery for personal business (18 U.S.C. 1719).

(r) *Fraud or False Statements in a Government matter.* Employees are responsible for certification on Government documents issued by them. Special attention is required in the Certification of Time and Attendance Reports, Applications for Employment, Requests for Travel Reimbursement, and Purchase Orders and Receiving forms (18 U.S.C. 1001).

(s) *Embezzlement of Government property.* Employees shall not convert, even temporarily on loan, for personal use any Government property or equipment; nor use Government purchase authority, even though reimbursement is made, for personal acquisitions (18 U.S.C. 641, 643, and 654).

(t) *Use of Official Title.* Employees are prohibited from using their official titles in conducting private business or participation in private or public groups activities. Use is strictly limited to those occasions and circumstances where representation is official.

(u) *Carrying of Weapons.* Employees, except those specifically designated to perform enforcement, police or similar duties requiring the use of firearms, are prohibited from carrying or having in their possession firearms on property under the control of the Secretary of the Interior. Notwithstanding this paragraph, employees may carry firearms on Interior lands under the same conditions and in accordance with procedures and authorization established for members of the general public.

Subpart D—Special Government Employees Responsibilities, Ethical and Other Conduct

§ 20.735–41 Statutes relating to conflict of interest.

The Department of Justice in a memorandum of January 28, 1963 (28 FR 985; 18 U.S.C. 201 note), summarized the major provisions of the conflict of interest laws insofar as special Government employees are concerned as follows:

1. (a) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205).

(b) He may not, except in the discharge of his official duties, represent anyone else in a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

The restrictions described in subparagraphs (a) and (b) apply to both paid and unpaid representation of another. These restrictions in combination are, of course, less extensive than the one described in the corresponding paragraph 1 in the list set forth above with regard to regular employees.

2. He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208).

3. He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

4. He may not, for one year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). This temporary restraint of course gives way to the permanent restriction described in paragraph 3 if the matter is one in which he participated personally and substantially.

§ 20.735–42 Restrictions upon special Government employees.

In most instances, special Government employees are subject to the Federal statutes relating to standards of conduct the same as regular employees. Although all these statutes are not referenced in these regulations, the more pertinent ones are listed in paragraph 20.735–51 (a). The special Government employee should become acquainted with these. In addition, the attention of the special Government employee is directed to the following regulations which are of particular application and relate to the area of ethical conduct as a special Government employee:

(a) *Use of Government employment.* A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business or financial ties.

(b) *Use of inside information.* A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this para-

graph "inside information" means information obtained under Government authority which has not become part of the body of public information.

(2) Special Government employees may teach, lecture, or write in a manner not inconsistent with the provisions governing employees (see § 20.735–31).

(c) *Coercion.* A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(d) *Gifts, entertainment, and favors.* Except as provided in paragraph 20.735–32(a), a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 20.735–43 Statements of employment and financial interests.

(a) Each special Government employee who occupies a position of consultant or expert shall file a statement of employment and financial interests as provided in paragraph (b) of this section. A special Government employee who does not occupy a position of consultant or expert shall, nonetheless, file such a statement if the position is found by the appointing officer to be of such a nature or at such a level of responsibility that the submission of a statement is necessary to protect the integrity of the Government. Special Government employees occupying positions other than those mentioned in this paragraph are not required to file statements.

(b) Special Government employees who are required to submit statements of employment and financial interests pursuant to paragraph (a) of this section shall fill out and submit to the appropriate Ethics Counselor designated in § 20.735–22, form DI–213, "Statement of Employment and Financial Interests." This form provides for the reporting of:

(1) All employment, including employment without compensation; and

(2) All financial interests, including any interest held by the spouse or minor child or relation living in the same household of a special Government Employee. The special Government employee is not required to report connection with, or interest in:

(i) A professional society;

(ii) A charitable, religious, social, fraternal, recreational, public service, civil, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(iii) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry.

(iv) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies;

(c) In an instance involving the proposed employment of a special Government employee for highly specialized and limited duties, the head of a bureau or office may propose to the Department Ethics Counselor a reporting of financial interests restricted to such interests as may be determined to be relevant to the duties the special Government employee is to perform. If a restricted reporting of financial interests is approved by the Department Ethics Counselor in advance of employment, Form DI–213 may be revised to reflect the narrower requirement.

(d) The statement of employment and financial interests shall be submitted before the special Government employee enters on duty. Each special Government employee shall keep his statement current through his employment with the Department by the submission of supplementary statements. Prior to the reappointment of a special Government employee to perform the same or different functions, with or without a break in service, a new statement shall be obtained. Statements filed by special Government employees shall be reviewed, processed and retained in the same manner as those filed by regular employees (§ 20.735–23).

(e) For the purpose of this section the terms "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

Subpart E—Bibliography of Statutes

§ 20.735–51 Miscellaneous statutory provisions and restrictions.

(a) Employees will become acquainted with the statutory provisions that relate to their ethical and other conduct, among which the following are particularly relevant:

(1) House Concurrent Resolution 175, 85th Congress 2nd Session, 72 Stat. B12, the "Code of Ethics for Government Service."

(2) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employee concerned.

(3) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(5) The prohibitions contained in the Freedom of Information Act against failing to disclose information disclosure of which is required by that Act (5 U.S.C. 552(a)(4)(F)).

(6) The prohibitions against (i) disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); (ii) disclosure of confidential information (18 U.S.C. 1905); and (iii) disclosure of information which is restricted by the Privacy Act (5 U.S.C. 552a(i)(1)).

(7) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(8) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(9) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(10) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(11) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(12) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(13) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(14) The prohibitions against (i) embezzlement of Government money or property (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(15) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(16) The prohibition against political activities in subchapter III of Chapter 73 of Title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(17) The prohibition against an employee acting as an agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(18) The requirement that each officer or employee of the Department of the Interior performing a function or duty under the Energy Policy and Conservation Act file a written statement disclosing known financial interests in certain business and property (42 U.S.C. 6392).

(19) The requirement that each officer or employee of the Secretary of the Interior performing a function or duty under Public Law 94–429, 90 Stat. 1342, file a written statement disclosing known financial interest in any person subject to the Act and other acts specified therein, or in any person who holds a mining claim within the boundaries of units of the National Park System.

(20) The requirement that each officer or employee of the Secretary and of the Bureau of Land Management performing a function or duty under Public Law 94–579, 90 Stat. 2743, file a written statement disclosing known financial interest in any person who applied for or receives any permit, lease, or right-of-way under, or applies for or acquires any land or interests therein under, or is othewise subject to the provisions of, the Act.

(21) The provisions of the Federal Election Campaign Act Amendments of 1976, Public Law 94-283 which provides that no person while an elected or appointed officer or employee of any branch of the Federal Government shall accept—

(i) any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his spouse or an aide to such person, and excluding amounts paid or incurred for any agent's fees or commissions) for any appearance, speech, or article; or

(ii) honorariums (not prohibited by paragraph (1) of this section) aggregating more than $25,000 in any calendar year.

(b) The foregoing statutes shall be available for review in the office of each Ethics Counselor.

APPENDIX A-1—UNITED STATES DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY, EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Bureau and Deputy Ethics Counselors. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with these individuals.

I certify I have been informed of the statutory restrictions contained in Title 43, U.S. Code, Section 31(a), which provides that employees of the Geological Survey shall have no personal or private interest in the lands or mineral wealth under survey, and shall execute no surveys or examinations for private parties or corporations.

The Department has determined that these restrictions prohibit an employee of the Geological Survey from having any personal or private interest, direct or indirect, in lands whose title is in the United States. Further, an employee of the Geological Survey is prohibited by the U.S. Code from having any personal or private interest in the mineral wealth of such lands and from executing surveys or examinations for private parties. By paragraph 20.735-13(b) of the Regulations, the Department has also prohibited an employee of the Geological Survey from having a substantial personal or private interest, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where specifically authorized by the Director of Geological Survey.

I certify that to the best of my knowledge I do not have any personal or private interest, direct or indirect, in the Federally-owned lands of the United States nor in the mineral wealth of such lands.

I also certify that to the best of my knowledge I do not have any substantial personal or private interest, direct or indirect, in any private mining or mineral enterprise doing business in the United States except where the Director has authorized me to have such interest.

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(Date) (Signature of employee)

INSTRUCTIONS

1. All applicable employees of the U.S. Geological Survey shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Personnel Office.

3. If an employee is unable to sign the certificate he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

PRIVACY ACT NOTICE

43 U.S.C. 31(a) and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so could be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized auditors, the Civil Service Commission, the Department of Justice and to appropriate law enforcement agencies.

APPENDIX A-2—UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify I have been informed and am in compliance with the statutory restrictions contained in Title 25 U.S.C., Section 68, (also referred to in 25 U.S.C. 68a and 441 and 25 CFR 251 and 252) which prohibits any person employed in Indian affairs in the Department of the Interior from having an interest or concern in any trade with the Indians, except for, and on account of, the United States.

I also certify I will not in the future acquire any such interest or concern in violation of the law, so long as I am employed in the Department and involved with Indian affairs.

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(Date) (Signature of employee)

INSTRUCTIONS

1. All applicable employees of the Bureau of Indian Affairs shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

PRIVACY ACT NOTICE

25 U.S.C. 68 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so could be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized auditors, the Civil Service Commission, the Department of Justice and to appropriate law enforcement agencies.

APPENDIX A-3—UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I certify that I understand and that I am in compliance with the statutory restrictions in Title 43 U.S.C. 11, which provides:

The officers, clerks, and employees in the Bureau of Land Management are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from office.

I also certify that neither I nor my spouse has, nor is either of us in the process of acquiring, in violation of 43 CFR, Part 7, any interest, direct or indirect, in any lands or resources administered by the Bureau of Land Management.

I further certify I understand that if either I or my spouse acquires during my employment, interest in lands or resources administered by the Bureau of Land Management, by gift, devise, bequest or operation of law, that I am required to submit a statement of facts surrounding such acquisition promptly through channels to my bureau head for transmittal to the Secretary of the Interior for decision or other necessary action.

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(Date) (Signature of employee)

INSTRUCTIONS

1. All applicable employees of the Bureau of Land Management shall complete the certifications of this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

PRIVACY ACT NOTICE

43 U.S.C. 11 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so could be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized auditors, the Civil Service Commission, the Department of Justice and to appropriate law enforcement agencies.

APPENDIX A-4—UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF MINES, EMPLOYEE CERTIFICATION

I have been given a copy of Department of Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I certify that I have been informed of and that I am in compliance with the statutory restrictions contained in Title 30, U.S.C., Section 6, which prohibit employees of the Bureau of Mines from having any personal or private interest in any mine or the products of any mine under investigation by the Bureau; accepting employment from any private party for services in the examination of any mine or private mineral property; or

issuing any report as to the valuation or the management of any mine or other private mineral property other than as part of my official duties.

(Date) (Signature of employee)

INSTRUCTIONS

1. All applicable employees of the Bureau of Mines shall complete the certifications on this form.

2. Signed certificates shall be maintained in the Official Personnel Folder.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

PRIVACY ACT NOTICE:

30 U.S.C. 6 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so could be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized auditors, the Civil Service Commission, the Department of Justice and to appropriate law enforcement agencies.

APPENDIX A–5—UNITED STATES DEPARTMENT OF THE INTERIOR, MINING ENFORCEMENT AND SAFETY ADMINISTRATION (MESA), EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with this individual.

I CERTIFY I have been informed of the restrictions established by paragraph 20.735–13(a) of the regulations which prohibits employees of MESA from having any interest, direct or indirect, in any mine or mining company which may be directly affected by the work of MESA through its investigations, technical research, or other activities.

I ALSO CERTIFY I do not have any personal or private interest, direct or indirect, in a mine or mining company which may be directly affected by the work of MESA except where specifically authorized by the Administrator.

I FURTHER CERTIFY I will not accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or private mineral property, other than or part of my official duties.

(Date) (Signature of Employee)

INSTRUCTIONS

1. All applicable employees of the Mining Enforcement and Safety Administration shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

PRIVACY ACT NOTICE

5 U.S.C. 301 constitutes the authority for requesting this certification. This certification must be signed; failure to do so could be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized auditors, the Civil Service Commission, the Department of Justice and to appropriate law enforcement agencies.

APPENDIX A–6—UNITED STATES DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY, EMPLOYEE CERTIFICATION

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR 20.735). I have been advised of the name and location of the Deputy or Assistant Ethics Counselor for my office, I understand that I may discuss questions or concerns related to my responsibilities, conduct and financial interests with this individual.

I understand that under regulations issued by the Secretary of the Interior the statutory restrictions listed below apply to me and to other employees in the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer who are required to file a Statement of Employment and Financial Interest. Therefore, I certify that I understand and that I am in compliance with the following restrictions except where specifically authorized by the Secretary.

(1) Title 43 U.S.C. 11 which provides that certain employees are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land, and that any person who violates this section shall forthwith be removed from office.

(2) Title 25 U.S.C., Section 68 (also referred to in 25 U.S.C. 68a and 441 and 25 CFR 251 and 252) which provides that any person employed in Indian affairs in the Department of the Interior is prohibited from having interest or concern in any trade with the Indians, except for, and on account of, the United States.

(3) Title 30 U.S.C. 6, which provides that employees are prohibited from owning stock in any mine or mining company which may directly benefit by work of the Bureau of Mines through its investigations, technical research, or economic studies.

(4) Title 43 U.S.C. 31(a) which provides that employees shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations. The Department has determined that these restrictions prohibit personal or private interest, direct or indirect, in lands whose title is in the United States or in the mineral wealth of such lands.

(Date) (Signature of Employee)

INSTRUCTIONS

1. All applicable employees of the Office of the Secretary and other organizational entities reporting directly to a Secretarial officer shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Ethics Counselor.

3. If an employee is unable to sign the certificate, he must submit a statement of facts to the appropriate Ethics Counselor for review and action.

PRIVACY ACT NOTICE

5 U.S.C. 301 constitutes the authority for requesting this certification. This certification must be signed; failure to do so could be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized auditors, the Civil Service Commission, the Department of Justice and to appropriate law enforcement agencies.

APPENDIX B-1

Form DI-212
REV. 12-76

UNITED STATES DEPARTMENT OF THE INTERIOR
CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS
(FOR USE BY GOVERNMENT EMPLOYEES)

1. NAME (Last, first, initial)	2. TITLE OF POSITION

3. DATE OF APPOINTMENT IN PRESENT POSITION	4. BUREAU AND OFFICE

GENERAL INSTRUCTIONS. When there is insufficient space on this form to provide the required information, use back of form or attachments as necessary. If any information is to be supplied by other persons, e.g. trustee, accountant, relative, show on the form or attachment the name and address of such persons, the date you requested that information be supplied, and the nature of subject matter involved. See the back of the form for additional instructions and the Privacy Act notice.

PART I. FINANCIAL INTERESTS. List the names of all business entities, nonprofit organizations, and educational and other institutions[1] in which you, your spouse, minor children or other relatives who are full-time residents of your immediate household have (1) a continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (2) any financial interest through the ownership of stock, stock options, bonds, securities or other arrangements including trusts[1]. If none, write NONE.

NAME OF ORGANIZATION	KIND OF ORGANIZATION AND ADDRESS FOR OTHER THAN LISTED CORPORATIONS—THOSE TRADED ON MAJOR U.S. STOCK EXCHANGES	NATURE OF FINANCIAL INTEREST. FOR STOCKHOLDINGS OF LISTED CORPORATIONS SHOW NUMBER OF SHARES. FOR ALL OTHER FINANCIAL INTERESTS SHOW VALUE AND ANNUAL RETURN, IF APPLICABLE[2]

PART II. REAL PROPERTY. List interest in real property or rights (e.g. mineral, grazing) in lands, in which you, your spouse, minor children or other relatives who are full-time residents of your immediate household have an interest. Exclude property which you occupy as a personal residence. If none write NONE.

NATURE OF INTEREST, e.g., OWNERSHIP, MORTGAGE, LIEN, INVESTMENT TRUST, MINERAL OR GRAZING RIGHTS	TYPE AND PURPOSE OF INVESTMENT, e.g., RESIDENCE, HOTEL, APARTMENT, FARM, UNDEVELOPED LAND, RECREATION	ADDRESS AND PROXIMITY TO FEDERAL LANDS. IF INTERIOR DEVELOPED SO INDICATE. IF RURAL, GIVE RFD. OR SPECIFY COUNTY AND STATE.[2]

PART III. EMPLOYMENT. List the names of business entities, nonprofit organizations, and educational and other institutions[1] with which you are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant. If none, write NONE.

NAME AND KIND OF ORGANIZATION	ADDRESS	POSITION IN ORGANIZATION

PART IV. CREDITORS. List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write NONE.

NAME AND ADDRESS OF CREDITOR	CHARACTER OF INDEBTEDNESS, e.g., PERSONAL LOAN, NOTE, SECURITY

[1] See back of form for applicable exclusions.

[2] Identify the ownership of interests of yourself and relatives as follows: Sole ownerships of employee (E), joint ownership with spouse, minor child or other resident relative (J), sole ownership of spouse (S), sole ownership of minor children (C), sole ownership of other relatives who are full-time residents in your household (R).

I certify that the statements I have made are true, correct, and complete to the best of my knowledge and belief.		Review completed and determination made that no conflict of interest exists. (43 CFR 20.735-23)	
Signature of Employee	*Date*	*Ethics Counselor*	*Date*

APPENDIX B-1

CONTINUATION OF PART _____

INSTRUCTIONS

PRIVACY ACT NOTICE:

Section 402 of Executive Order 11222 and 5 CFR 735.401 constitute the authority for collecting the personal data on this confidential statement of employment and financial interests. This data must be furnished; failure to do so could be cause for appropriate disciplinary action.

The information gathered from the statement will be used to determine whether there are any real or apparent conflicts of interest in violation of 18 U.S.C. § 201 *et seq.*, Executive Order 11222 and 43 CFR 20.735 (Employee Responsibilities and Conduct). The information you provide will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized auditors, the Civil Service Commission, the Department of Justice and to appropriate law enforcement agencies.

GENERAL REQUIREMENTS:

You are not required to submit any information relating to any connection with, or interest in, a professional society, a charitable, religious, social, fraternal, recreational, public service, civil, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

Except where organic act restrictions apply, either by statute or regulation (§ 20.735-12 and -13) you may exclude: (1) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry or (2) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in your statement. This requirement may be waived for holdings in an approved blind trust (§ 20.735-24(a)(3)).

The financial and real property interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement. If that information is to be supplied by others, it should be so indicated. "Member of your immediate household" includes only those relatives who are full-time residents of your household.

While employment and creditor information pertaining to your spouse, minor children or other relatives who are full-time residents of your immediate household are not reportable, you are cautioned that such activities also may create an appearance of conflict. If your official duties may bring you in contact with business entities, non-profit organizations, or other institutions with which your spouse, minor children or other relatives have either an employment or creditor relationship you should consult with your Ethics Counselor.

GPO 929-767

Form DI-213
REV. 12-76

UNITED STATES DEPARTMENT OF THE INTERIOR

CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

(FOR USE BY SPECIAL GOVERNMENT EMPLOYEES)

PART I - TO BE COMPLETED BY AGENCY

1. Name *(last, first, initial)*	2. Birth Date *(month, day, year)*
3. Bureau and Office Organizational Segment	4. PERIOD OF APPOINTMENT *(this Agency)* FROM / TO

PART II - TO BE COMPLETED BY APPOINTEE

1. a. Number of days already worked during a consecutive 365-day period
   (1) with this Department .....
   (2) with other Federal agencies .....
   b. Estimated remaining number of days expected to work during the consecutive 365-day period
   (1) with this Department .....
   (2) with other Federal agencies .....
   c. TOTAL .....

2. FEDERAL GOVERNMENT EMPLOYMENT - List all other Federal agencies in which you are presently employed. *(If none, write "none.")*

AGENCY AND LOCATION	TITLE OR KIND OF POSITION	APPOINTMENT PERIOD FROM	TO

3. NON-FEDERAL EMPLOYMENT - Name all corporations, companies, firms, State or local Government organizations, research organizations, and educational or other institutions in which you are serving as employee, officer, member, owner, trustee, director, expert, advisor, or consultant, with or without compensation. *(If none, write "none.")*

NAME AND KIND OF ORGANIZATION *(e.g., manufacturing, research, insurance)*	LOCATION *(City, State)*	TITLE OR KIND OF POSITION

4. FINANCIAL INTERESTS - List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. *(If none, write "none.")*

Interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement as your interest. *Member of your immediate household* includes only those blood relations who are full-time residents of your household.

ORGANIZATION NAME	ORGANIZATION KIND *(manufacturing, storage, public utilities, etc.)*	NATURE OF INTEREST AND IN WHOSE NAME HELD. For stockholdings of Listed Corporations show number of shares. For all other Financial Interests show value and annual return, if applicable.

If additional space is required, use reverse side

I certify that the statements I have made are true, correct, and complete to the best of my knowledge and belief.

Signature of Employee — *Date*

Review completed and determination made that no conflict of interest exists: (43 CFR 20.735-23)

Ethics Counselor — *Date*

CONTINUATION OF ITEM _____

INSTRUCTIONS

PRIVACY ACT NOTICE:

Section 402 of Executive Order 11222 and 5 CFR 735.401 constitute the authority for collecting the personal data on this confidential statement of employment and financial interests. This data must be furnished; failure to do so could be cause for appropriate disciplinary action.

The information gathered from the statement will be used to determine whether there are any real or apparent conflicts of interest in violation of 18 U.S.C. § 201 *et seq.*, Executive Order 11222 and 43 CFR 20.735 (Employee Responsibilities and Conduct). The information you provide will be considered confidential and will form a part of the records of the office where you file; as such the contents may be routinely disclosed to authorized auditors, the Civil Service Commission, the Department of Justice and to appropriate law enforcement agencies.

GENERAL REQUIREMENTS:

You are not required to submit any information relating to any connection with, or interest in, a professional society, a charitable, religious, social, fraternal, recreational, public service, civil, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

Except where organic act restrictions apply, either by statute or regulation (§ 20.735-12 and -13) you may exclude: (1) Holdings in widely held mutual funds, investment clubs, or regulated investment companies not specializing in a particular industry or (2) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in your statement. This requirement may be waived for holdings in an approved blind trust (§ 20.735-24(a)(3)).

The financial and real property interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement. If that information is to be supplied by others, it should be so indicated. "Member of your immediate household" includes only those relatives who are full-time residents of your household.

INT.: 889-78

APPENDIX B-3

Form DI-211
12-76

UNITED STATES DEPARTMENT OF THE INTERIOR
PUBLIC DISCLOSURE STATEMENT OF KNOWN FINANCIAL INTERESTS
(Federal Land Policy and Management Act, Sec. 313, P.L. 94-579)

1. NAME (last, first, initial)	2. TITLE OF POSITION
3. CALENDAR YEAR	4. BUREAU AND OFFICE

KNOWN FINANCIAL INTERESTS.
You must report (1) any right to use, occupy or develop public land or mineral, timber, range, wildlife, recreation, watershed or other resources thereon, or (2) any pecuniary interest in any person whom you know, or could reasonably be expected to know, is engaged in a business subject to the Federal Land Policy and Management Act. You are under an obligation to exercise diligence in determining whether companies or other business entities in which you own interests fall in this category. Include all interests held at any time during the previous calendar year. If as of the reporting date an interest is no longer held, so indicate. If no such interests were held, write "NONE." See instructions and definitions on back of form.

Name and Kind of Business	Address	Nature of Known Financial Interest

Privacy Act Notice:

Subsection 313(a) of P.L. 94-579 provides for filing a statement disclosing all known financial interests. Subsection (d) provides that any officer or employee who is subject to, and knowingly violates subsection (a) shall be fined not more than $2,500 or imprisoned not more than one year, or both.

I am aware of the provisions of the law and regulations which require the filing of this statement and that such statement shall be subject to examination and available for copying, by the public upon request and subject to review by the designated ethics counselor in accordance with the Departmental conflict of interest regulations (43 CFR 20.735 Subpart B). As such the contents may be routinely disclosed to authorized auditors, the Civil Service Commission, the Department of Justice and to appropriate law enforcement agencies.

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.

Signature and date

APPENDIX B-3

INSTRUCTIONS

1. All "covered employees" shall complete this form. These employees are responsible for reviewing and completing this form in accordance with 43 CFR 20.735-18.

2. Signed statements shall be sent to and reviewed by the appropriate Ethics Counselor.

3. With respect to a blind trust, you are only required to disclose holdings of which you have actual knowledge; for example, those holdings initially committed to the blind trust, if subject to the provisions of the Act, must be disclosed.

4. You may exclude from this form any holdings owned solely by your spouse, minor child, or other relative residing in your home. This exclusion applies only to public disclosure statements and not to the regular confidential financial disclosure statement (form DI-212). You are cautioned that such holdings (spouse, minor children, etc.) are subject to the regular conflict of interest statutes, Executive Order, and Departmental regulations.

5. You may also exclude holdings in mutual funds, holding companies, banks, savings and loan associations, investment clubs or regulated investment companies which do not specialize in any person or business subject to the Act.

DEFINITIONS

"Covered employee" means an officer or employee of the Department of the Interior performing a function or duty under the Federal Land Policy and Management Act, P.L. 94-579, 90 Stat. 2743, whose position has not been exempted by the Secretary of the Interior from the reporting requirements of section 313 of the Act.

"Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business.

"Public Land" means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except (i) lands located on the Outer Continental Shelf, and (ii) lands held for the benefit of Indians, Aleuts and Eskimos.

"Engaged in business subject to the Federal Land Policy and Management Act" means conduct of any business involving the use occupancy or development of public land or of mineral, timber, range, wildlife, recreation, watershed or other resources thereon. A parent company or holding company is "engaged in business subject to the Federal Land Policy and Management Act: if one or more of its subsidiaries is "engaged in business subject to the Federal Land Policy and Management Act." A mutual fund or investiment club is within the definition if it specializes in a business or businesses involved in the use occupancy or development of public lands or of mineral, timber, range, wildlife, recreation, watershed or other resources thereon.

"Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee), including, but not limited to (i) the ownership of common stock, preferred stock, bonds, debentures, warrants or a partnership share, (ii) a leasehold, rental, permit, license, right of way, or contract, or (iii) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

APPENDIX B-4

Form DI-211A
12-76

UNITED STATES DEPARTMENT OF THE INTERIOR
PUBLIC DISCLOSURE STATEMENT OF KNOWN FINANCIAL INTERESTS
(Mining in the Parks Act, Sec. 13, P.L. 94-429)

1. NAME (last, first, initial)	2. TITLE OF POSITION
3. CALENDAR YEAR	4. BUREAU AND OFFICE

KNOWN FINANCIAL INTERESTS.
You must report any mining claim which you own, in whole or in part, or have the right to occupy or use; any mining activity in which you are engaged; or any pecuniary interest which you have in any individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company or other entity organized for common business purpose which you know, or could reasonably be expected to know, is engaged in business subject to the Mining in the Parks Act. You are under an obligation to exercise diligence in determining whether companies or other business entities in which you own interests fall in this category. Include all interests held at any time during the previous calendar year. If as of the reporting date an interest is no longer held, so indicate. If no interests were held, write "NONE". See back of form for instructions and definitions applicable to filing this form.

Name and Kind of Business	Address	Nature of Known Financial Interest

Privacy Act Notice:

Subsection 13(a) of P.L. 94-429 provides for filing a statement disclosing all known financial interests. Subsection (d) provides that any officer or employee who is subject to, and knowingly violates subsection (a) shall be fined not more than $2,500 or imprisoned not more than one year, or both.

I am aware of the provisions of the law and regulations which require the filing of this statement and that such statement shall be subject to examination, and available for copying, by the public upon request and subject to review by the designated ethics counselor in accordance with the Departmental conflict of interest regulations (43 CFR 20.735 Subpart B). As such the contents may be routinely disclosed to authorized auditors, the Civil Service Commission, the Department of Justice and to appropriate law enforcement agencies.

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.

Signature and date

APPENDIX B-4

INSTRUCTIONS

1. All "covered employees" shall complete this form. These employees are responsible for reviewing and completing this form in accordance with 43 CFR 20.735-19.

2. Signed statements shall be sent to and reviewed by the appropriate Ethics Counselor.

3. With respect to a blind trust, you are only required to disclose holdings of which you have actual knowledge; for example, those holdings initially committed to the blind trust, if subject to the provisions of the Act, must be disclosed.

4. You may exclude from this form any holdings owned solely by your spouse, minor child, or other relative residing in your home. This exclusion applies only to public disclosure statements and not to the regular confidential financial disclosure statement (form DI-212). You are cautioned that such holdings (spouse, minor children, etc.) are subject to the regular conflict of interest statutes, Executive Order, and Departmental regulations.

5. You may also exclude holdings in mutual funds, holding companies, banks, savings and loan associations, investment clubs or regulated investment companies which do not specialize in any person or business subject to the Act.

DEFINITIONS

"Covered employee" means an officer or employee of the Department of the Interior performing a function or duty under the Mining in the Parks Act, P.L. 94-429, whose position has not been exempted by the Secretary of the Interior from the reporting requirements of section 13 of the Act.

"Mining claim" means any patented or unpatented mining claim within any area of the National Park System.

"Mining activity" means any exploration and assessment work, preparation of mining claims for the extraction of minerals, mining, transportation of the extracted minerals, processing of the extracted minerals or reclamation of a mining claim following mining, provided these activities take place, in whole or part, within the boundaries of any area of the National Park System.

"Engaged in business subject to the Mining in the Parks Act" means the conduct of a business involving the ownership of, or the right to use or occupy, a mining claim or the conduct of mining activity. A parent company is "engaged in business subject to the Mining in the Parks Act" if one or more of its subsidiaries is "engaged in business subject to the Mining in the Parks Act." A mutual fund or investment club is within the definition if it specializes in a business or businesses which own or have the right to occupy or use mining claims or conduct mining activity.

"Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business.

"Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee), including, but not limited to (i) the ownership of common stock, preferred stock, bonds, debentures, warrants or a partnership share, (ii) a leasehold, rental, permit, license, right of way, or contract, or (iii) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

Form DI-2118
12-76

UNITED STATES DEPARTMENT OF THE INTERIOR
PUBLIC DISCLOSURE STATEMENT OF KNOWN FINANCIAL INTERESTS
(Energy Policy and Conservation Act, Sec. 522, P.L. 94-163)

APPENDIX B-5

1 NAME (last, first, initial)	2. TITLE OF POSITION
3. CALENDAR YEAR	4. BUREAU AND OFFICE

PART I. KNOWN FINANCIAL INTEREST IN BUSINESSES. You must report any pecuniary interest in any person whom you know, or could reasonably be expected to know, owns or has the right to occupy energy property or is engaged in energy business. You are under an obligation to exercise diligence in determining whether companies or other business entities in which you own interests fall in this category. Include all interests held at any time during the previous calendar year. If as of the reporting date an interest is no longer held, so indicate. If no such interests were held, write "NONE". See instructions and definitions on back of form.

Name and kind of Business	Address	Nature of Known Financial Interest

PART II. KNOWN FINANCIAL INTERESTS IN PROPERTY. You must report any energy property you own or have a right to occupy or use. Include all interests held at any time during the previous calendar year. If as of the reporting date an interest is no longer held, so indicate. If no such interests were held, write "NONE". See instructions and definitions on back of form.

Nature of Interest	Address/Location of Property

Privacy Act Notice:

Subsection 522(a) of P.L. 94-163 provides for filing a statement disclosing all known financial interests. Subsection (d) provides that any officer or employee who is subject to, and knowingly violates subsection (a) shall be fined not more than $2,500 or imprisoned not more than one year, or both.

I am aware of the provisions of the law and regulations which require the filing of this statement and that such statement shall be subject to examination, and available for copying, by the public upon request and subject to review by the designated ethics counselor in accordance with the Departmental conflict of interest regulations (43 CFR 20.735 Subpart B). As such the contents may be routinely disclosed to authorized auditors, the Civil Service Commission, the Department of Justice and to appropriate law enforcement agencies.

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.

Signature and date

APPENDIX B-5

INSTRUCTIONS

1. All "covered employees" shall complete this form. These employees are responsible for reviewing and completing this form in accordance with 43 CFR 20.735-20.

2. Signed statements shall be sent to and reviewed by the appropriate Ethics Counselor.

3. With respect to a blind trust, you are only required to disclose holdings of which you have actual knowledge; for example, those holdings initially committed to the blind trust, if subject to the provisions of the Act, must be disclosed.

4. You may exclude from this form any holdings owned solely by your spouse, minor child, or other relative residing in your home. This exclusion applies only to public disclosure statements and not to the regular confidential financial disclosure statement (form DI-212). You are cautioned that such holdings (spouse, minor children, etc.) are subject to the regular conflict of interest statutes, Executive Order, and Departmental regulations.

5. You may also exclude holdings in mutual funds, holding companies, banks, savings and loan associations, investment clubs or regulated investment companies which do not specialize in any person or business subject to the Act.

DEFINITIONS

"Covered employee" means an officer or employee of the Department of the Interior performing a function or duty under the Energy Policy and Conservation Act 42 U.S.C. 6201, whose position has not been exempted by the Secretary of the Interior from the reporting requirements of section 522 of the Act.

"Person" means an individual, corporation, partnership, association, consortium, company, firm, society, trust, joint venture, joint stock company, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, who directly or through other persons subject to their control does business in any part of the United States. For purposes of this definition, the United States includes the Outer Continental Shelf.

"Energy property" means real property from which coal, natural gas or crude oil is commercially produced.

"Engaged in energy business" means the active conduct of one or more of the businesses of exploring, developing, producing, or refining, transporting by pipeline, or distributing (other than at the retail level) coal, natural gas, or petroleum products. A parent company or holding company is "engaged in energy business" if one or more of its subsidiaries in the United States is "engaged in energy business". A mutual fund or investment club is within the definition if it specializes in a business or businesses which explore, develop, refine, transport by pipeline or distribute (other thn at the retail level) coal, natural gas, or petroleum products in the United States.

"Pecuniary interest" means any monetary or financial interest (whether owned directly by a covered employee or held for the employee's benefit by a trustee), including, but not limited to (i) the ownership of common stock, preferred stock, bonds, debentures, warrants or a partnership share, (ii) a leasehold, rental, permit, license, right of way, or contract, or (iii) a pension or retirement plan, shared income or other arrangement as a result of current or prior employment or professional association.

APPENDIX C—LIST OF EMPLOYEES, IN ADDITION TO GS–15'S AND HIGHER REQUIRED TO FILE CONFIDENTIAL STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS

ETHICS COUNSELORS

Deputy Department Ethics Counselor, Washington, D.C.
Assistant Department Ethics Counselor, Washington, D.C.
All Deputy Office and Bureau Ethics Counselors.
All Assistant Office and Bureau Ethics Counselors.

SECRETARY'S IMMEDIATE OFFICE

Confidential Assistant to the Secretary, Washington, D.C.
Deputy Executive Secretary, Washington, D.C.
Assistant to the Secretary (White House Fellow), Washington, D.C.
Staff Assistant for Environmental Review, Boston, Massachusetts; Atlanta, Georgia; Chicago, Illinois; Albuquerque, New Mexico; Denver, Colorado; Portland, Oregon; Anchorage, Alaska
Staff Assistant, Chicago, Illinois
Staff Officer, San Francisco, California
Public Informaiton Specialist, Denver, Colorado

OFFICE OF TERRITORIAL AFFAIRS

Supervisory Auditor, St. Thomas, Virgin Islands
Supervisory Auditor, St. Croix, Virgin Islands
Auditor, St. Thomas, Virgin Islands
Supervisory Auditor, Agana, Guam
Auditor, Agana, Guam

OFFICE OF PUBLIC AFFAIRS

Visual Information Officer, Washington, D.C.

OFFICE FOR MICRONESIAN STATUS NEGOTIATIONS

Attorney-Adviser, Washington, D.C.

OFFICE FOR EQUAL OPPORTUNITY

OFFICE OF THE DIRECTOR

Procurement Analyst, Washington, D.C.

DIVISION OF MINORITY BUSINESS ENTERPRISE

Minority Business Enterprise Specialist, Washington, D.C.

DIVISION OF TITLE VI COMPLIANCE

Staff Assistant, Washington, D.C.
Equal Opportunity Specialist, Washington, D.C.

DIVISION OF CONTRACT COMPLIANCE

Equal Opportunity Specialist (Employment), Washington, D.C.
Equal Opportunity Specialist (Employment), Lakewood, CO
Equal Opportunity Specialist (Employment), Anchorage, AK

ASSISTANT SECRETARY—ADMINISTRATION AND MANAGEMENT

Staff Assistant, Washington, D.C.
Committee Management Officer, Washington, D.C.

WASHINGTON COMPUTER CENTER DIVISION

Digital Computer Systems Administrator, Washington, D.C.
Computer Specialist, Washington, D.C.
Administrative Officer, Washington, D.C.

OFFICE OF AIRCRAFT SERVICES

Supervisory Contract Specialist, Boise, Idaho
Chief, Division of Technical Services, Anchor-Idaho
Regional Director, Office of Aircraft Services, Anchorage, Alaska
Chief, Division of Technical Services, Anchorage, Alaska
Contract Specialist, Anchorage, Alaska

OFFICE OF MANPOWER TRAINING AND YOUTH ACTIVITIES

Chief, Operations Division, Washington, D.C.
Chief, Program Planning and Support Division, Washington, D.C.
Conservation Center Director, Ft. Simcoe, Washington

OFFICE OF ADMINISTRATIVE AND MANAGEMENT POLICY

Procurement Analyst, Washington, D.C.
Grants Policy Specialist, Washington, D.C.
Management Analyst, Washington, D.C.

OFFICE OF ADMINISTRATIVE SERVICES

Chief, Division of General Services, Washington, D.C.
Printing Officer, Washington, D.C.
Contract Specialist, Washington, D.C.
Procurement Agent, Washington, D.C.
Procurement and Grants Specialist, Washington, D.C.

OFFICE OF LIBRARY AND INFORMATION SERVICES

Supervisory Librarian, Washington, D.C.
Staff Assistant, Washington, D.C.

OFFICE OF AUDIT AND INVESTIGATION

Supervisory Auditors, (Washington, D.C.; Arlington, Virginia; Denver, Colorado; Albuquerque, New Mexico; Sacramento, California; and Portland, Oregon)
Auditors, GS–12, (Arlington, Virginia; Denver, Colorado; Albuquerque, New Mexico; Sacramento, California; and Portland, Oregon)
Management Analysts, GS–12 and above, (Washington, D.C.; Arlington, Virginia; and Denver, Colorado)
Investigators (General), GS–12 and above, Washington, D.C.

OFFICE OF THE ASSISTANT SECRETARY—FISH, WILDLIFE AND PARKS

Special Assistant, Washington, D.C.

OFFICE OF THE ASSISTANT SECRETARY—ENERGY AND MINERALS

Staff Assistant, Washington, D.C.

OCEAN MINING ADMINISTRATION

Staff Assistant (Foreign Affairs), Washington, D.C.

OFFICE OF LEGISLATION

Staff Assistant, Washington
Attorney—Advisor (Legislation), Washington, D.C.

ASSISTANT SECRETARY—LAND AND WATER RESOURCES

Deputy Assistant Secretary—Land and Water Resources, Washington, D.C.
Staff Assistant, Washington, D.C.
Assistant to the Assistant Secretary—Land & Water Resources, Washington, D.C.

OFFICE OF POLICY ANALYSIS

Program Analyst, Washington, D.C.

OFFICE OF BUDGET

Budget Analyst, Washington, D.C.

OFFICE OF OUTER CONTINENTAL SHELF PROGRAM COORDINATION

Program Analyst, Washington, D.C.
Staff Assistant, Los Angeles, California
Staff Assistant, New York, New York
Economist, Washington, D.C.

BUREAU OF INDIAN AFFAIRS

Joint Use Project Officer, Joint-Use Office, Flagstaff, Arizona
Supervisory Auditor, report to Washington, D.C. GS–13 and above
Contract Specialist, Washington, D.C. GS–13 and above
Grants Administrator, Washington, D.C.
Grants Management Specialist, Washington, D.C.
Chief, Branch of Supply and Office Services, Washington, D.C.
Field Administrator, Administrative Services Center, Albuquerque, New Mexico
Supply Management Officer, Administrative Services Center, Albuquerque, N. Mex.
Supply Management Officer, Washington, D.C.
Supervisory Civil Engineer, Albuquerque, New Mexico GS–14
Contract Specialist, Albuquerque, New Mexico
Chief, Division of Accounting Management, Albuquerque, New Mexico
Administrator, Indian Education Resource Center, Albuquerque, New Mexico
Program Officer, Indian Technical Assistance Center, Denver, Colorado
Rights Protection Officer, Washington, D.C.
Deputy Area Director, Aberdeen, South Dakota
Contract Specialist, Aberdeen, South Dakota
Education Program Administrator, Aberdeen, South Dakota
Area Special Officer, Aberdeen, South Dakota
Area Credit Officer, Aberdeen, South Dakota
Trust and Natural Resources Officer, Aberdeen, South Dakota
Area Realty Officer, Aberdeen, South Dakota
Area Appraiser, Aberdeen, South Dakota
Superintendent, Cheyenne River Agency, Eagle Butte, South Dakota
Superintendent, Crow Creek Agency, Ft. Thompson, South Dakota
Field Representative, Flandreau Santee Field Office, Flandreau, S.D. (GS–9)
School Superintendent, Flandreau School, Flandreau, S.D.
Superintendent, Fort Berthold Agency, New Town, N. Dakota
Superintendent, Fort Totten Agency, Ft. Totten, N. Dakota
Superintendent, Lower Brule Agency, Lower Brule, S. Dakota
Superintendent, Pine Ridge Agency, Pine Ridge, S. Dakota
Superintendent, Rosebud Agency, Rosebud, S. Dakota
Superintendent, Sisseton Agency, Sisseton, South Dakota
Superintendent, Standing Rock Agency, Fort Yates, N. Dakota
Superintendent, Turtle Mountain Agency, Belcourt, N. Dakota
Field Representative, Trenton Field Office (Turtle Mountain Agency), Trenton, North Dakota (GS–9)
School Superintendent, Wahpeton School, Wahpeton, N. Dakota
Superintendent, Winnebago Agency, Winnebago, Nebraska
Superintendent, Yankton Agency, Wagner, South Dakota
Deputy Area Director, Albuquerque Area, Albuquerque, New Mexico
Assistant Area Director, Albuquerque Area, Albuquerque, New Mexico
Supervisory Contract Specialist, Albuquerque, New Mexico
Education Program Administrator, Albuquerque Area, Albuquerque, New Mexico
Area Special Officer, Albuquerque Area, Albuquerque, New Mexico
Area Credit Officer, Albuquerque Area, Albuquerque, New Mexico
Area Realty Officer, Albuquerque Area, Albuquerque, New Mexico
Appraiser, Albuquerque Area, Albuquerque, New Mexico GS–12 and above
Housing Development Officer, Albuquerque Area, Albuquerque, New Mexico
Education Program Coordinator, Albuquerque Indian School, Albuquerque, N.M.
Education Program Administrator, Institute of American Indian Arts, Santa Fe, New Mexico

Superintendent, Jicarilla Agency, Dulce, New Mexico
Superintendent, Mescalero Agency, Mescalero, New Mexico
Superintendent, Northern Pueblos Agency, Santa Fe, New Mexico
Superintendent, Ramah-Navajo Agency, Ramah, New Mexico
Superintendent, Southern Pueblos Agency, Albuquerque, New Mexico
Superintendent, Southern Ute Agency, Ignacio, Colorado
Superintendent, Ute Mountain Ute Agency, Towaoc, Colorado
Special Assistant to Area Director, Andarko Area, Anadarko, Oklahoma
Program Analysis Officer, Anadarko Area, Anadarko, Oklahoma
Education Program Administrator, Anadarko Area, Anadarko, Oklahoma
Administrative Officer, Anadarko Area, Anadarko, Oklahoma
Indian Services Officer, Anadarko Area, Anadarko, Oklahoma
Housing Officer, Anadarko Area, Anadarko, Oklahoma
Indian Career Development Officer, Anadarko Area, Anadarko, Oklahoma
Trust Responsibilities Officer, Anadarko Area, Anadarko, Oklahoma
Realty Officer, Anadarko Area, Anadarko, Oklahoma
Supervisory Appraiser, Anadarko Area, Anadarko, Oklahoma
Supervisory Loan Specialist, Anadarko Area, Anadarko, Oklahoma
School Superintendent, Chilocco School, Anadarko Area, Chilocco, Oklahoma
President, Haskell Indian Junior College, Anadarko Area, Lawrence, Kansas
School Superintendent, Concho School, Anadarko Area, Concho, Oklahoma
School Superintendent, Fort Sill School, Anadarko Area, Lawton, Oklahoma
School Superintendent, Riverside School, Anadarko Area, Anadarko, Oklahoma
Superintendent, Anadarko Agency, Anadarko, Oklahoma
Superintendent, Concho Agency, Concho, Oklahoma
Superintendent, Horton Agency, Horton, Kansas
Superintendent, Pawnee Agency, Pawnee, Oklahoma
Superintendent, Shawnee Agency, Shawnee, Oklahoma
Assistant Area Director, Billings Area Office, Billings, Montana
Education Program Administrator, Billings Area Office, Billings, Montana
Indian Services Officer, Billings Area Office, Billings, Montana
Employment Assistance Officer, Billings Area Office, Billings, Montana GS–12 and above
Tribal Operations Specialist, Billings Area Office, Billings, Montana
Supervisory Criminal Investigator, Billings Area Office, Billings, Montana
Housing Coordinator, Billings Area Office, Billings, Montana
Resources Development Officer, Billings Area Office, Billings, Montana
Supervisory Loan Specialist, Billings Area Office, Billings, Montana
Supervisory Appraiser, Billings Area Office, Billings, Montana
Realty Officer, Billings Area Office, Billings, Montana
Supervisory Supply Officer, Billings Area Office, Billings, Montana
Supervisory Highway Engineer, Billings Area Office, Billings, Montana
Rights Protection Officer, Billings Area Office, Billings, Montana
Superintendent, Blackfeet Agency, Browning, Montana
Superintendent, Crow Agency, Crow Agency, Montana
Superintendent, Flathead Agency, Ronan, Montana
Supervisory General Engineer, Flathead Irrigation Project, St. Ignatius, Mt
Superintendent, Fort Belknap Agency, Harlem, Montana
Superintendent, Fort Peck Agency, Poplar, Montana
Superintendent, Northern Cheyenne Agency, Lame Deer, Montana
Superintendent, Rocky Boy's Agency, Box Elder, Montana GS–12
Superintendent, Wind River Agency, Fort Washakie, Wyoming
Assistant Area Director (Admin.), Juneau Area, Juneau, Alaska
Area Supply Management Officer, Juneau Area, Juneau, Alaska
Supervisory Contract Specialist, Juneau Area, Juneau, Alaska
Area Field Representative (Southeast Agency), Juneau Area, Juneau, Alaska GS–12
Accounting Officer, Juneau Area, Juneau, Alaska GS–12
Supervisory Civil Engineer, Juneau Area, Juneau, Alaska
Housing Development Officer, Juneau Area, Juneau, Alaska
Tribal Operations Officer, Juneau Area, Juneau, Alaska
Supervisory Financial Analyst, Juneau Area, Juneau, Alaska
Industrial Development Specialist, Juneau Area, Juneau, Alaska
Realty Officer, Juneau Area, Juneau, Alaska
Forester, Juneau Area, Juneau, Alaska
Employment Assistance Officer, Juneau Area, Juneau, Alaska.
Superintendent, Anchorage Agency, Anchorage, Alaska
Superintendent, Bethel Agency, Bethel, Alaska
Superintendent, Fairbanks Agency, Fairbanks, Alaska
Superintendent, Nome Agency, Nome, Alaska
School Superintendent, Mt. Edgecumbe School, Nome Agency, Nome, Alaska
Administrative and Special Representative (Liaison Officer Seattle, Washington, Juneau Area), Seattle, Washington
Assistant Area Director, Minneapolis Area, Minneapolis, Minnesota
Supervisory Contract Specialist, Minneapolis Area, Minneapolis, Minnesota GS–12
Education Program Administrator, Minneapolis Area, Minneapolis, Minnesota
Area Special Officer, Minneapolis Area, Minneapolis, Minnesota
Housing Development Officer, Minneapolis Area, Minneapolis, Minnesota
Area Credit Officer, Minneapolis Area, Minneapolis, Minnesota
Supervisory Forester, Minneapolis Area, Minneapolis, Minnesota
Realty Officer, Minneapolis Area, Minneapolis, Minnesota
Supervisory Appraiser, Minneapolis Area, Minneapolis, Minnesota
Resources Development Officer, Minneapolis Area, Minneapolis, Minnesota
Superintendent, Great Lakes Agency, Ashland, Wisconsin
Superintendent, Minnesota Agency, Bemidji, Minnesota
Superintendent, Red Lakes Agency, Red Lake, Minnesota
Superintendent, Michigan Agency, Saulte Ste. Marie, Michigan
Employment Assistant Officer, Chicago Field Employment Assistance Office, Chicago, Illinois
Deputy Area Director, Muskogee Area, Muskogee, Oklahoma
Supply Management Officer, Muskogee Area, Muskogee, Oklahoma
Supervisory Contract Specialist, Muskogee Area, Muskogee, Oklahoma GS–12
Area Realty Officer, Muskogee Area, Muskogee, Oklahoma
Area Credit Officer, Muskogee Area, Muskogee Area, Muskogee, Oklahoma
Special Assistant for Tribal Affairs, Muskogee Area, Muskogee, Oklahoma
Industrial Development Specialist, Muskogee Area, Muskogee, Oklahoma
Program Analysis Officer, Muskogee Area, Muskogee, Oklahoma
Education Program Administrator, Muskogee Area, Muskogee, Oklahoma
Area Travel Operations Officer, Muskogee Area, Muskogee, Oklahoma
Area Employment Assistance Officer, Muskogee Area, Muskogee, Oklahoma
Supervisory Maintenance Engineer, Muskogee Area, Muskogee, Oklahoma
Area Appraiser, Muskogee Area, Muskogee, Oklahoma
Area Roads Engineer, Muskogee Area, Muskogee, Oklahoma
Housing Development Officer, Muskogee Area, Muskogee, Oklahoma
Superintendent, Ardmore Agency, Ardmore, Oklahoma
Superintendent, Okmulgee Agency, Okmulgee, Oklahoma
Superintendent, Osage Agency, Pawhuska, Oklahoma
Superintendent, Miami Agency, Miami, Oklahoma
Superintendent, Tahlequah Agency, Tahlequah, Oklahoma
Superintendent, Talihina Agency, Talihina, Oklahoma
Superintendent, Wewoka Agency, Wewoka, Oklahoma
School Superintendent, Seneca Indian School, Muskogee Area, Wyandotte, Oklahoma GS–12
Supervisory Vocational Development Specialist, Muskogee Area, Dallas, Texas GS–12
Tribal Operations Officer, Navajo Area, Window Rock, Arizona GS–12
Program Officer, Navajo Area, Window Rock, Arizona
Assistant Area Director, Division of Administration, Navajo Area, Gallup, N.M.
Supervisory Contract Specialists, Navajo Area, Gallup, New Mexico
Supply Management Officer, Navajo Area, Gallup, New Mexico
Procurement Officer, Navajo Area, Gallup, New Mexico
Financial Manager, Navajo Area, Gallup, New Mexico
Supervisory Maintenance Engineer, Navajo Area, Window Rock, Arizona
Supervisory Highway Engineer, Navajo Area, Window Rock, Arizona
Natural Resources Manager, Navajo Area, Window Rock, Arizona
Superivsory Loan Specialist, Navajo Area, Window Rock, Arizona
Superivsory Forester (Administration), Navajo Area, Window Rock, Arizona
Realty Officer, Navajo Area, Window Rock, Arizona
Supervisory Criminal Investigator, Navajo Area, Window Rock, Arizona
Housing Development Officer, Navajo Area, Window Rock, Arizona
Appraiser, Navajo Area, Window Rock, Arizona
Employment Assistance Officer, Navajo Area, Window Rock, Arizona
Superintendent, Chinle Agency, Chinle, Arizona
Superintendent, Eastern Navajo Agency, Crownpoint, New Mexico
Superintendent, Fort Defiance Agency, Fort Defiance, Arizona
Project Engineer, Navajo Irrigation Project, Farmington, New Mexico
Suerintendent, Shiprock Agency, Shiprock, New Mexico

Superintendent, Western Navajo Agency, Tuba City, Arizona
Special Assistant to the Area Director, Phoenix Area Office, Phoenix, Arizona
Assistant to the Area Director (Admin.), Phoenix Area Office, Phoenix, Arizona
Tribal Operations Officers, Phoenix Area Office, Phoenix, Arizona
Indian Trust Protection Officer, Phoenix Area Office, Phoenix, Arizona
Supervisory General Engineer, Phoenix Area Office, Phoenix, Arizona
Financial Manager, Phoenix Area Office, Phoenix, Arizona
Supervisory General Supply Specialist, Phoenix Area Office, Phoenix, Arizona
Education Program Administrator, Phoenix Area Office, Phoenix, Arizona
Employment Assistance Officers, Phoenix Area Office, Phoenix, Arizona
Area Special Officer, Phoenix Area Office, Phoenix, Arizona
Industrial Development Specialist, Phoenix Area Office, Phoenix, Arizona
Area Credit Officer, Phoenix Area Office, Phoenix, Arizona
Forester, Phoenix Area Office, Phoenix, Arizona
Realty Officer, Phoenix Area Office, Phoenix, Arizona
Supervisory Appraiser, Phoenix Area Office, Phoenix, Arizona GS–13 and above
Supervisory Highway Engineer, Phoenix Area Office, Phoenix, Arizona
Superintendent, Colorado River Agency, Parker, Arizona
Superintendent, Eastern Nevada Agency, Owyhee, Nevada
Superintendent, Fort Apache Agency, Whiteriver, Arizona
Superintendent, Hopi Agency, Keams Canyon, Arizona
Superintendent, Papago Agency, Sells, Arizona
School Superintendent, Phoenix Indian School, Phoenix, Arizona
Superintendent, Pima Agency, Sacaton, Arizona
Coordinator, Salt River Agency, Scottsdale, Arizona
Superintendent, San Carlos Agency, San Carlos, Arizona
School Superintendent, Sherman Indian School, Riverside, California
School Superintendent, Stewart Indian School, Stewart, Nevada
Superintendent, Truxton Canon Agency, Valentine, Arizona
Superintendent, Uintah and Ouray Agency, Ft. Duchesne, Utah
Superintendent, Western Nevada Agency, Stewart, Nevada
Superintendent, Fort Yuma Agency, Yuma, Arizona
School Superintendent, Intermountain School, Brigham City, Utah
Assistant Area Director (Admin.), Portland Area, Portland, Oregon
Supply Management Officer, Portland Area, Portland, Oregon
Education Program Administrator, Portland Area, Portland, Oregon
Employment Assistance Officer, Portland Area, Portland, Oregon
Area Special Officer, Portland Area, Portland, Oregon
Housing Development Officer, Portland Area, Portland, Oregon
Finance Specialist, (Credit), Portland Area, Portland, Oregon
Forester, Portland Area, Portland, Oregon
Real Property and Management Officer, Portland Area, Portland, Oregon
Supervisory Appraiser, Portland Area, Portland, Oregon
General Engineer, Portland Area, Portland, Oregon
Supervisory Highway Engineer, Portland Area, Portland, Oregon
School Superintendent, Chemawa School, Chemawa, Oregon
Superintendent, Colville Agency, Nespelem, Washington
Superintendent, Fort Hall Agency, Pocatello, Idaho
Superintendent, Northern Idaho Agency, Lapwai, Idaho
Superintendent, Spokane Agency, Wellpinit, Washington
Superintendent, Umatilla Agency, Pendleton, Oregon
Supervisory General Engineer, Wapato Irrigation Project, Wapato, Washington
Superintendent, Warm Springs Agency, Warm Springs, Oregon
Superintendent, Western Washington Agency, Everett, Washington
Superintendent, Yakima Agency, Toppenish, Washington
Employment Assistance Officer, Seattle FEAO, Seattle, Washingon GS–12
Assistant to the Area Director, Sacramento Area, Sacramento, California
Administrative Officer, Sacramento Area, Sacramento, California
Supervisory Contract Specialist, Sacramento Area, Sacramento, California GS–12
Education Specialist, Sacramento Area, Sacramento, California
Housing Development Officer, Sacramento Area, Sacramento, California
Employment Assistance Officer, Sacramento Area, Sacramento, California
Assistant Area Director, (Resources Mgmt.), Sacramento, California
Area Credit Officer, Sacramento Area, Sacramento, California
Industrial Development Specialist, Sacramento Area, Los Angeles, California
Supervisory Appraiser, Sacramento Area, Sacramento, California GS–13 and above
Realty Officer, Sacramento Area, Sacramento, California
Supervisory Highway Engineer, Sacramento Area, Sacramento, California
Forester, Sacramento Area, Sacramento, California GS–12 and above
Superintendent, Central California Agency, Sacramento, California
Superintendent, Hoopa Agency, Hoopa, California
Area Field Representative, Palm Springs Area Field Office, Palm Springs, California (GS–14)
Superintendent, Southern California Agency, Riverside, California
Employment Assistance Office, Los Angeles Field Employment Assistance Office, Los Angeles, California
Employment Assistance Officer, Oakland/San Francisco FEAO, Alameda, California
Community Services Officer, Eastern Area, Washington, D.C.
Program Planning Specialist, Eastern Area, Washington, D.C.
Business Development Specialist, Eastern Area, Washington, D.C.
Loan Specialist, Eastern Area, Washington, D.C.
Superintendent, Cherokee Agency, Cherokee, N.C.
Superintendent, Choctaw Agency, Philadelphia, Mississippi
Superintendent, Seminole Agency, Hollywood, Florida
Liaison Officer, New York Liaison Office, Syrauce, New York
Employment Assistance Officer, Cleveland FEAO, Cleveland, Ohio GS–12 and above
Employment Assistance Officer, Washington, D.C. GS–12 and above

ALASKA POWER ADMINISTRATION

Chief, Administrative Services Division, Juneau, Alaska.
Chief, Power Division, Juneau, Alaska.
Chief, Project Development Division, Juneau, Alaska.
Project Superintendent (Eklutna), Palmer, Alaska.
Project Superintendent (Snettisham), Juneau, Alaska.

BUREAU OF MINES

Office of the Director:
- Officer in Charge, Audio Visual
- Chief, Division of Public Information
- Public Information Specialist, GS–13
- Chief, Division of Production and Distribution

Mineral and Materials Research and Development:
- Helium—
  - Physical Science Administrator, Division of Helium
  - Administrative Officer Helium Operations
- Mining—
  - Headquarters Staff: Staff Engineers, GS–12 and above, Washington Office (regardless or official classification title)
  - Environmental Field Office, Wilkes-Barre, Pa.
  - Administrative Officer and Staff Engineers, GS–12 and above
  - Research Centers: Technical Project Officers, GS–12 and above (regardless of official classification title)
- Metallurgy—
  - Headquarters Staff: Staff Engineers, Washington Office GS–12 and above (regardless of official classification)
  - Research Centers: Technical Project Officers GS–12 and above (regardless of official classification title)
  - Chief, Boulder City Metallurgical Engineering Laboratory
- Mineral and Materials Supply/Demand Analysis
- Liaison Program Staff Specialists
- State Liaison Officers
- Metals, Minerals and Materials—
  - Commodity Specialists, GS–12 and above (regardless of official classification title)
- Fuels—
  - Headquarters Staff: Staff Specialists, GS–12 and above (regardless of official classification title)
  - Chief, Dallas Field Office
  - Staff Specialists, Dallas Field Office, GS–12 and above (regardless of official classification title)
- Field and Environmental Activities—
  - Mineral Assessment Specialist, GS–12 and above (regardless of official classification title)
- Interindustry and Economic Analysis—
  - Staff Specialists, GS–12 and above (regardless of official classification title)
- International Data and Analysis—
  - Area Specialists, GS–12 and above (re-

Program Development and Evaluation:
- Planning and Evaluation Staff Specialists, gardless of official classification title)
- GS–13 and above (regardless of official classification title)

Administration:
- Division of ADP—
  - Chief, Branch of Administration and Contracts
- Pittsburgh/Bruceton Administration Office—
  - Chief, Branch of Procurement and Property
  - Contract Specialists, GS–13 and above

Division of Management Services:
- Deputy Management Services Officer
- Chief, Branch of Contracts and Grants
- Contract Specialist and Analysts, GS–13 and above (regardless of official classification title)

Chief, and Deputy Chief, Branch of Procurement and Property Operations
Contract Specialists, GS–13 and above

NOTE.—Any supervisor not otherwise covered will be required to file if he/she supervises an employee who is required to file.

BONNEVILLE POWER ADMINISTRATION

General Engineer, Portland, Oregon.
Special Assistant, Washington, D.C., Office.
Special Programs Coordinator, Portland, Oregon.
Public Information Officer, Portland, Oregon.
Construction Program Coordinator, Portland, Oregon.
Assistant to Chief Engineer, Computer Applications Staff, Portland, Oregon.
Engineering and Construction Environmental Coordinator, Portland, Oregon.
Senior Procurement Analyst, Portland, Oregon.
Assistant to Construction and Services Manager, Portland, Oregon.
Electrical Engineer, Thermal Engineering Staff, Portland, Oregon.
BPA Project Manager, Portland, Oregon.
Project Engineer, Richland, Washington.
General Engineer, Richland, Washington.
Chief, Branch of Plant Services, Vancouver, Washington.
General Services Manager, Vancouver, Washington.
Assistant Chief, Branch of Construction, Vancouver, Washington.
Head, Line Construction Section, Branch of Construction, Vancouver, Washington.
Assistant Head, Line Construction Section, Vancouver, Washington.
Head, Substation Construction Section, Vancouver, Washington.
Assistant Chief, Branch of Land, Portland, Oregon.
Head, Appraisal Section, Branch of Land, Portland, Oregon.
Head, Acquisitions Section, Branch of Land, Portland, Oregon.
Head, Procurement Section, Branch of Materials and Procurement, Portland, Oregon.
Head, Contract Unit 1, Branch of Materials and Procurement, Portland, Oregon.
Head, Contract Unit 2, Branch of Materials and Procurement, Portland, Oregon.
Head, Contract Unit 3, Branch of Materials and Procurement, Portland, Oregon.
Head, Contract Unit 4, Branch of Materials and Procurement, Portland, Oregon.
Head, Small Purchase Unit, Branch of Materials and Procurement, Portland, Oregon.
Head, Quality Control Section, Branch of Materials and Procurement, Portland, Oregon.
Head, Eastern Quality Control Unit, Branch of Materials and Procurement, Portland, Oregon.
Head, Western Quality Control Unit, Branch of Materials and Procurement, Portland, Oregon.
Head, Receiving Inspection Unit, Branch of Materials and Procurement, Portland, Oregon.
Head, Quality Assurance Unit, Branch of Materials and Procurement, Portland, Oregon.
Traffic Manager, Branch of Materials and Procurement, Portland, Oregon.
Head, Ross Suply Unit, Branch of Materials and Procurement, Vancouver, Washington.
Head, Parts Room Group, Branch of Materials and Procurement, Vancouver, Washington.
Head, Washougal Material Yard, Branch of Materials and Procurement, Washougal, Washington.
Head, Requirements and Sourcing Unit, Branch of Materials and Procurement, Portland, Oregon.
Assistant Chief, Branch of System Engineering, Portland, Oregon.
General Planning Engineer, Advance Planning and Special Projects Staff, Portland, Oregon.
Consultants, Branch of System Engineering, Portland, Oregon.
Head, High Voltage Practise Section, Portland, Oregon.
Chief, Branch of Control Engineering, Portland, Oregon.
Consultants, Branch of Control Engineering, Portland, Oregon.
Head, Program Planning and Management Staff, Branch of Control Engineering, Portland, Oregon.
Head, Technical Services Staff, Branch of Control Engineering, Portland, Oregon.
Assistant Chief, Branch of Laboratories, Vancouver, Washington.
Head, Design Services Section, Branch of Substation Design, Portland, Oregon.
Head, Contract Unit, Branch of Substation Design, Portland, Oregon.
Area Power Manager, Portland Area, Portland, Oregon.
Area Operation and Maintenance Manager, Portland Area, Portland, Oregon.
Area Engineer, Portland Area, Portland, Oregon.
District Manager, Eugene District Office, Eugene, Oregon.
Area Power Manager, Seattle Area, Seattle, Washington.
Area Operation and Maintenance Manager, Seattle Area, Seattle, Washington.
Area Engineer, Seattle Area, Seattle, Washington.
Area Power Manager, Spokane Area, Spokane, Washington.
Area Operation and Maintenance Manager, Spokane Area, Spokane, Washington.
Area Engineer, Spokane Area, Spokane, Washington.
District Manager, Wenatchee District Office, Wenatchee, Washington.
District Manager, Kalispell District Office, Kalispell, Montana.
Area Power Manager, Walla Walla Area, Walla Walla, Washington.
Area Operation and Maintenance Manager, Walla Walla Area, Walla Walla, Washington.
District Manager, Idaho Falls District, Idaho Falls, Idaho.
Assistant to Power Manager (Technical and Administrative), Portland, Oregon.
Assistant to Power Manager (Computer Applications), Portland, Oregon.
Head, Station Project Unit A, Branch of Substation Design, Portland, Oregon.
Head, Station Project Unit B, Branch of Substation Design, Portland, Oregon.
Head, Station Project Unit C, Branch of Substation Design, Portland, Oregon.
Head, Architectural, Civil, and Mechanical Section, Portland, Oregon.
Assistant Chief, Branch of Transmission Design, Portland, Oregon.
Consultants (2), Branch of Transmission Design, Portland, Oregon.
Head, Specifications Section, Branch of Transmission Design, Portland, Oregon.
Head, Line Design Section, Branch of Transmission Design, Portland, Oregon.
Head, Location and Mapping Section, Branch of Transmission Design, Portland, Oregon.
Environmental Manager, Division of Management Services, Portland, Oregon.
Head, Disbursement Audit Section, Branch of Finance and Accounts, Portland, Oregon.
Chief, Branch of Administration Services, Portland, Oregon.
Chief, Branch of ADP Systems, Portland, Oregon.
Assistant to Operation and Maintenance Manager (Program Management), Portland, Oregon.
Assistant to Operation and Maintenance Manager (Computer Applications), Portland, Oregon.
Energy Conservation Officer, Portland, Oregon.
Assistant Chief, Branch of System Operations, Portland, Oregon.
Assistant to Power Manager (Thermal Power), Portland, Oregon.
Head, Thermal Power Section, Branch of Power Resources, Portland, Oregon.
Head, Requirements Section, Branch of Power Resources, Portland, Oregon.
Head, Contracts Section, Branch of Customer Service, Portland, Oregon.
Head, Inventory Management and Storage Section, Branch of Materials and Procurement, Portland, Oregon.
Area Engineer, Walla Walla Area, Walla Walla, Washington.

GEOLOGICAL SURVEY

OFFICE OF THE DIRECTOR

Program Analysts, Reston, Virginia.
Economist, Reston, Virginia.

LAND INFORMATION AND ANALYSIS OFFICE

Administrative Officer, Reston, Virginia.
Operations Research Analyst, Reston, Virginia.
Technical Information Officer (Physical Scientist), Reston, Virginia.
Physical Scientists, Reston, Virginia.
Geographers, Reston, Virginia.
Geologists, Reston, Virginia, GS–12 and above.
Mining Engineers, Reston, Virginia.
Staff Engineer, Reston, Virginia.
Hydrologists, Reston, Virginia.
Environmental Scientists, Reston, Virginia.
Remote Sensing Specialist, Bay St. Louis, Mississippi.
Administrative Officer, EROS Data Center, Sioux Falls, South Dakota.
Research Forester, Sioux Falls, South Dakota.
Supervisory Remote Sensing Specialists, Sioux Falls, South Dakota.
General Engineer, Sioux Falls, South Dakota.
Physical Scientist, Sioux Falls, South Dakota.
Principal Remote Sensing Specialist, Sioux Falls, South Dakota.
Data Management Officer, Sioux Falls, South Dakota.
Supervisory Computer Specialist, Sioux Falls, South Dakota.
Photographic Technologist, Sioux Falls, South Dakota. GS–12 (1).
Geologist, Denver, Colorado.

OFFICE OF NATIONAL PETROLEUM RESERVE IN ALASKA

Petroleum Engineers.
Geophysicists.
Geologists.
Administrative Officers. GS–12 and above.
Contract Specialist.
Contract Analyst.
Chief, NPRA Operations Office.
Assistant Chief, NPRA Operations Office.
Contract Administrator. GS–12 (1).

ADMINISTRATIVE DIVISION

Supervisory Contract Specialists, Reston, Virginia.
Contract Specialist, Reston, Virginia. GS–11 and above.
Procurement Analyst, Reston, Virginia.
Procurement Agents, Reston, Virginia. GS–11 and above.
Supervisory Contract Specialists, Lakewood, Colorado.
Contract Specialists, Lakewood, Colorado. GS–11 and above.
Procurement Officer, Menlo Park, California.

Contract Specialists, Menlo Park, California. GS–11 and above.

CONSERVATION DIVISION

Area Oil and Gas Supervisor—Resource Evaluation, Metairie, Louisiana.
Assistant Oil and Gas Supervisor—Resource Evaluation, Metairie, Louisiana.
Deputy Oil and Gas Supervisor—Resource Evaluation, Washington, D.C.
Section Chief (Tract Selection and Evaluation), Washington, D.C.
Section Chief (Hazards Analysis), Washington, D.C.
Section Chief (Frontier Data Analysis), Washington, D.C.
Area Oil and Gas Supervisor—Operations, Washington, D.C.
District Supervisor (Mid-Atlantic District), Washington, D.C.
District Supervisor (North Atlantic District), Washington, D.C.
District Supervisor (South Atlantic District), Washington, D.C.
District Engineer, Washington, D.C.
Assistant Conservation Manager, Anchorage, Alaska.
Assistant Conservation Manager, Los Angeles, California.
Computer Systems Analyst, Menlo Park, California.
Computer Systems Analyst, Grand Junction, Colorado.
Meteorologist, Grand Junction, Colorado.
Staff Assistant for Oil and Gas, Lakewood, Colorado.
Staff Assistants for Mining, Lakewood, Colorado.
Staff Assistant for Programs, Lakewood, Colorado.
Staff Assistant for Environment, Lakewood, Colorado.
Senior Coal Evaluation Chief, Lakewood, Colorado.
Computer Systems Analyst, Lakewood, Colorado.
Program Officer, Washington, D.C.
Staff Assistant for Environmental Analysis, Metairie, Louisiana.
Staff Assistant for Operations and Regulation, Metairie, Louisiana.
Staff Assistant for Programs, Metairie, Louisiana.
Digital Computer Systems Administrator, Metairie, Louisiana.
Scientific Staff Assistant, Reston, Virginia.
Legal Staff Assistant, Reston, Virginia.
Contracts Liaison Specialist, Reston, Virginia.
Production Rate Control Coordinator, Reston, Virginia.
Manpower Utilization Specialist, Reston, Virginia.
Program Analyst, Reston, Virginia.
Program Analysis Officer, Reston, Virginia.
Mathematical Statistician, Reston, Virginia.
Transportation Specialist, Reston, Virginia GS–12 (1).
Administrative Officers, all locations. GS–12 and above.
Accountants and Auditors, all locations. GS–9 and above.
Accounting Assistants, all locations. GS–7 and above.
Chemical Engineers, all locations. GS–9 and above.
Economists, all specialities, all locations, GS–12 and above.
Electrical Engineers, all locations. GS–9 and above.
Biologists, all locations. GS–9 and above.
Environmental Specialist and Environmental Scientists, all locations. GS–9 and above.
General Engineers, all locations. GS–9 and above.
Geologists, all locations. GS–9 and above.
Geophysicists, all locations. GS–9 and above.
Hydraulic Engineers, all locations. GS–9 and above.
Hydrologists, all locations. GS–9 and above.
Mechanical Engineers, all locations. GS–9 and above.
Mine Inspectors, all locations. GS–9 and above.
Mining Engineers, all locations. GS–9 and above.
Oceanographers, all locations, GS–9 and above.
Petroleum Engineers, all specialties, all locations. GS–9 and above.
Petroleum Engineering and Drilling Technicians, all locations. GS–9 and above.
Physical Science Technicians, all locations. GS–9 and above.
Physical Scientists, all specialties, all locations. GS–9 and above.
Structural Engineers, all locations. GS–9 and above.

GEOLOGIC DIVISION

Assistant Deputy Chief Geologist for Program and Budget, Reston, Virginia.
Administrative Officers, Reston, Virginia.
Deputy Western Regional Geologist, Menlo Park, California.
Deputy Chief for Geology, Office of Earthquake Studies, Reston, Virginia.
Deputy Chief for Earthquake Mechanics and Prediction, Reston, Virginia.
Staff Geologist for Coastal Zone Program, Reston, Virginia.
Staff Geologist for Outer Continental Shelf Environmental Studies, Reston, Virginia.
Staff Geologist for Onshore Oil and Gas Resources, Reston, Virginia.
Geologist, Office of Energy Resources, Lakewood, Colorado.
Staff Geologist for Outer Continental Shelf Environmental Studies, Boulder, Colo. GS–12 (1).
Staff Geologist for Land Resource Programs, Reston, Virginia.
Staff Geologist for Special Programs, Reston, Virginia.
Staff Geologist for Grants and Contracts, Office of Environmental Geology, Reston, Virginia.
Program Manager, Office of Environmental Geology, Lakewood, Colorado.
Program Manager, Office of Environmental Geology, Menlo Park, California.
Staff Geophysicist for Remote Sensing(Reston, Virginia.
Staff Botanist for Geochemistry and Geophysics, Reston, Virginia. GS–12 (1).
Staff Geologist for Remote Sensing, Reston, Virginia.
International Activities Officer, Reston, Virginia.
Assistant to Office Chief, Office of International Activities, Reston, Virginia.
Staff Geologist, Denver Programs, Office of Mineral Resources, Reston, Virginia.
Staff Geologist, Menlo Park Programs, Office of Mineral Resources, Reston, Virginia.
Chief, Branch of Alaskan Geology, Menlo Park, California.
Chief, Branch of Western Mineral Resources, Menlo Park, California.

PUBLICATIONS DIVISION

Deputy Assistant Chief (Management and Administration), Reston, Virginia.
Chief, Branch of Administrative Services, Reston, Virginia.
Deputy Assistant Chief (Research and Technical Coordination), Reston, Virginia.
Printing Liaison Officer, Reston, Virginia.
Assistant Chief, Eastern Region, Reston, Virginia.
Chief, Administrative Services, Eastern Region, Reston, Virginia.
Assistant Chief, Administrative Services, Eastern Region, Reston, Virigina GS–11 (1).
Chief, Branch of Technical Editing, Eastern Region, Reston, Virginia.
Chief, Branch of Cartography, Eastern Region, Reston, Virginia.
Chief, Branch of Printing, Eastern Region, Reston, Virginia.
Chief, Branch of Exhibits, Eastern Region, Reston, Virginia.
Chief, Branch of Visual Services, Eastern Region, Reston, Viriginia.
Chief, Central Region, Lakewood, Colorado.
Chief, Branch of Technical Editing, Central Region, Lakewood, Colorado.
Chief, Branch of Cartography, Central Region, Lakewood, Colorado.
Chief, Branch of Distribution, Central Region, Lakewood, Colorado.
Chief, Branch of Exhibits, Central Region, Lakewood, Colorado. GS–12 (1).
Chief, Western Region, Menlo Park, California.
Chief, Branch of Technical Editing, Western Region, Menlo Park, California.
Chief, Branch of Cartography, Western Region, Menlo Park, California.
Chief, Branch of Exhibits, Western Region, Menlo Park, California. GS–12 (1).
Chief, Flagstaff Cartographic Section, Western Region, Flagstaff, Arizona. GS–12 (1).

TOPOGRAPHIC DIVISION

Photographic Technologist, Reston, Virginia.
Civil Engineer, Reston, Virginia.
Research Specialists, Reston, Virginia.
Research Civil Engineers, Reston, Virginia.
Cartographer, Reston, Virginia. GS–11 (1).
Cartographic Technician, Reston, Virginia. GS–9 (1).

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Chief, State Grant Program Office.
Subdistrict Managers, Coal Mine Health and Safety and Metal and Nonmetal.
Supervisors, inspectors and engineers performing inspection work GS–9 and above.
Deputy Assessment Officer.
Assessment Specialists.
Collection Officers.
Supervisors and Assessment Conference Specialists GS–11 and above.
Procurement Officers.

SOUTHEASTERN POWER ADMINISTRATION

Chief, Division of Administrative Management (Administrative Officer), Elberton, Georgia.
Supervisory Cost Allocation, Rate and Repayment Specialist, Division of Fiscal Operations, Elberton, Georgia.
Supervisory Electrical Engineer, Division of Power Sales, Elberton, Georgia.
General Engineer, Division of Power Operation, Elberton, Georgia.
Public Utilities Specialist, Division of Power Sales, Elberton, Georgia.
Public Utilities Specialist, Division of Power Sales, Elberton, Georgia.

SOUTHWESTERN POWER ADMINISTRATION

Chief, Division of Administrative Management, Tulsa, Okla.
Chief, Branch of Power Resources Production, Tulsa, Okla.
Chief, Branch of Power Operations, Tulsa, Okla.
Chief, Branch of Engineering, Tulsa, Okla.
Chief, Branch of Customer Service, Tulsa, Oklahoma.
Chief, Branch of Finance and Accounts, Tulsa, Okla.
Chief, Branch of Personnel Management, Tulsa, Okla.

Chief, Branch of General Services, Tulsa, Okla.
Chief, Branch of Maintenance, Tulsa, Okla.
Chief, Branch of Power Contracts, Tulsa, Okla.
Area, Engineer, Muskogee, Okla.
Area, Engineer, Jonesboro, Ark.
Area, Engineer, Springfield, Mo.
Public Utilities Specialist (2), Tulsa, Okla.
Electrical Engineer (Power Systems), Planning Staff, Tulsa, Okla.

NATIONAL PARK SERVICE, WASHINGTON, D.C.

Chief, Budget Division
Chief, Federal and State Liaison Division
Chief, Park Planning and Environmental Compliance Division
Chief, Design and Technology Division
Chief, Maintenance Division
Chief, Interpretation and Visitor Services Division
Chief, Ranger Activities and Protection Division
Realty Officers
Realty Specialists, GS–13 and above
Appraisers, GS–13 and above
Concessions Analysts, GS–13 and above
Safety Officer
Environmental Sanitation Officer
Chief, WASO Personnel Officer
Chief, Youth Activities Division
Chief, Training Division
Chief, General Services Division
Chief, Grants Administration Division
Chief, Technical Preservation Services Division
Chief, Historic American Buildings Survey Division
Chief, Historic American Engineering Record Division
Chief, Historic Sites Survey Division

HARPERS FERRY CENTER

HARPERS FERRY, WEST VIRGINIA

Administrative Officer
Chief, Division of Museum Services
Chief, Division of Reference Services
Chief, Division of Interpretive Planning
Chief, Branch of Procurement and Property Management

ROCKY MOUNTAIN REGION

DENVER, COLORADO

Associate Regional Directors
Assistant to Regional Director, Utah
Superintendents, GS–13 and above
Regional Chief, Division of Contracting and Property Management
Administrative Officers, GS–13 and above
Realty Officer
Chief Appraiser
Appraiser
Chief, Operations Evaluation
Equal Opportunity Officer
Assistant to Regional Director, Public Affairs
Chief, Division of Finance
Supervisory Archeologist, Denver Archeological Office
Deputy Associate Manager, Denver Service Center
Chief, Contract Administration Division, Denver Service Center
Chief, Quality Control and Compliance Division, Denver Service Center
Chief, Surveys Division, Denver Service Center
Chief, Graphics Services Division, Denver Service Center
Chief, Historic Preservation Division, Denver Service Center
Chief, Professional Support Division, Denver Service Center
Chief, Branch of Construction Contracts, Denver Service Center
Chief, Branch of Professional Service Contracts, Denver Service Center

NORTH ATLANTIC REGION

BOSTON, MASSACHUSETTS

Associate Regional Directors
Regional Chief, Division of Contracting and Property Management
Regional Chief, Division of Programs and Budget
Superintendents, GS–13 and above
Assistant Superintendent, GS–13 and above
Realty Officer
Public Information Officer
Regional Scientist
Unit Manager
Administrative Officer, GS–13 and above
Concessions Specialists, GS–9 and above

NATIONAL CAPITAL REGION

WASHINGTON, D.C.

Chief, Division of Property Management
Chief, Division of Contracting and Procurement
Superintendents, GS–11 and above
General Managers
Director, Wolf Trap Farm Park
Chief, U.S. Park Police
Assistant Chief, U.S. Park Police

MID-ATLANTIC REGION

PHILADELPHIA, PENNSYLVANIA

Associate Regional Directors
Superintendents, GS–11 and above
Assistant Superintendents, GS–13 and above
Regional Chief, Division of Contracting and Property Management
Regional Chief, Division of Programming and Budget
Administrative Officers, GS–13 and above
Regional Chief, Division of Finance
Appraisers, GS–12 and above
Realty Specialists, GS–12 and above
Supervisory General Supply Specialist
Park Manager
Architect
Park Planner
General Biological Scientist
Public Information Officer
Staff Curator
Supervisory Museum Curator
Archeologist
Supervisory Park Ranger
Program Manager
Paralegal Assistant

SOUTHEAST REGION

ATLANTA, GEORGIA

Associate Regional Director
Superintendents, GS–13 and above
Assistant Superintendents
Conservation Center Directors
Realty Officers, GS–13 and above
Appraisers, GS–13 and above
Supervisory Archeologist, Southeast Archeological Center
Supervisory Archeologist, Atlanta Archeological Center
Chief, Contracting and Property Management
Accounting Officer
Concessions Analyst

MIDWEST REGION

OMAHA, NEBRASKA

Associate Regional Directors
Special Assistant to Regional Director
Executive Assistant to Regional Director
Superintendents, GS–13 and above
Assistant Superintendents
Regional Realty Officer
Realty Officer
Realty Specialists
Regional Appraiser
Concessions Management Specialist, GS–12
Regional Contracting and Property Officer
Chief, Midwest Archeological Center

WESTERN REGION

SAN FRANCISCO, CALIFORNIA

Superintendents, GS–13 and above
Regional Chief, Division of Contracting and Property Management
Administrative Officers, GS–13 and above
Chief, Programming and Budget
Manager, Western Archeological Center

SOUTHWEST REGION

SANTA FE, NEW MEXICO

Associate Regional Director
Chief, Operations Evaluation
Chief, Contracting and Property Management
Chief, Land Acquisition
Superintendents, GS–13 and above
General Superintendent
Realty Officer, GS–13 and above

PACIFIC NORTHWEST REGION

SEATTLE, WASHINGTON

Associate Regional Director
Superintendents, GS–13 and above
Assistant to the Regional Director, Idaho
Chief Scientist
Realty Officer
Mining Engineer
Chief, Operations Evaluation
Team Leader, Alaska
Management Assistant—Alaska
Staff Assistant—Alaska

BUREAU OF OUTDOOR RECREATION

Assistant Director for Management and Budget, Washington, D.C.
Management Officer, Washington, D.C.
Accounting Officer, Washington, D.C.
All Assistant Regional Directors
Regional Supervisory Outdoor Recreation Planners (State Grants)

U.S. FISH AND WILDLIFE SERVICE

Deputy Assistant Director—Public Affairs—Washington, D.C.
Chief, Office of Audio Visual Services, Public Affairs—Washington, D.C.
Chief, Office of Current Information, Public Affairs—Washington, D.C.
Chief, Office of Radio and TV Program Coordination, Public Affairs—Washington, D.C.
Contract Specialist, Contracting and General Services, duty station, Denver, Colorado
Chief, Branch of Contracting—Washington, D.C.
Assistant Chief, Office of Endangered Species—Washington, D.C.
Assistant Chief, Division of Federal Aid—Washington, D.C.
Staff Biologists, Federal Aid—Washington, D.C.—All GS–13 and above
Assistant Chief, Division of Ecological Services—Washington, D.C.
Leader, Stream Alteration Team, Office of Biological Services—Washington, D.C.
Leader, Power Plant Team, Office of Biological Services—Washington, D.C.
Special Agents—Washington, D.C. All
AFW Program Coordinators—Washington, D.C.
Chief, Office of Wildlife Assistance—Washington, D.C.
Chief, Youth Conservation Programs—Washington, D.C.
Assistant Chief, Division of Engineering—Washington, D.C.
Assistant Chief, Division of National Fish Hatcheries—Washington, D.C.
Assistant Chief, Division of Realty—Washington, D.C.
Chief Appraiser—Washington, D.C.
Realty Specialists and Appraisers, GS–13 and above—Washington, D.C.

Assistant Chief, Migratory Bird Management—Laurel, Maryland
Regional Staff Biologists—Federal Aid—GS–12 and above—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado
Deputy Alaska Area Director—Anchorage, Alaska
Chief Regional Contracting and General Services Officer—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado (GS–12 and above)
Assistant Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado
Assistant Alaska Area Directors—Anchorage, Alaska
Chiefs, Office of Support Services—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado
Regional Public Affairs Officers—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado; Alaska
Regional Safety Officers—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado; Alaska
Regional Activity Leaders, Office of Biological Services—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado; Alaska
Regional Realty Specialists and Appraisers, GS–11 and above—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado
Regional Pesticide Specialists—GS–12 and above—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado
Regional Chief Engineer—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado
Coordinator—Indian Programs, Technical Assistance—Portland, Oregon

FIELD LEVEL

Area Managers—All—Various Locations
Unit Leaders, Cooperative Fish and Wildlife Research Units, All—Various locations
Area Supervisors, Division of Ecological Services—All—Various locations
Area Supervisors, Division of Ecological Services—All—Various locations
Special Agents—All—Various locations
Project Leaders, National Wildlife Refuges, All—Various locations
Project leaders, National Fish Hatcheries, All—Various locations
Research Center and Laboratory Directors, All—Various locations
Center Directors, Job Corps Centers—Puxico, Missouri; Indiahoma, Oklahoma
State Supervisors, Animal Damage Control Programs, All—Various locations
Field and Area Level Staff Specialists for Wildlife Assistance—GS–11 and above—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado
Field and Area Level Staff Specialists for Fisheries Assistance—GS–11 and above—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado

OFFICE OF HEARINGS AND APPEALS

BOARD OF MINE OPERATIONS APPEALS

Attorney-Advisers (General), Washington, D.C. GS–13 and above.

BOARD OF LAND APPEALS

Attorney-Advisers (General), Washington, D.C. GS–12 and above.

ALASKA NATIVE CLAIMS APPEAL BOARD

Board Members, Anchorage, Alaska, GS–14's.
Attorney-Advisers (General), Anchorage, Alaska, GS–14's.

BUREAU OF RECLAMATION
WASHINGTON OFFICE

Chief, Division of General Services, Commissioner's Office, Washington, D.C.
Chief, Construction and Contracting Activities Branch, Commissioner's Office, Washington, D.C.
Chief, Operations Branch, Division of Procurement and Property, Commissioner's Office, Washington, D.C.
Assistant Chief, Division of Water and Land, Commissioner's Office, Washington, D.C.
Chief, Lands and Recreation Branch, Commissioner's Office, Washington, D.C.
Realty Officer, Commissioner's Office, Washington, D.C.
Contract and Repayment Specialists, Commissioner's Office, Washington, D.C.
Chief, Division of Youth Conservation Programs, Commissioner's Office, Washington, D.C.
Chief, Marketing and Sales Branch, Division of Power, Commissioner's Office, Washington, D.C.
Public Utility Specialists, Division of Power, Commissioner's Office, Washington, D.C.
Chief, Procurement Branch, Division of Procurement and Property, Commissioner's Office, Washington, D.C.

ENGINEERING AND RESEARCH CENTER

Supervisory General Engineers, Denver, Colorado
Environmental Specialist, Denver, Colorado
Supervisory Civil Engineers, Denver, Colorado
Supervisory Contract Specialist, Denver, Colorado GS–12
Supervisory Contract Procurement Officer, Denver, Colorado GS–12
Supervisory Procurement Agent, Denver, Colorado
Supervisory Geologist, Denver, Colorado
Civil Engineers, Denver, Colorado
Procurement Officer, Denver, Colorado
Supervisory Research Physical Scientists, Denver, Colorado
Research Physical Scientist, Denver, Colorado
Supply Management Officer, Denver, Colorado
Appraiser, Denver, Colorado

PACIFIC NORTHWEST REGION

Regional Engineer, Boise, Idaho
Chief, Construction Branch, Boise, Idaho
Chief, Design Branch, Boise, Idaho
Chief, Division of Water and Land Operations, Boise, Idaho
Chief, Repayment and Statistics Branch, Boise, Idaho
Chief, Lands and Recreation Branch, Boise, Idaho
Regional Supervisor of Power, Boise, Idaho
Chief, Resources and Contracts Branch, Boise, Idaho
Regional Planning Officer, Boise, Idaho
Assistant Regional Planning Officer, Boise, Idaho
Chief, Engineering and Surveys Branch, Boise, Idaho
Chief, Economic Resources Branch, Boise, Idaho
Regional Procurement and Property Officer, Boise, Idaho
Chief, Resource Utilization Branch, Boise, Idaho
Regional Public Affairs Officer, Boise, Idaho
Chief, Procurement Branch, Boise, Idaho GS–12
Contract Specialist, Boise, Idaho GS–12
Appraiser, Boise, Idaho GS–12
Realty Specialists, Boise, Idaho GS–11 and above
Chief, Water Operations Branch, Boise, Idaho
Project Superintendent, Central Snake Projects Office, Boise, Idaho
Chief, Salem Field Branch, Salem, Oregon
Center Director, Columbia Basin Civilian Conservation Center, Moses Lake, Washington
Project Manager, Columbia Basin Project Office, Ephrata, Washington
Chief, Engineering and Drainage Division, Ephrata, Washington
Chief, Construction Division, Ephrata, Washington
Chief, Water and Lands Operations Division, Ephrata, Washington
Chief, Realty Branch, Ephrata, Washington GS–12
Chief, Appraisal Branch, Ephrata, Washington GS–12
Appraiser, Ephrata, Washington GS–11
Chief, Construction Field Branch, Columbia Basin Project Office, Coulee City, Washington
Project Superintendent, Hungry Horse Project Office, Hungry Horse, Washington
Project Superintendent, Minidoka Project Office, Burley, Idaho
Center Director, Marsing Civilian Conservation Center, Marsing, Idaho
Project Construction Engineer, Teton Project Office, Newdale, Idaho
Field Engineer, St. Anthony, Idaho
Project Construction Engineer, Tualatin Project Office, Forest Grove, Oregon
Field Engineer, Forest Grove, Oregon
Office Engineer, Forest Grove, Oregon
Realty Specialists, Tualatin Project Office, Forest Grove, Oregon GS–11 and above
Project Superintendent, Yakima Project Office, Yakima, Washington
Chief, Construction Field Division, Yakima Project Office, Cle Elum, Washington
Field Engineer, Grand Coulee, Washington
Office Engineer, Grand Coulee, Washington
Chief, Maintenance Division, Grand Coulee, Washington
Chief, Operations Division, Grand Coulee, Washington
Project Public Affairs Officer, Grand Coulee Project Office, Grand Coulee, Washington GS–12
Chief, Administrative Services, Grand Coulee, Washington
Chief, Teton Claims Officer, Idaho Falls, Idaho
Idaho Falls Claims Officer, Idaho Falls, Idaho
Assistant Claims Officer, Idaho Falls, Idaho GS–12
Review Team Coordinator, Idaho Falls, Idaho
Rexburg Claims Officer, Rexburg, Idaho GS–12

MID-PACIFIC REGION

Assistant to the Regional Director-Administrative Management, Sacramento, California
Project Construction Engineer, Fresno, California
Chief, Office Engineering Division, Fresno, California
Supervisory Repayment Specialist, Contract Administration Division, Fresno, California
Project Manager, Klamath Falls, Oregon
Chief, Office Engineering Division, Auburn, California
Chief, Right-of-Way-Division, Auburn, California
Administrative Officer, Auburn, California
Project Manager, Carson City, Nevada

Regional Loan Engineer, Sacramento, California
Regional Supervisor of Water and Land Operations, Sacramento, California
Regional Finance Officer, Sacramento, California
Chief, Design Branch, Division of Design and Construction, Sacramento, California
Chief, Construction Branch, Division of Design and Construction, Sacramento, California
Regional Supervisor of Power, Sacramento, California
Chief, Marketing and Sales Branch, Sacramento, California
Regional Planning Officer, Sacramento, California
Regional Engineer, Sacramento, California
Assistant Regional Planning Officer, Sacramento, California
Chief, Repayment Branch, Division of Water and Land Operations, Sacramento, California
Regional Supply and Services Officer, Sacramento, California
Chief, Procurement Branch, Division of Supply and Services, Sacramento, California
Chief, Acquisition Branch, Division of Real Estate, Sacramento, California
Regional Real Estate Officer, Sacramento, California
Supervisory Appraiser, Sacramento, California
Project Superintendent, Folsom Field Division, Folsom, California
Project Superintendent, Fresno Field Division, Fresno, California
Project Superintendent, Tracy Field Division, Tracy, California
Project Superintendent, Shasta Field Division, Redding, California
Project Construction Engineer, Willows, California
Chief, Office Engineering Division, Willows, California
Project Construction Engineer, Gilroy, California
Recreation Manager, Lake Berryessa, California.

LOWER COLORADO REGION

Assistant to the Regional Director, Boulder City, Nevada
Regional Public Affairs Officer, Boulder City, Nevada
Regional Engineer, Boulder City, Nevada
Regional Supervisor of Power, Boulder City, Nevada
Regional Supervisor of Water and Land Operations, Boulder City, Nevada
Assistant Regional Supervisor of Power, Boulder City, Nevada
Regional Supply and Services Officer, Boulder City, Nevada
Chief, Procurement Branch, Boulder City, Nevada GS–12
Chief, Contracts and Repayment Branch, Boulder City, Nevada
Chief, Marketing and Sales Branch, Boulder City, Nevada
Regional Planning Officer, Boulder City, Nevada
Regional Loan Program Coordinator, Boulder City, Nevada GS–12
Project Manager, Boulder Canyon Project, Boulder City, Nevada
Chief, Land Management Branch, Boulder City, Nevada
Project Manager, Parker-Davis Project, Phoenix, Arizona
Assistant Project Manager, Parker-Davis Project, Phoenix, Arizona
Chief, Office of Procurement and Property, Parker-Davis Project, Phoenix, Arizona GS–12
Chief, Administrative Division, Arizona Projects Office, Phoenix, Arizona
Chief, Procurement and Property Branch, Arizona Projects Office, Phoenix, Arizona GS–12
Chief, Appraisal Branch, Arizona Projects Office, Phoenix, Arizona
Chief, Lands Division, Arizona Projects Office, Phoenix, Arizona
Chief, Property and Procurement Branch, Yuma Projects Office, Yuma, Arizona GS–12
Chief, Lands Branch, Yuma Projects Office, Yuma, Arizona

UPPER COLORADO REGION

U.S. Representative on the Bear River Commission (Expert), Salt Lake City, Utah
U.S. Commissioner & Chairman, Upper Colorado River Commission, Salt Lake City, Utah
Assistant to Regional Director-Administrative Management, Salt Lake City, Utah
Public Information Officer, Salt Lake City, Utah
Regional Engineer, Salt Lake City, Utah
Regional Supervisor of Water and Land Operations, Salt Lake City, Utah
Chief, Operations and Repayment Branch, Salt Lake City, Utah
Chief, Lands Branch, Salt Lake City, Utah
Appraisers, Salt Lake City, Utah GS–12
Regional Planning Officer, Salt Lake City, Utah
Public Utilities Specialists, Salt Lake City, Utah GS–12
Chief, Marketing and Sales Branch, Salt Lake City, Utah
Regional Finance Officer, Salt Lake City, Utah
Regional Procurement Officer, Salt Lake City, Utah GS–11
Administrative Officer, Montrose, Colorado
Chief, Procurement Branch, Montrose, Colorado GS–11
General Supply Officer, Montrose, Colorado GS–11
Chief, Flaming Gorge Field Division, Flaming Gorge Field Division, Dutch John, Utah
Chief, Glen Canyon Field Division, Glen Canyon Field Division, Page, Arizona
Administrative Officer, Page, Arizona GS–12
General Supply Specialist, Page, Arizona GS–9
Project Manager, Western Colorado Projects Officer, Grand Junction, Colorado
Administrative Officer, Grand Junction, Colorado
Supervisory Civil Engineer, Montrose Construction Field Division, Grand Junction, Colorado
General Supply Specialist, Grand Junction, Colorado GS–9
Center Director, Collbran Job Corps Civilian Conservation Center, Collbran, Colorado
Assistant Center Director, Collbran, Colorado
Administrative Officer, Collbran, Colorado GS–11
Center Director, Weber Basin Job Corps Civilian Conservation Center, Ogden, Utah
Assistant Center Director, Ogden, Utah GS–12
Administrative Officer, Ogden, Utah GS–11
Supervisory Civil Engineer, Savory-Pot Hook Construction Field Division, Baggs, Wyoming
Supervisory Civil Engineer, Lyman Projects Office, Mountain View, Wyoming
Supervisory Civil Engineer, Uinta Basin Field Division, Duchesne, Utah

SOUTHWEST REGION

Assistant to the Regional Director, Administrative Management, Amarillo, Texas
Regional Public Information and General Services Officer, Amarillo, Texas GS–12
Regional Engineer, Amarillo, Texas
Regional Supervisor of Power, Amarillo, Texas
Regional Planning Officer, Amarillo, Texas
Regional Supervisor of Water and Land Operations, Amarillo, Texas
Chief, Land Operations Branch, Division of Water and Land Operations, Amarillo, Texas
Chief, Repayment and Economics Branch, Division of Water and Land Operations, Amarillo, Texas
Regional Finance Officer, Amarillo, Texas
Regional Procurement and Property Officer, Amarillo, Texas
Project Superintendent, Upper Rio Grande Basin Project Office, Albuquerque, New Mexico
Project Superintendent, Rio Grande Project, El Paso Texas,
Planning Officer, Albuquerque, New Mexico
Project Manager, Pecos River Project Office, Carlsbad, New Mexico
Planning Officer, Oklahoma City, Oklahoma
Planning Officer, Austin, Texas
Project Construction Engineer, Mountain Park Project Office, Altus, Oklahoma GS–12
Project Construction Engineer, Palmetto Bend Project Office, Edna, Texas
Chief, Right-of-Way Division, Palmetto Bend Project Office, Edna, Texas
Special Government Employee, U.S. Commissioner and Chairman of the Canadian River Commission (Expert), Office of the Regional Director, Amarillo, Texas
Project Construction Engineer, Nueces River Project, Three Rivers, Texas
Chief, Right-of-Way Nueces River Project, Three Rivers, Texas

UPPER MISSOURI REGION

Assistant to the Regional Director, Billings, Montana
Regional Public Affairs Officer, Billings, Montana
Regional Engineer, Billings, Montana
Regional Supervisor of Water and Land Operations, Billings, Montana
Regional Supervisor of Power, Billings, Montana
Assistant Regional Supervisor of Power, Billings, Montana
Chief, Power Marketing and Sales Branch, Billings, Montana
Chief, Reviewing Appraiser, Billings, Montana GS–12
Regional Planning Engineer, Billings, Montana
Regional Procurement and Property Officer, Billings, Montana
Chief, Procurement Branch, Billings, Montana GS–12
Chief, Right-of-Way Branch, Billings, Montana
Assistant Project Manager, Bismarck, North Dakota
Chief, Administrative Services Division, Bismarck, North Dakota
Chief, Procurement and Property, Bismarck, North Dakota GS–12
Chief, Appraisal Branch, Bismarck, North Dakota GS–12
Chief, Acquisition Branch, Bismarck, North Dakota GS–12
Chief, Right-of-Way Division, Bismarck, North Dakota
Realty Specialist, Bismarck, North Dakota GS–12
Public Information Officer, Bismarck, North Dakota GS–11
Appraisers, Bismarck, North Dakota GS–11
Realty Specialists, Bismarck, North Dakota GS–11
Assistant Project Manager, Huron, South Dakota
Chief, Right-of-Way Branch, Huron, South Dakota GS–12
Realty Specialists, Huron, South Dakota GS–11
Appraisers, Huron, South Dakota GS 7–11
Chief, Administrative Services Division, Huron, South Dakota
Chief, Procurement and Property Branch, Huron, South Dakota GS–12

Project Manager, Great Falls, Montana
Project Manager, Riverton, Wyoming
Administrative Officer, Riverton, Wyoming GS–11
Power System Operations Officer, Watertown, South Dakota
Assistant Power System Operations Officer, Watertown, South Dakota
Chief, Administrative Services Division, Watertown, South Dakota GS–12
Project Superintendent, Canyon Ferry, Montana
Administrative Officer, Canyon Ferry, Montana GS–9
Project Superintendent, Fort Peck, Montana
Project Superintendent, Fort Smith, Montana
Chief, Administrative Services Division, Fort Smith, Montana GS–9
Project Construction Engineer, Tiber Dam near Chester, Montana
Administrative Officer, Tiber Dam near Chester, Montana GS–9

LOWER MISSOURI REGION

Assistant to the Regional Director-Administrative Management, Denver, Colorado
Regional Public Affairs Officer, Denver, Colorado
Regional Engineer, Denver, Colorado
Chief, Construction Coordination and Estimates Branch, Denver, Colorado
Regional Planning Officer, Denver, Colorado
Regional Supervisor of Water and Land, Denver, Colorado
Chief, Land Acquisition Branch, Denver, Colorado
Appraiser, Denver, Colorado GS–9/11
Appraisers, Denver, Colorado GS–11 and above
Realty Specialists, Denver, Colorado GS–9 and above
Chief, Repayment Branch, Denver, Colorado
Regional Supervisor of Power, Denver, Colorado
Chief, Power Contracts Branch, Denver, Colorado
Regional Finance Officer, Denver, Colorado
Supply Management Officer, Denver, Colorado
Regional Procurement Officer, Denver, Colorado GS–11
Civil Engineer, Denver, Colorado GS–12
Construction Representative, Denver, Colorado GS–12
General Engineer (Small Loans Officer), Denver, Colorado GS–12
Kansas Reclamation Representative, Topeka, Kansas
Wyoming Reclamation Representative, Cheyenne, Wyoming
Chief, Construction Field Division, Fryingpan-Arkansas Project, Salida, Colorado
Realty Specialists, Fryingpan-Arkansas Project, Pueblo, Colorado GS–11 and above
Administrative Officer, Fryingpan-Arkansas Project, Pueblo, Colorado
Chief, Engineering-Operations Division, Pueblo, Colorado
Project Manager, South Platte River Project, Loveland, Colorado
Project Manager, North Platte River Projects, Casper, Wyoming
Construction Engineer, Cheyenne Construction Office, Cheyenne, Wyoming
Project Manager, Kansas River Project, McCook, Nebraska
Planning Officer, Nebraska Reclamation Office, Grand Island, Nebraska
Construction Engineer, Narrows Construction Office, Fort Morgan, Colorado
Chief, Lands Division, Fort Morgan, Colorado
Realty Specialists, Fort Morgan, Colorado GS–9/11

BUREAU OF LAND MANAGEMENT

Chief, Branch of Upland Minerals Leasing, Washington, D.C.
Chief, Branch of Marine Minerals Leasing, Washington, D.C.
Chief, Branch of Upland Environmental Assessment, Washington, D.C.
Chief, Branch of Marine Environmental Assessment, Washington, D.C.
Chief, Branch of Environmental Studies, Washington, D.C.
Chief, Branch of Minerals Policy Development, Washington, D.C.
Chief, Branch of Minerals Economic Analysis, Washington, D.C.
Appraiser, Division of Appraisal, Washington, D.C.
Chief, Branch of Procurement, Washington, D.C.
All Procurement Analysts, GS–13, Washington, D.C. (3)
Chief, Branch of Contract Operations, Washington, D.C.
All Contract Specialists, GS–13, Washington, D.C. (3)
All Associate State Directors, GS–14 (5)
All Chiefs, Division of Technical Services (11)
All Chiefs, Division of Resources (12)
All Chiefs, Lands and Minerals Operations (12)
All Chief State Appraisers, GS–12 and above (11)
All District Managers (57)
All Assistant District Managers (25)
Chief, Appraisal Staff, Denver Service Center, Denver, Colorado
All Staff Appraisers, Denver Service Center, Denver, Colorado (2)
Chief, Division of Administrative Services, Denver, Colorado
Chief, Branch of Procurement, Denver, Colorado
Chief, Construction Section, Denver, Colorado
Chief, Specialty and Supply Section, Denver, Colorado
Chief, Office of Scientific Systems Development, Denver, Colorado
Deputy BLM Director, Boise Interagency Fire Control Center, Boise, Idaho
Contract Specialist, Office of the Project Coordinator, Anchorage, Alaska
Chief, Branch of Construction, Alaska Pipeline Project, Anchorage, Alaska
All Authorized Officer's Field Representatives, Branch of Construction, Anchorage, Alaska (16)
All Managers, Outer Continental Shelf Offices, GS–14 (3)
All Assistant Managers, Outer Continental Shelf Offices (2)
All Chiefs, Division of Operations, Outer Continental Shelf Offices (2)
All Chiefs, Division of Environmental Assessment, Outer Continental Shelf Offices (2)
Supervisory Natural Resource Specialist, Alaska Outer Continental Shelf Office
Supervisory Mineral Leasing Specialist, Alaska Outer Continental Shelf Office
Supervisory Environmental Specialist, Atlantic Outer Continental Shelf Office
Supervisory Mineral Leasing Specialist, Atlantic Outer Continental Shelf Office
Project Manager, Los Angeles to Midland Pipeline Project
Supervisory Environmental Specialist, Los Angeles to Midland Pipeline Project
Chief, Division of Cadastral Survey, Anchorage, Alaska
Chief, Branch of Contract Survey, Anchorage, Alaska
Chief, Branch of Forestry, Portland, Oregon
Chief, Sales Contracts and Trespass Section, Portland, Oregon
Chief, Appraisals Section, Portland, Oregon
Chief, Development Section, Portland, Oregon
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Computer Systems Analyst, Water Resources Scientific Information Center, Washington, D.C.
Physical Scientist, Water Resources Scientific Information Center, Washington, D.C.
Staff Assistant, Office of Administrative Manager, Washington, D.C.
Assistant Chief, Contracts and Grants Management Division, Washington, D.C.
Contract Specialist, Contracts and Grants Management Division, Washington, D.C.
Chief, Management Services Division, Washington, D.C.
General Engineer, Thermodynamic Processes Division, Washington, D.C.
Desalination Project Officer (U.S. Israel), Washington, D.C.
Desalting Project Specialist (2), Tel Aviv, Israel FC–12
General Engineer (2), Facilities Engineering Design and Construction, Washington, D.C.
Manager, Wrightsville Beach Test Facility, Wrightsville Beach, N. Car.
Manager, Roswell Test Facility, Roswell, N. Mex.
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federal register

THURSDAY, DECEMBER 23, 1976

PART V



COMMODITY FUTURES TRADING COMMISSION

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FLOOR BROKERS AND FUTURES COMMISSION MERCHANTS

Training Standards

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

[Regs. 1.35; 155.1—155.3, 155.10]

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

PART 155—TRADING STANDARDS

Records of Cash Commodity and Futures Transactions; Trading Standards for Floor Brokers and Futures Commission Merchants

Notice of Adoption of Rules and Rule Amendments

On December 12, 1975, the Commodity Futures Trading Commission ("Commission") proposed the adoption of certain regulations designed principally to prevent abuses of the relationship of floor brokers and futures commission merchants to their customers. 40 FR 58660 (December 18, 1975). Specifically, the proposed regulations would have banned the practice generally known as dual trading on any contract market that did not adopt a set of rules "which are intended to prevent the abuses which may arise from the possible conflict of interests inherent in dual trading" and which include a provision for the maintenance of a ten-second price change register by the contract market. The proposed regulations would also have banned dual trading after April 17, 1977, on any contract market which had not submitted to the Commission and obtained Commission approval of

> a plan, with a timetable for implementation, which provides for the development, as soon as practicable, of a method, through time stamping or otherwise, for recording the sequence of futures transactions executed on the contract market.

After considering all of the comments, both oral and written, submitted in response to its proposed rules and on the issue of dual trading in general, the Commission has decided to adopt the proposed rules in amended form as set forth below.

BACKGROUND

The newly adopted regulations were proposed by the Commission pursuant to sections 4b, 4g, 4j and 8a of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 6b, 6g, 6j and 12a (Supp. V, 1975). Particular emphasis was placed on section 4j of the Act, which requires the Commission to determine whether the practice generally known as dual trading should be permitted to continue; that is, (1) whether a floor broker should be permitted to trade for his own account or any account in which he has trading discretion and also execute a customer's order for commodity futures contracts and (2) whether a futures commission merchant ("FCM") should be permitted to trade for its own account or any proprietary account. Section 4j provides that if the Commission determines to permit dual trading, the Commission shall further determine the terms, conditions and circumstances under which dual trading may occur. In making any such determination, the Commission must, at a minimum, "take into account the effect upon the liquidity of trading of each market." Section 4j also authorizes the Commission to make separate determinations for different contract markets when, in the judgment of the Commission, separate determinations are warranted.[1]

In August of 1975, the Commission formed its Advisory Committee on Regulation of Contract Markets and Self-Regulatory Associations ("Advisory Committee") to consider, among other things, dual trading by floor brokers and futures commission merchants.[2] At a meeting held on November 24, 1975, the Advisory Committee discussed the overall issue of dual trading and a report on dual trading prepared by two of the committee's members (the "Kane-Weinberg Report"). The Commission's rule proposals of December 12, 1975, were made after considering the work of the Advisory Committee and the recommendations in the Kane-Weinberg Report.[3]

On January 20, 1976, the Commission announced that it had determined to

> permit dual trading to continue on contract markets for the present and to adopt regulations which will require contract markets to adopt and enforce adequate rules to prevent the possible conflict of interest which is inherent in dual trading.[4]

At the same time the Commission also announced that prior to adopting any

> (1) The Commission shall [by January 21, 1976], and subsequently when it determines that changes are required, make a determination, after notice and opportunity for hearing, whether or not a floor broker may trade for his own account or any account in which such broker has trading discretion, and also execute a customer's order for future delivery and, if the Commission determines that such trades and such executions shall be permitted, the Commission shall further determine the terms, conditions, and circumstances under which such trades and such executions shall be conducted . . .
>
> (2) The Commission shall [by January 21, 1976], and subsequently when it determines that changes are required, make a determination, after notice and opportunity for hearing, whether or not a futures commission merchant may trade for its own account or any proprietary account, as defined by the Commission, and if the Commission determines that such trades shall be permitted, the Commission shall further determine the terms, conditions, and circumstances under which such trades shall be conducted . . .
>
> The term "proprietary account" is defined in section 1.3(y) of the Commission's regulations.

regulations governing dual trading, it would hold oral hearings on the proposed regulations and on the subject of dual trading in general. Those hearings were held in Washington, D.C., on March 15, 16, 17 and 18, 1976. At those hearings the Commission heard from over 30 interested persons, including representatives of various contract markets, futures commission merchants, floor brokers and the general public. In addition, the Commission permitted interested persons to submit written comments through April 30, 1976, on matters presented at the hearings and on any other topic relating to dual trading and the Commission's proposed regulations.[5]

As discussed above, the Commission's proposed regulations would have banned dual trading on any contract market which did not obtain Commission approval by April 17, 1977, of a plan for the development of a method for recording the sequence of futures transactions executed on the contract market. As a result of the hearings conducted on the proposed rules, the Commission determined that it might not be possible for all contract markets to develop an acceptable plan by that date. However, the Commission also determined that some method for "bracketing" of trades might be an acceptable interim approach toward accurate transaction sequence reconstruction.[6] Accordingly, the Commission established a task force, composed of various members of the Commission's staff, to consider the feasibility of bracketing as an interim step toward full sequence reconstruction capacity. That task force, which was chaired by Commissioner Gary L. Seevers, visited all ten commodity exchanges and reported to the Commission on July 14, 1976.

The regulations set forth below have been adopted after careful consideration by the Commission of all oral and written comments submitted in response to the regulations proposed on December 12, 1975, and on the issue of dual trading in general. Careful consideration was also given to the reports and recommendations of the Commission's task force on bracketing and to the work of the Commission's Advisory Committee. The following is a discussion of the more pertinent issues considered by the Commission in adopting the new regulations, an explanation of those regulations, and

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[1] Section 4j was added to the Act in 1974 by section 203 of the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93-463, 88 Stat. 1389, 1396. Section 4j provides in pertinent part:

[2] *See* 40 FR 32866 (August 5, 1975).

[3] Transcripts of the Advisory Committee's November 24, 1975 meeting, transcripts of the Advisory Committee's January 1976 meeting at which dual trading was again considered, and copies of the "Kane-Weinberg Report" are available for inspection at the Commission's offices at 2033 K Street, N.W., Washington, D.C. 20581.

[4] 41 FR 3338 (January 22, 1976).

[5] On March 1, 1976, the Commission announced that it would permit interested persons to submit written comments through April 7, 1976, 20 days after the last day of the oral hearings. 41 FR 9587 (March 5, 1976). During the course of the hearings, the comment period was extended an additional ten days. 41 FR 13393 (March 30, 1976). However, interested persons requested even further additional time for comment. In response to these requests, the Commission announced that it would accept all comments submitted by April 30, 1976. 41 FR 15716 (April 14, 1976).

[6] "Bracketing" of a trade is the identification of the trade as having been executed during a specified time period during the trading day.

a general statement of their basis and purpose.[7]

GENERAL EXPLANATION

The regulations proposed on December 12, 1975, were designed primarily "to prevent the abuses which may arise from the possible conflict of interests inherent in dual trading." In short, the proposed regulations would have banned dual trading on any contract market which did not adopt a set of rules and procedures to prevent such potential abuses. Many of the persons commenting on the proposed regulations, whether through written submissions or orally at the dual trading hearings, criticized the approach taken to dual trading by the Commission in the proposed regulations and the FEDERAL REGISTER notice announcing their proposal. These commentators stated, in essence, that it appeared that the Commission had already made a determination that dual trading was detrimental to the best interests of the trading public. These commentators maintained that, in the absence of sufficient factual evidence of significant abuses of dual trading, the Commission could not, consistent with the Congressional intent behind section 4j of the Act, make such a determination.[8] Numerous commentators also presented data and testimony as to the impact of dual trading on liquidity in the futures markets and stressed the Commission's statutory obligation under section 4j to "take into account the effect upon the liquidity of trading in each market" in making a determination on dual trading. Several commentators also contended that the proposed regulations extended beyond the scope of dual trading to the duties of floor brokers and futures commission merchants in general.

The proposed regulations required that a contract market adopt and enforce certain rules governing the general activities of floor brokers and futures commission merchants if the contract market wished to permit its members to dual trade. However, the rules which a contract market would have been required to adopt and to enforce did, in some instances, go beyond dual trading.[9] The Commission has determined that it is inappropriate, in light of the broad duties of floor brokers and FCM's to customers, to condition application of the minimum safeguards set forth in the proposed regulations on dual trading. Accordingly, the trading standards and other requirements imposed upon contract markets, floor brokers, futures commission merchants and others by the newly adopted regulations are not contingent upon whether a contract market permits its members to dual trade. The deletion of this contingency does not, however, eliminate the nexus between dual trading and the newly adopted regulations. In announcing on January 20, 1976, that it had determined to "permit dual trading to continue * * * for the present," the Commission also announced that it would adopt regulations "to prevent the possible conflict of interest which is inherent in dual trading."[10] The newly adopted regulations are designed, to a large extent, to accomplish this result. The Commission emphasizes that it has not as yet made a final determination on the issue of dual trading and that it will continue to study the entire dual trading question. As discussed more fully below, the interim nature of the Commission's determination in this area is primarily due to the lack of sufficient factual data concerning the extent of dual trading abuses and the effect of dual trading on market liquidity. The regulations adopted herein are designed in large part to improve that data and, hence, to aid the Commission in its study of dual trading, while at the same time preventing many of the abuses which may arise from the conflict of interests which the Commission believes may be inherent in dual trading. Consequently, as the Commission continues its study of dual trading, these regulations may be amended in light of such improved data.

Many of the comments received in response to the Commission's proposed rules as well as much of the general testimony presented at the hearings on dual trading were to the effect that there is little available data indicating significant dual trading abuses. However, the Commission does not believe that a conclusion can be drawn from this lack of available data that significant abuses of dual trading do not take place. Rather, under the present record-keeping procedures of most contract markets, it is extremely difficult, if not impossible, to detect abuses not only of dual trading but of the overall duties of floor brokers to their customers as well. Similarly, while the testimony submitted by various contract markets and others as to what they believed was the contribution of dual trading to market liquidity has aided the Commission in its attempt to carry out its responsibilities under section 4j of the Act, the inadequacy of the market data available under current record-keeping practices has precluded the Commission from adequately analyzing the effect of dual trading on market liquidity.

The Commission believes that many of the abuses of the duties of floor brokers to their customers cannot be detected to any significant degree in the absence of a method of accurately and rapidly reconstructing the time and sequence of transactions of a specific floor broker or combination of floor brokers. Accordingly, without an adequate method of transaction time sequence reconstruction, it does not appear that contract markets can carry out their self-regulatory responsibility to enforce rules pursuant to newly adopted regulation 155.2 to prevent abuses of the duties of their members to customers. Moreover, significant analysis of many major market functions and activities, including the contribution of dual trading to market liquidity, require an accurate and rapid transaction time sequence reconstruction capacity. The Commission has therefore determined that contract markets should be required to develop such a capacity as soon as possible. In furtherance of this goal, the regulations set forth herein require three specific improvements in the records maintained by contract markets. First, each contract market must show on the record of each futures trade maintained pursuant to regulation 1.35 (e) the mechanically or electronically verified time of execution of each such trade to at least the nearest minute or such superior time sequence indicia as may otherwise be authorized by the Commission. Second, an accurate record of the precise time of each price change on the contract market must be kept. Third, the records maintained by the contract market pursuant to regulation 1.35(e) must be kept in a format and coding structure approved by the Commission for 60 days in computer-readable form on compatible magnetic tapes or discs.

FLOOR BROKER TRADING STANDARDS

Dual Trading. Newly adopted regulation 155.2 requires each contract market to adopt a set of rules to prevent abuses of the relationships between its floor broker members and the persons for whom such members execute futures transactions. This set of contract market rules must, at a minimum, include the provisions specifically set forth in the regulation. The first of these provisions is a requirement that each floor broker be prohibited from purchasing (or selling) any commodity for future delivery for his own account or for any account in which he has an interest while holding an order of another person for the purchase (or sale) of the same commodity which is executable at the market price or at the price at which such purchase (or sale) can be made for the floor broker's own account.

As proposed, this prohibition against floor brokers trading ahead of their customers would have prevented a contract market member from executing any transaction for his own account while holding an order of another person in the same commodity for future delivery which is executable at the market price. One commentator suggested that the

[7] Transcripts of the testimony given at the dual trading hearings and copies of all comments received in response to the Commission's proposed regulations are available at the Commission's offices at 2033 K Street, N.W., Washington, D.C. 20581.

[8] These commentators did not maintain that abuses of dual trading do not occur, but only that there is no factual evidence that such abuses occur to a significant extent. Indeed, both the Commodity Exchange Authority and several contract markets have maintained successful disciplinary actions against floor brokers and others for abuses of dual trading.

[9] It should be noted in this regard that these regulations were proposed and adopted pursuant to not only section 4j of the Act (dual trading), but sections 4b, 4g and 8a (7 U.S.C. 6b, 6j, and 12a) as well.

[10] 41 FR 3338 (January 22, 1976).

proposed rule be amended to clarify whether a floor broker has the right to trade in "the opposite direction to a customer order though not against the customer order, while holding and attempting to sell a customer order." The Commission believes that the ability of a floor broker to trade in the opposite direction of a customer order may be of benefit to the customer by softening the impact of the customer's order on the market, thereby helping the customer to get a better execution of his order. This is particularly true in the case of large market orders. The prohibition against trading ahead of customers has, therefore, been amended to enable floor brokers to trade in the opposite direction of their customers; however, the Commission cautions that any such activity by floor brokers should be closely scrutinized by contract markets for abusive practices.[11]

Some commentators suggested that the prohibition against floor brokers trading ahead of their customers be limited to trading in the same delivery month. These commentators argued that contracts in the same commodity trading in different delivery months constitute "different economic units." The Commission has not adopted this suggestion because, contrary to the implication of these comments, prices in the various delivery months in the same commodity are often closely related and frequently move in concert with one another. However, this close interrelationship between delivery months may not exist between all delivery months in all commodities. Accordingly, to the extent that a contract market can demonstrate to the satisfaction of the Commission that different delivery months in a commodity are not so interrelated, the Commission has determined that it will use its exemptive authority under regulation 155.10 to appropriately limit the prohibition in regulations 155.2 (a) and (b) against trading ahead of customers.

Several commentators requested clarification of the term "market price" as used in the proposed regulation. The Commission has, to some extent, made such a clarification by prohibiting floor brokers from trading ahead of their customers if the customers' orders can be executed at the market price or at the same price at which the floor broker can execute a transaction for his own account or any account in which he has an interest. Further clarification of this term appears unnecessary. A floor broker who is holding an order of another person which is executable at or near the market price should concentrate his efforts on executing that order and not on trading for his own account. The newly adopted regulation is, in many respects, a codification of this concept. It is also intended to prohibit a floor broker from abusing his relationship with his customers by taking advantage of or trading ahead of the orders of those customers. Simply stated, the newly adopted regulation is intended to require that under all circumstances the customer must come first. In this connection, the newly adopted regulation does not contain the exemption for error transactions contained in the proposed regulation. The Commission has deleted this exemption because it can see no relevant distinction, in light of the obligations of a floor broker to his customers, between transactions executed by the floor broker for his own account in the hope of speculative profits and those executed to avoid losses due to error transactions.

Discretionary Accounts. As previously proposed, regulation 155.2 would have required contract markets to adopt rules prohibiting a floor broker

from executing any transaction for any account in which he has discretionary authority, except that an order for such an account may be placed with another member for execution.

Several commentators urged that the Commission clarify the meaning of the term "discretionary authority." Newly adopted regulation 155.2(c) contains such a clarification. Specifically, the new regulation prohibits a floor broker from executing any transaction for the account of another person for which buying and/or selling orders can be placed or originated, or for which transactions can be executed, by the floor broker without the prior specific consent of the account owner, except that orders for such accounts may be placed with another floor broker on the contract market for execution. In other words, where a transaction can be executed for an account of another person by a floor broker or at such floor broker's direction without obtaining such other person's prior consent to execute that particular transaction, the floor broker must give up all orders for that account to another floor broker for execution.

A number of commentators urged that the term "discretionary authority" as used in the proposed regulation be defined to include only those accounts over which the floor broker has regular and continuous discretion, as opposed to accounts over which the broker has occasional discretion respecting how individual transactions are to be executed. Thus, it was urged that the term apply only to "discretionary accounts" rather than "discretionary orders."[12] Other commentators urged that the prohibition against executing transactions for accounts over which a floor broker has discretionary authority be limited to those specific orders over which such discretionary authority exists. The Commission has considered these comments and believes that whether discretion can be exercised with respect to a specific account rather than how often such discretion is exercised should be the determinative factor. Regulation 155.2(c) is designed to prevent floor brokers from placing their personal trading interests ahead of their customers' interests when exercising trading discretion over such customers' accounts. Effective surveillance over such discretionary trading necessitates the requirement that all orders for an account for which a floor broker can place an order without first obtaining the account owner's specific consent to place that particular order be placed with another floor broker for execution. However, the newly adopted regulation makes it clear that a contract market need only prohibit its members from executing orders for accounts over which they have discretionary authority where that discretionary authority is such that the floor broker may originate orders for those accounts. This prohibition need not extend to accounts where the floor broker's discretion is limited to such things as the selection of the precise time and price at which an order originated by a customer is executed. For example, a floor broker receiving a "not held" order to "buy at 6.25 or better" in a declining market currently at 6.25 would be able to hold that order for a reasonable period of time in order to obtain a better execution for his customer without causing the account of such customer to fall within the operation of regulation 155.2(c).

Further Prohibitions. Newly adopted regulation 155.2 also requires that con-

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[11] In this connection, the Commission points out that where a floor broker trades directly against a customer's order by taking the opposite side of such order, the requirements of section 4b of the Act and regulations 1.38 and 155.2(e) must be complied with. Moreover, floor brokers should also be aware that regulation 1.39 prohibits a floor broker from executing both sides of a transaction where the floor broker has any interest in either side of such transaction, directly or indirectly, except as a fiduciary.

[12] In this connection, one commentator suggested that the term "discretionary authority" as used in the proposed regulation meant the same thing as "discretionary account" as that term was set forth in the Senate Committee on Agriculture and Forestry Committee Print on The Commodity Futures Trading Commission Act of 1974, 93d Cong., 2d Sess. (November 15, 1974). In that publication the term "discretionary account" was defined as: An account for which buying and selling orders can be placed by a broker or other person, without the prior consent of the account owner for each such individual order, a blanket agreement having been initially granted by the account owner for such action, and requires an initial customer deposit of a minimum of $5,000 under present CBOT and C.M.E. rules.

This definition was not directed at the particular concerns addressed by the Commission in enacting these regulations regarding the responsibilities of floor brokers to their customers. The elements contained in that definition, i.e., a prior blanket agreement and a minimum initial deposit, may have been appropriate for the broad general purposes of the Committee Print; however, for purposes of requiring contract markets to adopt rules to insure that their members place the interests of their customers ahead of their personal trading interests in exercising trading discretion over such customers' accounts, the Commission believes the determinative factor is whether the requisite discretion can be exercised by a floor broker with respect to a customer's account, rather than the manner in which such discretion is, or, under contract market rules, must be, vested in the floor broker.

tract markets enact rules which, at a minimum, prohibit a floor broker from:

(i) disclosing the orders of other persons revealed to the floor broker by reason of his relationship to such other persons; (ii) taking the other side of any order of another person revealed to a floor broker by reason of his relationship to such other person, except with such other person's prior consent and in conformity with contract market rules approved by the Commission; (iii) prearranging trades; (iv) allocating trades among accounts; or (v) withholding or withdrawing from the market any order or part of an order of another person for the convenience of another member of the contract market.

Numerous comments were received to the effect that the prohibition against disclosing customer orders to others was in conflict with the requirement that floor brokers place all orders for accounts over which they have discretionary authority with another member of the contract market for execution. This is a valid criticism of the proposed rule and the appropriate exception for discretionary account orders has been made in newly adopted regulation 155.2(d). Similarly, one commentator noted that the proposed prohibition against disclosure of customer orders did not identify the persons a floor broker is prohibited from telling about an order. That commentator pointed out that when acting on behalf of an FCM, there may be times when a floor broker must inform the FCM of the status of that day's "deck." The Commission emphasizes that this prohibition against disclosure of customer orders must be interpreted in light of its underlying purpose: to prohibit a floor broker from disclosing customer orders to other persons who may take advantage of that knowledge. The Commission is aware that certain disclosures must take place in the normal course of a floor broker's legitimate business activities. Contract market rules enacted to comply with the newly adopted regulation should provide for such disclosures. The Commission notes, however, with respect to this specific comment, that an FCM requesting status reports on orders which it has previously placed with a floor broker would already have knowledge of those orders. Accordingly, a floor broker reporting on the status of his "deck" to the FCM with respect to those orders would not be "disclosing" those orders to the FCM.

The restrictions on taking the other side of an order of another person revealed to a floor broker by reason of his relationship to such other person are designed to require contract markets to impose restrictions on their members which are similar to certain restrictions imposed directly upon such members by section 4b of the Act and regulations 1.38 and 1.39, 17 CFR 1.38 and 1.39. The prohibition against prearranged trading augments the requirement in regulation 1.38 that

[a]ll purchases and sales of any commodity for future delivery on or subject to the rules of the contract market shall be executed openly and competitively by open outcry or posting of bids and offers or by other equally open and competitive methods * * *.

The prohibition against allocating trades among accounts is designed to prevent floor brokers from allocating the best trades to their own accounts and the accounts of their preferred customers to the detriment of their other customers.[13] Similarly, the prohibition against withholding or withdrawing orders of other persons for the convenience of other members of the contract market is designed to prevent floor brokers from acting against the best interests of their customers for the benefit of other floor brokers and floor traders. All three of these prohibitions are currently in effect on several contract markets. The Commission believes that such prohibitions should be universally applicable throughout the industry.

Clearing Member Confirmations. The proposed regulations would have required contract markets to adopt a rule which would

require that every execution of a transaction on the floor by [a floor broker] be immediately confirmed with the opposite floor broker or floor trader; such confirmation shall identify price, quantity and respective clearing members.

Numerous comments were received on this proposed regulation to the effect that the immediate confirmation of opposing clearing members would not be possible on certain exchanges, primarily those in New York, because the method of trading presently in use on those exchanges does not lend itself to compliance with that requirement. The Commission's staff conducted a study of the procedures for matching of trades at certain New York exchanges which confirmed that it may be extremely difficult for members of those exchanges to comply with the requirement that opposing clearing firms be immediately confirmed. As a result, the Commission has determined that it may be inappropriate to require the immediate confirmation of trades at this time. Accordingly, newly adopted regulation 155.2(i) provides that the required information must be confirmed "promptly." In addition, where opposing clearing members can not be confirmed "promptly" without seriously disrupting the functions of a contract market, the newly adopted regulation authorizes the Commission to exempt a contract market from this requirement where the contract market adopts rules to insure that the opposite sides of every trade executed on the contract market can be effectively matched and will be accepted by a clearing member for clearance or will be otherwise sufficiently guaranteed.

The purpose of prompt confirmation of opposing clearing members is twofold. First, to insure accurate matching of trades. Second, to insure, to the extent possible, that every transaction on a contract market will be guaranteed by the financial integrity of a clearing member and the clearing house of the contract market. However, there may be alternative methods of insuring both accurate matching and the integrity of transactions on contract markets. The Commission does not intend to preclude such alternatives where prompt confirmations would cause serious market disruptions, but the Commission is concerned that the failure to require prompt "give-up" of opposing clearing members may foster a situation in which the opposite sides of transactions may not be properly matched, making effective transaction sequence reconstruction and trading surveillance, and, hence, prevention and detection of abusive trading practices, more difficult. Accordingly, while the Commission does not preclude the use of alternative methods of insuring accurate matching and the financial integrity of transactions, a contract market must make a significant showing of market disruption in order to make use of such alternatives and should engage in vigilant rule enforcement activities to insure that such alternatives do not lead to inadequate trading surveillance by the contract market. The former requirement is specifically made a condition of exemption in the newly adopted regulation. The latter requirement is subsumed in the general rule enforcement obligations of contract markets under section 5a(8) of the Act and regulations 1.51 and 1.53 discussed below.

Enforcement Obligations. One commentator suggested that there was no "reasonable practical way" for a contract market to determine whether or not a floor broker has discretion over a particular account. That commentator urged the Commission to recognize that an affirmative action program based upon responses to customer complaints is adequate to insure compliance with the requirement of regulation 155.2(c) that a floor broker place all orders for accounts over which he has discretionary authority with another broker for execution. Similarly, one contract market argued with respect to the requirements set forth in regulation 155.2 (d) and (e) [14] that

an affirmative action program with regard to [these requirements] is impracticable. The

[13] The Commission recognizes that there may be times when a floor broker must assign trades among accounts. For example, a floor broker who holds ten individual orders calling for the purchase of one contract each in the same commodity and delivery month may fill those orders almost simultaneously by buying five contracts at one price and five more contracts at the next higher price interval. In such instances, the five executions at the lower price interval should be assigned to the first five orders received by the floor broker. Any other assignment of such executions among the ten orders held by the floor broker would constitute the discretionary allocation of trades among accounts which regulation 155.2(g) requires contract markets to prohibit.

[14] Regulations 155.2 (d) and (e) require generally that contract markets adopt and enforce rules which prohibit their members from divulging the orders of their customers to any other person and from taking the other side of a customer's order, except with such other person's prior consent and in conformity with contract market rules approved by the Commission.

Commission should recognize this fact and explicitly limit Exchanges' responsibility in this area to responding to complaints.

But the comment that was most frequently received in this vein concerned the requirement of newly adopted regulation 155.2(f), which requires contract markets to adopt and to enforce rules to prevent their members from making prearranged trades. The gist of this comment was that the "Commission should expressly recognize that enforcement cannot practically extend beyond floor surveillance (which is unlikely to be very effective) and response to complaints."

The Commission disagrees with the implication contained in these comments. Contract markets have a broad obligation under section 5a(8) of the Act and regulations 1.51 and 1.53 to enforce their rules. Adequate rule enforcement is the heart of self-regulation. In the Commission's view, a contract market's rule enforcement obligation cannot, in most instances, be satisfied solely by responding to customer complaints. Rather, contract markets are required to maintain aggressive "affirmative action" rule enforcement programs which include, at a minimum, extensive floor surveillance and frequent investigations into the trading patterns of their members for the purpose of detecting rule violations. While customer complaints may serve to focus the direction of some of these activities, the Commission does not believe such complaints should serve as the sole basis for rule enforcement initiatives.

Due Diligence. Proposed regulation 155.2(b)(1)(vi) would have required contract markets to adopt rules requiring all contract market members acting as floor brokers, when executing an order of another person, to "use due diligence to execute that order at the best possible price or prices available on the floor of the contract market." Similarly, proposed regulation 155.2(b)(2)(ii) would have required contract markets to adopt rules requiring all contract market members acting as futures commission merchants to "use due diligence in handling each order received from another person so as to enable each such order to be executed at the best possible price or prices available on the contract market." The Commission has determined that it would be more appropriate to consider specific due diligence standards for floor brokers and FCM's in connection with the customer protection rules which are currently being developed by the Commission's staff. Accordingly, such specific due diligence standards have not been incorporated into regulations 155.2 and 155.3. The Commission emphasizes that while it has determined not to adopt specific due diligence standards at this time, this should not be construed to imply that floor brokers and FCM's are not subject to strict due diligence standards apart from any specific Commission regulation or contract market rule. Rather, the Commission believes floor brokers and FCM's are implicitly obligated by reason of the very nature of their relationship to customers to exercise due diligence in not only order handling and executions, but in all of the activities they carry out on behalf of their customers.

STANDARDS FOR FUTURES COMMISSION MERCHANTS

Proposed regulation 155.2(b)(2) would have required contract markets to adopt certain rules governing the activities of contract market members acting as futures commission merchants. In response to this proposed requirement, several contract markets submitted comments which strongly suggested that making the contract markets the "policeman" of the proposed regulation would serve no beneficial purpose and that it was unrealistic to expect contract markets to be able to police effectively FCM personnel located throughout the United States and, in many instances, throughout the world.

The Commission does not agree with the conclusion suggested by these comments. Each contract market has an obligation under section 5(g) of the Act, 7 U.S.C. 7(g), to provide a marketplace in which "transactions for future delivery in the commodity" for which the contract market is designated "will not be contrary to the public interest." Included in this obligation and a contract market's general obligations under the Act is a requirement that each contract market adopt and enforce rules to insure that its members, including those acting as futures commission merchants, deal fairly with the trading public. However, the Commission has decided that it will not, at this time, require contract markets to adopt rules which conform to the minimum standards set forth in the Commission's proposed regulation Rather, the Commission has determined that a direct obligation should be placed upon each FCM to establish and to enforce internal rules, procedures and controls to prevent abuses of the relationship of the FCM and its affiliated persons to customers.[15] This determination is reflected in newly adopted regulation 155.3.

The Commission has found it necessary to impose direct regulation upon the FCM community in newly adopted regulation 155.3 for the protection of the general public. This determination was based in large part upon the present inadequacies in the rule enforcement programs of many contract markets. However, the Commission is committed to promoting self-regulation. In this regard, the Commission is aware that contract markets and other persons in the industry are considering the establishment of a "Title III association"[16] which might be able to assume many of the regulatory responsibilities in the FCM area. The Commission emphasizes that the alternative to effective industry regulation of the FCM community—continuing and perhaps increasing direct governmental regulation—is inevitable if the contract markets and the industry as a whole do not accept this self-regulation responsibility.

Minimum Standards. Paragraph (a) of newly adopted regulation 155.3 establishes certain minimum safeguards which must be included in the internal rules, procedures and controls of all FCM's.[17] The first of these minimum safeguards is a requirement that each futures commission merchant establish internal rules, procedures and controls to insure, to the extent possible, that customer orders "executable at or near the market price" are

transmitted to the floor of the appropriate contract market before any order in the same commodity for any proprietary account or any other account in which an affiliated person has an interest or for which an affiliated person may originate orders without the prior specific consent of the account owner is transmitted or caused to be transmitted to the floor of a contract market by any affiliated person who gains knowledge of such customer order prior to its transmission to the floor of the appropriate contract market. * * *

The second of these safeguards is a requirement that the internal rules, procedures and controls established by the FCM be designed to prevent its affiliated persons from circumventing the re-

[15] The term "affiliated person" of a futures commission merchant is defined in regulation 155.1 as any general partner, officer, director, owner of more than ten percent of the equity interest, correspondent, agent or person associated therewith, associated person or employee of the futures commission merchant, and any relative or spouse of any of the foregoing persons, or any relative of such spouse, who shares the same home as any of the foregoing persons.

For purposes of this definition, the terms "correspondent" and "agent or person associated therewith" of an FCM have the same meaning as they do in the Act. (*See, e.g.*, sections 4b and 4k of the Act, 7 U.S.C. 6b and 6k.) The "relative or spouse . . . or any relative of such spouse" provision includes only those persons who live in the same home as a "general partner, officer . . . agent or employee" of an FCM.

[16] *See* section 17 of the Act, 7 U.S.C. 21, which is Title III of the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93-463, 88 Stat. 1389, 1406.

[17] To a large extent, these and many of the other requirements of regulation 155.3 are, in the Commission's view, no more than specific codifications of minimal safeguards which a futures commission merchant must employ to carry out its responsibilities to customers under common-law agency principles. Consequently, while the Commission's original proposal would have imposed specific requirements on only those futures commission merchants which hold memberships on contract markets permitting their FCM members to dual trade, the Commission believes that customers of all futures commission merchants should have the benefit of the specific minimum safeguards set forth in regulation 155.3. However, because regulation 155.3, as originally proposed, would not have extended to non-member FCM's, the newly adopted regulation applies only to those FCM's which are members of a contract market. In a separate FEDERAL REGISTER release issued concurrently with these regulations, the Commission is proposing the extension of regulation 155.3 to non-member FCM's as well

quirement set forth above by placing orders with other FCM's.

As originally proposed, this "customer first" rule would have applied to FCM's on a branch office by branch office basis. Numerous commentators objected to this proposed application, pointing out that, in many instances, compliance with such a provision would be extremely difficult, if not impossible, on a branch office basis in that one associated person may have no idea of the activities of another associated person, especially in large offices. The Commission believes there is some merit to these comments; therefore, the Commission has restructured this customer first requirement in the newly adopted regulation to require FCM's to adopt internal rules, procedures and controls to insure that a customer's order is transmitted to the floor before any order for a proprietary account or any other account in which an affiliated person has an interest or for which an affiliated person may originate orders without the prior specific consent of the account owner is transmitted or caused to be transmitted by any person who has gained knowledge of that customer order prior to its transmission to the floor of the appropriate contract market.[18]

Paragraph (b) of newly adopted regulation 155.3 makes it unlawful for a futures commission merchant or any of its affiliated persons:

(i) To disclose unnecessarily that an order of another person is being held by the FCM or any of its affiliated persons, or

(ii) To knowingly take, directly or indirectly, the other side of any order of another person revealed to the FCM or any of its affiliated persons by reason of their relationship to such other person, except with such other person's prior consent and in conformity with contract market rules approved by the Commission.

The first of these prohibitions is a traditional customer confidentiality rule designed to protect customers from disclosure of information concerning their orders to other parties. The second prohibition augments section 4(b) of the Act which makes it unlawful for any person to take the other side of an order of another person, willfully and knowingly, without the prior consent of such other person.

[18] The Commission recognizes that a strict, literal interpretation of newly adopted regulation 155.3(a)(1) might require FCM's to adopt rules to insure that clerical employees, such as teletype operators, who receive orders from several associated persons continuously and often simultaneously for mechanical transmission to the appropriate contract market for execution, arrange those orders so that customer orders are always transmitted by such clerical employees prior to proprietary orders. The Commission does not intend that such a strict reading be given to the newly adopted regulation. Rather, FCM internal rules, procedures and controls should be adopted in a form which reflects the purpose of the regulation: to insure that FCM's and their employees do not take advantage of their relationship with customers by using their knowledge of customer orders to trade ahead of or against the interests of such customers for their own benefit or that of their preferred customers.

Paragraph (c) of regulation 155.3 makes it unlawful for any FCM to knowingly handle the account of any affiliated person of another FCM unless:

(i) Written authorization is received from a person designated by such other FCM with responsibility for surveillance over such account,

(ii) The FCM receiving an order for such an account prepares immediately upon such receipt a record of such order and records thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received,[19] and

(iii) The FCM transmits on a regular basis to the FCM with which such person is affiliated copies of all statements for the account of such person and copies of all written, time-stamped records prepared upon the receipt of orders for such account.

Paragraph (d) of regulation 155.3 makes it unlawful for any affiliated person of an FCM to have an account, directly or indirectly, with another FCM unless:

(i) Written authorization is received from a designated official of the FCM with which such person is affiliated for the maintenance of such account, and

(ii) Copies of all statements for such account and of all written, time-stamped records prepared by such other FCM upon receipt of orders for such account are transmitted on a regular basis to the FCM with which such person is affiliated.

As can be seen, paragraphs (c) and (d) of newly adopted regulation 155.3 are designed to assist FCM's in supervising the trading activities of their affiliated persons by providing them with notification of and information concerning the accounts maintained by their affiliated persons with other FCM's. The Commission received several comments in response to its proposed regulations suggesting that it should prohibit associated persons from having accounts with other FCM's and that it should also prohibit FCM's from handling the accounts of the associated persons of other FCM's. The Commission does not believe such a strict prohibition is necessary to insure that FCM's have adequate ability to police the trading activities of their affiliated persons. Rather, the Commission believes that each FCM should be permitted to make its own determination as to the measures necessary to carry out its responsibility to prevent abuses of the relationship of its affiliated persons to the FCM's customers. While the Commission has not itself prohibited affiliated persons from having accounts with FCM's other than the ones with which they are affiliated, an FCM is not precluded from imposing such a prohibition on its own affiliated persons if the FCM determines that such a prohibition is necessary to carry out its responsibilities under newly adopted regulation 155.3.

Transaction Time Sequence Reconstruction Capability

As discussed above, the Commission believes it is essential that each contract market have the ability to reconstruct, accurately and rapidly, the time and sequence of transactions on any given trading day. The Commission believes contract markets must have this capability to carry out their self-regulatory responsibilities under, among other things, newly adopted regulation 155.2. Detection, and hence effective prevention, of market manipulation and of such abusive trading practices as trading ahead of customers and "three-cornered deals" is dependent in large part upon rapid and accurate transaction time sequence reconstruction. While the Commission is aware that there is little factual evidence that such trading abuses occur with significant frequency, the Commission does not accept the conclusion drawn by many of the persons testifying at the March 1976 hearings on dual trading that such abuses occur only in isolated instances. Rather, the Commission has determined that most contract markets would be unable to detect the vast majority of such trading abuses by their members under current record-keeping practices and procedures even if such trading abuses were common practice on such contract markets. Furthermore, even if such trading abuses could be detected through the use of records currently being kept by contract markets, the laborious cross referencing of data which would be necessary to expose such abuses would effectively preclude an efficient contract market surveillance program capable of the prompt detection of trading abuses.

The Commission has also determined that it would be impossible for it to fulfill completely its statutory responsibilities under section 4j of the Act in the absence of the ability on the part of contract markets to reconstruct, rapidly and accurately, the time and sequence of transactions for any given trading period. The difficulty in drawing a meaningful conclusion with respect to the significance of dual trading abuses in the absence of a rapid and accurate transaction time sequence reconstruction capability has already been discussed. The ability of the Commission to analyze in a meaningful way the effects of dual trading on market liquidity in the absence of such reconstruction capability is equally hampered. The enormous difficulties the Commission has experienced in trade practice and other investigations and in various economic studies reinforce those beliefs and emphasize the need for rapid and accurate transaction time sequence reconstruction capability. Accordingly, the Commission has determined to require contract markets to develop this capability as soon as possible. As discussed below, the Commission has decided that contract markets should be required, as a first step toward the attainment of such rapid and accurate reconstruction capability, (i) to maintain an accurate record of the time of execution of each trade and of each price change on the contract market and (ii) to retain such information in a readily retrievable form.

Attempts to reconstruct the time and sequence of transactions on contract markets have generally been based upon, among other things, the price at which each transaction was executed. Since

[19] In most instances, this is already required by regulation 1.35(a-1)(1).

contract markets maintain records of most price changes in a trading day, including the approximate time of each change, the time of the execution of a transaction may frequently be established by relating the price of the transaction to the time at which the market hit that price. However, there are several basic problems with this method. First, in the presence of a cyclical market, one in which the same price is hit at two or more occasions during the trading day, it may not be possible to assign a specific time to each transaction. Second, the accuracy and precision of contract market price change records is often inadequate. Third, the absence of computerized data retrieval systems correlating price of execution to time of price changes has made market surveillance efforts through the use of price correlation sequencing extremely time-consuming and correspondingly ineffective.

The destructive effect of cyclical market movements upon transaction reconstruction based upon price can be eliminated by identifying executions to time periods within which no cyclical market movement occurs. Various commentators suggested this could be accomplished through the use of the time-stamps currently required on each customer order upon receipt of the order on the floor of the contract market and upon the report of execution of such order. The use of such data for transaction time sequence reconstruction in the course of trade practice and other investigations and various market studies by the Commission's staff has proved unworkable. Presently, only customer orders must be time-stamped upon receipt on the floor and upon report of execution. Accordingly, in a cyclical market it is often impossible to distinguish between two different transactions executed at the same price which involve only floor brokers or floor traders. Even when customers are on one or both ends of a transaction, the period of time which elapses between the receipt of the order on the contract market floor and the report of execution from the contract market floor is often so long that cyclical price movements can occur several times within that period. A significant amount of time may also elapse between the execution of a transaction and the time that execution is reported from the contract market floor. In addition, the manual cross-checking of the time-stamps on orders and reports of execution required to achieve even a general reconstruction of the time and sequence of transactions on a contract market has proved to be prohibitive in terms of cost-efficient market surveillance or analyses of the trading activity.

The second major obstacle to any attempt to reconstruct the time and sequence of transactions on a contract market through the use of price changes is the inaccuracy with which contract markets often record the time of such price changes. Since a large number of trades can take place in a matter of a few seconds or minutes on any exchange, such inaccurate price change timing can easily invalidate the accuracy of any reconstruction of the time and sequence of transactions based upon such timing.

The third major obstacle to transaction time sequence reconstruction based upon price of execution has already been mentioned in connection with the use of time-stamps on customer orders to reduce the effect of cyclical price movements. That is, any system for the reconstruction of the sequence of transactions which necessitates manual cross-checking and correlation from several separate data sources, especially where such system results in a reconstruction which is only marginally accurate, effectively negates its usefulness as a market surveillance or investigatory tool. In other words, the cost efficiency of any system which requires several people several days to achieve a reconstruction with limited accuracy cannot serve as an adequate deterrent to trading abuses or as an acceptable source for market information.

As a result, the Commission has determined that it is essential, in terms of the self-regulatory rule enforcement responsibilities of contract markets and the Commission's responsibility to oversee such rule enforcement, as well as in terms of the Commission's obligations under section 4j of the Act, that three additional record-keeping requirements be immediately imposed upon contract markets as a first step toward requiring them to attain the ability to reconstruct, rapidly and accurately, the precise time and sequence of transactions on the trading floor. The first is a requirement that each contract market maintain an accurate price change register recording each price change within ten seconds.[20] The second is a requirement that the execution of each transaction be identified to a time period within which the probability of a cyclical movement of the market is reduced to the greatest extent possible. In this regard, the Commission believes that the execution of each trade on a contract market must, to the extent possible, be recorded to at least the nearest minute. The third is a requirement that contract markets retain trade data information in a manner which permits accurate and rapid analysis of such data. The newly adopted amendments to regulation 1.35 require such record-keeping improvements.

In response to its rule proposal of December 12, 1975, the Commission received numerous comments to the effect that present technology is such that all price changes on a contract market can not be reported to the nearest ten seconds during hectic trading periods. While the Commission recognizes that even an effective contract market monitoring system may not immediately detect every price change in an extremely hectic trading period, studies conducted by the Commission's staff have shown that present technology is adequate to enable contract markets to record each detected price change within ten seconds. Moreover, the studies conducted by the Commission's staff have also led the Commission to conclude that contract market monitoring systems which utilize an adequate number of pit or ring observers or suitable electronic devices would enable all contract markets to detect virtually all price changes almost instantaneously, even in the busiest markets and heaviest trading periods. Accordingly, regulation 1.35(b) contains no relaxation of the requirement that each contract market maintain a record of all price changes which includes the time of each such change to the nearest ten seconds.[21] However, the Commissioner does not intend the application of this regulation to be absolute and does not anticipate that it will take any action against a contract market for failing to comply with the provisions of regulation 1.35(b) where such non-compliance consists solely of the failure on the part of the contract market to detect and to report within ten seconds occasional and isolated price changes during unusually hectic trading periods.

The Commission recognizes that implementation by certain contract markets of the technology and procedural systems necessary to enable those contract markets to maintain the required price change register may involve certain initial technical difficulties. However, since, as noted above, the Commission believes the technology already exists which would enable contract markets to maintain the ten-second price change register required by the newly adopted regulations, it is incumbent upon contract markets to initiate implementation of such technology and any necessary procedural systems far enough in advance of the effective date of regulation 1.35(h) to insure that the required record can be established and maintained by the contract market by the effective date of that regulation.

Proposed regulation 155.3(a) would have prohibited floor brokers from dual trading after January 16, 1977, in any commodity with respect to which a contract market had not submitted to the Commission for its approval

a plan, with a timetable for implementation, which provides for the development, as soon as practicable, of a method, through time stamping or otherwise, for recording the sequence of futures transactions executed on the contract market.

Proposed regulation 155.3(b) would have prohibited dual trading on a contract market after April 17, 1977, unless the Commission by order had declared the submitted plan effective by that date or had extended the April 17 deadline. Several commentators orally and in writing expressed a belief that accurate and rapid transaction time sequence recon-

[20] This requirement is also important in terms of the accurate market data which becomes available to the trading public by reason of the maintenance of such a price change record.

[21] One commentator was uncertain as to the meaning of the "nearest ten seconds." That term as used in newly adopted regulation 1.35(h) means that each change in price must be recorded within ten seconds after such price change.

struction through time stamping was absolutely essential to an effective regulatory program. Other commentators argued that such a capacity was not economically feasible in the foreseeable future and that potential abuses of dual trading could be effectively monitored by the contract market through other means.

In response to the concern expressed about time sequencing plans at the dual trading hearings, the Commission formed a task force on April 8, 1976, to study the feasibility of improved time sequencing at each exchange. The task force addressed in particular the suggestion that a system of bracketing, the identification of each transaction on the exchange to a determined time segment of the trading day, be accepted as an interim step toward full time sequence reconstruction capacity. The task force concluded that while time sequencing should continue to be the ultimate goal for all contract markets, bracketing would be a "significant step forward for certain markets on certain exchanges" and might represent an acceptable interim step toward full time sequence reconstruction capacity in certain instances.[22] The task force recommended specifically:

* * * that the Commission promulgate a rule which will require as an ultimate goal the time sequencing of trades. This rule shall be part of the Commission's record-keeping rule (regulation 1.35). While this ultimate goal should be mandated, it is clear that certain exchanges cannot promptly institute a system for time sequencing of trades. Therefore, the rule suggested by the task force would permit, on a market-by-market basis, exchanges which demonstrate that they cannot implement the goal of time sequencing at this time to submit an interim plan which would be a step forward over present systems. For markets which are fully capable of implementing time sequencing by a stated deadline, the exchange would be required to do so, and would not be allowed to implement interim steps. For other markets (in particular those in the actively traded pits), an exchange might propose for Commission approval a plan which would include bracketing as an interim step toward the final goal of time sequencing. Periodically, perhaps annually, exchanges which have not implemented final plans for particular markets would be required to demonstrate further progress in sequence reconstruction capacity and explain why they were not able to have time sequencing, together with an explanation of what steps they are taking to reach that goal.

The Commission has carefully considered the report of its task force on bracketing and the public comments received in response to proposed regulation 155.3. In light of these recommendations and comments, and as a result of the Commission's internal studies on the issue, the Commission has concluded that each contract market should be required to develop the capacity to reconstruct, accurately and rapidly, the time sequence of transactions. As the first step toward such capacity, the Commission has required in regulation 1.35(g)(1) that each contract market implement, as soon as possible, timing and record-keeping systems and procedures which will enable it to show on the record required by regulation 1.35(e) the mechanically or electronically verified time of execution of each futures trade to at least the nearest minute. The Commission emphasizes that it does not intend by the imposition of this minimum requirement to preclude contract markets from utilizing more advanced time sequencing systems. Accordingly, regulation 1.35(g)(1) provides that a contract market may, in the alternative, show on the record required by regulation 1.35(e) such superior time sequence indicia as may be authorized by the Commission.

The Commission recognizes that implementation of the systems and procedures which will enable a contract market to comply with the requirements of regulation 1.35(g)(1) may not be possible on all contract markets on all commodity exchanges by the effective date of this regulation. Accordingly, regulation 1.35(g)(2) provides that the Commission may grant a contract market an extension of time to comply with the requirements of regulation 1.35(g)(1) where the contract market:

(i) Demonstrates that the contract market cannot immediately implement timing and record-keeping systems and procedures which will enable it to show the mechanically or electronically verified time of execution to at least the nearest minute for each transaction without seriously disrupting the functions of its marketplace;

(ii) Submits a plan, with a timetable for implementation which provides for the development of a record of the mechanically or electronically verified time of execution of each futures trade to at least the nearest minute or such superior time sequence indicia as may otherwise be authorized by the Commission; and

(iii) Submits an interim plan which will represent substantial progress towards an accurate record of the time and sequence of each futures trade on the contract market.

The Commission emphasizes that the availability of any extension of time to comply with the requirements of regulation 1.35(g)(1) will be extremely limited. No such extension will be granted in the absence of a comprehensive study by the contract market of the feasibility and methods of implementing appropriate systems and procedures to enable the contract market to record the time of execution of each transaction to at least the nearest minute. In this regard, the Commission stresses that each contract market must utilize all available means to implement the necessary timing and record-keeping systems and procedures as soon as possible. No extension of time will be granted where the Commission determines that a contract market has failed to do all that it was feasible for it to do to attain the required record-keeping capability or to formulate an acceptable plan for the development of such capability.[23]

The third prerequisite for an extension of time to comply with the requirements of regulation 1.35(g)(1) is the submission of

an interim plan which will represent substantial progress toward an accurate record of the time and sequence of execution of each futures trade on the contract market.

Such an interim plan must include the maximum possible improvement in the ability of the contract market to reconstruct, accurately and rapidly, the time and sequence of execution of each futures trade on the contract market. In this regard, the Commission believes it is appropriate to give contract markets additional guidance as to the criteria which will be used to evaluate any such interim plan. Specifically, an interim plan must, at a minimum:

(i) Provide for substantial improvement in the record-keeping systems and procedures of the contract market, including improved data retrievability and analysis capability.

(ii) Be consistent with the overall plans of the contract market for achieving full and accurate time sequencing. In this regard, the interim plan must not have the effect of impeding progress toward the implementation of a method for recording the mechanically or electronically verified time of execution of each futures trade to at least the nearest minute or such superior time sequence indicia as may have been authorized by the Commission.

(iii) Not delay progress toward achieving accurate transaction time sequence reconstruction capability.

Interim plans will be evaluated on a market-by-market basis, even where such markets are on the same commodity exchange. An extension of time to comply with the requirements of regulation 1.35(g)(1) will not be granted to a contract market where the Commission

[22] In this regard, it should be noted that while the task force concluded that "bracketing or better is feasible on all exchanges," it also pointed out that

[w]hile bracketing will better enable the Commission and the exchanges to reconstruct markets, the job of such reconstruction will continue to be onerous. Therefore, the ultimate goal of time sequencing must continued to be stressed.

The task force was also careful to point out that the feasibility of time stamping or other methods besides bracketing to achieve full sequence reconstruction capacity were not assessed comprehensively by the task force. Copies of the report of the task force on bracketing are available for inspection at the Commission's offices at 2033 K Street, N.W., Washington, D.C. 20581.

[23] Petitions for extensions of time to comply with the requirements of regulation 1.35(g)(1) should be submitted to the Commission at least 60 days prior to the effective date of the regulation to enable the Commission to review the plans accompanying such petitions and to afford the contract market adequate time to make any modifications to such plans necessitated by such review prior to the effective date of regulation 1.35(g)(1). Regulation 1.35(g)(2) does enable the Commission to grant an extension of time to comply with the requirements of regulation 1.35(g)(1) in the absence of the submission of an acceptable plan for the development of the required record-keeping capability; however, the Commission anticipates that it will grant such extensions in the absence of the requisite plan only in emergency circumstances and only for very limited durations.

determines that the contract market is capable of implementing better transaction time sequence reconstruction than is provided for in the interim plan submitted by the contract market. In this regard, the Commission is especially cognizant of the finding of the task force on bracketing that while bracketing "may be a significant step forward for some very active markets," it may be "a step backwards for others." Accordingly, the task force recommended that the Commission make it clear that bracketing would not be a permissible interim step where a contract market "could go further." As indicated above, the Commission has adopted this recommendation of the bracketing task force.

An extension of time to comply with the requirements of regulation 1.35(g)(1) may not extend beyond one year in duration. While the Commission may renew such an extension for additional periods of up to one year upon subsequent petition by the contract market, such subsequent petitions must demonstrate:

(i) Substantial progress toward the implementation of the plan previously submitted for the development of a record of the mechanically or electronically verified time of execution of each futures trade to at least the nearest minute or such superior time sequence indicia as may have been authorized by the Commission,

(ii) Substantially improved transaction time sequence reconstruction capability, and

(iii) That the contract market cannot immediately implement timing and record-keeping systems and procedures which will enable it to show the mechanically or electronically verified time of execution of each futures trade to at least the nearest minute despite the substantial progress and improvement shown in (i) and (ii) above.

The Commission emphasizes that the interim plans accompanying such petitions must represent substantial improvements over the interim plans accompanying any previous petition for an extension of time to comply with the requirements of regulation 1.35(g)(1) and that it will be increasingly difficult for contract markets to satisfy the requirements for such an extension upon each subsequent petition.

Accuracy of Records

In its efforts to evaluate the adequacy of bracketing as an interim substitute for precise time sequencing, the task force on bracketing found it more appropriate to view bracketing in the context of record-keeping under regulation 1.35, rather than in the narrower context of time sequencing for dual trading purposes under proposed regulation 155.3. The task force concluded in the course of its study that in order to achieve accurate transaction time sequence reconstruction capacity, contract markets must be required to keep "much more accurate records [under regulation 1.35] than currently exist." The task force explained:

Inaccurate information is an important problem of record keeping for most exchanges. Such inaccuracies require time consuming cross references of data in the course of trade practice investigations and economic studies. Therefore, without concurrent improvements in the accuracy of data, the benefits of bracketing or any other system of time sequencing of trades will be significantly diminished. Steps to identify and improve these other aspects of record keeping are important and should be pursued.

The task force stressed that contract market records must be accurate in all details, including the identities of the clearing members and floor brokers on each side of the transaction, the customer type indicator, and the bracket or other time indicator. In addition, the task force recommended that the Commission's record-keeping rules, in particular regulation 1.35(e), be amended to require that contract markets retain the records required pursuant to regulation 1.35(e) in computer-readable form for a minimum of 30 days. Such a requirement would significantly improve the retrievability of such records for use by the Commission and the contract markets.

The Commission agrees with these conclusions and recommendations of its task force on bracketing and has accordingly amended the requirements of regulation 1.35(e) to improve contract market records kept thereunder. The first of these revisions is a requirement that all the information required by regulation 1.35(e) be kept in a single record. The second is a requirement that both the buying and selling customer type indicators be shown on the record of each futures trade. The Commission is particularly concerned over the inaccuracy of customer type indicators. Each contract market has an obligation under regulation 1.35(e) to maintain accurate trade records, including customer type indicator information. It is therefore incumbent upon a contract market to impose upon its members whatever requirements are necessary to enable the contract market to meet its obligations under regulation 1.35(e).[24]

The third amendment to regulation 1.35(e) provides that the records required by that regulation be kept in computer-readable form on compatible magnetic tapes or discs for a 60-day period in a format and coding structure approved by the Commission.[25] The Commission anticipates that it will not approve any format and coding structure for the maintenance of such records unless such format and coding structure enables the contract market to rapidly retrieve trading data for any given trading day by commodity and delivery month, by time and/or sequence of execution indicia, by opposing floor brokers or floor traders or any combination of floor brokers or floor traders, and by customer type indicators. Such format and coding structures are well within the capabilities of commercial data processing systems. The Commission believes that the cost of implementing such systems would not be prohibitive and, in the context of the rule enforcement responsibilities of the contract markets, appear absolutely necessary. Under the present record-keeping and data retrieval systems of the various contract markets, even assuming adequate data to enable accurate reconstruction of the sequence of transactions on the contract markets, the burden of correlating such data manually and the concomitant expenditures of time and money necessary for effective surveillance of the trading practices of floor brokers are prohibitive. Accordingly, the Commission has required contract markets to adopt adequate data retrievability systems.[26]

In consideration of the foregoing, the Commission hereby adopts 17 CFR Part 155 and hereby amends 17 CFR Part I as follows:

1. 17 CFR is amended by adding a new Part 155, Trading standards, to read as follows:

Sec.
155.1 Definitions.
155.2 Trading standards for floor brokers.
155.3 Trading standards for futures commission merchants.
155.10 Exemptions.

AUTHORITY: Secs. 4b, 4g, 4j and 8a of the Commodity Exchange Act, as amended (7 U.S.C. 6b, 6g, 6j and 12a).

§ 155.1 Definitions.

For purposes of this part, the term "affiliated person" of a futures commission merchant means any general partner, officer, director, owner of more than ten percent of the equity interest, correspondent, agent or person associated therewith, associated person or employee of the futures commission merchant, and any relative or spouse of any of the foregoing persons, or any relative of such spouse, who shares the same home as any of the foregoing persons.

§ 155.2 Trading standards for floor brokers.

Each contract market shall adopt and submit to the Commission for approval pursuant to section 5a(12) of the Act and section 1.41 of the regulations, a set of rules which shall, at a minimum, with respect to each member of the contract market acting as a floor broker:

(a) Prohibit such member from purchasing any commodity for future delivery for his own account, or for any account in which he has an interest, while holding an order of another person for the purchase of the same commodity

[24] In a separate FEDERAL REGISTER release issued concurrently with these regulations, the Commission has proposed the adoption of certain rules designed to improve further the accuracy of records kept by contract markets pursuant to regulation 1.35.

[25] The Commission has determined that a 60-day retention period is necessary in light of the delays which frequently precede the initiation of any systematic analysis of a day's trading activity.

[26] It may be possible for certain contract markets to achieve adequate data retrievability without the use of computer analysis systems. Accordingly, the Commission may, "for good cause shown, exempt a contract market from the requirement that regulation 1.35(e) records be kept in computer-readable form" in appropriate instances.

which is executable at the market price or at the price at which such purchase can be made for the member's own account or the account in which he has an interest.

(b) Prohibit such member from selling any commodity for future delivery for his own account, or for any account in which he has an interest, while holding an order of another person for the sale of the same commodity which is executable at the market price or at the price at which such sale can be made for the member's own account or the account in which he has an interest.

(c) Prohibit such member from executing any transaction for any account of another person for which buying and/or selling orders can be placed or originated, or for which transactions can be executed, by such member without the prior specific consent of the account owner, regardless of whether the general authorization for such orders or transactions is pursuant to a written agreement, except that orders for such an account may be placed with another member for execution.

(d) Prohibit such member from disclosing at any time that he is holding an order of another person or from divulging any order revealed to him by reason of his relationship to such other person, except pursuant to paragraph (c) of this section or at the request of an authorized representative of the Commission or the contract market.

(e) Prohibit such member from taking, directly or indirectly, the other side of any order of another person revealed to him by reason of his relationship to such other person, except with such other person's prior consent and in conformity with contract market rules approved by the Commission.

(f) Prohibit such member from making any purchase or sale which has been directly or indirectly prearranged.

(g) Prohibit such member from allocating trades among accounts.

(h) Prohibit such member from withholding or withdrawing from the market any order or part of an order of another person for the convenience of another member.

(i) Require that every execution of a transaction on the floor by such member be confirmed promptly with the opposite floor broker or floor trader; such confirmation shall identify price, quantity, future and respective clearing members. In the event a contract market cannot require prompt identification of respective clearing members without seriously disrupting the functions of its marketplace, the contract market may petition the Commission for exemption from this requirement. Such petition shall include:

(1) An explanation of why the contract market cannot require the prompt identification of respective clearing members without seriously disrupting the functions of its marketplace, and

(2) A proposed contract market rule which will insure that the opposite sides of every trade executed on the contract market can be effectively matched and will be accepted by a clearing member for clearance or will be otherwise sufficiently guaranteed.

The Commission may, in its discretion and upon such terms and conditions as it deems appropriate, grant such petition for exemption upon finding that the functions of the contract market may be seriously disrupted by requiring the prompt identification of respective clearing members and that the contract market appears to have adequately insured that every trade executed thereon can be effectively matched and will be accepted by a clearing member for clearance or will be otherwise sufficiently guaranteed.

§ 155.3 Trading standards for futures commission merchants.

(a) Each futures commission merchant shall, at a minimum, establish and enforce internal rules, procedures and controls to:

(1) Insure, to the extent possible, that each order received from a customer which is executable at or near the market price is transmitted to the floor of the appropriate contract market before any order in the same commodity for any proprietary account or any other account in which an affiliated person has an interest or for which an affiliated person may originate orders without the prior specific consent of the account owner is transmitted or caused to be transmitted to the floor of a contract market by any affiliated person who gains knowledge of such customer order prior to its transmission to the floor of the appropriate contract market; and

(2) Prevent affiliated persons from placing orders, directly or indirectly, with another futures commission merchant in a manner designed to circumvent the provisions of paragraph (a) (1) of this section.

(b) No futures commission merchant or any of its affiliated persons shall:

(1) Disclose that an order of another person is being held by the futures commission merchant or any of its affiliated persons, unless such disclosure is necessary to the effective execution of such order or is made at the request of an authorized representative of the Commission, the contract market on which such order is to be executed, or a futures association registered with the Commission pursuant to section 17 of the Act; or

(2) Knowingly take, directly or indirectly, the other side of any order of another person revealed to the futures commission merchant or any of its affiliated persons by reason of their relationship to such other person, except with such other person's prior consent and in conformity with contract market rules approved by the Commission.

(c) No futures commission merchant shall knowingly handle the account of any affiliated persons of another futures commission merchant unless the futures commission merchant:

(1) Receives written authorization from a person designated by such other futures commission merchant with responsibility for the surveillance over such account pursuant to paragraph (a) (2) of this section;

(2) Prepares immediately upon receipt of an order for such account a written record of such order, including the account identification and order number, and records thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received; and

(3) Transmits on a regular basis to such other futures commission merchant copies of all statements for such account and of all written records prepared upon the receipt of orders for such account pursuant to paragraph (c) (2) of this section.

(d) No affiliated person of a futures commission merchant shall have an account, directly or indirectly, with another futures commission merchant unless:

(1) Such affiliated person receives written authorization to maintain such an account from a person designated by the futures commission merchant with which such person is affiliated with responsibility for the surveillance over such account pursuant to paragraph (a) (2) of this section; and

(2) Copies of all statements for such account and of all written records prepared by such other futures commission merchant upon receipt of orders for such account pursuant to paragraph (c) (2) of this section are transmitted on a regular basis to the futures commission merchant with which such person is affiliated.

(e) The provisions of paragraphs (a) through (d) of this section shall not apply to a futures commission merchant which is not a member of any contract market or to the affiliated persons of such futures commission merchant.

§ 155.10 Exemptions.

Except as otherwise provided in this part, the Commission may, in its discretion and upon such terms and conditions as it deems appropriate, exempt any contract market or other person from any of the provisions of this part.

2. In 17 CFR Part 1, § 1.35 is amended by revising paragraph (e) and adding paragraph (g) to read as follows:

§ 1.35 Records of cash commodity and futures transactions.

* * * * *

(e) *Contract markets.* Each contract market shall maintain or cause to be maintained by its clearing organization a single record which shall show for each futures trade: the date, commodity, future, quantity, price, floor broker or floor trader buying, clearing member buying, floor broker or floor trader selling, clearing member selling, and symbols indicating the buying and selling customer types. The customer type indicators shall show, with respect to each person executing the trade, whether such person:

(1) Was trading for his own account;

(2) Was trading for his clearing member's house account;

(3) Was trading for another member present on the exchange floor, or an ac-

count controlled by such other member; or

(4) Was trading for any other type of customer.

The record required by this paragraph (e) of this section shall show, by appropriate and uniform symbols, exchanges of futures for cash, transfer trades, and trades cleared on dates other than the date of execution. Such record shall also show for each futures trade such time and sequence of execution indicia as provided for in paragraph (g) of this section. Except as otherwise approved by the Commission for good cause shown, the record required by this paragraph (e) of this section shall be maintained in a format and coding structure approved by the Commission (i) in hard copy or on microfilm as specified in section 1.31 and (ii) for 60 days in computer-readable form on compatible magnetic tapes or discs.

* * * * *

(g) (1) Each contract market shall show on the record of each futures trade required by paragraph (e) of this section the mechanically or electronically verified time of execution of such futures trade to at least the nearest minute or such superior time sequence indicia as may otherwise be authorized by the Commission.

(2) In the event a contract market cannot immediately comply with the requirements of paragraph (g) (1) of this section without seriously disrupting the functions of its marketplace, the contract market may petition the Commission for an extension of time to comply with these requirements. Such petition shall include:

(i) An explanation of why the contract market cannot immediately implement timing and record-keeping systems and procedures which will enable it to show the mechanically or electronically verified time of execution of each futures trade to at least the nearest minute on the record required by paragraph (e) of this section without seriously disrupting the functions of its marketplace;

(ii) A plan, with a timetable for implementation, which provides for the development of a record of the mechanically or electronically verified time of execution of each futures trade to at least the nearest minute or such superior time sequence indicia as may otherwise be authorized by the Commission; and

(iii) An interim plan which will represent substantial progress toward an accurate record of the time and sequence of execution of each futures trade on the contract market.

The Commission may, in its discretion and upon such terms and conditions as it deems appropriate, grant such an extension of time to comply with the requirements of paragraph (g) (1) of this section upon finding that the functions of the contract market may be seriously disrupted by immediately requiring mechanically or electronically verified timing of executions to at least the nearest minute on the contract market, that the plan submitted by the contract market for the implementation of such timing of executions or such superior time sequence indicia as may otherwise be authorized by the Commission provides for the development of such a record within a time period acceptable to the Commission or that the contract market is currently unable to submit such a plan, and that the interim plan submitted by the contract market represents substantial progress toward an accurate record of the time and sequence of execution of each futures trade on the contract market. The Commission may grant an extension of time to comply with the requirements of paragraph (g) (1) of this section for a period not to exceed one year, but may renew such extension for additional periods not to exceed one year upon subsequent petition by the contract market. Such subsequent petition must be made at least 60 days prior to the expiration of the current extension.

(h) *Contract Market Price Change Register.* Each contract market shall establish and maintain a record of all changes in the price of futures transactions executed on the floor of the contract market. This record shall include the time of all changes in price to the nearest ten seconds.

(Secs. 4g, 4j and 8a of the Commodity Exchange Act, as amended (7 U.S.C. 6g, 6j and 12a).)

While the Commission has adopted the foregoing rules and rule amendments in the form set forth above, the Commission will consider any comments on the new regulations submitted by interested persons on or before January 21, 1977, in determining whether any further or different action should be taken with respect to any of the matters dealt with in these regulations. Interested persons should submit written comments to the Commodity Futures Trading Commission, 2033 "K" Street, N.W., Washington, D.C. 20581, Attention: Secretariat. Copies of all comments received will be available for public inspection at the Commission's office in Washington, D.C.

Effective date: 17 CFR Part 155 takes effect on February 14, 1977. The amendments to 17 CFR 1.35 take effect on June 13, 1977.

Issued in Washington, D.C., on December 20, 1976, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

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federal register

THURSDAY, DECEMBER 23, 1976

PART VI



DEPARTMENT OF COMMERCE

Economic Development Administration

■

LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Proposed Projects Selected

DEPARTMENT OF COMMERCE

Economic Development Administration

LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Notice of Proposed Projects Selected Subject to Clearance

Notice is hereby given to all applicants and prospective applicants for funding under the Local Public Works Capital Development and Investment Program that the Economic Development Administration has reviewed all applications submitted to the appropriate office on or before C.O.B., December 3, 1976, and those applications resubmitted on or before C.O.B., December 9, 1976. Based on those reviews, EDA has selected the projects listed below, subject to final clearance. This does not constitute approval and means only that EDA will complete reviewing these projects for compliance with all provisions of the Local Public Works Capital Development and Investment Act of 1976 (hereinafter referred to as the "Act") and the implementing regulations. Each applicant will be notified as to the final disposition of the application.

Further notice is hereby given to all applicants that all new applications submitted on or before C.O.B., December 3, 1976, and all applications resubmitted on or before C.O.B., December 9, 1976, which are not included in the list below have been denied by the Assistant Secretary.

Section 107(d) of the Act requires that 70% of all funds appropriated for this program be granted for public works projects submitted by State or local governments "having unemployment rates for the three most recent consecutive months in excess of the national unemployment rate." The remaining 30% is to be spent for all other categories. The listing below of selected projects for each State is divided into a 70% and a 30% category, consistent with the statutory requirements.

Those projects selected, subject to final clearance are:

STATE OF ALASKA — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-AK-0038-1	MUNICIPALI OF ANCHORAGE	598615
L-AK-0044-1	MUNICIPALITY OF ANCHORAG	500000
L-AK-0058-0	METLAKATLA INDIAN COMM	417687
L-AK-0071-0	CITY OF KETCHIKAN	111857
L-AK-0082-1	CITY OF ANGOON	415743
L-AK-0093-0	CITY OF HAINES	750000
L-AK-0098-0	HYDABURG CTY SCHOOL DIST	1322000
L-AK-0102-0	CITY OF NOME	447400
L-AK-0103-0	CITY OF NOORVIK	955183
L-AK-0106-0	CITY OF SKAGWAY ALASKA	953124
L-AK-0111-0	NORTH SLOPE BOURGH	601800
L-AK-0113-0	KWETHLUK VILLAGE COUNCIL	931122
L-AK-0122-0	VILLAGE OF PORT GRAHAM	882997
L-AK-0127-0	CITY OF PALMER	216275
L-AK-0133-0	CITY OF KAKE	720600

STATE OF ALASKA — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-AK-0061-0	CITY BOROUGH OF JUNEAU	179000
L-AK-0062-0	CITY BOROUGH OF JUNEAU	216000

STATE OF ALABAMA — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-AL-0044-0	WILCOX COUNTY	1175259
L-AL-0056-0	CITY OF BIRMINGHAM	2236000
L-AL-0129-0	CITY OF SELMA	200000
L-AL-0210-0	CITY OF UNIONTOWN	485854
L-AL-0228-0	CITY OF FLORALA	265000
L-AL-0242-0	TOWN OF TRIANA	432168
L-AL-0243-0	TOWN OF BOLIGEE AL	486980
L-AL-0267-1	HALE CNTY COMM	1075600
L-AL-0278-1	TOWN OF HOBSON CITY	757900
L-AL-0284-0	CITY OF HOLLYWOOD ALABAM	400680
L-AL-0314-0	DEKA COUNTY BOARD OF EDU	384268
L-AL-0327-0	LAWRENCE CNTY BD OF ED	3000000
L-AL-0371-0	Cullman Cnty Bd of Ed	386264
L-AL-0373-0	City of Bessemer	1620000

STATE OF ALABAMA — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-AL-0055-1	CITY OF HEADLAND	581803
L-AL-0070-0	PUBLIC LIBRARY SERVICE	1213040
L-AL-0082-1	CITY OF PRICHARD	643684
L-AL-0112-0	CHOCTAW CNTY BD OF ED	295473
L-AL-0118-0	MONROE COUNTY	316270
L-AL-0203-0	CITY OF ENTERPRISE	508000
L-AL-0218-0	LIMESTONE CNTY BD OF ED	340700
L-AL-0289-1	CITY OF EAST BREWTON	433967
L-AL-0291-0	TOWN OF ELKMONT ALABAMA	145500
L-AL-0296-1	CITY WATER & SEWAGE BD	840000
L-AL-0374-0	MORGAN CNTY BD OF ED	488559

STATE OF AMERICAN SAMOA — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-AQ-0001-0	GOVERN OF AMERICAN SAMOA	3923000

STATE OF ARKANSAS — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-AR-0011-0	CITY OF TRUMANN	1296052
L-AR-0023-0	CITY OF PINE BLUFF	896637
L-AR-0030-0	CITY OF JACKSONVILLE	729458
L-AR-0032-0	DESHA COUNTY	200000
L-AR-0049-0	TEXARKANA SCHOOL DIST #7	529630
L-AR-0054-1	CRITTENDEN COUNTY	934788
L-AR-0067-0	CITY OF PANGBURN	737831
L-AR-0105-0	FORMAN SCHOOL DIST #25	126073
L-AR-0122-0	CAVE CTY SCHOOL DISTRICT	790077
L-AR-0140-0	HATFIELD SCHOOL DIST #22	798131
L-AR-0152-2	TOWN OF SUNSET	212721

STATE OF ARKANSAS — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-AR-0019-0	GARLAND COUNTY	230000
L-AR-0027-1	CITY OF GREERS FERRY	23675
L-AR-0056-1	TOWN OF CALDWELL	72000
L-AR-0057-0	FORREST CITY SCH DIST #7	1121000
L-AR-0064-0	CITY OF ARKADELPHIA	146649
L-AR-0077-0	CITY OF OZARK	479500
L-AR-0078-0	CITY OF HOT SPRINGS	174615
L-AR-0080-0	CITY OF HOT SPRINGS	709184
L-AR-0095-0	CITY OF HUNTINGTON	122322

STATE OF ARIZONA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-AZ-0011-0	MARICOPA COUNTY	407950
L-AZ-0012-0	MARICOPA COUNTY	789306
L-AZ-0045-0	NAVAJO TRIBE OF INDIANS	409570
L-AZ-0046-0	NAVAJO TRIBE OF INDIANS	409570
L-AZ-0062-0	CITY OF MESA	106000
L-AZ-0072-1	CITY OF NOGALES	1739116
L-AZ-0186-1	PAPAGO TRIBE	547500
L-AZ-0197-0	SAN CARLOS APACHE TRIBE	896000
L-AZ-0202-0	APACHE CTY ELEM SCH DIST	1950063
L-AZ-0251-0	WHITE MT APACHE TRIBE	1940000

STATE OF ARIZONA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-AZ-0114-0	CITY OF TUCSON	99000
L-AZ-0118-0	CITY OF TUCSON	577000
L-AZ-0127-0	CITY OF TUCSON	68250
L-AZ-0128-0	CITY OF TUCSON	128000
L-AZ-0129-0	CITY OF TUCSON	85100
L-AZ-0130-0	CITY OF TUCSON	485677
L-AZ-0132-0	CITY OF TUCSON	57060
L-AZ-0134-0	CITY OF TUCSON	282000
L-AZ-0193-1	CITY OF PAGE	114735
L-AZ-0216-0	PRESCOTT HISTORICAL SOC	1407596
L-AZ-0232-0	NORTHERN ARIZONA U	694619

STATE OF CALIFORNIA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-CA-0007-0	CITY OF OAKLAND	4928000
L-CA-0028-0	CITY OF PARAMOUNT	877633
L-CA-0054-0	CITY OF FRESNO	238000
L-CA-0107-1	COUNTY OF SAN DIEGO	1100000
L-CA-0113-1	GEORGETOWN DIVIDE PUBLIC	275000
L-CA-0123-0	CITY OF CALEXICO	1642793
L-CA-0127-0	CITY OF CALEXICO	124320
L-CA-0185-0	N MARIN CNTY WATER DIST	646067
L-CA-0195-0	CITY OF SAN LEANDRO	150000
L-CA-0229-0	LAKESIDE UNION SCH DIST	651500
L-CA-0232-2	LYNWOOD UNIFIED SCH DIST	2841000
L-CA-0233-0	COUNTY OF EL DORADO	1070000
L-CA-0235-1	MODESTO CTY & SCH DIST	418570
L-CA-0239-0	CTY OF SAN PABLO	569150
L-CA-0258-2	CITY OF SAN DIEGO	1606300
L-CA-0329-0	NEVADA CNTY IRRIG DIST	353272
L-CA-0338-0	ESCONDIDO UNION HIGH SCH	1297653
L-CA-0378-0	CITY OF ESCALON	202709
L-CA-0420-1	CHINO UNIFIED SCH DIST	4963693

STATE OF CALIFORNIA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-CA-0424-0	CITY OF SAN LEANDRO	179600
L-CA-0426-0	OCEANSIDE UN SCH DIST	301842
L-CA-0450-0	CITY OF NATIONAL CITY	3900296
L-CA-0464-1	L.A.COMMUNITY COLL DIST	4915757
L-CA-0482-0	OAKLAND UNIFIED SCH DIST	441000
L-CA-0484-1	CITY OF SAN PABLO	2184984
L-CA-0539-0	CITY OF SAN LEANDRO	275000
L-CA-0542-0	ALVORD UNIFIED SCH DIST	3486367
L-CA-0556-1	CITY OF CHICO	3462461
L-CA-0582-0	OAKLAND UNIFIED SCH DIST	629160
L-CA-0583-0	OAKLAND UNIFIED SCH DIST	357000
L-CA-0618-0	CITY OF COMMERCE	666729
L-CA-0626-0	SAN DIEGO UNIF SCH DIST	4995000
L-CA-0628-0	CITRUS COMMUNITY COL DIS	1547264
L-CA-0642-0	CITY OF BRISBANE	3367000
L-CA-0672-1	CITY OF MONROVIA	766031
L-CA-0679-0	CITY OF SIMI VALLEY	860000
L-CA-0717-1	SANTA MONICA COMM COLL	527676
L-CA-0729-0	CITY OF ADELANTO	1358532
L-CA-0735-1	ORCHARD DALE CNTY WAT DS	155400
L-CA-0802-1	CITY OF NORWALK	300000
L-CA-0827-0	CITY OF LOS ANGELES	750000
L-CA-0841-0	CITY OF LOS ANGELES	750000
L-CA-0845-0	CITY OF LOS ANGELES	750000
L-CA-0849-0	CITY OF LOS ANGELES	750000
L-CA-0882-0	CITY OF LOS ANGELES	1000000
L-CA-0898-0	CITY OF LOS ANGELES	668200
L-CA-0905-0	CITY OF LOS ANGELES	916300
L-CA-0910-0	CITY OF LOS ANGELES	422300
L-CA-0923-0	CITY OF LOS ANGELES	536000
L-CA-0925-0	CITY OF LOS ANGELES	383500
L-CA-0941-0	CITY OF LOS ANGELES	422560
L-CA-0944-0	CITY OF LOS ANGELES	520000
L-CA-0957-0	CITY OF LOS ANGELES	51000
L-CA-0960-0	CITY OF LOS ANGELES	85000
L-CA-0963-0	CITY OF LOS ANGELES	53000
L-CA-0985-1	CITY OF LOS AGNELES	470600
L-CA-0986-0	CITY OF LOS ANGELES	199800
L-CA-0987-0	CITY OF LOS ANGELES	550000
L-CA-0988-0	CITY OF LOS ANGELES	454000
L-CA-0991-0	CITY OF LOS ANGELES	68700
L-CA-0992-0	CITY OF LOS ANGELES	160000
L-CA-0997-0	CITY OF LOS ANGELES	461000
L-CA-1001-0	CITY OF LOS ANGELES	139200
L-CA-1010-0	CITY OF LOS ANGELES	133000
L-CA-1012-0	CITY OF LOS ANGELES	1760000
L-CA-1014-0	CITY OF LOS ANGELES	1925000
L-CA-1017-0	CITY OF LOS ANGELES	1424500
L-CA-1024-0	CITY OF LOS ANGELES	40100
L-CA-1059-1	MARIN COMMUNITY COLLEGE	810312
L-CA-1087-0	CITY OF CORONA	1147355

STATE OF CALIFORNIA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-CA-1138-1	LOS ANGELES UNI SCH DIST	430458
L-CA-1165-1	LOS ANGELES UNI SCH DIST	214830
L-CA-1168-0	MILTON F REITERMAN	970000
L-CA-1187-0	COUNTY OF RIVERSIDE	1340026
L-CA-1244-0	CITY OF DUARTE	1466339
L-CA-1305-0	SAN DIEGO UNI SCH DIST	3201000
L-CA-1321-0	CITY OF SOUTH EL MONTE	446447
L-CA-1325-2	S BAY UNION SCHOOL DIST	2020915
L-CA-1329-0	CITY OF GRIDLEY	186550
L-CA-1382-0	STANISLAUS COUNTY	474500
L-CA-1391-1	CITY OF POMONA	1351169
L-CA-1447-1	CARSON CALIFORNIA	1158150
L-CA-1449-1	CITY OF HUNTINGTON PARK	2400000
L-CA-1490-0	CITY OF SANTA FE SPRINGS	315000
L-CA-1506-0	BARSTOW COMMUNITY COLLG	373000
L-CA-1522-0	CITY OF LOS ANGELES	1925811
L-CA-1543-0	CITY OF LOS ANGELES	500000
L-CA-1546-0	CITY OF LOS ANGELES	800000
L-CA-1548-0	CITY OF LOS ANGELES	2800000
L-CA-1550-0	CITY OF LOS ANGELES	3800000
L-CA-1555-1	CITY OF BALDWIN PARK	4706679
L-CA-1579-0	CITY OF LAKEWOOD	680729
L-CA-1591-0	CITY OF EL MONTE	720000
L-CA-1630-0	CITY OF CHULA VISTA	407513
L-CA-1632-0	CITY OF CHULA VISTA	63765
L-CA-1646-1	CITY OF SAN FERNANDO	722998
L-CA-1662-1	COMPTON UNIFIED SCH DIST	4797143
L-CA-1670-1	CITY OF LOS ANGELES	1087001
L-CA-1679-0	CITY OF GILROY	113285
L-CA-1720-0	CITY OF IRWINDALE	108500
L-CA-1797-1	HUGHSON UNION HS DIST	307230
L-CA-1919-0	COUNTY OF LOS ANGELES	2434000
L-CA-1925-1	COUNTY OF LOS ANGELES	4951000
L-CA-2011-0	CITY OF BELLFLOWER	265230
L-CA-2047-1	CITY OF UNION CITY	4982462
L-CA-2059-0	CITY OF WEST COVINA	1500000
L-CA-2074-1	TRUSTEES OF CAL UNIV	197000
L-CA-2099-0	CITY OF HAYWOOD	797970
L-CA-2100-0	OAKDALE JOINT UNION HIGH	186750
L-CA-2108-1	CITY OF LIVERMORE	1538400
L-CA-2110-0	FALLBROOK HS SCH DIST	351874
L-CA-2121-1	MONTEBELLO UNI SCH DIST	2821540
L-CA-2140-1	PALOS VERDES PEN SCH DST	1707204
L-CA-2149-1	CITY OF TEMPLE CITY	418237
L-CA-2158-0	CITY OF TEMPLE CITY	167473
L-CA-2194-0	CITY OF HAWTHORNE	2975000
L-CA-2247-0	NEW HAVEN UNI SCH DIST	1681308
L-CA-2261-0	STANISLAVS UNI SCH DIST	2388536
L-CA-2274-0	RESCUE UNION SCH DIST	453620
L-CA-2310-1	BISHOP IND RESERVATION	960100
L-CA-2326-0	CITY OF NEWMAN	88000

STATE OF CALIFORNIA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-CA-2331-1	COUNTY OF MERCED	1816340
L-CA-2361-1	CITY OF MONTCLAIR	790000
L-CA-2380-0	HERMOSA BEACH CTY SCHL	723944
L-CA-2408-0	COUNTY OF ALAMEDA	2200000
L-CA-2449-0	CITY OF CERES	630000
L-CA-2483-0	SAN GABRIEL CNTY WAT DST	301350
L-CA-2529-0	TOWN OF CORTE MADERA	594245
L-CA-2533-0	CITY OF HAWAIIAN GARDENS	3333863
L-CA-2612-2	TUOLUMNC CO WATER DISTRI	608760
L-CA-2632-1	CITY OF ANDERSON	394350
L-CA-2642-0	CITY OF LIVINGSTON	161461
L-CA-2662-0	PAUMA BAND MISSION TRIBE	228927
L-CA-2690-0	COUNTY OF ALPINE	375000
L-CA-2691-0	COUNTY OF LOS ANGELES	850000
L-CA-2698-0	CTY & CNTY OF SAN FRAN	1987720
L-CA-2709-0	GALT JOINT UNION SCH DT	1082000
L-CA-2726-0	CTY & CNTY OF SAN FRAN	3212500
L-CA-2757-1	STANISLAUS COUNTY	522865
L-CA-2783-0	PLUMAS CNTY INDIANS INC	174790
L-CA-2854-1	CITY OF LA VERNE	215105
L-CA-2859-0	ORLEANS KAROK TRIBAL COU	171840
L-CA-2874-1	REDONDO BEACH CITY SCH	1950000
L-CA-2879-1	CABRILLO UNIFD SCHL DIST	1905939
L-CA-2905-0	CITY OF EL CNETRO	1639962
L-CA-2907-0	CITY OF SAN RAFAEL	677000
L-CA-2976-0	APPLE VALLEY SCH DIST	604760
L-CA-2982-0	GRINDSTONE TRBL CNCL	333795
L-CA-3020-0	CITY OF ANDERSON	1388331

STATE OF CALIFORNIA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-CA-0026-0	CITY OF FULLERTON	1282000
L-CA-0027-1	CITY OF FULLERTON	1120900
L-CA-0072-1	COUNTY OF ORANGE	2500000
L-CA-0075-1	YORBA LINDA SCH DIST	2767600
L-CA-0297-0	CITY OF GARDEN GROVE	300000
L-CA-0337-0	CITY OF BUENA PARK	1350000
L-CA-0341-0	CITY OF TUSTIN	860341
L-CA-0369-1	CITY OF SEAL BEACH	610000
L-CA-0377-0	CITY OF ORANGE	290000
L-CA-0391-0	FULLERTON JNT UN SCH DST	525000
L-CA-0429-0	CITY OF BUENA PARK	361884
L-CA-0459-1	CITY OF BENICIA	1708343
L-CA-0461-1	CITY MENLO PARK	360440
L-CA-0463-1	CITY OF MENLO PARK	1027000
L-CA-0493-0	CITY OF FOUNTAIN VALLEY	247672
L-CA-0497-0	CITY OF INDIO	350910
L-CA-0504-1	IRVINE UNIFIED SCH DIST	3533400
L-CA-0512-0	BELMONT CNTY WATER DIST	2063000

STATE OF CALIFORNIA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-CA-0576-0	ORANGE	785000
L-CA-0594-0	CITY OF VALLEJO	55000
L-CA-0602-0	CITY OF LOS ALAMITOS	409000
L-CA-0611-1	CITY OF SANTA ANA	595000
L-CA-0612-0	FULLERTON JNT UN SCH DST	600000
L-CA-0614-1	CITY OF SANTA ANA	1064000
L-CA-0702-1	CITY OF SANTA ANA	364000
L-CA-0703-0	CITY OF SANTA ANA	3500000
L-CA-0711-1	CITY OF HUNTINGTON BEACH	567000
L-CA-0716-1	CITY OF SANTA ANA	354000
L-CA-0719-0	CITY OF GARDEN GROVE	1875370
L-CA-0723-1	FAIRFIELD CITY	1815615
L-CA-0724-0	CITY OF ORANGE	319524
L-CA-0726-1	CITY OF FAIRFIELD	3794836
L-CA-0777-1	COUNTY OF MONTEREY	936422
L-CA-0791-0	COACHELLA VL CNTY WAT DS	3489181
L-CA-0806-0	CITY OF ANAHEIM	750000
L-CA-0807-0	CITY OF ANAHEIM	120000
L-CA-0808-1	CITY OF ANAHEIM	160000
L-CA-0809-1	CITY OF ANAHEIM	130000
L-CA-0813-0	COACHELLA CITY	140230
L-CA-0814-0	COACHELLA VLY CNTY WATER	343000
L-CA-0817-0	CITY OF ANAHEIM	295000
L-CA-1009-1	SANTA ANA COLLEGE DIST	221900
L-CA-1066-0	SOUTH COAST COUNTY	195000
L-CA-1079-2	SAN LUIS SCHL DIST	912577
L-CA-1146-0	CITY OF LA PALMA	328525
L-CA-1184-0	CITY OF WESTMINISTER	318500
L-CA-1261-0	THE REGENTS OF THE UNIVE	350000
L-CA-1286-0	STATE OF CALIFORNIA	178400
L-CA-1456-0	COAST COMMUNITY COLLEGE	915150
L-CA-1457-0	COAST COMMUNITY COLLEGE	1726225
L-CA-1459-1	COAST COMMUNITY COLLEGE	1128344
L-CA-1486-0	CITY OF LINDSAY	500000
L-CA-1488-0	COUNTY OF MONTEREY	384064
L-CA-1489-0	COUNTY OF MONTEREY	174053
L-CA-1626-1	NAPA SANITATION DISTRICT	1100000
L-CA-1639-0	CITY OF JACKSON	960000
L-CA-1640-1	VISALIA UNIFIED SCH DIST	197533
L-CA-1653-1	VISALIA UNIFIED SCH DIST	467949
L-CA-1654-0	COUNTY OF RIVERSIDE	124755
L-CA-1665-1	VISALIA UNIFIED SCH DIST	334463
L-CA-1697-0	CITY OF SANTA ANA	299450
L-CA-1772-0	CITY OF MOUNTAIN VIEW	506810
L-CA-1776-0	CITY OF MOUNTAIN VIEW	371230
L-CA-1777-0	CITY OF EL PASO DE ROBLE	159462
L-CA-1907-0	COUNTY OF LOS ANGELES	445170
L-CA-2010-0	CITY OF NAPA	100000
L-CA-2018-1	CITY OF YORBA LINDA	126000
L-CA-2051-1	CITY OF PORTERVILLE	175000
L-CA-2101-0	SANTA MARIA PUB AIRPORT	426300

STATE OF CALIFORNIA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-CA-2126-0	SANTA ANA UNI SCH DIST	2771334
L-CA-2128-0	NEWPORT-MESA UNI SCH DST	1739475
L-CA-2130-1	CITY OF DINUBA	190600
L-CA-2131-0	CITY OF DINUBA	159200
L-CA-2167-0	NEWPORT-MESA UNI SCH DST	639342
L-CA-2184-1	THE STATE OF CALIFORNIA	198431
L-CA-2187-1	COUNTY OF MONTEREY	76650
L-CA-2240-0	CITY OF FAIRFIELD	283352
L-CA-2245-0	CITY OF PASADENA	2566840
L-CA-2252-1	CITY OF PLACENTIA	635000
L-CA-2293-1	CALIF DEPT OF TRANSPORT	503000
L-CA-2377-1	CITY OF PLACENTA	603223
L-CA-2398-1	CITY OF CYPRESS	76773
L-CA-2416-0	CITY OF STANTON	159390
L-CA-2423-1	CITY OF COSTA MESA	550000
L-CA-2490-0	COUNTY OF NAPA	975000
L-CA-2714-0	CITY OF PORTERVILLE	168000
L-CA-2715-0	CITY OF PORTERVILLE	225000
L-CA-2779-0	PALO VERDE SCHOOL	84284
L-CA-2785-0	TULARE CTY SCH DIST	500395
L-CA-2800-0	TULARE CTY SCH DIST	105000
L-CA-2804-0	SEQUOIA UNION SCHL DIST	99049
L-CA-2806-0	COSTA MESA CNTY WAT DIST	931500
L-CA-2829-0	CITY OF COACHELLA	410000
L-CA-2846-1	SACRAMENTO HEALTH DEPT	250000
L-CA-2849-1	CITY OF PALM DESERT	2000000
L-CA-2984-0	CUTLER-OROSI UNIFD DIST	45469
L-CA-2989-0	COUNTY OF INYO	47800

STATE OF COLORADO		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-CO-0007-1	CITY OF COMMERCE CITY	1220635
L-CO-0053-0	ADAMS CO BD OF COMMNERS	674672
L-CO-0065-0	CITY & COUNTY OF DENVER	90000
L-CO-0067-0	CITY & COUNTY OF DENVER	1683000
L-CO-0068-0	CITY & COUNTY OF DENVER	1122000
L-CO-0091-0	UTE MTN TRIBE OF INDIANS	521540
L-CO-0092-0	TOWN OF PAGOSA SPRINGS	246900
L-CO-0093-0	CITY & COUNTY OF DENVER	1020000
L-CO-0112-2	SOUTH SUBURBAN METRO	2093685
L-CO-0164-0	CITY OF THORNTON	166500

STATE OF COLORADO — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-CO-0168-0	PLATTE CANYON SCHL DIST1	2360740
L-CO-0181-0	CITY OF WHEAT RIDGE	1350000

STATE OF CONNECTICUT — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-CT-0007-1	TOWN OF THOMASTON	4500000
L-CT-0052-0	CITY OF TORRINGTON	700000
L-CT-0129-1	CITY OF ANSONIA	939700
L-CT-0152-2	CITY OF HARTFORD	4998000
L-CT-0170-0	CITY OF WATERBURY	4332426
L-CT-0202-0	TOWN OF OXFORD	828000
L-CT-0207-0	TOWN OF PLYMOUTH	1325000
L-CT-0211-0	TOWN OF PLYMOUTH	372960
L-CT-0216-0	CITY OF BRIDGEPORT	1394640
L-CT-0219-0	CITY OF BRIDGEPORT	1111693
L-CT-0222-1	CITY OF BRIDGEPORT	380825
L-CT-0226-0	CITY OF BRIDGEPORT	355642
L-CT-0260-1	NEW HAVEN HOUSING AUTH	55500
L-CT-0269-1	TOWN OF SEYMOUR	395400
L-CT-0280-0	CITY OF BRISTOL	4996000
L-CT-0281-0	CITY OF SHELTON	441300
L-CT-0313-1	TOWN OF BERLIN	967305
L-CT-0363-0	CITY OF NEW HAVEN	1742315
L-CT-0375-0	CITY OF MILFORD	696292
L-CT-0412-1	CITY OF DERBY	1095000
L-CT-0417-0	CITY OF NEW HAVEN	399073
L-CT-0422-0	CITY OF NEW HAVEN	1603000

STATE OF CONNECTICUT — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-CT-0008-0	CITY OF NEW LONDON	1503038
L-CT-0026-0	CITY OF STAMFORD	2000690
L-CT-0028-0	CITY OF STAMFORD	589657
L-CT-0132-2	TOWN OF WEST HARTFORD	1823120
L-CT-0166-1	TOWN OF MONTVILLE	446223
L-CT-0194-1	TOWN OF CANTON	183000
L-CT-0197-2	TOWN OF CANTON	74276
L-CT-0199-1	TOWN OF WESTPORT	1400000
L-CT-0273-1	TOWN OF GROTON	2589400
L-CT-0350-0	TOWN OF LEDYARD	85000
L-CT-0415-0	TOWN OF GREENWICH	4193800

STATE OF DISTRICT OF COLUMBIA — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-DC-0001-0	GOVT OF DIST OF COLUMBIA	1500000
L-DC-0002-0	GOVT OF DIST OF COLUMBIA	1400000
L-DC-0003-1	GOVT OF DIST OF COLUMBIA	900000
L-DC-0005-0	GOVT OF DIST OF COLUMBIA	300000
L-DC-0006-0	GOVT OF DIST OF COLUMBIA	2000000
L-DC-0007-0	GOVT OF DIST OF COLUMBIA	2200000
L-DC-0008-0	GOVT OF DIST OF COLUMBIA	1700000

STATE OF DELAWARE — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-DE-0004-2	CITY OF MILFORD	496650
L-DE-0013-1	DEPT HLTH & SOCIAL SVC	960342
L-DE-0020-0	DELAWARE CITY	694890
L-DE-0023-1	CITY OF WILMINGTON	1115432
L-DE-0025-0	UNIVERSITY OF DELAWARE	125000
L-DE-0026-0	HARTLEY COMMISSIONERS	702590
L-DE-0030-1	CITY OF WILMINGTON	1136000
L-DE-0051-0	CITY OF NEWARK	355360
L-DE-0065-1	LAKE FOREST SCHOOL DIST	1589000

STATE OF DELAWARE — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-DE-0005-0	APPOQUINIMINK SCHOOL DST	590700
L-DE-0012-2	TOWN OF GEORGETOWN	284550
L-DE-0019-1	CITY OF SEAFORD	633780
L-DE-0040-0	TOWN OF LAUREL	659500
L-DE-0042-1	TOWN OF ELSMERE	160755
L-DE-0045-0	TOWN OF DELMAR	175000
L-DE-0055-2	BRIDGEVILLE COMN	386902

STATE OF FLORIDA — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-FL-0003-0	DADE CNTY BD OF COMM	3319930
L-FL-0005-0	DADE CNTY BD OF COMM	5000000
L-FL-0013-1	LEE CNTY BD OF COMM	4877000
L-FL-0035-1	CITY OF LAKE MARY	308000
L-FL-0039-0	CITY OF TAMPA	1467900
L-FL-0079-0	CITY OF WEST MIAMI	399200
L-FL-0080-0	CITY OF PEMBROKE PINES	580000
L-FL-0091-0	ORANGE CNTY BD OF COMM	2849700
L-FL-0095-1	CITY OF SANFORD	1795525
L-FL-0096-0	CITY OF GULPORT	839641
L-FL-0101-0	CITY OF FLORIDA CITY	1000000
L-FL-0102-1	CITY OF LAUDERDALE LAKES	804753
L-FL-0119-1	CITY OF TAMARAC	279098

STATE OF FLORIDA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-FL-0144-0	CITY OF HOMESTEAD	4600000
L-FL-0150-0	HILLSBORO CNTY SCH BD	4933500
L-FL-0154-0	CITY OF MADEIRA BEACH	274550
L-FL-0162-0	CITY OF OVIEDO	480000
L-FL-0165-1	MILLSBOROUGH COUNTY	239606
L-FL-0185-1	HILLSBOROUGH COUNTY	239606
L-FL-0192-2	CITY OF SUNRISE	3675960
L-FL-0193-1	CITY OF MIRAMAR	2053695
L-FL-0199-0	CITY OF NORTH LAUDERDALE	1671955
L-FL-0208-0	CTY OF ALTAMONTE SPRINGS	1250251
L-FL-0238-0	BROWARD BD OF CNTY COMM	350000
L-FL-0243-0	BROWARD BD OF CNTY COMM	2500000
L-FL-0251-0	CITY OF CORAL SPRINGS	198000
L-FL-0292-1	PORT EVERGLADES AUTH	2600000
L-FL-0309-0	CITY OF BELLE GLADE	750000
L-FL-0310-0	CITY OF DANIA	575000
L-FL-0317-1	CITY OF OLDSMAR	440000
L-FL-0321-1	CITY OF KISSIMMEE	456442
L-FL-0344-0	CITY OF OAKLAND PARK	553619
L-FL-0352-1	CITY OF TEMPLE TERRACE	220000
L-FL-0353-0	CITY OF PALM BAY	1735864
L-FL-0365-0	CITY OF DUNEDIN	740600
L-FL-0380-0	CITY OF HIALEAH	2789182
L-FL-0389-1	CITY OF DELRAY BEACH	1230023
L-FL-0425-0	TOWN OF EAGLE LAKE	1935150
L-FL-0439-0	HGHWY SAFETY & MV DEPT	405753
L-FL-0455-0	SCHOOL BOARD OF PALM BCH	338756
L-FL-0469-0	SCH BD PALM BEACH CNTY	300159
L-FL-0489-0	CITY OF WINTER SPRINGS	120300
L-FL-0498-0	MICCOSUKEE IND TRIBE	336160
L-FL-0502-0	CITY OF BOWLING GREEN	540500
L-FL-0505-0	MICCOSUKE TRB OF INDIANS	144540
L-FL-0514-0	CITY OF PLANT CITY	57860
L-FL-0516-0	CITY OF PLANT CITY	275633
L-FL-0520-0	CITY OF WILTON MANORS	49000
L-FL-0521-0	CITY OF DEERFIELD BEACH	640966
L-FL-0582-0	TRANSPORTATION DEPT	1595203
L-FL-0590-0	SOUTH BAY CITY	470966
L-FL-0596-1	HERNANDO CNTY COMM	494770
L-FL-0623-0	PLANTATION CITY	202200
L-FL-0636-0	BREVARD CNTY BD OF COMM	1254592
L-FL-0641-1	CITY OF ROCKLEDGE	1382903
L-FL-0642-0	CITY OF INDIAN HARBOUR	547270
L-FL-0652-0	CITY OF OPALOCKA	2051500
L-FL-0717-0	SEMINOLE CNTY	4669675
L-FL-0728-1	CITY OF WILTON MANORS	467500
L-FL-0729-0	CITY OF PAHOKEE	973000
L-FL-0750-0	CITY OF PORT ORANGE	230000
L-FL-0756-0	BOARD OF COUNTY COMMISSI	600000
L-FL-0757-0	PALM BEACH BD OF COMM	369915
L-FL-0793-0	CITY OF PINELLAS PARK	546063

STATE OF FLORIDA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-FL-0814-0	CITY OF MELBOURNE	887516
L-FL-0887-0	METORPOLITAN DADE COUNTY	1071105
L-FL-0901-0	CITY OF SWEETWATER	736000
L-FL-0926-1	CITY OF POMPANO BEACH	438900
L-FL-0927-1	CITY OF POMPANO BEACH	270693
L-FL-0937-1	TOWN OF DAVIE	73000
L-FL-0940-0	SCHL BOARD BROWARD CNTY	1385155
L-FL-0989-0	CITY OF PLANT CITY	229956
L-FL-1011-1	VILLAGE OF VIRGINIA GARD	511962
L-FL-1012-0	HAINES CITY	2917627
L-FL-1013-1	TOWN OF EATONVILLE	3561239
L-FL-1015-0	CITY OF RIVERA BEACH	3930373

STATE OF FLORIDA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-FL-0064-1	CITY OF ATLANTIC BEACH	1054384
L-FL-0177-1	TOWN OF ORANGE PARK	670000
L-FL-0188-0	TOWN OF PENNEY FARMS	25651
L-FL-0212-0	TOWN OF PENNEY FARMS	48621
L-FL-0240-1	TALLAHASSEE-LEON CIV CTR	3190840
L-FL-0259-0	CITY OF PENSACOLA	1493476
L-FL-0318-1	BAKER CNTY BD OF COMM	147000
L-FL-0319-1	BAKER CNTY BD OF COMM	43900
L-FL-0320-1	BAKER CNTY BD OF COMM	210900
L-FL-0329-0	CITY OF JACKSONVILLE	1829000
L-FL-0330-0	CITY OF JACKSONVILLE	1717491
L-FL-0331-0	CITY OF JACKSONVILLE	403629
L-FL-0332-0	CITY OF JACKSONVILLE	1129986
L-FL-0333-0	CITY OF JACKSONVILLE	1294328
L-FL-0338-0	CITY OF GREEN COVE SPGS	739200
L-FL-0339-0	CITY OF GREEN COVE SPGS	740835
L-FL-0428-0	CITY OF HAWTHORNE	350000
L-FL-0436-0	SANTA ROSA CNTY SCHL DIS	146405
L-FL-0495-0	CITY OF HIGH SPRINGS	262185
L-FL-0501-1	ESCAMBIA CNTY SCH BOARD	52287
L-FL-0506-0	CITY OF HIGH SPRINGS	81490
L-FL-0553-1	CITY OF GAINESVILLE	1818440
L-FL-0554-0	CITY OF GAINESVILLE	1234288
L-FL-0555-0	CITY OF GAINESVILLE	878140
L-FL-0595-0	CLAY CNTY BD OF COMM	356491
L-FL-0639-1	ESCAMBIA COUNTY FLORIDA	1300000
L-FL-0644-0	BOARD OF COUNTY COMMISSI	3081076
L-FL-0645-0	BOARD OF COUNTY COMMISSI	1028575
L-FL-0646-0	ALACHUA CNTY BD OF COMM	581688
L-FL-0741-0	TOWN OF MICANOPY	225916
L-FL-0828-0	CITY OF GULF BREEZE	425000
L-FL-0829-0	NASSAU CNTY	1250000
L-FL-0870-1	DIXIE COUNTY COMMISSION	280000
L-FL-0899-1	CITY OF FERNANDINA BEACH	1353000

STATE OF FLORIDA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-FL-0900-0	CITY OF FERNANDINA BEACH	300000
L-FL-0918-1	CITY OF ALACHUA	12000
L-FL-0963-0	ALACHUA CNTY BD OF COMM	1363940
L-FL-0975-1	CITY OF JACKSONVILLE	1180091
L-FL-0976-1	CITY OF JACKSONVILLE	347173
L-FL-0977-1	CITY OF JACKSONVILLE	559503
L-FL-0979-1	DIXIE COUNTY SCHOOL BOAR	378000
L-FL-0983-0	TOWN OF BALDWIN	633930
L-FL-0984-0	TOWN OF BALDWIN	798316
L-FL-0990-1	DUVAL COUNTY SCHOOL BOAR	4994000

STATE OF GEORGIA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-GA-0005-0	BURKE CNTY BD OF COMM	891975
L-GA-0021-1	JENKINS COUNTY	412461
L-GA-0026-0	ATLANTA PUBLIC SCHOOLS	1900000
L-GA-0067-0	THE CITY OF WRENS	165711
L-GA-0147-0	MARIETTA CTY BD OF ED	1345800
L-GA-0187-0	CITY OF MARIETTA	606966
L-GA-0191-0	GLASCOCK CNTY BD OF ED	199500
L-GA-0226-0	CITY OF ATLANTA	4803159
L-GA-0236-0	EMANUEL CNTY BD OF COMM	415429
L-GA-0238-0	GWINNETT COUNTY	1500000
L-GA-0263-1	VILLA RICA CTY HOSP AUTH	96200
L-GA-0293-1	CITY OF ROCKMART	224136
L-GA-0319-1	CITY OF FAYETTEVILLE	255000
L-GA-0363-1	CITY OF VILLA RICA	410000
L-GA-0384-1	CITY OF JACKSON	117000
L-GA-0407-0	CITY OF CUSSETA	113330
L-GA-0421-0	ATLANTA BD OF ED	1000000
L-GA-0430-1	ATLANTA BD OF ED	1000000
L-GA-0491-0	TAYLOR COUNTY	588447
L-GA-0522-0	CLAYTON COUNTY	938950
L-GA-0540-0	DAWSON COUNTY	840900

STATE OF GEORGIA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-GA-0103-0	CNTY BD OF PUB ED & ORPH	855126
L-GA-0219-0	FLOYD COUNTY	2229500
L-GA-0270-0	PAULDING CNTY WATER AUTH	1931070
L-GA-0310-0	HOUSTON COUNTY	1373570
L-GA-0314-0	CITY OF PEMBROKE	112382
L-GA-0417-0	CITY OF CANTON	270000
L-GA-0476-0	CITY OF CORDELE	150000
L-GA-0484-0	CITY OF BUENA VISTA	88000
L-GA-0552-0	CITY OF HELEN	133800
L-GA-0557-0	HALL COUNTY BD OF ED	438555

STATE OF GUAM		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-GU-0001-1	GOVERNMENT OF GUAM	583835
L-GU-0003-0	GOVERNMENT OF GUAM	897100
L-GU-0006-0	GOVERNOR OF GUAM	624000

STATE OF HAWAII		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-HI-0001-0	COUNTY OF HAWAII	2660000
L-HI-0002-0	COUNTY OF HAWAII	165000
L-HI-0004-0	COUNTY OF HAWAII	470000
L-HI-0005-0	CITY & CNTY OF HONOLULU	470384
L-HI-0006-0	CITY & CNTY OF HONOLULU	1708384
L-HI-0008-0	CITY & CNTY OF HONOLULU	1118140
L-HI-0015-0	CITY & CNTY OF HONOLULU	640358
L-HI-0016-0	LAND & NAT RESOURCE DEPT	559999
L-HI-0017-0	COUNTY OF KAUAI	771742
L-HI-0022-0	COUNTY OF KAUAI	57987
L-HI-0028-0	COUNTY OF MAUI	849000
L-HI-0037-0	CITY & CNTY OF HONOLULU	575384

STATE OF IOWA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-IA-0008-1	OTTUMWA COMM SCHOOL DST	2394998
L-IA-0023-0	CITY OF NORA SPRINGS	607200
L-IA-0057-0	POLK COUNTY	1374117
L-IA-0065-0	SAC AND FOX TRIBE	796000
L-IA-0080-1	CITY OF WATERLOO	462000
L-IA-0091-2	CITY OF ALBIA	1400000
L-IA-0093-0	CITY OF HUDSON	143060
L-IA-0104-0	CITY OF BURLINGTON	632520
L-IA-0139-0	CITY OF EVANSDALE	196875
L-IA-0143-1	CITY OF MISSOURI VALLEY	134000
L-IA-0164-1	CITY OF GRAETTINGER	318300

STATE OF IOWA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-IA-0174-0	CITY OF NEOLA	597443

STATE OF IOWA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-IA-0034-0	CITY OF KEOKUK	953000
L-IA-0054-2	CITY OF DAVENPORT	831073
L-IA-0153-0	CITY OF ROCK VALLEY	713000
L-IA-0156-0	CITY OF DIKE	250000

STATE OF IDAHO		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-ID-0003-0	CITY OF VICTOR	116149
L-ID-0033-0	CITY OF REXBURG	385950
L-ID-0035-1	CITY OF MUD LAKE	269220
L-ID-0061-0	COUNTY OF BLAINE	1509997
L-ID-0063-0	CNTRL SHOSHONE CNTY WTR	382140
L-ID-0070-2	BONNER COUNTY SCHL DIST	850000
L-ID-0100-1	BONNEVILLE COOUNT	889880
L-ID-0116-1	CITY OF BELLEVUE	260000
L-ID-0126-0	CITY OF BONNERS FERRY	272800
L-ID-0134-1	CITY OF FAIRFIELD	98344
L-ID-0138-0	CITY OF SPIRIT LAKE	885700
L-ID-0145-0	JOINT SCHOOL DIST #182	137425
L-ID-0149-0	JOINT SCHOOL DIST A-215	280000
L-ID-0151-1	COEUR D'ALENS TRB OF ID	183496

STATE OF IDAHO		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-ID-0048-1	HORSESHOE BEND	446160
L-ID-0051-1	CITY OF MIDDLETON	1060000
L-ID-0093-0	CITY OF LEWISTON	934700
L-ID-0105-0	GARDEN CITY	1151850
L-ID-0123-1	CITY OF NEW PLYMOUTH	208800

STATE OF ILLINOIS		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-IL-0033-0	STATE OF ILLINOIS	226500
L-IL-0108-0	BI STATE DEVEL AGENCY	1696000
L-IL-0168-0	CITY OF CHICAGO	5000000
L-IL-0170-0	CITY OF CHICAGO	3071000
L-IL-0180-0	CITY OF CHICAGO	3212335
L-IL-0185-0	CITY OF CHICAGO	4425600
L-IL-0191-0	CITY OF CHICAGO	825450
L-IL-0221-0	POPE CNTY CMTY SCH DIS	350000
L-IL-0265-0	CITY OF CHICAGO	5577500
L-IL-0273-0	CITY OF QUINCY	444460
L-IL-0310-1	CITY OF OGLESBY	502575
L-IL-0372-0	MARION COUNTY	992000
L-IL-0444-0	CITY OF CHICAGO	650350
L-IL-0522-1	VILLAGE E CHGO HTS	1297106
L-IL-0533-1	FOREST PRESERVE	492030
L-IL-0534-0	COOK CNTY FOREST PRESV	1394295
L-IL-0535-0	COOK CNTY FOREST PRESV	576390
L-IL-0536-0	COOK CNTY FOREST PRESV	1553055
L-IL-0571-0	CITY OF VENICE	361480
L-IL-0585-1	CITY OF KINMUNDY	304000
L-IL-0605-0	VILLAGE OF ROBBINS	1794210
L-IL-0652-1	STITES TOWNSHIP	422550
L-IL-0766-1	CITY OF EAST ST LOUIS	4542022
L-IL-0774-1	PEMBROKE TOWNSHIP	1150800
L-IL-0807-0	VILLAGE OF WORDEN	303500
L-IL-0832-0	CITY OF WAMAC	395000
L-IL-0866-0	MOCLURE EAST CAPE SEWAGE	1250000
L-IL-0876-0	VILLAGE OF THEBES	769000
L-IL-0983-1	VILLAGE OF ROBBINS	951485
L-IL-1017-0	VILLAGE OF E HAZEL CREST	255750

STATE OF ILLINOIS		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-IL-0020-1	VILLAGE OF PORT BYRON	250000
L-IL-0022-2	STATE OF ILLINOIS	150000
L-IL-0026-1	STATE OF ILLINOIS	1037400
L-IL-0027-1	STATE OF ILLINOIS	688000
L-IL-0039-2	STATE OF ILLINOIS	1797400
L-IL-0110-1	HOMER TOWNSHIP	264950
L-IL-0148-0	GAIL BORDEN LIBR TRUST	366300
L-IL-0154-0	VILLAGE OF MILAN	122240
L-IL-0158-1	STARVED ROCK LIBRARY SYS	453135
L-IL-0159-3	BOLINGBROOK PARK DIST	255150
L-IL-0215-0	CARPENTERSVILLE	2262325
L-IL-0248-1	CTY OF CRYSTAL LAKE	307187
L-IL-0252-1	FOX LAKE PUBLIC LIBRARY	745036
L-IL-0353-0	CITY OF MONTICELLO	286031
L-IL-0388-1	VILLAGE OF ADDISON	829869
L-IL-0395-1	VALLEY VIEW PUB SCHOOLS	3135171

STATE OF ILLINOIS — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-IL-0398-0	VILLAGE OF BETHANY	244400
L-IL-0478-1	VILLAGE OF MOWEAQUA	297100
L-IL-0554-0	CITY OF AURORA	750000
L-IL-0623-1	CITY OF WAUKEGAN	835000
L-IL-0893-0	VILLAGE OF WESTCHESTER	2412000
L-IL-1090-0	RANDOLPH COUNTY NURSING	1713770

STATE OF INDIANA — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-IN-0037-0	CITY OF GARY	1300000
L-IN-0038-1	CITY OF GARY	1245000
L-IN-0039-1	CITY OF GRAY	550000
L-IN-0052-0	TOWN OF MONTGOMERY	297000
L-IN-0075-0	CITY OF RISING SUN	860548
L-IN-0100-2	WAYNE COUNTY	750094
L-IN-0135-0	TOWN OF NORTH JUDSON	471300
L-IN-0150-0	CLARK COUNTY	226913
L-IN-0161-0	TOWN OF HANOVER	873800
L-IN-0201-0	NEW ALBANY-FLOYD SCHL	1200000
L-IN-0224-1	HOBART TWP COMMUNITY SCH	745081
L-IN-0226-0	BD OF CNTY COMMISSIONERS	396507
L-IN-0241-0	CITY OF INDIANAPOLIS	1478600
L-IN-0243-0	CITY OF INDIANAPOLIS	2647000
L-IN-0261-0	TOWN OF CHESTERTON	643741
L-IN-0264-0	TOWN OF CROTHERSVILLE	107500
L-IN-0268-1	TRUSTEE-WASHINGTON TWP	288750
L-IN-0269-1	CENTER TOWNSHIP	1400572
L-IN-0288-0	TOWN OF AUSTIN	439757
L-IN-0299-0	TOWN OF DILLSBORO	165514

STATE OF INDIANA — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-IN-0008-2	WAVELAND DEPT OF PKS&REC	422700
L-IN-0059-1	TOWN OF FRANKTON	110837
L-IN-0071-1	BOARD OF WORKS	2660000
L-IN-0145-0	TOWN OF HAMILTON	1161380
L-IN-0158-0	TOWN OF ASHLEY	377300
L-IN-0225-1	BD OF CNTY COMMISSIONERS	544484
L-IN-0280-0	CITY OF NEW CASTLE	1366862

STATE OF KANSAS — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-KS-0016-1	KICKAPOO TRIBE OF KANSAS	378519
L-KS-0023-1	CITY OF CHETOPA	332000
L-KS-0027-0	CITY OF WICHITA	1400000
L-KS-0030-0	CITY OF WICHITA	1315000
L-KS-0032-1	CITY OF KANSAS CITY	859034
L-KS-0034-1	CITY OF KANSAS CITY	735000
L-KS-0046-0	CITY OF ANDOVER	761000
L-KS-0073-2	CITY OF DESOTO	243243
L-KS-0081-2	UNIFIED SCHOOL DISTRICT	267346
L-KS-0110-1	CITY OF GALENA	850000

STATE OF KANSAS — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-KS-0002-1	CITY OF LEAVENWORTH	200000
L-KS-0018-1	CITY OF LEAVENWORTH	689853
L-KS-0071-0	SHAWNEE COUNTY	654649
L-KS-0092-2	CITY OF PITTSBURG	894530
L-KS-0109-1	UNIFIED SCHOOL DISTRICT	300000
L-KS-0114-1	UNIFIED SCHOOL DISTRICT	200000

STATE OF KENTUCKY — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-KY-0007-0	LEE COUNTY FISCAL COURT	1250000
L-KY-0011-0	CLAY COUNTY FISCAL COURT	931913
L-KY-0026-0	CITY OF MONTICELLO	430000
L-KY-0043-0	JEFFERSON CNTY BD OF ED	1750000
L-KY-0044-0	JEFFERSON CNTY BD OF ED	3750000
L-KY-0072-0	WOLFE CNTY FISCAL COURT	685000
L-KY-0089-0	CITY OF MCKEE	581510
L-KY-0100-0	CITY OF SALYERSVILLE	446000
L-KY-0131-0	CITY OF LIVINGSTON	463625
L-KY-0237-0	CALVERT CITY	602059

STATE OF KENTUCKY		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-KY-0064-0	COUNTY OF GRAYSON	1302144
L-KY-0133-0	HARLAN CNTY FISCAL COURT	1384066
L-KY-0158-1	CITY OF HIGHLAND HEIGHTS	1255328
L-KY-0239-0	SYMSONIA WATER DISTRICT	997000

STATE OF LOUISIANA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-LA-0002-1	NATCHITOCHES PAR POL JRY	583344
L-LA-0007-0	CITY OF PORT ALLEN	431605
L-LA-0009-2	W FELICIANA PAR SCH BD	664884
L-LA-0019-1	CITY OF NEW ORLEANS	418282
L-LA-0021-1	CITY OF NEW ORLEANS	600000
L-LA-0041-1	AVOYELLES PAR SCHOOL BD	763069
L-LA-0051-1	RAPIDES PAR DRAIN DIST	570676
L-LA-0052-0	BIENVILLE PAR POL JURY	525000
L-LA-0081-2	TOWN OF GLENMORA	678100
L-LA-0084-0	CITY OF DEQUINCY	272000
L-LA-0085-0	TOWN OF BENTON	386749
L-LA-0098-1	TOWN OF PORT BARRE	267000
L-LA-0104-0	CITY OF OAKDALE	334635
L-LA-0109-0	CITY OF BOGALUSA	593604
L-LA-0113-1	TOWN OF BRUSLY	81490
L-LA-0131-0	CITY OF KENNER	400000
L-LA-0160-0	CALCASIEU PAR WATER DS#1	465199
L-LA-0166-0	LIVINGSTON PAR POL JURY	358000
L-LA-0169-1	LIVINGSTON PAR POL JURY	108000
L-LA-0176-0	GRANT PARISH POLICE JURY	538845
L-LA-0177-0	CITY OF NEW ORLEANS	1000000
L-LA-0182-1	CITY OF NEW ORLEANS	2726125
L-LA-0196-1	TOWN OF AMITE CITY	150000
L-LA-0200-1	CITY OF BASTROP	1892000
L-LA-0206-2	CITY OF VILLE PLATTE	140532
L-LA-0209-1	EAST CARROLL PAR POL JRY	460201
L-LA-0224-0	CITY OF ST MARTINVILLE	658200
L-LA-0226-0	WEST CARROLL PAR POL JRY	518900
L-LA-0248-0	CITY OF HARAHAN	230000
L-LA-0257-0	TOWN OF WASHINGTON	225000
L-LA-0259-0	PARISH OF JEFFERSON	779960
L-LA-0267-0	ORLEANS PARISH SCHOOL BD	491793
L-LA-0268-0	TOWN OF SIMMESPORT	319000
L-LA-0270-0	VILLAGE OF CANKTON	153000
L-LA-0280-0	TOWN OF BASILE	225250
L-LA-0281-0	VILLAGE OF PALMETTO	188000
L-LA-0282-0	TOWN OF ELTON	120000
L-LA-0298-0	TOWN OF GRAMBLING	254055

STATE OF LOUISIANA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-LA-0045-1	VILLAGE OF YOUNGSVILLE	846300
L-LA-0053-0	CITY OF BATON ROUGE	300000
L-LA-0056-0	CITY OF BATON ROUGE	500000
L-LA-0072-1	TOWN OF FARMERVILLE	462500
L-LA-0096-1	ST JOHN PARISH POL JURY	706977
L-LA-0140-1	CITY OF JEANERETTE	143900
L-LA-0149-0	CITY OF JEANERETTE	205274
L-LA-0157-0	CITY OF DERIDDER	496200
L-LA-0161-0	TOWN OF WELSH	133000
L-LA-0239-1	CITY OF LAFAYETTE	1247107
L-LA-0255-0	CITY OF FERRIDAY	200000
L-LA-0272-0	TOWN OF COLUMBIA	200000
L-LA-0291-0	CITY OF BATON ROUGE	400000

STATE OF MASSACHUSETTS		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MA-0001-1	TOWN OF ARLINGTON	1756000
L-MA-0003-0	CITY OF CHELSEA	3112984
L-MA-0008-1	CITY OF HAVERHILL	1608730
L-MA-0012-0	CITY OF CAMBRIDGE	1729962
L-MA-0066-2	TOWN OF DANVERS	672306
L-MA-0074-1	BLUE HILLS REG VOC CTR	1583269
L-MA-0076-1	TOWN OF NORTON	2004485
L-MA-0079-0	CITY OF BOSTON	1287846
L-MA-0090-0	CITY OF BOSTON	1322444
L-MA-0121-2	TOWN OF GEORGETOWN	1078000
L-MA-0126-0	TOWN OF BLACKSTONE	1720000
L-MA-0136-0	TOWN OF WAKEFIELD	782672
L-MA-0137-1	TOWN OF NORFOLK	330162
L-MA-0157-1	CITY OF BOSTON	2267392
L-MA-0172-1	CITY OF BOSTON	1627317
L-MA-0175-0	CITY OF BOSTON	1112136
L-MA-0176-0	TOWN OF SCITUATE	947047
L-MA-0189-1	TOWN OF NORTH ATTLEBORO	1626450
L-MA-0200-0	CITY OF LAWRENCE	230000
L-MA-0205-2	TOWN OF UPTON	1637750
L-MA-0260-1	TOWN OF GROVELAND	1872938
L-MA-0277-1	TOWN OF SALISBURY	460000
L-MA-0279-1	TOWN OF METHUEN CITY OF	3199880
L-MA-0332-1	TOWN OF PROVINCETOWN	1778125
L-MA-0371-0	TOWN OF SEEKONK	700000
L-MA-0430-0	TOWN OF WEYMOUTH	365508
L-MA-0546-0	TOWN OF WALPOLE	600000

STATE OF MASSACHUSETTS		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MA-0054-2	SALEM BEVERLY WTR BOARD	880000
L-MA-0231-0	TOWN OF RUTLAND	305460
L-MA-0285-0	TOWN OF NORTHBORO	547000
L-MA-0314-0	TOWN OF BRAINTREE	2232920
L-MA-0431-1	CITY OF PEABODY	1800000
L-MA-0451-0	TOWN OF BURLINGTON	286000
L-MA-0480-0	TOWN OF STONEHAM	699300
L-MA-0487-0	TOWN OF FRANKLIN	3172780
L-MA-0499-1	TOWN OF ROCKLAND	576720
L-MA-0526-0	TOWN OF FRAMINGHAM	4500000

STATE OF MARYLAND		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MD-0002-2	TOWN OF CAPITOL HEIGHTS	433563
L-MD-0006-3	MAYOR AND CNCL BALT CITY	317644
L-MD-0007-1	MAYOR AND CNCL BALT CITY	417228
L-MD-0008-2	MAYOR AND CNCL BALT CITY	597393
L-MD-0011-1	MAYOR AND CNCL BALT CITY	254759
L-MD-0013-2	MAYOR AND CNCL BALT CITY	419205
L-MD-0015-2	MAYOR AND CNCL BALT CITY	286899
L-MD-0018-1	Baltimore City Council	637000
L-MD-0019-2	MAYOR AND CITY COUNCIL O	580000
L-MD-0020-2	MAYOR AND CNCL BALT CITY	326949
L-MD-0023-2	MAYOR AND CNCL BALT CITY	1995000
L-MD-0029-0	GARRETT CO BD OF COMMNER	3407708
L-MD-0035-0	TOWN OF ELKTON	492194
L-MD-0039-0	TOWN OF ABERDEEN	283385
L-MD-0049-1	TOWN OF HANCOCK	446070
L-MD-0052-1	SOMERSET CNTY COMMNERS	593177
L-MD-0058-0	ALLEGANY COUNTY	1170750
L-MD-0062-0	COLMAR MANOR MAYR & CNCL	570000
L-MD-0106-1	CITY OF SEAT PLEASANT	667487
L-MD-0134-1	WASHINGTON CNTY BD COMN	260000

STATE OF MARYLAND		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MD-0034-1	CITY OF GREENBELT	282860
L-MD-0042-1	BALTIMORE CNTY GOVERMENT	1000000
L-MD-0096-1	TOWN OF MORNINGSIDE	290000
L-MD-0109-1	PRINCE GEORGES COUNTY	3274554
L-MD-0163-0	CITY OF ANNAPOLIS	1468684

STATE OF MAINE		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-ME-0025-0	CITY OF BANGOR	1683554
L-ME-0031-2	TOWN OF LISBON	490000
L-ME-0047-0	CITY OF CARIBOU	540000
L-ME-0052-0	CITY OF LEWISTON	392790
L-ME-0080-1	TOWN OF FORT FAIRFIELD	288609
L-ME-0081-1	TOWN OF FORT KENT	399920
L-ME-0104-1	PASSAMAQUODDY TRIBE	185200
L-ME-0118-1	TOWN OF ORONO	129045
L-ME-0121-0	PENOBSCOT TRIBE	466100
L-ME-0134-1	COUNTY OF AROOSTOOK	47000
L-ME-0139-0	TOWN OF HERMON	168900
L-ME-0142-0	OLD ORCHARD BEACH	1000335
L-ME-0155-1	WASH.CNTY SOIL & CONSER	993900
L-ME-0192-1	PASSAMAQUODDY TRIBE	343444

STATE OF MAINE		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-ME-0004-0	TOWN OF GORHAM	1361385
L-ME-0022-2	TOWN OF VINALHAVEN	200000
L-ME-0036-2	TOWN OF WINDHAM	494773
L-ME-0054-2	KNOX COUNTY COMMISSIONER	571012
L-ME-0154-0	CITY OF BATH	449925

STATE OF MICHIGAN		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MI-0015-0	CITY OF WAYNE	1944671
L-MI-0058-0	SCHOOL DIST OF DETROIT	5000000
L-MI-0082-1	BOARD OF EDUCATION	3313103
L-MI-0088-1	CITY OF PONTIAC	221450
L-MI-0094-1	CITY OF PONTIAC	835000
L-MI-0096-1	CITY OF LIVONIA	4840000
L-MI-0126-0	CITY OF DETROIT	4272294
L-MI-0135-0	CITY OF DETROIT	4122429
L-MI-0144-0	CITY OF DETROIT	4629143
L-MI-0156-0	CITY OF DETROIT	4389567
L-MI-0158-3	DEERFIELD TOWNSHIP	960000
L-MI-0201-0	BIRCH RUN AREA SCHOOLS	3110100
L-MI-0212-0	CITY OF STERLING HEIGHTS	1600000
L-MI-0254-0	HURON VALLEY SCHOOL DIST	1153534
L-MI-0278-1	GIBRALTAR SCHOOL DIST	4980000
L-MI-0390-2	MONTROSE COMMUNITY SCH	4990000
L-MI-0412-0	CITY OF DURAND	450000
L-MI-0424-2	TOWNSHIP OF VAN BUREN	273457
L-MI-0441-0	CITY OF TROY	2157443
L-MI-0452-1	CITY OF BERKLEY	2427845
L-MI-0454-1	WALLED LAKE SCHOOL DIST	3803000
L-MI-0487-0	CITY OF MONROE	755600

STATE OF MICHIGAN		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MI-0490-0	CITY OF INKSTER	954600
L-MI-0559-1	CITY OF ROMULUS	450958
L-MI-0560-1	CITY OF ROMULUS	931340
L-MI-0601-2	CITY OF WOODHAVEN	286740
L-MI-0658-0	CITY OF DETROIT	5000000
L-MI-0664-0	CITY OF ROYAL OAK	2159028
L-MI-0669-0	CITY OF WARREN	5000000
L-MI-0676-1	VILLAGE OF OXFORD	640500
L-MI-0720-1	CHARTER TWP OF CANTON	2715300
L-MI-0725-0	LAKE MICH COLLEGE DIST	5000000
L-MI-0752-1	CITY OF EAST DETROIT	1288121
L-MI-0872-0	TOWNSHIP OF REDFORD	1394537
L-MI-0883-1	CITY OF HAZEL PARK	1124920
L-MI-0896-1	CITY OF RIVERVIEW	1260000
L-MI-0929-1	HURON TOWNSHIP	1189000
L-MI-1043-0	CITY OF MELVINDALE	1516040
L-MI-1081-1	CITY OF ALLEN PARK	1369230
L-MI-1096-1	TOWNSHIP OF SUMPTER	257690
L-MI-1104-1	TOWNSHIP OF BROWNSTOWN	266596
L-MI-1146-0	MT MORRIS TWP	583923
L-MI-1185-0	KEWEENAW BAY INDIAN COMN	204800
L-MI-1189-1	BRIDGEPORT CHARTER TWP	205000
L-MI-1213-1	THE SAGINAW CHIPPEWA IND	877900
L-MI-1236-0	CHESTERFIELD TOWNSHIP	3455000
L-MI-1282-1	GENESEE TOWNSHIP	400312
L-MI-1283-0	GENESEE TOWNSHIP	385000
L-MI-1292-0	STATE OF MICHIGAN	2249000
L-MI-1300-0	STATE OF MICHIGAN	5000000
L-MI-1301-0	STATE OF MICHIGAN	1228778
L-MI-1355-0	VILLAGE OF MAPLE RAPIDS	398000
L-MI-1368-0	VILLAGE OF SAND LAKE	441115
L-MI-1374-0	MONTCALM INTERM SCHOOL	2620880
L-MI-1423-1	TOWNSHIP OF NORTHVILLE	761000
L-MI-1467-0	BAY MILLS INDIAN CMTY	1154000
L-MI-1588-0	WYOMING PUBLIC SCHOOLS	55051

STATE OF MICHIGAN		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MI-0072-0	CITY OF FARMINGTON	1251000
L-MI-0112-1	COUNTY OF OTTAWA	1046715
L-MI-0228-1	CITY OF DOWAGIAC	136000
L-MI-0263-2	SCH DIST OF GRAND HAVEN	441600
L-MI-0292-0	W OTTAWA PUBLIC SCHOOLS	388000
L-MI-0331-2	CITY OF MANISTIQUE	900000
L-MI-0445-0	CITY OF WIXOM	755140
L-MI-0446-2	TOWNSHIP OF KALAMAZOO	1286817
L-MI-0469-0	CITY OF PORTAGE	2490854
L-MI-0596-0	CITY OF MENOMINEE	1504800
L-MI-0662-1	CITY OF HOLLAND	577093

STATE OF MICHIGAN		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MI-0684-1	VILLAGE OF VANDALIA	159947
L-MI-0764-0	CITY OF EATON RAPIDS	532630
L-MI-0770-1	CITY OF POTTERVILLE	267212
L-MI-0777-0	VILLAGE OF MULLIKEN	514900
L-MI-0780-0	CITY OF ANN ARBOR	2000280
L-MI-0785-1	CITY OF HARTFORD	294000
L-MI-0846-0	SPRING LAKE TOWNSHIP	351021
L-MI-0850-1	PARK TOWNSHIP	1795000
L-MI-0912-1	BRD OF CNTY ROAD COMN	980756
L-MI-0923-2	JEFFERSON TOWNSHIP	301200
L-MI-0937-1	CITY OF HUDSON	109322
L-MI-0954-1	ALLENDALE PUBLIC SCHOOL	600000
L-MI-0981-0	CASS CNTY BD OF COMM	872000
L-MI-1007-0	VILLAGE OF MARCELLUS	304500
L-MI-1015-2	DAVIS-OLMSTEAD DRAIN BD	303000
L-MI-1022-1	CITY OF BROWN CITY	243000
L-MI-1024-0	CITY OF ROGERS CITY	460000
L-MI-1052-1	CITY OF TRENTON	433010
L-MI-1088-0	CITY OF WESTLAND	1294370
L-MI-1090-0	CITY OF WESTLAND	2361253
L-MI-1154-0	BOARD OF EDUCATION	380000
L-MI-1181-0	CITY OF MT PLEASANT	2716100
L-MI-1191-0	TOWNSHIP OF BEDFORD	317100
L-MI-1247-0	JAMESTOWN TOWNSHIP	204000
L-MI-1257-1	NORTHVILLE PUB SCHOOLS	691865
L-MI-1293-0	CITY OF IRON MOUNTAIN	960000
L-MI-1311-0	CITY OF WEST BRANCH	472500
L-MI-1358-1	PORTAGE TWP SCHOOLS	673700
L-MI-1389-0	COUNTY OF KALAMAZOO	4180730
L-MI-1390-0	COUNTY OF KALAMAZOO	1996800
L-MI-1405-0	VILLAGE OF VICKSBURG	114705
L-MI-1476-1	COMSTOCK TOWNSHIP	647700
L-MI-1477-1	ZEELAND PUBLIC SCHOOLS	5000000
L-MI-1519-0	STATE OF MICHIGAN	250000
L-MI-1636-0	COUNTY OF KALAMAZOO	1276800
L-MI-1637-0	COUNTY OF KALAMAZOO	200000

STATE OF MINNESOTA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MN-0008-0	CITY OF DULUTH	5000000
L-MN-0054-0	CHIPPEWA INDIANS	1063830
L-MN-0064-2	LEECH LAKE RESERVATION	1348255
L-MN-0068-1	TOWN OF COKATO	50400
L-MN-0077-0	CITY OF ROSEVILLE	345328
L-MN-0084-0	CITY OF RAMSEY	595058
L-MN-0112-0	CITY OF BROWNS VALLEY	137053
L-MN-0120-0	SCHOOL DISTRICT NO. 707	912851
L-MN-0124-0	CITY OF HANOVER	194000
L-MN-0172-0	WHITE EARTH BUS COMM	1337634
L-MN-0183-0	MILLE LACS RESERVATION	308503
L-MN-0226-0	CITY OF MONTROSE	175000
L-MN-0228-0	FOND DU LAC RESERVATION	300000

STATE OF MINNESOTA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MN-0023-0	SPRING LAKE PARK	495000
L-MN-0049-1	CITY OF CHASKA	75085
L-MN-0111-0	CITY OF INVER GROVE HGHT	52192
L-MN-0149-0	HENNEPIN COUNTY	265482
L-MN-0151-0	CITY OF HASTINGS	180230
L-MN-0210-0	SCHOOL DISTRICT NO. 381	2609501
L-MN-0212-0	MINNEAPOLIS PUB SCHOOLS	588695
L-MN-0225-0	CITY OF MINNEAPOLIS	647900
L-MN-0243-0	CITY OF OGILVIE	81200

STATE OF MISSOURI		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MO-0003-0	CITY OF KANSAS CITY	480000
L-MO-0005-0	CITY OF KANSAS CITY	910000
L-MO-0017-0	CITY OF KANSAS CITY	672500
L-MO-0018-0	CITY OF KANSAS CITY	673500
L-MO-0053-0	JUNIOR COLLEGE DISTRICT	1510380
L-MO-0087-0	CITY OF ST LOUIS	4145965
L-MO-0106-0	CITY OF HERCULANEUM	825000
L-MO-0122-0	FRANKLIN CNTY SCHL DIST2	626782
L-MO-0128-0	CITY OF WELLSTON	760000
L-MO-0146-0	CITY OF WELLSTON	1609000
L-MO-0168-0	CITY OF KINLOCH	1023000
L-MO-0197-1	CITY OF PINE LAWN	14170
L-MO-0204-1	CITY OF ALTON	748603

STATE OF MISSOURI		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MO-0002-0	CITY OF KANSAS CITY	465000
L-MO-0038-1	PLATTE CNTY SCHOOL DIST	940000
L-MO-0065-0	ST LOUIS CNTY GOVT	791700
L-MO-0073-0	CITY OF NORTHWOODS	159968
L-MO-0124-1	CITY OF WEBSTER GROVES	246099
L-MO-0200-1	CITY OF SPRINGFIELD	898043
L-MO-0216-1	CITY OF PLEASANT HILL	602920
L-MO-0257-1	GOLDEN VAL MEM HOSP DIST	1115080
L-MO-0261-0	CITY OF PLEASANT VALLEY	74000

STATE OF MISSISSIPPI		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MS-0001-0	CITY OF MOUND BAYOU	4912900
L-MS-0016-0	COAHOMA COUNTY	298000
L-MS-0062-0	TOWN OF MADISON	335342
L-MS-0067-0	YAZOO CITY	249720
L-MS-0073-0	CHOCTAW BAND OF INDIANS	577000
L-MS-0090-0	HOLMES CNTY BD OF SUPV	376902
L-MS-0101-0	TOWN OF BOLTON	363655
L-MS-0141-0	ALCORN CNTY BD OF SUPV	215000

STATE OF MISSISSIPPI		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MS-0013-0	QUITMAN COUNTY	340000
L-MS-0023-1	CITY OF GREENVILLE	244100
L-MS-0026-0	CITY OF MOORHEAD	172863
L-MS-0034-0	KEMPER COUNTY	352557
L-MS-0042-1	TOWN OF ASHLAND	300000
L-MS-0046-0	TOWN OF ARCOLA	219000
L-MS-0059-1	CITY OF PEARL	346200
L-MS-0097-0	CITY OF NATCHEZ	200000
L-MS-0100-0	COLUMBIA MUN SCHOOL DIST	340710
L-MS-0102-0	NOXUBEE CNTY BD OF SUPV	250000
L-MS-0138-1	WAYNE CNTY BD OF SUPV	200000

STATE OF MONTANA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MT-0004-0	CHIPPEWA-CREE RESERV.	405666
L-MT-0013-0	SALISH & KOOTENAI TRIBES	1970278
L-MT-0018-0	FLATHEAD COUNTY	698900
L-MT-0033-1	BLACKFEET TRIBE	693000
L-MT-0045-2	TOWN OF TROY	150347
L-MT-0048-0	CITY OF WHITEFISH	1252896
L-MT-0055-1	FT BELKNAP INDIAN COMM	600000
L-MT-0083-1	FT PECK INDIAN RESERV	204000
L-MT-0101-0	NORTHERN CHEYENNE TRIBE	991950
L-MT-0105-1	TOWN OF WHITEHALL	350000

STATE OF MONTANA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-MT-0006-2	BILLINGS VOC-TECH CENTER	1500000
L-MT-0043-2	PONDERA COUNTY	376000
L-MT-0080-1	TOWN OF LODGE GRASS	293101
L-MT-0100-0	DEER LODGE COUNTY	510940

STATE OF NORTH CAROLINA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NC-0001-0	BURKE CNTY BD OF EDUC	698852
L-NC-0046-0	COUNTY OF BLADEN	550000
L-NC-0048-0	EASTERN BAND OF CHEROKEE	962500
L-NC-0049-1	ROBESON CNTY BD OF COMM	963000
L-NC-0058-0	BLADEN CNTY BD OF EDUC	683230
L-NC-0084-1	CITY OF CHARLOTTE	664317
L-NC-0112-0	TOWN OF WARSAW	450000
L-NC-0126-0	CASWELL CNTY BD OF EDUC	798735
L-NC-0139-0	BRUNSWICK CNTY COMMISSN	1915490
L-NC-0151-1	TOWN OF ELON COLLEGE	186900
L-NC-0186-0	BOARD OF TRUSTEES VANCE	1480000
L-NC-0197-0	WARREN COUNTY	939000
L-NC-0198-0	GRANVILLE COUNTY	336000
L-NC-0214-0	TOWN OF JAMESVILLE	975000
L-NC-0222-0	TOWN OF TABOR CITY	452890
L-NC-0231-0	STATE OF NORTH CAROLINA	445000
L-NC-0241-0	CITY OF GRAHAM	200000
L-NC-0248-0	TOWN OF FAIR BLUFF	580000
L-NC-0255-0	TOWN OF STONEVILLE	225000
L-NC-0261-0	PERQUIMANS COUNTY	550000
L-NC-0263-1	N C DEPT OF CORECTION	721926
L-NC-0282-0	CITY OF OXFORD	455600
L-NC-0284-1	TOWN OF COLUMBIA	580000
L-NC-0291-0	WASHINGTON COUNTY	546500
L-NC-0302-0	TOWN OF HOBGOOD	544084
L-NC-0304-0	NORTHAMPTON COUNTY	822450
L-NC-0307-1	WILSON COUNTY	1333796

STATE OF NORTH CAROLINA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NC-0331-0	TOWN OF BUNN	495400

STATE OF NORTH CAROLINA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NC-0099-0	CITY OF KINGS MOUNTAIN	999250
L-NC-0164-0	TOWN OF BEAUFORT	403000
L-NC-0236-0	IREDELL COUNTY	981035
L-NC-0308-0	REG 'D' CNCL OF GOVTS	1230651
L-NC-0313-0	GRAHAM CNTY BD OF COMM	1350000
L-NC-0328-0	COUNTY OF UNION	593390
L-NC-0332-0	CUMBERLAND COUNTY	415062
L-NC-0342-0	HYDE CNTY BD OF CNTY COM	2082786
L-NC-0348-0	TOWN OF NASHVILLE	565000

STATE OF NORTH DAKOTA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-ND-0004-0	TURTLE MTN CHIPPEWA BAND	2695000
L-ND-0012-0	STANDING ROCK SIOUX TRBE	1900000
L-ND-0018-1	DEVILS LAKE SIOUX TRIBE	1099360
L-ND-0033-1	THREE AFFILIATED TRIBES	1242120
L-ND-0080-1	CITY OF MANDAN	147725

STATE OF NORTH DAKOTA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-ND-0006-0	CITY OF WILTON	442000
L-ND-0041-1	HAZEN PUBLIC SCHOOLS	466296
L-ND-0043-2	CITY OF MEDORA	295000
L-ND-0044-0	CITY OF WALHALLA	401500
L-ND-0046-0	STEELE SCHOOL DISTRICT	653000
L-ND-0052-1	CARSON CITY	125000
L-ND-0073-1	BUTTE SCHOOL DISTRICT	617482

STATE OF NEBRASKA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NE-0018-0	OMAHA TRIBE	1699000
L-NE-0020-0	SANTEE SIOUX TRIBE	605600
L-NE-0029-0	CITY OF LA VISTA	739473
L-NE-0035-2	VILLAGE OF CERESCO	160335
L-NE-0038-0	FORT CALHOUN COMNTY SCHL	610700
L-NE-0064-1	METRO TECH COMM COLLEGE	2071860
L-NE-0088-0	CITY OF VALLEY	103706
L-NE-0090-1	CITY OF VALLEY	110980
L-NE-0110-1	DOUGLAS COUNTY	899062

STATE OF NEBRASKA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NE-0002-0	CITY OF COLUMBUS	75000
L-NE-0003-0	CITY OF COLUMBUS	650000
L-NE-0014-0	CITY OF LINCOLN	711595
L-NE-0047-1	NEBRASKA CITY SCHOOLS	1591724
L-NE-0057-0	PLATTSMOUTH SCHOOL	359000

STATE OF NEW HAMPHSIRE		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NH-0001-2	TOWN OF PELHAM	578000
L-NH-0013-1	HAMPSTEAD SCHOOL DIST	1417700
L-NH-0037-1	TOWN OF PLAISTOW	351966
L-NH-0044-2	SALEM SCHOOL DISTRICT	219912
L-NH-0057-0	TOWN OF SALEM	534880
L-NH-0060-0	TOWN OF CHARLESTOWN	290000
L-NH-0066-0	TOWN OF STRATFORD	154302
L-NH-0075-0	SANBORN REG SCHL DIST	975000
L-NH-0087-0	CITY OF MANCHESTER	3095408
L-NH-0094-0	CITY OF MANCHESTER	264702

STATE OF NEW HAMPHSIRE		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NH-0031-1	CITY OF CLAREMONT	1950239
L-NH-0082-0	TOWN OF LISBON	299557

STATE OF NEW JERSEY		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NJ-0042-0	CITY OF WILDWOOD	660000
L-NJ-0058-0	CITY OF CAMDEN	3538848
L-NJ-0100-0	CITY OF NEWARK	7596000
L-NJ-0111-1	TOWN OF SECAUCUS	2446895
L-NJ-0116-0	CITY OF JERSEY CITY	2360000
L-NJ-0177-0	MANCHESTER TOWNSHIP	59000
L-NJ-0232-1	CITY OF JERSEY CITY	300025
L-NJ-0272-1	HOBOKEN MAYOR & COUNCIL	4300000
L-NJ-0276-0	BOROUGH OF SWEDESBORO	200000
L-NJ-0279-1	CITY OF JERSEY CITY	3031050
L-NJ-0289-1	CITY OF ORANGE	993800
L-NJ-0290-1	TOWN OF HILLSIDE	659288
L-NJ-0292-2	CITY OF LINDEN	3850685
L-NJ-0343-0	CITY OF NEWARK	4951820
L-NJ-0355-0	STATE OF NEW JERSEY	6966100
L-NJ-0415-1	STATE OF NJ DEPT HIGH ED	330000
L-NJ-0420-0	BOROUGH OF WOODBINE	550000
L-NJ-0430-0	TOWNSHIP OF UNION	1565398
L-NJ-0464-1	CITY OF PATERSON	4701100
L-NJ-0482-1	BOROUGH OF DUMONT	534000
L-NJ-0483-1	BOARD OF EDUCATION OF TH	1899000
L-NJ-0555-1	CITY OF PASSAIC	1683600
L-NJ-0569-0	STATE OF NJ DEPT HIGH ED	1000000
L-NJ-0699-1	ATLANTIC CTY WATER DEPT	5000000
L-NJ-0704-1	CITY OF GLOUCESTER CITY	245000
L-NJ-0877-0	STATE OF NJ DEPT HIGH ED	40000
L-NJ-0944-1	CITY OF GARFIELD	606008
L-NJ-0945-1	BOROUGH OF WEST CAPE MAY	1429164
L-NJ-1008-0	TOWN OF IRVINGTON	2216500
L-NJ-1072-1	TOWNSHIP OF FLORENCE	1000000
L-NJ-1086-0	MORRIS SCHOOL DISTRICT	4971000
L-NJ-1123-0	NJ DEPT INST & AGENCIES	1012669

STATE OF NEW JERSEY		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NJ-0200-2	EAST WINDSOR MUNICIPAL	577600
L-NJ-0217-0	EAST AMWELL TWP BD OF ED	600000
L-NJ-0265-1	BOROUGH OF ROSELLE	1858400
L-NJ-0345-0	LONG BRANCH SWR AUTH	521109
L-NJ-0348-1	BOROUGH OF LINCOLN PARK	3419876
L-NJ-0350-0	BOROUGH OF HIGHLANDS	765219
L-NJ-0351-1	BOROUGH OF OCEANPORT	411016
L-NJ-0352-0	BOROUGH OF EATONTOWN	434067
L-NJ-0447-1	LAMBERTVILLE BOARD OF ED	303174
L-NJ-0476-1	COUNTY OF UNION	4622961
L-NJ-0525-1	VILLAGE OF RIDGEFIELD PK	360000
L-NJ-0588-1	WASH TWSP MUN UTIL AUTH	3261024
L-NJ-0603-1	BOROUGH OF MANVILLE	206250
L-NJ-0639-1	HAZLET TWP SWG AUTH	205117

STATE OF NEW JERSEY — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-NJ-0643-1	MONMOUTH BEACH BOROUGH	1041222
L-NJ-0645-0	TWP OF LAWRENCE	712857
L-NJ-0728-0	ALEXANDRIA TWP SCHL DIST	170412
L-NJ-0781-0	BOROUGH OF BUTLER	2033010
L-NJ-0915-0	BOROUGH OF MANVILLE	906000
L-NJ-0943-1	VICTORY GARDENS BOROUGH	480000
L-NJ-0965-1	CHERRY HILL TOWNSHIP	2745223
L-NJ-1202-0	BOROUGH OF CHESTER	458026
L-NJ-1240-0	WHARTON BD OF TRUSTEES	467670
L-NJ-1244-0	TOWNSHIP OF HAMILTON	2676445

STATE OF NEW MEXICO — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-NM-0003-1	NAVAJO TRIBE OF INDIANS	407143
L-NM-0026-1	RED RIVER TOWN	611233
L-NM-0027-0	PUEBLO INDIANS OF ZUNI	750000
L-NM-0036-1	BERNALILLO TOWN	863000
L-NM-0042-1	LUNA VO-TECH INST DIR	806948
L-NM-0051-1	ESPANOLA PUB SCHOOLS	957842
L-NM-0068-2	WAGON MOUND VILLAGE	443300
L-NM-0069-0	ESTANCIA TOWN	280557
L-NM-0072-2	MESCALERO APACHE TRIBE	604000
L-NM-0095-0	ALBUQUERQUE CITY	782994
L-NM-0107-0	PUEBLO INDIANS OF ACOMA	357953

STATE OF NEW MEXICO — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-NM-0018-2	TULAROSA VILLAGE	802390
L-NM-0039-1	LAS CRUCES CITY	510837
L-NM-0043-0	BLOOMFIELD CITY	348100
L-NM-0054-1	FARMINGTON CITY	229900
L-NM-0099-1	ALBUQUERQUE TECH VO INST	1178498
L-NM-0104-0	BERNALILLO COUNTY	222038
L-NM-0105-0	BERNALILLO COUNTY	33176
L-NM-0106-0	BERNALILLO COUNTY	136967

STATE OF NEVADA — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-NV-0004-0	DUCK VALLEY RESERVATION	531800
L-NV-0028-1	CLARK COUNTY	4153700
L-NV-0063-1	CITY OF HENDERSON	819839
L-NV-0105-0	YERINGTON PAIUTE TRIBE	400000
L-NV-0113-0	PAIUTE-SHOSHONE TRIBE	227000
L-NV-0118-0	CITY OF NORTH LAS VEGAS	957579
L-NV-0129-0	WASHOE TRIBE	150000
L-NV-0130-0	NEV INTER-TRIBAL CNCL	274919
L-NV-0131-0	CLARK CNTY HOUSING AUTH	232600

STATE OF NEVADA — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-NV-0056-0	CITY OF SPARKS	307438
L-NV-0057-0	CITY OF SPARKS	130000
L-NV-0059-0	CITY OF SPARKS	418200
L-NV-0072-1	CITY OF YERINGTON	234823
L-NV-0115-0	LYON COUNTY	130000
L-NV-0123-0	DOUGLAS COUNTY	1058500

LOCATOR NO.	APPLICANT	LPW FUNDS
L-NV-0066-0	CITY OF HENDERSON	75900

STATE OF NEW YORK — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-NY-0021-2	DORMITORY AUTH - NYS	3382000
L-NY-0068-0	TOWN OF EASTCHESTER	992850
L-NY-0074-0	BLIND BROOK-RYE UNION SC	552305
L-NY-0132-0	WATER RESOURCES DEPT-NYC	3885000
L-NY-0192-1	ST REGIS MOHAWK TRIBE	1060000
L-NY-0208-0	LINDENHURST-INC. VILLAGE	452250
L-NY-0210-2	WEST ISLIP SCHOOL DIST.	321017
L-NY-0218-0	SEWANHAKA SCHOOL DIST.	297000
L-NY-0254-1	EAST ISLIP SCHOOL DIST	170772
L-NY-0257-2	WATER RESOURCES DEPT-NYC	1185000
L-NY-0258-1	WATER RESOURCES DEPT-NYC	2959000
L-NY-0263-1	HIGHWAY DEPT - NYC	1916304
L-NY-0265-2	HIGHWAY DEPT - NYC	1916252
L-NY-0266-1	HIGHWAY DEPT - NYC	1899961
L-NY-0267-1	WATER RESOURCES DEPT-NYC	1627000
L-NY-0269-0	WATER RESOURCES DEPT-NYC	1098000
L-NY-0273-1	PUBLIC WORKS DEPT- NYC	1147093
L-NY-0274-1	HIGHWAY DEPT - NYC	1189388
L-NY-0275-2	HIGHWAY DEPT - NYC	2352538
L-NY-0276-1	HIGHWAY DEPT - NYC	1491616

STATE OF NEW YORK		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NY-0278-0	PUBLIC WORKS DEPT. - NYC	1215064
L-NY-0283-0	Office of Devel - NYC	670294
L-NY-0285-0	CITY OF NEW YORK	1302464
L-NY-0290-1	CITY OF NEW YORK	1351330
L-NY-0291-0	CITY OF NEW YORK	2468899
L-NY-0295-1	CITY OF NEW YORK	1894025
L-NY-0296-1	CITY OF NEW YORK	890100
L-NY-0297-1	CITY OF NEW YORK	997700
L-NY-0306-2	TOWN OF NIAGARA	685000
L-NY-0318-0	CITY OF NEW YORK	1640463
L-NY-0320-0	CITY OF NEW YORK	735000
L-NY-0321-0	CITY OF NEW YORK	1491200
L-NY-0322-0	VILLAGE OF SOUTH NYACK	1374388
L-NY-0324-0	CITY OF NEW YORK	815829
L-NY-0325-0	CITY OF NEW YORK	2647791
L-NY-0326-1	CITY OF NEW YORK	1551457
L-NY-0329-0	CITY OF NEW YORK	2120105
L-NY-0334-2	CITY OF NEW YORK	2336498
L-NY-0424-0	TOWN OF WEST SENECA	1200000
L-NY-0439-0	CITY OF LACKAWANNA	615605
L-NY-0442-0	CITY OF NEW YORK	2657408
L-NY-0444-1	CITY OF NEW YORK	685925
L-NY-0449-0	CITY OF NEW YORK	919600
L-NY-0450-1	CITY OF NEW YORK	3758069
L-NY-0454-0	CITY OF NEW YORK	4569600
L-NY-0455-1	CITY OF NEW YORK	3495531
L-NY-0462-1	SPRGVILLE GRIFFITH INST	1804500
L-NY-0511-1	LYNBROOK UNION FREE SCH	4570000
L-NY-0517-1	CITY OF NEW YORK	3500000
L-NY-0519-0	CITY OF NEW YORK	4983521
L-NY-0524-0	CITY OF NEW YORK	1020000
L-NY-0525-0	CITY OF NEW YORK	489154
L-NY-0528-1	CITY OF NEW YORK	1278712
L-NY-0529-0	CITY OF NEW YORK	2050000
L-NY-0534-0	CITY OF NEW YORK	1662484
L-NY-0535-1	CITY OF NEW YORK	588463
L-NY-0536-0	CITY OF NEW YORK	4068438
L-NY-0537-0	VILLAGE OF OSSINING	1002857
L-NY-0574-1	CITY OF BUFFALO	1181532
L-NY-0577-0	CITY OF BUFFALO	1115000
L-NY-0634-0	CITY OF NEW YORK DEPT OF	1407200
L-NY-0656-1	VILLAGE OF N TARRYTOWN	759000
L-NY-0672-1	TOWN OF HEMPSTEAD	1070073
L-NY-0678-1	TOWN OF HEMPSTEAD	1215964
L-NY-0679-1	CITY OF HEMPSTEAD	675418
L-NY-0680-1	WESTBURY UNION FREE SCH	4572000
L-NY-0740-1	CITY OF NEW ROCHELLE	541850
L-NY-0743-0	CITY OF NEW ROCHELLE	196787
L-NY-0762-1	SENECA NATION OF INDIANS	234390
L-NY-0779-1	TOWN OF BRANT	681000
L-NY-0844-0	TOWN OF BOSTON	279500

STATE OF NEW YORK		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NY-0854-1	TOWN OF RODMAN	233382
L-NY-0869-0	VILLAGE OF YOUNGSTOWN	286435
L-NY-0948-0	CITY OF NEW YORK	4996575
L-NY-0964-0	CITY OF NEW YORK	4193000
L-NY-0984-0	CITY OF NEW YORK	1984200
L-NY-1038-1	VILLAGE OF ALDEN	155000
L-NY-1046-1	VILLAGE OF AKRON	400000
L-NY-1074-1	NYACK PUBLIC SCHOOLS	980000
L-NY-1169-0	CITY OF BUFFALO	1032275
L-NY-1261-0	ERIE COUNTY	262633
L-NY-1264-0	ERIE COUNTY	120940
L-NY-1266-0	ERIE COUNTY	306947
L-NY-1331-0	TOWN OF HEMPSTEAD	1064141
L-NY-1338-1	CITY OF TONAWANDA	2054841
L-NY-1373-1	COUNTY OF WYOMING	420217
L-NY-1380-1	TOWN OF HAMBURG	797703
L-NY-1412-1	TOWN OF LEWISTON	420500
L-NY-1429-0	TOWN OF WHEATFIELD	206200
L-NY-1438-0	TOWN OF LANCASTER	433100
L-NY-1458-0	TOWN OF NIAGARA	565000
L-NY-1475-1	TOWN OF HUNTINGTON	1822600
L-NY-1478-0	VILLAGE OF FRAMINGDALE	530000
L-NY-1485-1	CITY OF LONG BEACH	2591400
L-NY-1559-0	TOWN OF ORLEANS	636320
L-NY-1615-1	COUNTY OF WYOMING	4969298
L-NY-1624-0	CITY OF MOUNT VERNON	1153226
L-NY-1651-0	NANUET UNION FREE SCHOOL	435000
L-NY-1679-0	TOWN OF CHEEKTOWAGA	1854203
L-NY-1682-0	TOWN OF CHEEKTOWAGA	2353000
L-NY-1760-1	GREENBURGH CNTRL SCHOOLS	1693000
L-NY-1812-0	TOWN OF CARMEL	285750
L-NY-1814-0	TOWN OF KENT	605935
L-NY-1843-1	BUFFALO SEWER AUTHORITY	5305941
L-NY-1900-0	COUNTY OF WESTCHESTER	207350
L-NY-1912-0	COUNTY OF WESTCHESTER	167370

STATE OF NEW YORK		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NY-0024-0	PARKS & RECREATION COMM	600000
L-NY-0156-0	OFF OF SUFFOLK CNTY EXEC	605000
L-NY-0163-1	ST UNIVERSITY CONST FUND	3171000
L-NY-0174-0	ST UNIVERSITY CONST FUND	285300
L-NY-0377-1	VILLAGE OF HILLBURN	330586
L-NY-0411-0	CITY OF ROCHESTER NY	402000
L-NY-0412-0	CITY OF ROCHESTER NY	1940500
L-NY-0418-0	CITY OF ROCHESTER NY	5000000
L-NY-0461-1	VILLAGE OF CANDOR	156678
L-NY-0478-0	HERKIMER COUNTY	1082305
L-NY-0542-0	ROTTERDAM DRAPER UNION	350000

STATE OF NEW YORK		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-NY-0543-0	PORT CHESTER RYE UNION	1900000
L-NY-0552-1	VILLAGE OF PLEASANTVILLE	205000
L-NY-0561-1	WATERFORD HALFMOON UNION	1570000
L-NY-0616-0	SARATOGA COUNTY	2100000
L-NY-0627-2	WORCESTER CENTRAL SCHOOL	236990
L-NY-0658-0	VILLAGE OF AURORA	245000
L-NY-0674-2	TOWN OF WINDHAM	20000
L-NY-0725-0	VILLAGE OF TARRYTOWN	1302000
L-NY-0728-2	TIOGA COUNTY	312000
L-NY-0734-0	SPRGVILLE-GRIFFITH INST	945000
L-NY-0735-0	WATKINS GLEN SCHOOL DIST	1000000
L-NY-0756-2	TOWN OF HALFMOON	450000
L-NY-0782-2	TOWN OF GLENVILLE	315673
L-NY-0803-1	TOWN OF GREENVILLE	535000
L-NY-0807-1	VILLAGE OF ATTICA	500000
L-NY-0810-1	TOWN OF GREENVILLE	500000
L-NY-0818-1	TOWN OF SHELDON	200000
L-NY-0848-1	DRYDEN CENTRAL SCHOOL	355000
L-NY-0870-1	JORDAN-ELBRIDGE SCH DIST	175000
L-NY-0892-2	SCHENECTADY CNTY BD REPS	570000
L-NY-0908-1	TOWN OF NISKAYUNA	281060
L-NY-0947-1	OWEGO APPALACHIAN SCHOOL	210000
L-NY-0955-1	TOWN OF PATTERSON	92650
L-NY-0965-1	TOWN OF PATTERSON	226274
L-NY-0982-0	BROOME COUNTY	1888348
L-NY-1022-1	VILLAGE OF TANNERSVILLE	288400
L-NY-1042-2	VILLAGE OF NYACK	446500
L-NY-1045-1	WYOMING CENTRAL SCHOOL	206900
L-NY-1048-1	VILLAGE OF TUCKAHOE	1150000
L-NY-1070-1	VILLAGE OF HILTON	695000
L-NY-1070-0	VILLAGE OF HILTON	695000
L-NY-1108-0	INC VILLAGE OF FREEPORT	544608
L-NY-1110-2	COUNTY OF MONROE	150850
L-NY-1174-0	CITY OF WHITE PLAINS	160000
L-NY-1192-1	TOWN OF UNION	159495
L-NY-1207-1	MARCELLUS CENTRAL SCHOOL	973000
L-NY-1229-0	DR EDWIN P CLEMENT SPVR	350000
L-NY-1287-0	FIRE DISTRICT #2	387000
L-NY-1291-1	VILLAGE OF ROCHESTER	301703
L-NY-1354-0	COUNTY OF RENSSELAER	3572800
L-NY-1368-1	ELMIRA CITY SCHOOL DIST	4998500
L-NY-1408-1	TOWN OF GRAND ISLAND	247000
L-NY-1506-1	TOWN OF HENRIETTA	1443000
L-NY-1515-0	TOWN OF SALINA	227800
L-NY-1518-1	TOWN OF KIRKWOOD	2100000
L-NY-1519-0	TOWN OF SALINA	1079800
L-NY-1522-0	TOWN OF SALINA	113400
L-NY-1525-0	VILLAGE BOARD	172770
L-NY-1546-2	TOWN OF KIRKWOOD	1005000
L-NY-1547-1	VILLAGE OF CHURCHVILLE	1723000
L-NY-1551-0	VILLAGE OF WARSAW	40000
L-NY-1561-0	VILLAGE OF WARSAW	40000
L-NY-1587-0	TOWN OF CLAY	644000
L-NY-1588-0	TOWN OF CLAY	164900
L-NY-1611-0	CITY OF PEEKSKILL	498500
L-NY-1646-1	ROCKLAND COUNTY	740147
L-NY-1660-0	NYS INDUST DEV CORP	930000
L-NY-1708-0	VILLAGE OF WALTON	716000
L-NY-1709-0	CITY OF GLEN COVE	4154400
L-NY-1796-0	NATIVE AMERICAN CENTER	4903640
L-NY-1799-0	VILLAGE OF BROCKTON	310700
L-NY-1805-0	HORNELL IND DEVELPT AGCY	1500000
L-NY-1815-1	VILLAGE OF WILLIAMSVILLE	556396
L-NY-1816-0	TOWN OF LEWISTON	344700
L-NY-1921-0	COUNTY OF OTSEGO	247640

STATE OF OHIO		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-OH-0024-1	CITY OF YOUNGSTOWN	2173577
L-OH-0046-1	PORTAGE COUNTY COMN	189300
L-OH-0053-2	CITY OF ALLIANCE	899700
L-OH-0070-0	PORTAGE COUNTY COMN	206600
L-OH-0089-1	PORTAGE COUNTY COMN	3347496
L-OH-0101-0	CITY OF KENT	454275
L-OH-0219-0	VERNON TWP TRUSTEES	263000
L-OH-0325-0	CITY OF CINCINNATI	500000
L-OH-0327-0	CITY OF CINCINNATI	1430000
L-OH-0338-0	CITY OF CINCINNATI	640000
L-OH-0455-1	STATE OF OHIO	1009225
L-OH-0473-1	CITY OF GARFIELD HEIGHTS	1650000
L-OH-0586-0	SCIOTO COUNTY	1292461
L-OH-0592-1	CITY OF DAYTON	682000
L-OH-0696-0	CITY OF CLEVELAND	4990000
L-OH-0748-0	CITY OF EAST CLEVELAND	1746440
L-OH-0835-0	ASHTABULA COUNTY COMN	4671250
L-OH-0838-0	SCIOTO COUNTY	171789
L-OH-0852-1	AUSTINTOWN BRD OF EDUC	418910
L-OH-0914-0	CITY OF YOUNGSTOWN	565010
L-OH-0937-1	LAWRENCE COUNTY COMN	2460290
L-OH-1007-1	VILLAGE OF PIKETON	1098381
L-OH-1015-0	VILLAGE OF WEST UNION	2377000
L-OH-1102-0	VILLAGE OF NEW MIDDLETWN	2134000
L-OH-1126-1	CITY OF EAST LIVERPOOL	1105500
L-OH-1193-0	STATE OF OHIO	115500

STATE OF OHIO — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-OH-0004-1	CITY OF FAIRLAWN	475000
L-OH-0150-1	CITY OF GALION	1670358
L-OH-0289-0	STATE OF OHIO	256110
L-OH-0348-1	VILLAGE OF CARLISLE	229075
L-OH-0382-1	PUTNAM COUNTY	672800
L-OH-0451-2	STATE OF OHIO	3512722
L-OH-0522-1	BD OF COMM MUSKINGUM CO	305628
L-OH-0605-2	VILLAGE OF LODI	150000
L-OH-0619-0	VILLAGE OF HARRISON	977703
L-OH-0638-0	WEST CLERMONT LOCAL SCH	3104881
L-OH-0685-0	CITY OF COLUMBUS	375833
L-OH-0688-1	CITY OF COLUMBUS	217498
L-OH-0689-0	CITY OF COLUMBUS	1371733
L-OH-0692-1	CITY OF COLUMBUS	733841
L-OH-0763-0	CITY OF ST BERNARD	1272495
L-OH-0773-2	AMANDA-CLEARCREEK SCH DI	171285
L-OH-0865-0	ALLEN EAST LOCAL SCH DIS	1983938
L-OH-0890-1	CITY OF LANCASTER	339569
L-OH-1008-1	VILLAGE OF SCIO	2479150
L-OH-1087-0	VILLAGE OF URBANCREST	1430682
L-OH-1211-0	CITY OF SHARONVILLE	513451
L-OH-1218-0	CITY OF EUCLID	700000

STATE OF OKLAHOMA — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-OK-0018-1	CALERA TOWN	136225
L-OK-0025-0	CHECOTAH IND SCHOOL DIST	537200
L-OK-0028-0	WELEETKA SCH DISTRICT	511781
L-OK-0102-0	TOWN OF FORT GIBSON	805980
L-OK-0112-1	TOWN OF DEWAR	186000
L-OK-0115-0	TAHLEQUAH CITY	470000
L-OK-0124-0	COALGATE BD OF EDUCATION	264822
L-OK-0125-1	CHICKASAW NATION OF OKLA	361893
L-OK-0136-1	SEMINOLE NATION OF OKLA	460000
L-OK-0157-2	OKLA CNTY BD OF CNTY COM	1400000
L-OK-0168-1	OTOE-MISSOURIA TR OF OK	360000
L-OK-0181-1	ADAIR CO BD OF CNTY COMM	243300
L-OK-0182-0	CITY OF OWASSO	425000
L-OK-0197-1	CITY OF HARTSHORNE	860000
L-OK-0203-0	CITY OF FORT TOWSON	206905
L-OK-0208-0	CHEYENNE-ARAPAHO TRIBES	464000
L-OK-0211-0	CITY OF HASKELL	240000
L-OK-0238-1	RYAL DEP SCH DIST NO 3	193960
L-OK-0295-1	CITY OF DEL CITY	509846
L-OK-0307-0	TOWN OF HARRAN	130000
L-OK-0326-0	ATOKA BD OF EDUC DIST 1	559526
L-OK-0352-0	LONE GROVE TOWN	132395
L-OK-0370-1	ROFF TOWN	149126
L-OK-0379-0	BOKCHITO TOWN	216000

STATE OF OKLAHOMA — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-OK-0393-0	CLAYTON TOWN	150000
L-OK-0399-0	WRIGHT CITY	580000
L-OK-0402-0	PONCA INDIAN TRIBE OF OK	490000
L-OK-0415-0	MOORE PUBLIC SCHOOL DIST	578394

STATE OF OKLAHOMA — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-OK-0035-0	CEN OK AREA VOTECH DIST	696009
L-OK-0086-0	WAGONER PUBLIC SCHOOLS	888111
L-OK-0088-0	PURCELL PUBLIC SCHOOLS	1606402
L-OK-0109-1	RURAL WATER DISTRICT NO7	321370
L-OK-0288-0	INDIAN CAP SCHOOL DIST 4	338900
L-OK-0310-0	GLENPOOL TOWN	93500
L-OK-0312-0	GLENPOOL TOWN	201170
L-OK-0336-0	ANADARKO CITY	708540
L-OK-0398-0	BETHEL ACRES TOWN	295000

STATE OF OREGON — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-OR-0002-0	CITY OF SPRINGFIELD	861765
L-OR-0005-0	CITY OF EUGENE	771100
L-OR-0029-0	HOOD RIVER CNTY SCH DIST	660786
L-OR-0030-1	CITY OF CRESWELL	285000
L-OR-0053-0	ROGUE COMMUNITY COLLEGE	1654050
L-OR-0081-1	CITY OF COTTAGE GROVE	520300
L-OR-0085-0	CITY OF LOWELL	238141
L-OR-0087-0	CROOK COUNTY	946815
L-OR-0101-0	DESCHUTES COUNTY	3176360
L-OR-0116-1	PINE GROVE WATER DIST	353000
L-OR-0152-0	CITY OF PHOENIX	664089
L-OR-0163-0	EAGLE POINT SCH DIST	1768459
L-OR-0169-0	CITY OF OREGON CITY	476300
L-OR-0171-1	EUGENE SCHOOL DIST 4J	2381800
L-OR-0198-0	CITY OF PRAIRIE CITY	246100
L-OR-0219-0	CITY OF BROWNSVILLE	213853
L-OR-0306-0	CITY OF VERNONIA	561700
L-OR-0419-0	CITY OF INDEPENDENCE	279000
L-OR-0429-2	CITY OF CAVE JUNCTION	285000
L-OR-0448-0	CITY OF IRRIGON	116640
L-OR-0471-0	MITCHELL HIGH SCHOOL	231000
L-OR-0508-0	CITY OF HINES	100000
L-OR-0511-0	CITY OF BURNS	700000
L-OR-0539-0	CITY OF COBURG	367000
L-OR-0563-0	CITY OF FAIRVIEW	703500
L-OR-0605-0	GLENDALE SCHOOL DIST 77	2079453

STATE OF OREGON		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-OR-0018-1	CITY OF PORTLAND	325529
L-OR-0052-0	CITY OF VALE	636000
L-OR-0122-1	CITY OF CORVALLIS	333804
L-OR-0123-0	CITY OF CORVALLIS	206800
L-OR-0151-1	CITY OF STANFIELD	300000
L-OR-0323-0	CITY OF CULVER	425900
L-OR-0324-0	METZGER WATER DISTRICT	580000
L-OR-0394-1	DEPT OF TRANSPORTATION	925709
L-OR-0408-0	CITY OF PILOT ROCK	1624000
L-OR-0440-1	COUNTY OF GILLAM	143825
L-OR-0482-0	PORTLAND COMMUNITY COLL	422521
L-OR-0517-0	CITY OF FOREST GROVE	2601420
L-OR-0590-0	DEPT OF FISH & WILDLIFE	222000

STATE OF PENNSYLVANIA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-PA-0076-2	BORGH OF SILVERDALE	632000
L-PA-0095-1	SCH DIST OF PHILA	2446500
L-PA-0132-0	CITY OF CORRY	600000
L-PA-0142-1	SCH DIST OF PHILA	650134
L-PA-0188-1	SCH DIST OF PHILA	2480289
L-PA-0229-1	LUZERNE COUNTY	1035100
L-PA-0246-2	CARBONDALE AREA SCH DIST	1556398
L-PA-0367-2	UNION CTY AREA SCHL DIST	934000
L-PA-0372-1	CITY OF CHESTER	217350
L-PA-0454-1	CITY OF READING	3303369
L-PA-0464-1	CITY OF SHARON	2743125
L-PA-0469-2	BOROUGH OF RENOVO	219115
L-PA-0494-2	TUNKHANNOCK AREA SCHOOL	989095
L-PA-0515-2	CITY OF LOCK HAVEN	1005000
L-PA-0552-1	FOUNTAIN HILL BOROUGH	30000
L-PA-0557-1	LIBERTY TWP SEW AUTH	1641995
L-PA-0574-1	BOROUGH OF COURTDALE	525000
L-PA-0575-2	CITY OF NANTICOKE	1500000
L-PA-0580-0	CITY OF PHILADELPHIA	1202000
L-PA-0620-1	CITY OF EASTON	490225
L-PA-0634-0	CITY OF PHILADELPHIA	548000
L-PA-0638-0	CITY OF PHILADELPHIA	4998000
L-PA-0668-2	BOROUGH OF UPLAND	3751860
L-PA-0671-1	FALLS TOWNSHIP	426992
L-PA-0676-2	NORTH E SCHOOL DISTRICT	5000000
L-PA-0679-0	CITY OF PHILADELPHIA	618000
L-PA-0895-2	TOWNSHIP OF WARMINSTER	1950000
L-PA-0897-1	SULLIVAN COUNTY	737220
L-PA-0985-2	BOROUGH OF CENTRALIA	499289
L-PA-1009-1	TOWNSHIP OF COAL	266230
L-PA-1042-0	TOWNSHIP OF TOBYHANNA	487000
L-PA-1050-1	TOWN OF BLOOMSBURG	157965
L-PA-1053-1	EXETER TOWNSHIP	290554

STATE OF PENNSYLVANIA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-PA-1055-2	BERWICK AREA SCH DIST	4600000
L-PA-1095-0	BOROUGH OF DICKSON CITY	3335652
L-PA-1124-0	TOWNSHIP OF CHESTER	242400
L-PA-1183-1	COUNTY OF NORTHUMBERLAND	1986700
L-PA-1250-1	DARBY TOWNSHIP	110374
L-PA-1362-0	TOWNSHIP OF PLYMOUTH	653179
L-PA-1436-0	MT CARMEL AREA SCHL DIST	348021
L-PA-1464-0	BOROUGH OF DONORA	761000
L-PA-1536-0	BOROUGH OF EDINBORO	606312
L-PA-1611-0	JERSEY SHORE AREA SCHOOL	1961600

STATE OF PENNSYLVANIA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-PA-0023-1	COUNTY OF ALLEGHENY	4157231
L-PA-0044-1	MUNICIPALITY OF MONROEBI	891450
L-PA-0126-0	MOUNT LEBANON	155183
L-PA-0135-0	SOUTH PARK TOWNSHIP	462440
L-PA-0196-0	FORWARD TWP MUN AUTH	1075000
L-PA-0331-0	BOROUGH OF BRIDGEVILLE	225000
L-PA-0402-2	BORGH OF MIDLAND	66285
L-PA-0493-2	CITY OF CLAIRTON	1067702
L-PA-0496-2	BRISTOL BORGH W&S AUTH	1376000
L-PA-0547-2	BOROUGH OF SOUTHMONT	1637809
L-PA-0563-0	COUNTY OF LEHIGH	4669459
L-PA-0813-1	BOROUGH OF ALIQUIPPA	851250
L-PA-0946-1	GLENFIELD BOROUGH	427181
L-PA-1002-1	BOROUGH OF CHALFANT	194959
L-PA-1038-1	BOROUGH OF PEN ARGYL	385371
L-PA-1058-0	BOROUGH OF SHARPSBURG	365000
L-PA-1073-1	WILLIAMSBURG COMMUNITY	1440000
L-PA-1105-1	BOROUGH OF MT PLEASANT	1060136
L-PA-1308-0	BALDWIN WHITEHALL SCH DT	850000
L-PA-1311-0	TOWNSHIP OF SCOTT	866592
L-PA-1316-0	BOROUGH OF SPRINGDALE	589577
L-PA-1373-0	TWP OF NORTH VERSAILLES	899000
L-PA-1518-0	BOROUGH OF CORAOPOLIS	542149
L-PA-1598-0	TWP OF UPPER ST. CLAIR	696500
L-PA-1671-0	DEER LAKES SCHOOL DIST	391293

STATE OF PUERTO RICO		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-PR-0007-1	PR INDUS DEVEL COMPANY	518863
L-PR-0010-1	PR INDUS DEVEL COMPANY	3255734
L-PR-0017-1	GENRL SVCS ADMIN OF PR	3760250
L-PR-0021-2	BAYAMON MUNICIPALITY	7446719
L-PR-0034-2	MUNICIPALITY OF CAGUAS	168600
L-PR-0054-0	MUNICIPALITY OF OROCOVIS	898258
L-PR-0069-1	PR AQUEDUCT & SEWER AUTH	456000
L-PR-0076-1	METROPOLITAN BUS AUTH	806626
L-PR-0084-1	MUNICIPALITY OF OROCOVIS	1599045
L-PR-0086-1	MUNICIPALITY OF LARES	663220
L-PR-0089-2	GUAYANILLA MUNICIPALITY	1350100
L-PR-0094-2	MUNICIPALITY OF PONCE	238581
L-PR-0096-2	MUNICIPALITY OF PONCE	202860
L-PR-0098-2	MUNICIPALITY OF PONCE	404286
L-PR-0101-2	MUNICIPALITY OF PONCE	269892
L-PR-0102-2	MUNICIPALITY OF PONCE	566685
L-PR-0103-2	MUNICIPALITY OF PONCE	441630
L-PR-0104-2	MUNICIPALITY OF PONCE	397120
L-PR-0119-1	PR AQUEDUCT & SEWER AUTH	188000
L-PR-0122-1	PR AQUEDUCT & SEWER AUTH	281200
L-PR-0123-1	PR AQUEDUCT & SEWER AUTH	384900
L-PR-0125-0	PR AQUEDUCT & SEWER AUTH	103500
L-PR-0127-1	PR AQUEDUCT & SEWER AUTH	123000
L-PR-0180-0	COMERIO MUNICIPALITY	709850
L-PR-0182-1	COMERIO MUNICIPALITY	807000
L-PR-0202-1	SANTA ISABEL MUNIC	656516
L-PR-0203-1	SANTA ISABEL MUNIC	140789
L-PR-0204-1	PR AQUEDUCT & SEWER AUTH	236000
L-PR-0211-1	EWER AUTH	210000
L-PR-0214-0	MUNICIPALITY OF ANASCO	254835
L-PR-0216-1	PUB BLDG AUTH OF PR	1599842
L-PR-0218-0	SAN LORENZO MUNICIPALITY	252000
L-PR-0222-1	LAS PIEDRAS MUNICIPALITY	327000
L-PR-0226-0	SAN LORENZO MUNICIPALITY	198200
L-PR-0229-0	LAS PIEDRAS MUNICIPALITY	625000
L-PR-0230-1	PUB BLDG AUTH OF PR	1157239
L-PR-0231-1	MUNICIPALITY OF YABUCOA	204000
L-PR-0232-1	MUNICIPALITY OF NAGUABO	319000
L-PR-0233-0	MUNICIPALITY OF YABUCOA	491000
L-PR-0235-0	MUNICIPALITY OF NAGUABO	664000
L-PR-0237-1	MUNICIPALITY OF YABUCOA	149000
L-PR-0246-0	PR DEPT OF HOUSING	133545
L-PR-0250-1	PR DEPT OF NTRL RESOURCS	168000
L-PR-0258-1	UNIV OF PUERTO RICO	1053718
L-PR-0272-0	RIO GRANDE MUNICIPALITY	504589
L-PR-0276-1	RIO GRANDE MUNICIPALITY	431890
L-PR-0278-0	RIO GRANDE MUNICIPALITY	296465
L-PR-0280-0	PR AQUEDUCT & SEWER AUTH	294000
L-PR-0282-1	UNIV OF PUERTO RICO	4995567
L-PR-0286-0	PR AQUEDUCT & SEWER AUTH	708000
L-PR-0293-0	MUNICIPALITY OF LUQUILLO	785000

STATE OF PUERTO RICO		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-PR-0296-0	MUNICIPALITY OF HATILLO	143589
L-PR-0313-1	PR DEPT ADDICTION SRVCS	1803821
L-PR-0315-0	MUNICIPALITY OF HUMACAO	142203
L-PR-0316-0	MUNICIPALITY OF ISABELA	288540
L-PR-0317-0	JUANA DIAZ MUNICIPALITY	640173
L-PR-0319-0	MUNICIPALITY OF GURABO	1227310
L-PR-0328-0	PR AQUEDUCT & SEWER AUTH	621000
L-PR-0329-0	PR AQUEDUCT & SEWER AUTH	325000
L-PR-0355-1	MOROVIS MUNICIPALITY	106375
L-PR-0364-0	PR AQUEDUCT & SEWER AUTH	414540
L-PR-0366-0	PR AQUEDUCT & SEWER AUTH	1001000
L-PR-0371-0	PR DEPT OF HOUSING	755643
L-PR-0379-0	PR AQUEDUCT & SEWER AUTH	167000
L-PR-0383-1	VEGA BAJA MUNICIPALITY	121776
L-PR-0405-1	PR DEPT TRANSPORTATION	476100
L-PR-0432-1	PR DEPT OF HOUSING	394790
L-PR-0446-1	MUNICIPALITY OF ARECIBO	304880
L-PR-0449-0	PR DEPT OF HOUSING	403717
L-PR-0460-0	PUB BLDG AUTH OF PR	1668946
L-PR-0464-0	UNIV OF PUERTO RICO	3161565
L-PR-0479-0	PR DEPT OF HOUSING	532030
L-PR-0487-0	SAN LORENZO MUNICIPALITY	273839
L-PR-0491-0	PR DEPT OF HOUSING	215747
L-PR-0495-1	PR DEPT OF HOUSING	404499
L-PR-0500-1	PR DEPT OF HOUSING	216816
L-PR-0503-0	PR DEPT OF HOUSING	1036678
L-PR-0510-0	PR DEPT OF HOUSING	429259
L-PR-0520-0	MUNICIPALITY OF UTUADO	2563007
L-PR-0526-1	UNIV OF PUERTO RICO	2116715
L-PR-0577-1	MUNICIPALITY OF ARECIBO	166007
L-PR-0582-1	PONCE REGIONAL COLLEGE	2417382
L-PR-0592-0	CULEBRA MUNICIPALITY	296100
L-PR-0595-0	MUNICIPALITY OF HUMACAO	2305787
L-PR-0617-1	MUNICIPALITY OF ADJUNTAS	536029
L-PR-0618-0	PR DEPT OF HOUSING	250459
L-PR-0623-0	UNIV OF PUERTO RICO	1324032
L-PR-0624-0	UNIV OF PUERTO RICO	935525
L-PR-0626-0	PR DEPT OF HOUSING	103277
L-PR-0634-0	PR DEPT OF HOUSING	405516
L-PR-0652-0	MUNICIPALITY OF GUAYAMA	145250
L-PR-0658-0	PR DEPT OF HOUSING	273517
L-PR-0659-0	PR DEPT OF HOUSING	170179
L-PR-0660-0	AQUADILLA MUNICIPALITY	806142
L-PR-0661-0	AQUADILLA MUNICIPALITY	591437
L-PR-0662-0	MUNICIPALITY OF CAGUAS	1145325
L-PR-0666-0	PR DEPT OF HOUSING	167433
L-PR-0681-0	PR DEPT OF HOUSING	93888
L-PR-0696-0	PR DEPT OF HOUSING	331451
L-PR-0702-0	PR DEPT OF HOUSING	702425
L-PR-0709-0	PR DEPT OF HOUSING	236682
L-PR-0721-0	PUB BLDG AUTH OF PR	485472

STATE OF PUERTO RICO — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-PR-0726-0	PR DEPT OF HOUSING	203377
L-PR-0728-0	PR DEPT OF HOUSING	319218
L-PR-0729-0	PR DEPT OF HOUSING	610963
L-PR-0730-0	PR DEPT OF HOUSING	621879
L-PR-0735-0	PR DEPT OF HOUSING	340344
L-PR-0755-0	PR DEPT OF HOUSING	162354
L-PR-0760-0	PR DEPT OF HOUSING	591310
L-PR-0762-0	PR DEPT OF HOUSING	1786995
L-PR-0763-0	PR DEPT OF HOUSING	143962
L-PR-0767-1	PR DEPT OF HOUSING	623383
L-PR-0768-0	PR DEPT OF HOUSING	409859
L-PR-0769-0	PR DEPT OF HOUSING	352602
L-PR-0776-0	PR DEPT OF HOUSING	698969
L-PR-0777-0	PR DEPT OF HOUSING	660126
L-PR-0778-0	PR DEPT OF HOUSING	283630
L-PR-0779-0	PR DEPT OF HOUSING	784489
L-PR-0786-0	MUNICIPALITY OF LOIZA	199361
L-PR-0790-1	ADJUNTAS MUNICIPALITY	552989
L-PR-0804-0	VEGA BAJA MUNICIPALITY	307800
L-PR-0812-0	BARRANQUITAS MUNIC	886000

STATE OF RHODE ISLAND — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-RI-0008-0	TOWN OF SOUTH KINGSTOWN	343570
L-RI-0021-1	CITY OF PROVIDENCE	4969173
L-RI-0028-1	TOWN OF NEW SHOREHAM	345574
L-RI-0047-1	PAWTUCKET CITY OF	337625
L-RI-0063-1	PAWTUCKET CITY OF	1030182
L-RI-0077-0	CITY OF CENTRAL FALLS	1561403
L-RI-0080-1	TOWN OF WAPREN	792981
L-RI-0103-1	EXETER W GREENWICH REG	400000
L-RI-0104-1	TOWN OF WEST WARWICK	777010
L-RI-0118-1	TOWN OF BURRILLVILLE	3525000
L-RI-0129-0	TOWN OF JOHNSTON	800000
L-RI-0141-0	TOWN OF BRISTOL	603563

STATE OF RHODE ISLAND — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-RI-0072-0	PORTSMOUTH WTR/FIRE DIST	613500

STATE OF SOUTH CAROLINA — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-SC-0018-0	SUMTER COUNTY	954285
L-SC-0051-1	TRIDENT TECH. COLLEGE	1280200
L-SC-0065-0	TOWN OF ALLENDALE	491638
L-SC-0074-1	JASPER CNTY. SCHOOL DIST	799677
L-SC-0086-0	BARNWELL COUNTY COUNCIL	396000
L-SC-0098-0	BAMBERG COUNTY	167294
L-SC-0100-0	DARLINGTON CNTY COUNCIL	936934
L-SC-0103-0	CITY OF BARNWELL	290316
L-SC-0119-1	COLLETON COUNTY	565175
L-SC-0140-0	BEAUFORT COUNTY	398570
L-SC-0143-0	CITY OF COLUMBIA	1125049
L-SC-0153-0	C-M AREA TECH ED CTR COM	438970
L-SC-0154-0	DORCHESTER COUNTY SCHOOL	623145
L-SC-0158-0	CITY OF DILLON	323568
L-SC-0160-0	HAMPTON COUNTY	221129
L-SC-0190-0	MARLBORO COUNTY	318200
L-SC-0206-0	TOWN OF ST. STEPHEN	189908

STATE OF SOUTH CAROLINA — 30% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-SC-0014-0	LEE COUNTY	409820
L-SC-0019-0	CLARENDON COUNTY	761963
L-SC-0056-1	LEXINGTON CNTY	487067
L-SC-0112-1	W CAROLINA REG SEWER AUT	2146236
L-SC-0166-1	HORRY COUNTY	396150

STATE OF SOUTH DAKOTA — 70% AREA

LOCATOR NO.	APPLICANT	LPW FUNDS
L-SD-0022-0	CHEYENNE RIVER SIOUX	620337
L-SD-0024-0	SISSETON WAHPETON SIOUX	631800
L-SD-0039-1	CROW CREEK SIOUX TRIBE	995000
L-SD-0053-0	OGLALA SIOUX TRIBE	4918303

STATE OF SOUTH DAKOTA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-SD-0012-0	CITY OF MOBRIDGE	413532
L-SD-0030-0	CITY OF PRESHO	420286
L-SD-0031-2	TOWN OF WOOD	320478
L-SD-0043-1	CLARK COUNTY	142001
L-SD-0058-1	JERAULD COUNTY	1536188
L-SD-0067-0	GETTYSBURG SCHOOL DIST	259500

STATE OF TENNESSEE		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-TN-0002-1	CITY OF ETOWAH	485000
L-TN-0030-1	CITY OF MEMPHIS	200000
L-TN-0032-1	CITY OF MEMPHIS	450000
L-TN-0035-0	CITY OF MEMPHIS	478000
L-TN-0037-0	CITY OF MEMPHIS	1500000
L-TN-0046-0	TOWN OF MOSHEIM	200000
L-TN-0057-0	NASHVILLE METRO GOVT	1896483
L-TN-0064-0	NASHVILLE METRO GOVT	713000
L-TN-0101-0	CITY OF PALMER	46000
L-TN-0109-0	TOWN OF VONORE	300000
L-TN-0124-0	CITY OF MEMPHIS	400000
L-TN-0125-0	CITY OF MEMPHIS	480000
L-TN-0156-0	FAYETTE COUNTY	2465000
L-TN-0158-0	TOWN OF DYER	892000
L-TN-0216-0	CARROLL COUNTY	361373
L-TN-0222-0	TOWN OF NEWPORT UTIL BD	1750362
L-TN-0236-0	TOWN OF ONEIDA	798000
L-TN-0296-0	HAYWOOD COUNTY	959200
L-TN-0326-1	TOWN OF GREENEVILLE	660000
L-TN-0349-0	CLAIBORNE COUNTY	897000
L-TN-0351-0	TOWN OF HUNTSVILLE	125000
L-TN-0352-0	TOWN OF SNEEDVILLE	295000
L-TN-0391-1	CITY OF PIGEON FORGE	350000
L-TN-0402-0	CITY OF JACKSBORO	527435
L-TN-0414-1	TOWN OF LAKE CITY	708000
L-TN-0427-0	NASHVILLE METRO GOVT	522900

STATE OF TENNESSEE		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-TN-0009-1	CITY OF MURFREESBORO	502300
L-TN-0078-0	CITY OF MILLINGTON	345000
L-TN-0110-0	CITY OF WAVERLY	300000
L-TN-0136-0	DECATUR COUNTY	650000
L-TN-0210-0	HARDEMAN COUNTY	446125
L-TN-0213-0	CITY OF FAYETTEVILLE	99200
L-TN-0237-0	MORGAN COUNTY	483000
L-TN-0243-1	CITY OF GREENFIELD	324000
L-TN-0254-0	CITY OF TULLAHOMA	1339000
L-TN-0257-0	TOWN OF SPRING CITY	290000
L-TN-0268-1	TOWN OF HALLS	145000
L-TN-0330-0	CITY OF CLARKSVILLE	350000
L-TN-0359-0	RED BOILING SPRINGS	91000
L-TN-0366-1	TOWN OF BELL BUCKLE	200000
L-TN-0370-1	CITY OF ADAMS	205000
L-TN-0398-1	CITY OF CLEVELAND	849200

STATE OF TEXAS		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-TX-0039-0	ORE CITY SCHOOL DISTRICT	923880
L-TX-0047-1	LYTLE SCHOOL DISTRICT	2438860
L-TX-0048-1	MARION COUNTY	1182020
L-TX-0079-1	SAN ANTONIO SCH DISTRICT	2400000
L-TX-0099-0	CITY OF KILLEEN	182400
L-TX-0114-0	CITY OF DEL RIO	291720
L-TX-0135-0	CITY OF EAGLE PASS	1115303
L-TX-0164-1	CITY OF CRYSTAL CITY	764359
L-TX-0165-0	SAN ANTONIO RIVER AUTH	83628
L-TX-0169-0	CITY OF CARRIZO SPRINGS	2336150
L-TX-0177-0	CITY OF BROWNSVILLE	1102271
L-TX-0182-0	COUNTY OF REAL	401729
L-TX-0189-1	CITY OF RAYMONDVILLE	854348
L-TX-0276-0	COUNTY OF STARR	1213500
L-TX-0279-0	CITY OF FLORESVILLE	410000
L-TX-0283-0	CITY OF LIVE OAK	1595883
L-TX-0342-0	CITY OF COPPERAS COVE	1215149
L-TX-0345-0	CITY OF EL PASO	2475053
L-TX-0346-0	CITY OF EL PASO	416485
L-TX-0349-0	CITY OF EL PASO	631562
L-TX-0383-0	CITY OF SCHERTZ	536500
L-TX-0401-0	COUNTY OF ZAPATA	417000
L-TX-0454-0	CITY OF BRACKETTVILLE	132600
L-TX-0457-0	CITY OF LAREDO	1154750
L-TX-0465-0	CITY OF PHARR	707500
L-TX-0472-0	COUNTY OF EL PASO	298712
L-TX-0476-0	JIM HOGG CNTY COMM COURT	780000
L-TX-0614-1	CITY OF RIO HONDO	955138
L-TX-0620-0	CITY OF WHITEWRIGHT	493918
L-TX-0622-0	TOWN OF CLINT	624960

STATE OF TEXAS		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-TX-0650-0	CITY OF CONVERSE	190600
L-TX-0651-0	CITY OF CLEVELAND	773940
L-TX-0655-0	CITY OF LA FERIA	194600
L-TX-0657-0	CITY OF PRARIE VIEW	966321
L-TX-0681-0	MEDINA VALLEY SCHL DIST	869529
L-TX-0716-0	TIGUA INDIAN RESERVATION	266175
L-TX-0720-0	COTULLA SCHOOL DISTRICT	3361662
L-TX-0732-0	CITY OF DONNA	529478
L-TX-0749-0	CITY OF ELSA	485220

STATE OF TEXAS		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-TX-0002-0	CITY OF PORT NECHES	1312550
L-TX-0046-0	SOUTH PLAINS COLLEGE	2000000
L-TX-0053-2	SE REG MENTAL RETARD CTR	1827435
L-TX-0121-0	COUNTY OF KERR	758601
L-TX-0186-1	CITY OF GREGORY	599444
L-TX-0193-0	CITY OF DILLEY	146460
L-TX-0201-0	CITY OF AZLE	234743
L-TX-0202-0	CITY OF AZLE	425400
L-TX-0218-0	CITY OF BOERNE	296000
L-TX-0223-0	CITY OF MALAKOFF	499923
L-TX-0231-0	MEDINA SCHOOL DISTRICT	1100000
L-TX-0233-0	CITY OF FREDERICKSBURG	494632
L-TX-0244-0	CITY OF SAN ANTONIO	241225
L-TX-0248-0	CITY OF SAN ANTONIO	1155778
L-TX-0261-0	CITY OF KARNES CITY	517390
L-TX-0303-0	CITY OF HOUSTON	458850
L-TX-0306-0	CITY OF HOUSTON	500000
L-TX-0308-0	CITY OF HOUSTON	699993
L-TX-0310-0	CITY OF HOUSTON	550000
L-TX-0312-0	CITY OF HOUSTON	1000000
L-TX-0314-0	CITY OF HOUSTON	1200000
L-TX-0320-0	CITY OF GRAND PRAIRIE	285200
L-TX-0381-0	CITY OF PINELAND	175000
L-TX-0410-0	CITY OF AZLE	728800
L-TX-0483-0	JEFFERSON COUNTY FWSD 1	289661
L-TX-0572-0	BROOKS COUNTY	242500
L-TX-0666-0	CITY OF FREEPORT	432802
L-TX-0682-0	CORPUS CHRISTI ST SCHOOL	179893
L-TX-0738-0	CITY OF AUSTIN	1525193

STATE OF UTAH		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-UT-0006-0	THE NAVAJO TRIBE	295000
L-UT-0025-2	WEBER COUNTY SCHOOL DIST	1946034
L-UT-0068-1	SALT LAKE CTY CORP	1676000
L-UT-0099-1	MORGAN CNTY SCHOOL DIST	419100
L-UT-0105-1	PLEASANT VIEW CITY	403100
L-UT-0157-1	UTE INDIAN TRIBE	2073000
L-UT-0162-0	NORTH OGDEN CITY	214952

STATE OF UTAH		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-UT-0019-1	CITY OF BOUNTIFUL	807159
L-UT-0060-1	PLEASANT GROVE CITY	432500
L-UT-0063-0	JUAB SCHOOL DISTRICT	650000
L-UT-0102-2	HOWELL TOWN	195500
L-UT-0108-0	WELLINGTON CTY CORP	370000
L-UT-0118-0	SANDY CITY CORPORATION	492881
L-UT-0126-1	BOX ELDER SCH DIST	97308
L-UT-0159-1	SANDY CITY CORP	272300

STATE OF VIRGINIA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-VA-0063-2	CITY OF NORFOLK	1999992
L-VA-0101-2	WESTMORELAND COUNTY	2585606
L-VA-0153-1	LANCASTER CNTY BD OF SUP	787500
L-VA-0167-0	COMMONWEALTH OF VIRGINIA	270725
L-VA-0171-1	GILES CNTY SCHOOL BOARD	628362
L-VA-0187-2	CITY OF PORTSMOUTH	2129961
L-VA-0234-0	HALIFAX COUNTY	5000000
L-VA-0248-2	NORTHUMBERLAND CO SCH BD	423205
L-VA-0268-0	ESSEX CNTY SCHOOL BD	1761955

STATE OF VIRGINIA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-VA-0026-0	UPPER VALLEY REG PK AUTH	944391
L-VA-0072-1	CITY OF DANVILLE	2219491
L-VA-0092-1	CITY OF STAUNTON	1483416
L-VA-0272-0	WASHINGTON COUNTY	2104220

STATE OF VIRGIN ISLANDS		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-VI-0001-0	GOVT - VIRGIN ISLANDS	987844
L-VI-0003-0	GOVT - VIRGIN ISLANDS	3150000

STATE OF VERMONT		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-VT-0001-0	TOWN OF LUDLOW	166373
L-VT-0006-1	TOWN OF PROCTOR	249260
L-VT-0007-1	TOWN OF ANDOVER	216004
L-VT-0008-1	VILLAGE OF WATERBURY	292305
L-VT-0009-2	BRADFORD VILLAGE	448185
L-VT-0010-1	CITY OF RUTLAND	963272
L-VT-0014-0	CHARLESTON SCHOOL BOARD	44260
L-VT-0021-1	TOWN OF PUTNEY	137628
L-VT-0025-1	TOWN OF SPRINGFIELD	279710
L-VT-0026-1	TOWN OF SPRINGFIELD	647770
L-VT-0033-0	TOWN OF SHEFFIELD	83000
L-VT-0038-0	TOWN OF SHAFTSBURH	183234
L-VT-0041-1	TOWN OF RANDOLPH	343903
L-VT-0042-1	BARTON ACDMY & SCH DIST	591700
L-VT-0047-1	TOWN OF BENNINGTON	538555
L-VT-0048-0	TOWN OF MONTGOMERY	400000
L-VT-0053-1	CANAAN-TOWN SCHOOL DIST	359420
L-VT-0082-0	NORTHFIELD SCHOOL DIST	1118675
L-VT-0095-0	TOWN OF LYNDON	177000

STATE OF VERMONT		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-VT-0024-0	CITY OF BURLINGTON	1658475
L-VT-0055-1	TOWN OF MILTON	350000
L-VT-0073-0	CITY OF WINOOSKI	335597
L-VT-0085-1	CITY OF WINOOSKI	325991
L-VT-0086-0	CITY OF WINOOSKI	138000

STATE OF WASHINGTON		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-WA-0061-1	INCHELIUM SCHL DISTRICT	2768618
L-WA-0113-0	CITY OF BOTHELL	450025
L-WA-0161-1	MAYOR STANLEY P KERSEY	3850000
L-WA-0176-0	CLARK COUNTY	1898118
L-WA-0321-1	TOWN OF MEDICAL LAKE	366751
L-WA-0417-1	TOWN OF SULTAN	603000
L-WA-0434-0	COLVILLE CONFED TRIBES	256949
L-WA-0438-0	COLVILLE CONFED TRIBES	141298
L-WA-0458-0	CITY OF WASHOUGAL	247275
L-WA-0475-1	CITY OF BONNEY LAKE	3828364
L-WA-0534-1	CITY OF BUCKLEY	308620
L-WA-0561-0	EDMONDS SCHL DIST NO 15	373438
L-WA-0563-1	CITY OF PACIFIC	565810
L-WA-0566-1	SNOQUALMIE VALLEY SC DIS	2741000
L-WA-0567-0	NISQUALLY INDIAN TRIBE	712145
L-WA-0596-0	LWR ELWHA TRBL CMTY CNCL	1333042
L-WA-0604-0	BD DIRECT SHORELINE SCHL	266702
L-WA-0724-0	CITY OF CLE ELUM	344368
L-WA-0737-1	ORTING SCHL DIST NO 344	1153500
L-WA-0756-1	KING COUNTY	2570200
L-WA-0764-0	CITY OF MONROE	884361
L-WA-0825-0	STANWOOD SCH DIST NO 401	1815900
L-WA-0838-0	TOWN OF GRANITE FALLS	268097
L-WA-0875-0	LUMMI INDIAN BUSINESS CO	835000

STATE OF WASHINGTON		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-WA-0026-1	CITY OF DAVENPORT	445710
L-WA-0040-1	ROSALIA SCHL DIST NO 320	123867
L-WA-0128-0	PORT OF WHITMAN COUNTY	951045
L-WA-0163-0	TIMBERLAND REG'L LIBRARY	870015
L-WA-0175-0	CITY OF CENTRALIA	1208100
L-WA-0313-0	CITY OF CLARKSTON	179000
L-WA-0335-0	GARFIELD COUNTY	833812
L-WA-0524-0	SKOKOMISH INDIAN TRIBE	91861
L-WA-0798-1	CITY OF BENTON CITY	1652850
L-WA-0844-1	COLLEGE PLACE PUBLIC SCH	1580121
L-WA-0879-0	CITY OF HOQUIAM	774200
L-WA-0884-0	OCEAN BEACH SCH DIST 101	1906231
L-WA-0892-1	TOWN OF ENTIAT	1761512

STATE OF WISCONSIN		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-WI-0006-0	MILWAUKEE AREA TECH COLL	724612
L-WI-0007-1	MILWAUKEE AREA TECH COLL	778628
L-WI-0019-0	VILLAGE OF BROWN DEER	745263
L-WI-0024-1	ONEIDA TRIBE OF INDIANS	525250
L-WI-0031-2	MENOMINEE RESTORATN COMM	947114
L-WI-0040-0	CTY OF MILWAUKEE PUB WKS	665000
L-WI-0042-0	CTY OF MILWAUKEE PUB WKS	296651
L-WI-0048-1	CTY OF MILWAUKEE PUB WKS	1224555
L-WI-0054-0	CTY OF MILWAUKEE PUB WKS	3348000
L-WI-0055-2	CTY OF MILWAUKEE	482025
L-WI-0087-1	CHIPPEWAS RED CLIFF BAND	598700
L-WI-0110-0	LAC DU FLAMBEAU BAND	750000
L-WI-0137-1	LAC COURTE OREILLES BAND	843376
L-WI-0185-0	ST CROIX CHIPPEWA BAND	360000
L-WI-0231-2	BLACKHAWK T&A ED DIST	250000
L-WI-0249-0	FOREST CNTY POTAWATOMI	275300
L-WI-0251-0	SCHOOL DISTRICT OF MAPLE	2378280

STATE OF WISCONSIN		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-WI-0058-1	SCH DIST OF CADOTT COMMU	1200000
L-WI-0122-0	CITY OF AMERY	89354
L-WI-0217-0	CITY OF BROOKFIELD	187100
L-WI-0224-1	VILLAGE OF NORTH FREEDOM	240000
L-WI-0239-0	CITY OF MAUSTON	176000
L-WI-0258-1	VILLAGE OF GILMAN	143512
L-WI-0277-0	UNITY SCHOOL DISTRICT	2540000
L-WI-0293-1	CITY OF LADYSMITH	331490
L-WI-0306-1	VILLAGE OF BARNEVELD	333000
L-WI-0337-0	VILLAGE OF MERRIMAC	98000
L-WI-0341-1	VILLAGE OF HOWARD	520927
L-WI-0344-0	DELAVAN DARIEN SCHL DIST	674500

STATE OF WEST VIRGINIA		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-WV-0007-1	BRAXTON CNTY BD OF ED	242151
L-WV-0022-2	CLAY COUNTY COMMISSION	1311300
L-WV-0028-0	TOWN OF TERRA ALTA	218100
L-WV-0065-2	TAYLOR COUNTY COMMISSION	253320
L-WV-0066-1	WRIT CNTY BD OF ED	451500
L-WV-0091-0	RANDOLPH CNTY BD OF ED	429320
L-WV-0111-0	WEBSTER CNTY BD OF ED	184758
L-WV-0129-1	CALHOUN COUNTY	2355000
L-WV-0130-1	FT ASHBY PUB SVC DIST	164000
L-WV-0133-0	CITY OF WESTON	363300
L-WV-0134-0	UPSHUR COUNTY COMMISSION	750000

STATE OF WEST VIRGINIA		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-WV-0003-0	HARRISON CNTY COMM	358200
L-WV-0014-0	CITY OF PHILIPPI	262103
L-WV-0032-1	MORGAN COUNTY COMMISSION	1252650
L-WV-0051-1	TOWN OF MONONGAH	244600
L-WV-0080-0	UNION/WMS PUB SVC DIST	68880
L-WV-0096-1	CITY OF MANNINGTON	10960
L-WV-0132-0	TOWN OF LOST CREEK	251450
L-WV-0137-1	RITCHIE COUNTY COMM	164000
L-WV-0141-0	WETZEL COUNTY COMMISSION	872000

STATE OF WYOMING		70% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-WY-0004-2	CITY OF CHEYENNE	2510311
L-WY-0010-1	TOWN OF JACKSON	488730
L-WY-0020-1	TETON CNTY COMMISSIONERS	1125000
L-WY-0029-0	SHOSHONE TRIBE	614280
L-WY-0046-1	SHOSHONE/ARAPAHOE TRIBE	335417
L-WY-0055-1	ARAPAHOE TRIBE	1041290
L-WY-0056-1	ARAPAHOE TRIBE	565719
L-WY-0057-1	ARAPAHOE TRIBE	304703

STATE OF WYOMING		30% AREA
LOCATOR NO.	APPLICANT	LPW FUNDS
L-WY-0009-0	CITY OF EVANSTON	901035
L-WY-0024-1	CITY OF COKEVILLE	949497
L-WY-0045-0	CITY OF BUFFALO	1396135

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DECEMBER 21, 1976.

JOHN W. EDEN,
Assistant Secretary
for Economic Development.

[FR Doc.76-37854 Filed 12-22-76;8:45 am]

federal register

THURSDAY, DECEMBER 23, 1976

PART VII



FOREIGN CLAIMS SETTLEMENT COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records

FOREIGN CLAIMS SETTLEMENT COMMISSION

PRIVACY ACT OF 1974

Notices of Systems of Records

Pursuant to 5 U.S.C. 522a(e)(4), the Foreign Claims Settlement Commission hereby publishes the systems of records as currently maintained by the agency. The systems were originally published at 40 FR 39023, and were amended at 40 FR 44757, 41 FR 2114, and 41 FR 50721. No other substantive changes have been made in the systems; the only changes are the correction of typographical errors, the entry of new telephone numbers, and changes of address.

Dated at Washington, D.C., on December 15, 1976.

Wayland D. McClellan,
General Counsel

FCSC—1

System name: BULGARIA, CLAIMS AGAINST (1st PROGRAM)—FCSC

System location: Washington National Records Center, GSA, 4205 Suitland Road, Wash., DC 20409. Alphabetical Index to system maintained at Foreign Claims Settlement Commission, 1111 20th Street, NW, Washington, DC 20579.

Categories of individuals covered by the system: U.S. Nationals who suffered certain property losses or damages in Bulgaria prior to Aug. 9, 1955.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title III, International Claims Settlement Act of 1949, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful. This system of records was retired to the Washington National Records Center after the completion of the claims program on Aug. 9, 1959.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—2

System name: BULGARIA, CLAIMS AGAINST (2nd PROGRAM)—FCSC

System location: Washington National Records Center, 4205 Suitland Road, Washington, DC 20409.

Categories of individuals covered by the system: US Nationals who suffered property losses in Bulgaria between Aug. 9, 1955, and July 2, 1963.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title III, International Claims Settlement Act of 1949, as amended, and US-Bulgarian Claims Agreement of July 2, 1963.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any; to Treasury Department for payment by authorized FCSC personnel; names and other data furnished by claimants used for verifying citizenship status with INS. Law Enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful. This system of records was retired to the Washington National Records Center after the completion of the claims program on Aug. 9, 1959.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—3

System name: CERTIFICATIONS OF AWARDS—FCSC

System location: Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: Individuals receiving awards under the International Claims Settlement Act of 1949, and War Claims Act of 1948.

Categories of records in the system: Names and addresses of claimants and amounts of awards certified to Treasury Department for payment. Name and address of claimant's representatives, if any, also included in certification voucher.

Authority for maintenance of the system: International Claims Settlement Act of 1949, as amended, and War Claims Act of 1948, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Award certifications prepared by authorized FCSC personnel and forwarded to Treasury Department for payment in accordance with statutory authority and Treasury Department regulations and procedures.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Contained in file folders

Retrievability: By voucher number and date of certification.

Safeguards: Records are maintained in file cabinets in locked rooms.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: From award portion of decisions as determined by FCSC.

FCSC—4

System name: CHINA, CLAIMS AGAINST COMMUNIST - FCSC

System location: Washington National Records Center, 4205 Suitland Road, Washington, DC 20409. Alphabetical Index to system maintained at Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579.

Categories of individuals covered by the system: US nationals who suffered property losses, death and disability in mainland China arising since Oct. 1, 1949.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization of claimant; nature and amount of claim; description, ownership and value of property; and evidence to support claim.

Authority for maintenance of the system: Title V, International Claims Settlement Act of 1949, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Adjudication of claim, issuance of decisions as to the validity and amounts of claims and issuance of certifications to each individual claimant as to amount determined by FCSC officials and personnel. Such amounts and copies of FCSC decisions are certified to the Secretary of State pending conclusion of any claims settlement agreement between US and China. Law Enforcement: in the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the Above.

Record source categories: Individual on whom the record is maintained.

FCSC—5

System name: CIVILIAN INTERNEES (VIETNAM)—FCSC

System location: Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: American citizens held by a hostile force in Southeast Asia during Vietnam conflict.

Categories of records in the system: Claim application form contains name and address, date and place of birth , birth certificates. Verification of internment furnished by State Department contains names, addresses and inclusive dates of internment.

Authority for maintenance of the system: Sec. 5(i), War Claims Act of 1948, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Adjudication of claims of American citizens and certification of awards to Treasury Department for payment by authorized FCSC personnel. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed by claim number. Cross-referenced by alphabetical index cards.

Safeguards: Security guards in building. Records maintained in file cabinets in locked rooms accessible only to authorized Commission personnel.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom record is maintained.

FCSC—6

System name: CORRESPONDENCE (GENERAL) - FCSC

System location: Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: Generally, US nationals suffering losses in foreign countries, also inquiries from Congressmen.

Categories of records in the system: Correspondence containing names and addresses of individual, description and location of property or other types of losses. Inquiries generally are related to claims, Commission procedures and other related matters not included under the 'Correspondence (Inquiries concerning claims in foreign countries)' system.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For dissemination of requested information to individuals by FCSC personnel. Correspondence may be referred to other concerned agencies on matters not within the jurisdiction of FCSC.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Alphabetical in file cabinets.

Retrievability: By name.

Safeguards: Security guards in building. Records maintained in file cabinets in locked rooms accessible only to authorized Commission personnel.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom record is maintained.

FCSC—7

System name: CORRESPONDENCE (INQUIRIES CONCERNING CLAIMS IN FOREIGN COUNTRIES)—FCSC

System location: Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: US nationals suffering losses in foreign countries, inquiries from Congressmen.

Categories of records in the system: Correspondence containing names and addresses of individuals and description and location of property or other types of losses. Inquiries generally are related to claims programs administered by FCSC. Records also include those transferred from State Department which may relate to such programs.

Authority for maintenance of the system: 5 U.S.C. 301, sec. 4(d) International Claims Settlement Act of 1949, as amended, and sec. 216, War Claims Act of 1948, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For dissemination of information to individual making inquiries by authorized FCSC personnel concerning various claims programs authorized under the International Claims Settlement Act of 1949, as amended, the War Claims Act of 1948, as amended, international claims agreements, and for notification purposes for newly authorized claims programs under which individuals may be affected.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Alphabetical in file cabinets.

Retrievability: By name.

Safeguards: Security guards in building. Records maintained in file cabinets in locked rooms accessible only to authorized Commission personnel.

Retention and disposal: Records maintained under 5 U.S.C 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—8

System name: CUBA, CLAIMS AGAINST—FCSC

System location: Washington National Records Center, GSA, 4205 Suitland Road, Washington, DC 20409. Alphabetical index to system maintained at Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: US nationals who suffered property losses, death and disability in Cuba since January 1, 1959.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization of claimant; nature and amount of claim; description, ownership and value of property; and evidence to support claim, including medical and death records in claims involving death and disability.

Authority for maintenance of the system: Title V, International Claims Settlement Act of 1949, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Adjudication of claim, issuance of decisions as to the validity and amounts of claims and issuance of certifications to each individual claimant as to amount determined by FCSC officials and personnel. Such amounts and copies of FCSC decisions are certified to the Secretary of State pending conclusion of any claims settlement agreement between US and Cuba. Law Enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—9

System name: CZECHOSLOVAKIA, CLAIMS AGAINST—FCSC

System location: Washington National Records Center, GSA, 4205 Suitland Road, Wash., DC 20409. Alphabetical index to system maintained at Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: US nationals who suffered property losses in Czechoslovakia after January 1, 1945.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title IV, International Claims Settlement Act of 1949, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom record is maintained.

FCSC—10

System name: EAST GERMANY, REGISTRATION OF CLAIMS AGAINST—FCSC

System location: Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, D.C. 20579.

Categories of individuals covered by the system: US nationals who suffered certain property losses in East Germany

Categories of records in the system: Claim registration form containing name and address of claimant and representative, if any, date and place of birth or naturalization, description, ownership, date of loss and value of property lost.

Authority for maintenance of the system: Title I, International Claims Settlement Act of 1949.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information received from individuals on registration forms is for use in the preparation of statistical reports which will form the basis for further discussions by the State Department for negotiations between the Governments of the United States and the German Democratic Republic for the settlement of claims of US nationals not otherwise settled. Registration forms filed will be used by FCSC personnel in the distribution of formal claim application forms in case a claims settlement agreement is reached at a future date.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Numerical order in file cabinets. Cross-reference alphabetical index.

Retrievability: By name.

Safeguards: Building employs security guards. Records are maintained in locked room accessible only to authorized FCSC personnel.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FCSC—11

System name: FEDERAL REPUBLIC OF GERMANY, QUESTIONNAIRE INQUIRIES FORM—FCSC

System location: Foreign Claims Settlement Commission, 1111 10th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: Individuals suffering losses in Eastern European countries, including Germany.

Categories of records in the system: Questionnaire from Federal Republic of Germany (augleichsamt) containing name, address, date and place of birth or naturalization description and location of property. Such information was furnished to Federal Republic of Germany by US residents who filed claims under the West German Federal Compensation Laws (BEG).

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To inform Federal Republic Of Germany Equalization of Burdens offices whether individuals who filed claims for losses compensable under the West

German Federal Compensation Laws (BEG) also filed claims with the Foreign Claims Settlement Commission under US claims statutes and received compensation under such statutes for the same losses. Information furnished to FRG obtained from FCSC decisions or claim applications from individuals who filed claims with FCSC.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file cabinets.

Retrievability: By name.

Safeguards: Building security guards. Records are maintained in locked room accessible only to authorized FCSC personnel.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301- 3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as above.

Contesting record procedures: Same as above.

Record source categories: Questionnaire from Federal Republic of Germany (Equalization of Burdens Office).

FCSC—12

System name: Payroll records—(FCSC).

System location: General Services Administration, Region 3 Office; copies held by the FCSC. (GSA holds records for the FCSC under contract.)

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by FCSC and GSA employees to maintain adequate payroll information for the employees, and otherwise by FCSC and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix under General Personnel Files. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury, pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. 20579. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Executive Director.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Pub. L. 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB SA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. 20579.

Notification procedure: Refer to FCSC access regulations contained in 40 FR 39023.

Record access procedures: Refer to FCSC access regulations contained in 40 FR 39023.

Contesting record procedures: Refer to FCSC access regulations contained in 40 FR 39023.

Record source categories: The subject individual; the FCSC.

FCSC—13

System name: GENERAL PERSONNEL FILES—FCSC

System location: General Services Administration, Central Office; copies held by the Commission (FSA holds records for Commission under contract).

Categories of individuals covered by the system: Commission employees.

Categories of records in the system: General personnel information, including, among other data, training and travel records, applications, suggestions, position descriptions, request for and notification of personnel action, directory of attorneys, employee performance ratings and promotion appraisals, time and attendance records, security clearances, titles, SCD, DOB, grade, salary, employment history, home address, age, marital status, SSN, home telephone number, resume, and letters of recommendation. System contains copies of Civil Service Commission and GSA personnel forms, including, among others: property pass, fingerprint chart, security investigation data for sensitive position, data for nonsensitive or noncritical-sensitive position, US savings bond authorization, physical fitness inquiry for motor vehicle operators, application for leave, personal qualifications statement, operational emergencies relocation site, career objectives statement, employee record, recommendation for performance recognition, employee appraisal, employment staffing report, payroll change slip, roster of GSA officials, nationwide retirement eligibility report, alpha list of employees by service, organizational roster, notice of injury or occupational disease, claim for reimbursement for expenditures, individual manhour record, statement of earnings, promotion appraisal, and receipt for property.

Authority for maintenance of the system: 5 U.S.C., generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Completion of agency forms for requests for personnel actions, security clearances, training authorizations, travel authorizations, time and attendance records, reports, etc. Also used for issuing passes, etc. Information is used 'in house' for personnel evaluation and management. Information is disclosed to persons outside the agency for verifying employment/salary, preparing letters of reference at the request of the employee making travel and training arrangements, supplying data to non-Federal attorneys directories, and furnishing copies of performance appraisals to other government agencies when employees have applied for jobs elsewhere.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

APPENDIX

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violaiton of law, whether civil, criminal or regulatory in nature, and whether

arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit. Used by Executive Director and other authorized agency employees. Used for convenient reference to personnel information needed on a daily basis to complete reports, make payroll adjustments, take personnel action, and meet other administrative requirements within the Commission and GSA. Used also to supply information, as requested by employees, to persons outside the agency.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files, computer printouts, and supervisors' card indices.

Retrievability: Manual by name, grade, title.

Safeguards: Filed in guarded buildings; records are available to authorized persons only.

Retention and disposal: Paragraph 9B25 of OAD P 1820.2.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Contact system manager listed above.

Contesting record procedures: Same as the above.

Record source categories: Official personnel records, Commission and GSA Personnel and Finance Offices, Supervisors, letters of reference or commendation furnished by agency officials or persons from private industry, educational information supplied by colleges and universities, the individual.

FCSC—14

System name: GENERAL FINANCIAL RECORDS—FCSC

System location: General Services Administration, Central Office; copies held by the Commission. (GSA holds records for Commission under contract.)

Categories of individuals covered by the system: Commission employees.

Categories of records in the system: SF1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; (also, Reorganization Plan No. 1 of 1954, 68 Stat. 1279).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix under General Personnel Files. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition or records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Contact system manager listed above.

Contesting record procedures: Same as above.

Record source categories: The subject individual; the Commission.

FCSC—15

System name: HUNGARY, CLAIMS AGAINST (1st PROGRAM)—FCSC

System location: Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: US nationals who suffered certain property losses or damages in Hungary prior to Aug. 9, 1955.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title III, International Claims Settlement Act of 1949, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system or records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charge with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. Alphabetical index used for identification of claim.

Safeguards: Building employs security guards. Records are maintained in locked room accessible only to authorized FCSC personnel.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—16

System name: HUNGARY, CLAIMS AGAINST (2nd PROGRAM)—FCSC

System location: Foreign Claims Settlement Commission, 1111 20th ST., NW, Washington, DC 20579

Categories of individuals covered by the system: US nationals who suffered certain property losses in Hungary between Aug. 9, 1955, and March 6, 1973.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title III, International Claims Settlement Act of 1949, as amended, and US-Hungarian Claims Agreement of March 6, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law Enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil or criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. Alphabetical index used for identification of claim.

Safeguards: Building employs security guards. Records are maintained in locked room accessible only to authorized FCSC personnel.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be in accordance with 44 U.S.C 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

FCSC—17

System name: INDEXES OF CLAIMANTS (ALPHABETICAL)—FCSC

System location: Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: Maintained on all individuals who filed claims for compensation under the statutes administered by the Foreign Claims Settlement Commission.

Categories of records in the system: 3 x 5 Index cards and data processing print-out indexes containing names of claimants, claim and decision numbers, date and disposition of claims, addresses and dates of date and disposition of claims. Addresses and dates of birth on index cards.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by authorized Commission personnel for identification of individual claims and to obtain information concerning disposition of claims where record systems have been destroyed.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper index cards contained in metal cardex containers. Data processing index print-outs stored on shelves in cardboard binders.

Retrievability: By name.

Safeguards: Security guards in building. Records maintained in locked rooms accessible only to authorized Commission personnel.

Retention and disposal: Permanent records. Disposition will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individuals on whom record is maintained and information obtained by actions taken by the Foreign Claims Settlement Commission as a result of adjudication of individual claims.

FCSC—18

System name: ITALY, CLAIMS AGAINST (1st PROGRAM)—FCSC

System location: Washington National Records Center, GSA, 4205 Suitland Road, Washington, DC 20409. Alphabetical index to system maintained at Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: US nationals who suffered losses to property attributable to Italian military action arising out of World War II.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title III, International Claims Settlement Act of 1949, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenshp status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 R.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful. This system of records was retired to The Washington National Records Center after the completion of the claims program on Aug. 9, 1959.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash. DC 20579. 202/653-6156.

Notification procedure: Same as the above

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—19

System name: ITALY, CLAIMS AGAINST (2nd PROGRAM)—FCSC

System location: Washington National Records Center, GSA, 4205 Suitland Road, Wash,. DC 20409. Alphabetical index to system maintained at Foreign Claims Settlement Commission, 1111 20th St, NW, Wash., DC 20579.

Categories of individuals covered by the system: US nationals who suffered certain property losses attributable to military action arising out of World War II. Benefits extended to late US nationals, persons who did not file under the 1st Italian Claims Program and for property losses arising in territory ceded pursuant to the Treaty of Peace with Italy, which claims had been excluded under the 1st program.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title III, International Claims Settlement Act of 1949, amended by Public Law 85-604.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of right to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign charged with the responsebility of investigating or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful. This system of records was retired to the Washington National Records Center after the completion of the claims program on December 24, 1971.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—20

System name: MICRONESIA, CLAIMS ARISING IN—FCSC

System location: Washington National Records Center, GSA 4205 Suitland Road, Wash, D.C. 20409. Alphabetical index to system maintained at Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579.

Categories of individuals covered by the system: Inhabitants of Micronesia, including US nationals, who suffered damages to property, disability and death arising out of World War II and arising during the period from the dates of the securing of the various islands of Micronesia to July 1, 1951.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth, nature and amount of claim; description, ownership and value of property; and evidence to support claim for purpose of receiving compensation.

Authority for maintenance of the system: Micronesian Claims Act of 1971.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under authority of the Micronesian Claims Act of 1971; notifications to claimants' right to appeal; and preparation of certifications of awards, if any, to Secretary of Interior for payment by authorized personnel of Foreign Claims Settlement Commission assigned to duty in the Trust Territory of the Pacific Islands and locally hired employees

of the Micronesian Claims Commission Upon completion of the program, the Commission is required under the Micronesian Claims Act to certify to the FCSC, the Secretary of the Interior, and the Congress of the United States (1) a list of all claims allowed and the amount awarded, (2) a list of all claims disallowed and (3) a copy of the decision rendered in each case.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. Name index used to identify claim.

Safeguards: Security guard in building. Records are maintained in locked room accessible only to authorized Commission personnel.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful or necessary.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individuals on whom the record is maintained.

FCSC—21

System name: PANAMA, CLAIMS AGAINST—FCSC

System location: Washington National Records Center, 4205 Suitland Road, Washington, DC 20409.

Categories of individuals covered by the system: US nationals who suffered loss of property in Panama as a result of a judgement of the Supreme Court of Panama on October 20, 1931, nullifying title to certain land in Panama.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; description , ownership, and value of property, and evidence to support claim for the purpose of receiveing compensation.

Authority for maintenance of the system: Title I, International Claims Settlement Act of 1949 and Panamanian Claims Convention of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regultion or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful. This system of records was retired to the Washington National Records Center after completion of the claims program on December 31, 1954.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—22

System name: POLAND, REGISTRATION OF CLAIMS—FCSC

System location: Washington National Records Center, 4205 Suitland Road, Washington, DC 20409.

Categories of individuals covered by the system: US nationals who suffered property losses in Poland due to nationalization or other taking of such property.

Categories of records in the system: Claim registration form containing name and address of claimant and representative, if any, date and place of birth or naturalization, description, ownership, date of loss and value of property lost.

Authority for maintenance of the system: Title I, International Claims Settlement Act of 1949.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information received from individuals on registration form used in the preparation of statistical reports used for the basis of discussions by the State Department for negotiations between the Governments of the United States and Poland for the settlement of claims of US nationals. Registration forms also used by authorized Commission personnel for distribution of formal application forms upon conclusion of Polish Claims Agreement of July 6, 1960.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintaind in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301- 3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—23

System name: POLAND, CLAIMS AGAINST—FCSC

System location: Washington National Records Center, 4205 Suitland Road, Washington, DC 20409

Categories of individuals covered by the system: US nationals who suffered property losses in Poland due to nationalization or other taking of such property.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title I, International Claims Settlement Act of 1949, as amended, and US-Poland Claims Agreement of July 16, 1960.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program, statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful. This system of records was retired to the Washington National Records Center after the completion of the claims program on March 31, 1966.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—24

System name: PRISONERS OF WAR (PUEBLO) - FCSC

System location: Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: Members of the US Armed Forces or any persons (military or civilian) assigned to duty on the USS Pueblo who were captured by military forces of North Korea on January 23, 1968, held prisoner by such forces.

Categories of records in the system: Claim application form containing name and address of claimants, dates and places of birth, branch of service and military service number. In case of death, date, place and name of spouse, names, address and date of birth of surviving children, name and address of parents and VA claim number. Proof of death if no VA claim.

Authority for maintenance of the system: Section 6(e), War Claims Act of 1948, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used for adjudication of claims for detention benefits, issuance of decisions concerning eligibility of claimant to receive compensation; notifications to claimants of rights to appeal; and preparation of certifications of awards to Treasury Department for payment by authorized Commission personnel. Verifications from State Department include names and addresses and inclusive dates of detention.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By claim number. Cross-referenced by alphabetical index cards which contain claim numbers.

Safeguards: Security guards in building. Records are maintained in locked rooms accessible only to authorized Commission personnel.

Retention and disposal: Records maintained under 5 U.S.C 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—25

System name: PRISONERS OF WAR (VIETNAM)—FCSC

System location: Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: Members of Armed Forces of the United States who were captured and held by a hostile force during the Vietnam conflict beginning February 28, 1961.

Categories of records in the system: Claim application form containing name and address of claimant; date and place of birth, branch of service and military service number. In case of death, date, place, name of spouse, names, addresses and dates of birth of surviving children, name and address of parents and VA claim number.

Authority for maintenance of the system: Section 6(f), War Claims Act of 1948, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used for adjudication of claims for detention benefits; issuance of decisions concerning eligibility of claimant to receive compensation; notification to claimant of rights of appeal; and preparation of certification of awards to Treasury Department for payment by authorized Commission personnel. Verification of capture status obtained from rosters or casualty reports furnished by the respective military establishments.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made

at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By claim number. Cross-referenced by alphabetical index cards which contain claim numbers.

Safeguards: Security guards in building. Records are maintained in locked rooms accessible only to authorized Commission personnel.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—26

System name: ROSTERS OF PRISONERS OF WAR AND CIVILIAN INTERNEES—FCSC

System location: Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. Rosters on completed programs located at Washington National Records Center, 4205 Suitland Road, Washington, DC 20409.

Categories of individuals covered by the system: Members of the US Armed Forces and civilian American citizens who were captured and held by an enemy force during World War II, Korean conflict, Vietnam conflict and the USS Pueblo incident.

Categories of records in the system: Data processing print-outs containing names, rate or rank, military service number, military organization and inclusive dates of internment. Civilian internee listings include names and addresses and inclusive dates of internment.

Authority for maintenance of the system: Sections 5 and 6, War Claims Act of 1948, as amended, and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used to verify detention status in adjudication of claims by authorized Commission personnel.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file cabinets or storage boxes.

Retrievability: By subject. Records retrieved from Records Center by accession number and description of record.

Safeguards: Security guards in building. Locked file cabinets in locked rooms accessible only to authorized Commission personnel.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—27

System name: RUMANIA, CLAIMS AGAINST (1st PROGRAM)—FCSC

System location: Washington National Records Center, GSA 4205 Suitland Road, Washington, DC 20409. Alphabetical index to system maintained at Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: US nationals who suffered certain property losses or damages in Rumania prior to August 9, 1955.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title III, International Claims Settlement Act of 1949, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numberically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301- 3314 when such records are determined no longer useful. This system of records was retired to the Washington National Records Center after the completion of the claims program on Aug. 9, 1959.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—28

System name: RUMANIA, CLAIMS AGAINST (2nd PROGRAM)—FCSC

System location: Washington National Records Center, GSA, 4205 Suitland Road, Wash., DC 20409. Alphabetical Index to system maintained at Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579.

Categories of individuals covered by the system: US nationals who suffered certain property losses in Rumania between Aug. 9, 1955, and March 30,1960.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of

claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title III, International Claims Settlement Act of 1949, as amended, US-Rumania Claims Agreement of March 30, 1960.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful. This system of records was retired to the Washington National Records Center after the completion of the claims program on December 24, 1971.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—29

System name: SOVIET UNION, CLAIMS AGAINST—FCSC

System location: Washington National Records Center, GSA, 4205 Suitland Road, Wash., DC 20409, Alphabetical Index to system maintained at Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579.

Categories of individuals covered by the system: US nationals suffering loss of property in Russia prior to November 16, 1933, and claims by individuals based upon liens acquired with respect to property in the US assigned to US Government by the Soviet Government under Litvinov Assignment of November 16, 1933.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title III, International Claims Settlement Act of 1949, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful. This system of records was retired to the Washington National Records Center after the completion of the claims program on August 9, 1959.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—30

System name: YUGOSLAVIA, CLAIMS AGAINST (1st PROGRAM)—FCSC

System location: Washington National Records Center , GSA, 4205 Suitland Road, Washington, DC 20409. Alphabetical Index to system maintained at Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: US nationals who suffered property losses in Yugoslavia prior to July 19, 1948.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title I, International Claims Settlement Act of 1949, and US-Yugoslavia Claims Agreement of July 19, 1948.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the Act; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or

by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Under GSA security safeguards at Washington National Records Center.

Retention and disposal: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful. This system of records was retired to the Washington National Records Center after the completion of the claims program on December 31, 1954.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St. NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual on whom the record is maintained.

FCSC—31

System name: YUGOSLAVIA, CLAIMS AGAINST (2nd PROGRAM)—FCSC

System location: Washington National Records Center, GSA, 4205 Suitland Road, Washington, DC 20409. Alphabetical index to system maintained at Foreign Claims Settlement Commission, 1111 20th St., NW, Washington, DC 20579.

Categories of individuals covered by the system: US nationals who suffered losses in Yugoslavia which occurred between July 19, 1948, and November 5, 1964.

Categories of records in the system: Claim application form containing name and address of claimant and representative, if any; date and place of birth or naturalization; nature and amount of claim; description, ownership, and value of property; and evidence to support claim for the purpose of receiving compensation.

Authority for maintenance of the system: Title I, International Claims Settlement Act of 1949, as amended, and US-Yugoslavia Claims Agreement of November 5, 1964.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for the purpose of adjudicating claims of individuals; issuance of decisions concerning eligibility to receive compensation under the ACt; notifications to claimants of rights to appeal; and preparation of certifications of awards, if any, to Treasury Department for payment by authorized FCSC personnel. Names and other data furnished by claimants used for verifying citizenship status with INS. Law enforcement: In the event that a system of records maintained by FCSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular.

A record from this system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed numerically by claim number. File folders retrieved from Records Center by claim number. Alphabetical index used for identification of claim.

Safeguards: Records maintained under 5 U.S.C. 301. Disposal of records will be made in accordance with 44 U.S.C. 3301-3314 when such records are determined no longer useful. This system of records was retired to the Washington National Records Center after the completion of the claims program on July 15, 1969.

System manager(s) and address: Executive Director, Foreign Claims Settlement Commission, 1111 20th St., NW, Wash., DC 20579. 202/653-6156.

Notification procedure: Same as the above.

[FR Doc.76-37230 Filed 12-15-76;2:38 pm]

federal register

THURSDAY, DECEMBER 23, 1976

PART VIII



OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

PRIVACY ACT OF 1974

Report of Systems and New Routine Uses

Pursuant to 5 U.S.C. 552a(e)(4), the Occupational Safety and Health Review Commission publishes this notice that the systems of records maintained by the Commission and originally published at 40 FR, 40060, August 29, 1975, remains unchanged except for the following:

1. A new system of records, "Payroll Records," is established, with routine uses as proposed.

2. An appendix is added, which will apply to all systems maintained by the Commission and which contains new proposed routine uses for all such systems.

The routine uses of the Payroll Records system and those contained in the Appendix are published for comment, and any person interested in commenting on such routine uses may do so by submitting comments in writing to the Executive Secretary, OSAHRC, 1825 K Street, NW., Washington, D.C. 20006. Comments must be submitted within thirty days of publication of this notice. (January 24, 1977). The routine uses of the system will become final January 24, 1977, and without further publication, unless OSHRC publishes a notice to the contrary.

Dated at Washington, D.C., on December 15, 1976.

William S. McLaughlin,
Executive Secretary.

OSAHRC—1

System name: Travel records—OSAHRC

System location:

Office of Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Categories of individuals covered by the system: Names of persons who use OSAHRC funds for travel

Categories of records in the system: This system of records shows all places to which travel was accomplished and the costs of such travel including subsistence costs.

Authority for maintenance of the system: 29 U.S.C. 651 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system of records is used for budgetary purposes within the agency and for reporting to Members of Congress and other agencies when appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of such records are limited to those persons whose official duties require such access.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address:

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Notification procedure: Individuals interested in inquiring about their records should notify the System Manager.

Record access procedures: Individuals who wish to gain access to their records should notify in writing, including their name, the System Manager.

Contesting record procedures: Individuals who wish to contest their records should notify in writing, including their name, the System Manager.

Record source categories: Information in this system of records comes from the individual to whom it applies.

OSAHRC—2

System name: Mailing lists for news releases, speeches, reports—OSAHRC

System location:

Office of Information and Publications
1825 K Street, NW.
Washington, D.C. 20006

Categories of individuals covered by the system: This system contains the names of all persons who routinely are sent information on OSAHRC.

Categories of records in the system: This system contains information relating to the individual's address, business affiliation, and the information he desires to receive.

Authority for maintenance of the system: Title 5, U.S. Code Sec. 3301; 29 C.F.R. 651 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records are used to mail information relating to case dispositions, speeches, and statistical reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on mag tape and on labels.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are maintained indefinitely unless the individual requests that it be disposed and then it is disposed immediately.

System manager(s) and address:

Director of Information
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Notification procedure: Inquiries should be directed to the System Manager.

Record access procedures: Same as above

Contesting record procedures:

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Record source categories: Information in this system either comes from the individual to whom it applies or was derived from private source directories.

OSAHRC—3

System name: Commission members case processing—OSAHRC

System location:

Office of Management Information Systems
1825 K Street, NW.
Washington, D.C. 20006

Categories of individuals covered by the system: Commission members formerly or currently employed by OSAHRC who call cases for review and/or issue decisions

Categories of records in the system: This system contains names of Commission members and the docket numbers of cases they have called for review. It also shows the respondent's name; the hearing site; the date of receipt of the case, assignment to the judge, decision filing; date case called for review and final order date.

Authority for maintenance of the system: 29 U.S.C. 651 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information may be used:

a. To respond to a request from a Member of Congress as to the status of a case or the number of cases a member has disposed of or his holding in a case.

b. To respond to a public request for information regarding the status of a case or a listing of cases reviewed or disposed of by a member or a member's holding in a case.

c. As a data source to make management decisions as to case processing activities.

d. For statistical and budgetary purposes to measure member activity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic disk and in binders.

Retrievability: Records are indexed by name, docket number, date case called for review and final order date.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are retained permanently.

System manager(s) and address:

Director of Management
Information Systems
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Notification procedure: Inquiries should be directed to the

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Record access procedures:

Director of Management
Information Systems
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Contesting record procedures:

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Record source categories: Information in this system either comes from the individual to whom it applies or is derived from information he supplied.

OSAHRC—4

System name: Administrative Law Judge case processing—OSAHRC

System location:

Office of Management Information Systems
1825 K Street, NW.
Washington, D.C. 20006

Categories of individuals covered by the system: Administrative law judges formerly or currently employed by OSAHRC who are assigned to hear and decide cases

Categories of records in the system: This system contains names of judges and the docket numbers of cases assigned to them. It also shows the respondent's name; the hearing site; the date of assignment to the judge, the date of hearing, date of possible settlement; date of receipt of transcript and number of pages; date of receipt of briefs and number of days pending before the judge.

Authority for maintenance of the system: 29 U.S.C. 651 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information may be used:

a. To respond to a request from a Member of Congress as to the status of a case or the number of cases a judge has disposed.

b. To respond to a public request for information regarding the status of a case or a listing of cases assigned or disposed of by a judge.

c. As a data source to make management decisions as to case processing activities.

d. For statistical purposes and budget preparation to measure judge activity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic disk and in binders.

Retrievability: Records are indexed by judge name, docket number, etc.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are retained permanently.

System manager(s) and address:

Director of Management
Information Systems
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Notification procedure: Inquiries should be directed to the

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Record access procedures:

Director of Management
Information Systems
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Contesting record procedures:

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Record source categories: Information in this system either comes from the individual to whom it applies or is derived from information he supplied.

OSAHRC—5

System name: Administrative Law Judge case assignments-OSAHRC

System location:

Office of Management Information Systems
1825 K Street, NW.
Washington, D.C. 20006

Categories of individuals covered by the system: Administrative law judges formerly or currently employed by OSAHRC who are assigned to hear and decide cases

Categories of records in the system: This system contains names of judges, their mailing addresses and business telephone numbers. It can also show the dates of entry on duty with the agency and dates of transfer, termination or retirement. Also, it can show the number of cases currently assigned, the judge's pending caseload and the number of cases pending more than 180 days.

Authority for maintenance of the system: 29 U.S.C. 651 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information may be used:

a. To respond to a request from a Member of Congress as to the number of cases assigned to a judge currently or to the assignments by regional office city.

b. To respond to a public request for information regarding the number of cases in the hands of a judge or in a regional office city.

c. As a data source to make management decisions as to case assignments to judges.

d. To issue notices and correspondence regarding judge assignments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic disk and in binders.

Retrievability: Records are indexed by name, date of assignment and regional office, dates of reporting for duty to the agency or regional office.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are retained permanently.

System manager(s) and address:

Director of Management
Information Systems
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Notification procedure: Inquiries should be directed to the

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Record access procedures:

Director of Management
Information Systems
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Contesting record procedures:

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Record source categories: Information in this system comes from the Executive Secretary and the case assignment clerk.

OSAHRC—6

System name: Applications for employment—OSAHRC

System location:

Personnel Office
1825 K Street, NW.
Washington, D.C. 20006

Categories of individuals covered by the system: All those desiring employment with OSAHRC who have sent in a Form 171 or resume

Categories of records in the system: This system contains information relating to birth date, veteran preference, tenure, past and present salaries, grades and position titles, awards and other information relating to the status of the individual, education and test scores.

Authority for maintenance of the system: Title 5, U.S. Code Sec. 3301, Sec. 1302

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used to refer applications to those sections within the agency having position vacancies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in folders.

Retrievability: These records are indexed by the names of the applicants.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: The records are maintained up to one year and then are destroyed.

System manager(s) and address:

Personnel Officer
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Notification procedure: Inquiries should be directed to

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Record access procedures: Individuals who wish to gain access to their record should request in writing, including their name, to

Personnel Officer
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Contesting record procedures: Individuals who wish to contest their records should direct such a request, in writing, including their name, to

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Record source categories: Information in this system comes from the individual to whom it applies.

OSAHRC—7

System name: Parties, correspondence records—OSAHRC

System location:

Office of Management Information Systems
1825 K Street, NW.
Washington, D.C. 20006

Categories of individuals covered by the system: This system includes names of representatives of respondent, DOL Solicitor's Office and/or union or employee representatives involved in OSAHRC cases.

Categories of records in the system: This system of records contains the addresses and affiliation of all parties to OSAHRC cases. Also, titles of representatives and party type are maintained.

Authority for maintenance of the system: 29 U.S.C. 651 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system of records is used to issue notices and correspondence to parties in OSAHRC cases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on magnetic disk and in folders.

Retrievability: These records are indexed by the docket number of the case proceeding. Retrieval can be by name of the individual on whom they are maintained, by state, zip code, by title and by party type.

Safeguards: Access to and use of such records are limited to those persons whose official duties require such access.

Retention and disposal: The records are maintained on magnetic disk indefinitely, eventually being transferred to magnetic tape. They are retained in folders for 6 months following the final disposition in a case and then transferred to the Federal Records Center, St. Louis, Missouri. They are destroyed by the Federal Records Center when the records are 5 years old.

System manager(s) and address:

Director of Management
Information Systems
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Notification procedure: Individuals interested in inquiring about their records should do so in writing, including their name to the

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Record access procedures: Individuals who wish to gain access to their records should contact in writing, including their name, the

Director of Management
Information Systems
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Contesting record procedures: Individuals wishing to contest their records should do so by directing the request, in writing, including their name, to the:

Chief Judge
OSAHRC
1825 K Street, NW.
Washington, D.C. 20006

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

OSAHRC—8

System name: Payroll Records—Occupational Safety and Health Review Commission

System location: General Services Administration, Region 3 Office; copies held by the Commission. (GSA holds records for the Commission under contract.)

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees, and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally. Also, 29 U.S.C. 651, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or

other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the OSHRC Director of Personnel. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to the tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5220), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Director of Personnel.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Public Law 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; OSHRC copies stored in secure room and locked file drawers; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

Director of Personnel
Occupational Safety and Health Review Commission
1825 K Street, NW.
Washington, D.C. 20006

Notification procedure: Individuals interested in inquiring about their records should notify the System Manager.

Record access procedures: Individuals who wish to gain access to their records should notify in writing (including their name), the System Manager.

Contesting record procedures: Individuals who wish to contest their records should notify in writing (including their name), the System Manager.

APPENDIX—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintianing civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in respose to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

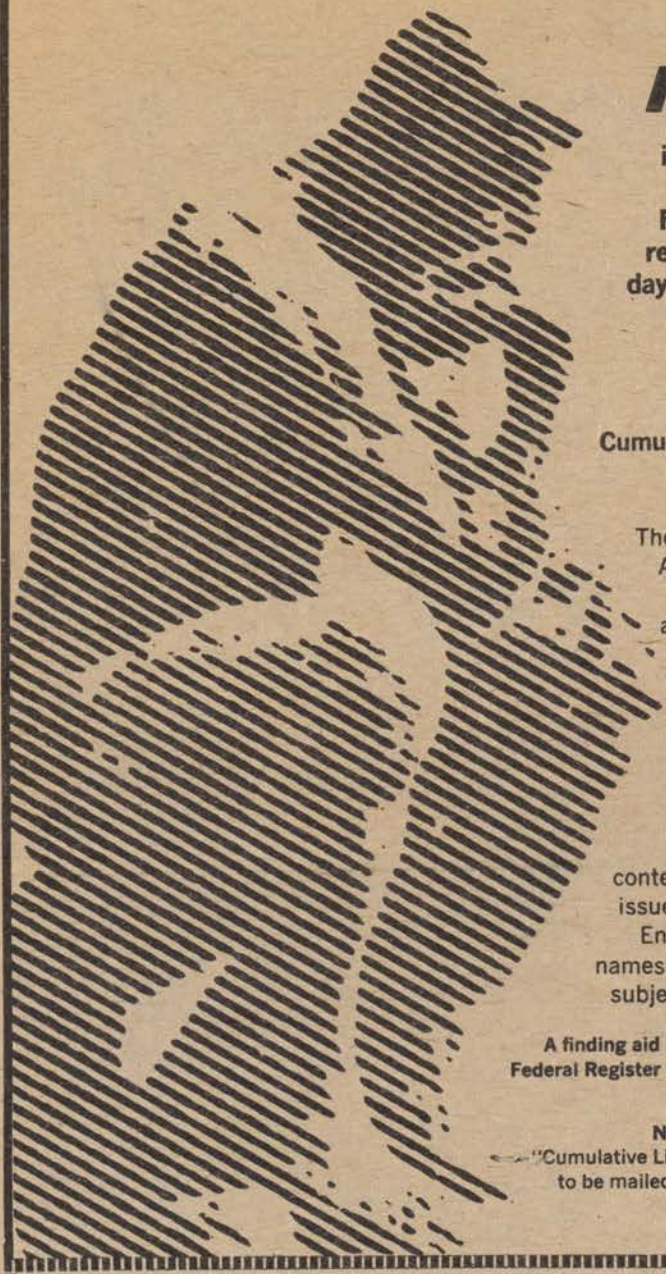
A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

A record of this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc.76-37378 Filed 12-16-76;11:26 am]



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