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federal register

WEDNESDAY, MAY 25, 1977

highlights

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

Reservations for July are being accepted for the free Wednesday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409, from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Dean Smith, 202-523-5282.

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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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List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 3477..... Pub. L. 95–30
"Tax Reduction and Simplification Act of 1977". (May 23, 1977; 91 Stat. 126). Price: $.55.

S. 1279..... Pub. L. 95–31
"Community Emergency Drought Relief Act of 1977". (May 23, 1977; 91 Stat. 169). Price: $.35.

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

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Amendment of Authority Reservations

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document amends the reservations of authority to the Assistant Secretary for Conservation, Research, and Education. This amendment is necessitated by section 17 of the National Forest Management Act amending the Weeks Law of March 1, 1911, by transferring the functions of the National Forest Reservation Commission to the Secretary of Agriculture.

This amendment (1) deletes the reservation of authority for the Assistant Secretary to serve as a matter of the National Forest Reservation Commission, (2) reserves to the Assistant Secretary the authority to establish purchase units as previously had been done by the Commission and (3) reserves to the Assistant Secretary the authority to transmit to the Congress reports on land purchases and exchanges as required by section 17(b) of the National Forest Management Act.

EFFECTIVE DATE: May 25, 1977.

FOR FURTHER INFORMATION CONTACT:

G. W. Van Gilst, Director, Lands Staff, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013, 703-235-8212.

SUPPLEMENTARY INFORMATION: A specific delegation of authority from the Secretary to the Assistant Secretary to establish purchase units under the provisions of Weeks Law, as amended, is deemed unnecessary in light of the authority presently delegated under 7 CFR 2.19(d)(2) to "protect, manage, and administer the national forests, national forest purchase units, * * * including the acquisition and disposition of lands."

In accordance with exceptions to rulemaking procedures in 5 U.S.C. 553 and Department of Agriculture policy (36 FR 13804), it has been determined that advance notice and request for comments are unnecessary.

Accordingly, paragraph (b) of 7 CFR 2.60 is amended by revising subparagraph (2) to read as follows:

§ 2.60 Chief, Forest Service.

* * * * *

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary of Agriculture for Conservation, Research, and Education.

* * * * *

(2) The authority as successor to the National Forest Reservation Commission to perform all functions previously performed by the Commission, including the establishment of purchase units, and to transmit purchase and exchange cases to Congress as required by section 17(b) of the National Forest Management Act of 1976 (16 U.S.C. 521b).

* * * * *

(80 Stat. 379 (5 U.S.C. 301))

Signed at Washington, D.C. on May 18, 1977.

M. RUPERT CUTLER,
Assistant Secretary.

[FR Doc.77-14794 Filed 5-24-77;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—WAREHOUSE REGULATIONS, U.S. WAREHOUSE ACT

PART 107—NUT WAREHOUSES

Licensing of Nut Inspectors

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changes the definiton of licensed inspectors under the U.S. Warehouse Act to include inspectors licensed under the Agricultural Marketing Act of 1946. The change will result in an avoidance of a duplication in licensing certain nut inspectors. The action will authorize one license to serve the licensing requirements of two laws where there is a common need.

EFFECTIVE DATE: May 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Arthur R. Willis, Transportation and Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, DC 20250, 202-447-3616.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that the Agricultural Marketing Service (AMS), pursuant to the authority conferred by section 28 of the U.S. Warehouse Act, as amended, (7 U.S.C. 241 et seq.), is amending warehouse regulations appearing in Part 107 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations to recognize inspectors licensed to inspect and grade nuts under the Agricultural Marketing Act of 1946 as a "licensed" inspector for purposes of the U.S. Warehouse Act.

Regulations under the U.S. Warehouse Act for nut warehouses require, with certain exceptions, that nuts received into and delivered out of a licensed warehouse be inspected and graded by an inspector licensed under the Act. Presently all the inspecting and grading at licensed nut warehouses is done by persons who are licensed as inspectors under the Agricultural Marketing Act of 1946. The U.S. Warehouse Act regulations have recognized such inspectors by providing that they be licensed under the U.S. Warehouse Act without further show of evidence that they can correctly grade nuts in accordance with official or approved standards and have provided that they will not be charged the usual licensing fees. Based upon such recognition, a license document under the U.S. Warehouse Act was issued to those persons holding valid licenses under the Agricultural Marketing Act of 1946. It has now been determined that the issuance of a license document under the U.S. Warehouse Act is an unnecessary duplication of effort inasmuch as the same safeguards of licensing are being met under another Federal authority.

Recognizing Agricultural Marketing Act of 1946 licensed inspectors as licensed inspectors under the U.S. Warehouse Act will serve to streamline the Federal licensing procedures where more than one statutory authority is involved in the licensing process. This will be accomplished by changing the definition of licensed inspector to include a person licensed under the Agricultural Marketing Act of 1946 as well as Federal employees authorized to inspect under that Act. The current provisions for licensing applicants who hold an effective license under the Agricultural Marketing Act of 1946, will no longer have any application and will be deleted from the regulations.

Editorial changes are being made in the definition for a licensed weigher to make it conform with the language format of the definition of a licensed inspector.

An editorial change is being made in the section that prohibits any unlicensed person from representing that he is licensed, by making reference to the definition of inspectors and weighers.

The amendments now being made to the regulations will not, in any way, relieve any inspector, weigher, sampler, or any other person regardless of whether they are licensed under the Warehouse Act, or the Agricultural Marketing Act of 1946, from the provisions of section

30 of the U.S. Warehouse Act which specifies criminal penalties for certain violations of the Act.

Said regulations therefore are amended to read:

1. Section 107.2 (m) and (n) are amended to read:

§ 107.2 Terms defined.

* * * * *

(m) *Licensed inspector.* (1) A person licensed under provisions of Section 11 of the United States Warehouse Act (7 U.S.C. 241 et. seq.), or, (2) A Federal employee authorized under provisions of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et. seq.), or (3) a person licensed under the provisions of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et. seq.) to inspect, grade, and certificate the grade or other class and/or condition of nuts stored or to be stored in a warehouse licensed under the U.S. Warehouse Act (the terms "persons duly licensed to inspect" or "licensed inspector" shall be defined accordingly.)

(n) *Licensed weigher.* A person licensed under the provisions of Section 11 of the United States Warehouse Act (7 U.S.C. 241 et. seq.), to weigh and certificate the weight of nuts stored or to be stored in a warehouse licensed under the U.S. Warehouse Act (the terms "persons duly licensed to weigh" or "licensed weigher" shall be defined accordingly.)

* * * * *

§ 107.60 [Amended]

2. Section 107.60 is amended as follows:

Paragraph (c) is deleted in its entirety.

Paragraph (d) is redesignated as paragraph (c).

Paragraph (e) is redesignated as paragraph (d).

Paragraph (f) is redesignated as paragraph (e).

3. Section 107.74 is amended to read:

§ 107.74 Unlicensed inspectors and weighers.

No person shall in any way represent himself to be an inspector or weigher licensed under the Act unless he is a licensed inspector or licensed weigher as defined in accordance with the provisions of paragraphs (m) and (n) of § 107.2.

It is hereby found impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking procedure and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in view of the fact that these changes do not add additional restrictions to warehouses licensed under the United States Warehouse Act or impose any additional requirements upon users of warehouse services.

Done at Washington, DC, May 19, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-14907 Filed 5-24-77;8:45 am]

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

[Plum Reg. 13]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Minimum Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade and size requirements for fresh shipments of California plums during the period June 1 through July 16, 1977. These requirements are needed to provide for orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: June 1, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: (a) *Findings.*—1. Pursuant to the amended marketing agreement and Order No. 917 (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in 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 of the Plum Commodity Committee established under the amended marketing agreement and order and upon other information, it is found that this regulation will tend to effectuate the declared policy of the act.

2. This regulation is based upon an appraisal of the current and prospective market conditions for California plums. The committee estimates that 9,132,000 packages of plums will be available for fresh shipment during the 1977 season compared to actual shipment of 7,911,000 packages last season. The 1977 California plum crop is reported to be of good quality at this time with uniform sizing. Industry reports indicate that 1977 shipments of fresh California peaches will be larger than last season and nectarine shipments will be down slightly from last year's record high. These fruits will provide strong market competition for fresh California plums. The grade and size requirements are necessary to prevent the shipment of California plums of a lower grade and smaller size than specified and are designed to provide ample supplies of good quality plums in the interest of producers and consumers pursuant to the declared policy of the act.

3. It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient. A reasonable time is permitted for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting on May 5, 1977, after giving due notice, to consider supply and market conditions for plums 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 were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of plums. Shipments of some early maturing varieties of 1977 season California plums are expected to begin about May 19, 1977, with most shipments beginning after June 1, 1977. Any shipments occurring prior to June 1, 1977, are regulated under Plum Regulation 12 (41 FR 21174, 30013) which is effective through May 31, 1977. This regulation should apply to all shipments after June 1, 1977, in order to effectuate the declared policy of the act. The provisions of this regulation are identical with the recommendation of the committee and compliance with the provisions of this regulation will not require of handlers any preparation which cannot be completed by the effective date. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified.

§ 917.444 Plum Regulation 13.

Order. (a) During the period June 1, 1977, through July 16, 1977, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1.

(b) During the period June 1, 1977, through July 16, 1977, no handler shall ship:

1. Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade; or

2. Any lot of packages or containers of Angeleno, Andys Pride, Bee Gee, Casselman, Empress, Fresno Rosa, Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, SW-1, and Swall Rosa plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall

not be considered as a grade defect with respect to such grade; or

3. Any lot of packages or other containers of Late Tragedy plums unless such plums grade U.S. No. 1, except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(c) During the period June 1, 1977, through July 16, 1977, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

TABLE I

Column A Variety:	Column B Plums-per-sample
Ace	55
Amazon	64
Andys Pride	69
Angeleno	67
Autumn Rosa	72
Beauty	91
Bee Gee	65
Burmosa	60
Casselman	63
Duarte	62
El Dorado	68
Elephant Heart	53
Empress	57
Friar	56
Frontier	61
Gar-Rosa	71
Grand Rosa	54
July Santa Rosa	69
Kelsey	47
Laroda	58
Late Duarte	60
Late Santa Rosa (including Improved Late Santa Rosa and Swall Rosa)	64
Late Tragedy	93
Linda Rosa	63
Mariposa	61
Midsummer	63
Nubiana	56
President	57
Queen Ann	50
Queen Rosa	53
Red Beaut	91
Red Rosa	64
Redroy	58
Rosa Grande	63
Roysum	80
Santa Rosa	69
Simka, Arrosa, New Yorker	48
Standard	83
Tragedy	114
Wickson	51

(d) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–1538); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated, May 20, 1977, to become effective June 1, 1977.

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

[FR Doc.77-14908 Filed 5-24-77;8:45 am]

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 16—PROCEDURES FOR A VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

AGENCY: Assistant Secretary of Commerce for Science and Technology, Commerce.

ACTION: Final rule.

SUMMARY: This new part to Title 15 CFR establishes procedures under which a voluntary consumer product information labeling program administered by the Department of Commerce will function. Consumers today are unable in many cases to make rational and accurate marketplace decisions because of lack of comparative, easily comprehensible information at the point of sale on important product performance characteristics. Accordingly, the goal of this program is to make available to consumers, at the point of sale, information on consumer product performance in an understandable and useful form. The program is also intended to educate consumers, distributors, and retailers in the use of the product performance information displayed and provide manufacturers and other participants in the program with an opportunity to convey to the public the particular advantages of their products.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, 202–377–3221.

SUPPLEMENTARY INFORMATION: On May 25, 1976, the Department announced in the FEDERAL REGISTER (41 FR 21389) proposed procedures under which a voluntary consumer product information labeling program would be carried out provided substantial need and support for such a program could be demonstrated. The notice invited interested persons to participate in the proposed rulemaking by submitting written comments or suggestions to the Department. In addition, the notice advised that three informal hearings would be held on the proposed procedures.

Following the publication of the above mentioned May 25 notice, written statements and oral testimony were received by the Department from 97 respondents. The comments and testimony represented input from private citizens, consumer organizations, retailers, manufacturers, trade associations, testing laboratories, consulting organizations, educators, and government agencies. The written comments and transcripts of the hearings are part of the public record which is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 5316, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW., Washington, D.C. 20230.

The comments and testimony on the proposed procedures have been carefully considered and evaluated. A summary and analysis of the public's comments and testimony has been prepared by the Department. This document also is available for inspection and copying at the Department's Central Reference and Records Inspection Facility mentioned above.

With regard to the question of whether substantial need and support for the program were demonstrated in the comments received, sixty-four respondents favored initiation of the program. Those favoring the program included a majority of the private citizens, consumer organizations, educators, government agencies, and manufacturers of products other than mechanical, electrical and electronic products who commented. Twenty-three respondents opposed initiation of the program, and this group included a majority of the trade associations and manufacturers of mechanical, electrical and electronic products who commented. Seven respondents from various groups stated that they would support initiation of a mandatory program; however, such a course would be beyond the scope of the Department's proposal.

As noted, the comments received indicated that a number of private citizens, consumer organizations, educators, government agencies and manufacturers feel that there is a need for a consumer product information labeling program. Other comments indicated a lack of support by some manufacturers and trade associations comprising a significant segment of the consumer product industry. Upon balancing the respective views, the Department has determined that the public interest will be served best by instituting the program on a limited pilot project basis, and at the end of one year of its operation, the Department will evaluate its results to decide whether the program merits continuance and, if so, whether to enlarge or reduce the size and scope of its operation.

A number of substantive changes in the proposed procedures were made as a result of the public's comments. The most significant changes involve simplification of the "finding of need" process and the addition of provisions under which portions of the program can be administered by designated agents who would make it unnecessary for program participants to report sensitive sales data directly to the Department of Commerce. Other changes in the procedures involve clarification of the language used and the addition of several terms to the section on definitions. These various changes are discussed in greater detail below.

The proposed procedures called for the use of a "finding of need" process that would have required two separate publications of notices in the FEDERAL REGISTER before work could be started on any Performance Information Labeling Specification. Though this procedure was designed to insure ample opportunity for public input into the product selection

process, it also would have resulted in what some respondents believed to be unnecessary preliminary work and delay. Two respondents suggested that the selection process be simplified and shortened. Accordingly, upon further consideration it was deemed appropriate to eliminate the preliminary finding of need. Under § 16.4(c) the Secretary, upon receiving a request for a finding of need to establish a specification for labeling a consumer product may, if she deems it to be in the public interest, develop whatever additional information she feels is necessary. This could include consultation on a one-time basis with consumers, consumer organizations, and others. Accordingly, it is unnecessary to have a preliminary finding of need. Rather, the Secretary will make only one finding of need which will be a final agency action.

The proposed procedures also called for the establishment of fees and charges for participation in the program. According to most respondents who commented on this topic, the most equitable basis for establishing such fees would be to relate the total fee paid by any one participant to the number of units of the product on which labels were placed. The administration of such a fee schedule, however, would require participants to report to the Department the number of units produced and labeled. Such information is considered by many producers to be confidential. Hence, in order to avoid the necessity for the disclosure of such confidential data or other valuable proprietary trade information to the Secretary and thus permit the association of such data and information with a particular participant, and in accordance with other suggestions made that the program be at least partly administered by industry, provisions were added to the final procedures under which individuals or organizations such as trade associations could, when authorized by the Secretary of Commerce, serve as designated agents who would collect fees and statistical information from consenting participants, consolidate such fees and information from a number of participants, and transmit to the Secretary the consolidated fees and information (§ 16.9). In addition, the proposed procedures were revised to recognize the validity of cost to participants as an item to be considered in the program (§ 16.4(b)(8)).

Finally, the proposed procedures were revised to clarify and improve the language in some areas. For example, the term "participant" is now used to indicate any manufacturer, assembler, private brand labeler, or importer of consumer products who participates in the program, in place of the term "manufacturer" that was used previously. The definition of the term "consumer product" was revised specifically to exclude products customarily intended primarily for business, commercial, or industrial use. Definitions for the terms "Specification" and "designated agent" were added to the final procedures, and several other minor changes were made.

The procedures appended to this notice have been carefully reviewed pursuant to the provisions of Executive Order No. 11821 dated November 27, 1976 (39 FR 41501 dated November 29, 1974), Office of Management and Budget Circular No. A-107 dated January 28, 1975, and Department of Commerce Administrative Order 218-6 dated September 12, 1975, and it has been determined that the promulgation of these procedures will have no major inflationary impact. Each project to develop a Performance Information Labeling Specification initiated under these procedures to effect the labeling of a specific class of consumer product will be carefully examined and evaluated to ascertain whether such project would have a major inflationary impact under the criteria described in the above referenced Executive Order, Office of Management and Budget Circular, and Department of Commerce Administrative Order.

Issued: May 19, 1977.

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

Part 16 is added to Title 15 CFR to read as follows:

Sec.
16.1 Purpose.
16.2 Description and goal of program.
16.3 Definitions.
16.4 Finding of need to establish a specification for labeling a consumer product.
16.5 Development of performance information labeling specifications.
16.6 Establishment of fees and charges.
16.7 Participation in program.
16.8 Termination of participation.
16.9 Rules governing designated agents.
16.10 The Department of Commerce mark.
16.11 Amendment or revision of a performance information labeling specification.
16.12 Consumer education.
16.13 Coordination with State and local programs.
16.14. Annual report.

AUTHORITY: Sec. 2, 31 Stat. 1449, as amended; sec. 1, 64 Stat. 371; (15 U.S.C. 272); Reorganization Plan No. 3 of 1946, Part VI.

§ 16.1 Purpose.

The purpose of this part is to establish procedures under which a voluntary consumer product information labeling program administered by the Department of Commerce will function.

§ 16.2 Description and goal of program.

(a) The Department's Voluntary Consumer Product Information Labeling Program makes available to consumers, at the point of sale, information on consumer product performance in an understandable and useful form so as to facilitate accurate consumer purchasing decisions and enhance consumer satisfaction. It also educates consumers, distributors and retailers in the use of the product performance information displayed and provides manufacturers and other persons who participate in the program with an opportunity to convey to the public the particular advantages of their products. These objectives are accomplished by:

1. Selecting or developing standardized test methods by which selected product performance characteristics can be measured;

2. Developing labeling methods by which information concerning product performance can be transmitted in useful form to consumers at the point of sale;

3. Encouraging manufacturers and other participants in the program voluntarily to test and label their products according to the selected or developed methods; and

4. Encouraging consumers through various informational and educational programs to utilize the product performance information provided.

(b) The program involves voluntary labeling by enrolled participants of selected categories of consumer products with information concerning selected performance characteristics of those products. The performance characteristics selected are those that are of demonstrable importance to consumers, that consumers cannot evaluate through mere inspection of the product, and that can be measured objectively and reported understandably to consumers. The consumer products covered include those for which incorrect purchase decision can result in financial loss, dissatisfaction, or inconvenience. The program seeks to avoid the duplication of other Federal programs under which performance characteristics are labeled by exempting those performance characteristics from this program.

(c) For selected categories of consumer products, the program includes advertising guidelines covering situations where quantitative performance values are stated in advertising or where qualitative comparisions are made of the performance of different products.

§ 16.3 Definitions.

(a) The term "Secretary" means the Secretary of Commerce or her designee.

(b) The term "consumer" means the first person who purchases a consumer product for purposes other than resale.

(c) The term "participant" means a manufacturer, assembler or private brand labeler of consumer products or an importer of such products for resale and who participates in the program.

(d) The term "consumer product" means any article produced or distributed for sale to a consumer for the use, consumption, or enjoyment of such consumer. The term does not include products customarily intended primarily for business, commercial, or industrial use.

(e) The term "person" means an individual; a manufacturer; distributor; retailer; importer; private brand labeler; government agency at the Federal (including any agency of the Department of Commerce), State and local level; consumer organization; trade association; standards writing body; professional society; testing laboratory; or educational institution.

(f) The term "performance characteristic" means a performance characteristic of a consumer product that can be measured in an objective manner with respect to a given consumer product.

(g) The term "Specification" means a Performance Information Labeling Specification developed under § 16.5.

(h) The term "label" means printed matter affixed to or otherwise provided with a consumer product and containing all of the performance characteristics as prescribed by the Specification applicable to that product.

(i) The term "designated agent" means a person as defined in paragraph (e) of this section, who has been designated by the Secretary to carry out appropriate operational procedures on behalf of more than one participant in this program in accordance with rules set out under § 16.9.

§ 16.4 Finding of need to establish a specification for labeling a consumer product.

(a) Any person may request the Secretary to find that there is a need to label a particular consumer product with information concerning one or more specific performance characteristics of that product.

(b) Such a request shall be in writing and will, to the extent practicable, include the following information:

1. Identification of the consumer product;

2. Extent that the product identified in subparagraph (1) of this paragraph is used by the public and, if known, what the production or sales volume is of such product;

3. Nature and extent of difficulty experienced by consumers in making informed purchase decisions because of a lack of knowledge regarding the performance characteristics of the identified consumer product;

4. Potential or actual loss to consumers as a result of an incorrect decision based on an inadequate understanding of the performance characteristics of the identified consumer product;

5. Extent of incidence of consumer complaints arising from or reasonably traceable to lack of knowledge regarding the performance characteristics of the identified consumer product;

6. If known, whether there currently exist test methods which could be used to test the performance characteristics of the identified consumer product and an identification of those test methods;

(7) Reasons why it is felt, in cases where existing test methods are identified in responding to subparagraph (6) of this paragraph, that such test methods are suitable for making objective measurements of the performance characteristics of the identified consumer product; and

(8) Estimated cost to participants to test and label the product.

(c) The Secretary may ask for more information to support a request made under paragraph (a) of this section if she feels it is necessary to do so, or, if she deems it to be in the public interest, may develop such information herself as by consultation on a one-time basis with consumers, consumer organizations, and others. The Secretary shall act expeditiously on all requests and shall notify the requester of her decision in writing. If the Secretary determines that there is no need to establish a Specification for labeling the requested consumer product performance characteristics, or because of a lack of resources, she will decline to act further on the request. In those instances where the Secretary declines a request, she shall state the reasons for so declining.

(d) If the Secretary finds that a need exists to establish a Specification for labeling a consumer product under this program, she shall publish a notice in the FEDERAL REGISTER setting out such finding and its basis and stating that she is developing a proposed Specification in accordance with § 16.5.

§ 16.5 Development of performance information labeling Specifications.

(a) If the Secretary makes a finding of need pursuant to § 16.4, she will publish a proposed Performance Information Labeling Specification in the FEDERAL REGISTER with a notice giving the complete text of the proposed Specification and any other pertinent information. The notice will invite any interested person to submit written comments on the proposed Specification within 45 days after its publication in the FEDERAL REGISTER, unless another time limit is provided by the Secretary. Interested persons wanting to express their views in an informal hearing may do so, if within 15 days after the proposed Specification is published in the FEDERAL REGISTER, they request the Secretary to hold a hearing. Such informal hearings shall be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments in addition to the opportunity to make written submissions. Notice of such hearings shall be published in the FEDERAL REGISTER. A transcript shall be kept of any oral presentations.

(b) Each Specification shall as a minimum include:

(1) A description of the performance characteristics of the consumer product covered;

(2) An identification by reference of the test methods to be used in measuring the performance characteristics. The test methods, where they exist and are deemed appropriate for inclusion in the particular Specification involved, shall be those which are described in nationally-recognized voluntary standards. Where appropriate test methods do not exist, they will be developed by the Department of Commerce in cooperation with interested parties and set out in full in the Specification;

(3) A prototype label and directions for displaying the label on or with the consumer product concerned. Such directions will not prohibit the display of additional information by the participant on space adjacent to the marked boundaries of the label; and

(4) Conditions of participation.

(c) The Secretary, after consideration of all written and oral comments and other materials received in accordance with paragraph (a) of this section, shall publish in the FEDERAL REGISTER within 30 days after the final date for receipt of comments, or as soon as practicable thereafter, a notice either:

(1) Giving the complete text of a final Specification, including conditions of use, and stating that any prospective participant in the program desiring voluntarily to use the Department of Commerce Mark developed under § 16.10 must advise the Department of Commerce; or

(2) Stating that the proposed Specification will be further developed before final publication; or

(3) Withdrawing the proposed Specification from further consideration.

§ 16.6 Establishment of fees and charges.

(a) The Secretary in conjunction with the use of the Working Capital Fund of the National Bureau of Standards, as authorized under section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), for this program, shall establish fees and charges for use of the Department of Commerce Label and Mark on each product. Such fees and charges shall be related to the number of units of products labeled, where appropriate. The fees and charges established by the Secretary, which may be revised by her when she deems it appropriate to do so, shall be in amounts calculated to make the operation of this program as self-sufficient as reasonable. A separate notice will be published in the FEDERAL REGISTER simultaneously with the notice of each proposed Specification referred to in § 16.5(a). Such notice will set out a schedule of estimated fees and charges the Secretary proposes to establish. The notice would be furnished for informational and guidance purposes only in order that the public may evaluate the proposed Specification in light of the expected fees to be charged.

(b) At such time as the Secretary publishes the notice announcing the final Specification referred to in § 16.5(c)(1), she shall simultaneously publish a separate notice in the FEDERAL REGISTER setting forth the final schedule of fees that will be charged participants in the program. The effective date of such final schedule of fees shall be the same as the date on which the final Specification takes effect.

(c) Revisions, if any, to the fees and charges established by the Secretary under paragraph (b) of this section shall be published in subsequent FEDERAL REGISTER notices and shall take effect not less than thirty (30) days after the date of publication of such notice.

§ 16.7 Participation in Program.

(a) Any manufacturer, assembler, or private brand labeler of consumer products, or importer of such products for resale, desiring to participate in this program will so notify the Secretary. The notification will identify the particular

Specification to be used and the prospective participant's identification and model numbers for the products to be labeled. The notification must include a statement that if accepted as a participant in the program by the Secretary, the prospective participant will:

(1) Abide by all conditions imposed by these procedures;

(2) Abide by the conditions contained in the Specification, as prescribed in paragraph (d) of this section;

(3) Pay the fees and charges established by the Secretary; and

(4) Desist from using the Department of Commerce Label and Mark if his participation is terminated under § 16.8.

(b) The Secretary shall act expeditiously on all requests to participate in the program and shall notify each prospective participant of her decision in writing. In those instances where the Secretary declines a request, she shall state the reasons for so declining.

(c) If a prospective participant seeking to participate in the program is notified by the Secretary that she proposes to deny that prospective participant the right to participate, that prospective participant shall have thirty (30) days from the receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed denial shall become final through the issuance of a written decision to such prospective participant in the event that he does not appeal such notification by the end of the thirty (30) day period. If however, such prospective participant requests a hearing within that thirty (30) day period, the Secretary's proposed denial shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

(d) The conditions set out in each Specification will include, but not be limited to, the following:

(1) Prior to the use of a Label, the participant will make or have made the measurements to obtain the information required for inclusion on the Label and, if requested, will forward within 30 days such measurement data to the Secretary. Such measurement data will be kept on file by the participant or his agent for two years after that product is no longer manufactured unless otherwise provided in the Specification.

(2) The participant will describe the test results on the Label as prescribed in the Specification.

(3) The participant will display or arrange to display, in accordance with the appropriate Specification, the Label on or with each individual product of the type covered except for units exported from the U.S. Participants who utilize more than one brand name may participate by labeling some or all of the brand names. All models with the same brand name must be included in the program unless they are for export only.

(4) The participant agrees at his expense to comply with any reasonable request of the Secretary to have consumer products manufactured, assembled, imported, or privately brand labeled by him tested to determine that testing has been done according to the relevant Specification.

(5) Participants may reproduce the Department of Commerce Label and Mark in advertising: *Provided*, That the entire Label, complete with all information required to be displayed at the point of retail sale, is shown legibly and is not combined or associated directly with any other mark or logo.

§ 16.8 Termination of participation.

(a) The Secretary upon finding that a participant is not complying with the conditions set out in these procedures or in a Specification may terminate upon 30 days notice the participant's right to continue his participation in the program: *Provided*, That the participant shall first be given an opportunity to show cause why the participation should not be terminated.

(b) Upon receipt of a notice from the Secretary of the proposed termination, which notice shall set forth the reasons for such proposed termination, the participant shall have thirty (30) days from the date of receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed termination shall become final through the issuance of a written decision to the participant in the event such participant does not appeal the proposed termination within the thirty (30) day period. If, however, the participant requests a hearing within the thirty (30) day period, the Secretary's proposed termination shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

(c) A participant may at any time terminate his participation and responsibilities under this program with regard to a specific type of product by giving written notice to the Secretary that he has discontinued use of the Department of Commerce Label and Mark for all consumer products of the type involved.

§ 16.9 Rules Governing Designated Agents.

(a) The following rules, requirements and tasks shall be applicable with respect to the seeking of designated agent status and the performance of that role after such status has been obtained. Each person desiring to be designated as a designated agent under this program shall:

(1) Make written application to the Secretary;

(2) Provide appropriate information showing his qualifications to represent members within a given product area and that more than one prospective participant in that product area is agreeable to such representation; and

(3) Agree to service any participant in this program in the agent's cognizant product area whether or not such participant is a member of the organization or body which that agent represents.

(b) The Secretary may require a person seeking designated agent status to supply further information before granting such status to that person. The Secretary will notify each person seeking designated agent status, in writing, as expeditiously as possible after evaluating such person's application.

(c) Each person granted designated agent status shall:

(1) Provide the Secretary with a list of the participants that the designated agent services under the program. The Secretary shall also be provided an updated list as soon thereafter as may be practicable whenever there are any changes in the list;

(2) Collect fees and charges from the participants serviced under this program, consolidate such sums, and transmit those fees and charges required under § 16.6 to the Secretary;

(3) Distribute Department of Commerce Marks developed under § 16.10 or instructions for the printing of such Marks to the participants that the designated agent services under this program;

(4) Gather and consolidate such statistical information as may be required by the Secretary from individual participants serviced;

(5) Provide the Secretary with reports, including the consolidated statistical information referred to in subparagraph (4) of this paragraph, as may be called for by her, relative to the activities of the participants the designated agent is servicing; and

(6) Perform any additional tasks mutually agreed upon by the designated agent and the Secretary.

(d) If a person seeking designated agent status is notified by the Secretary that she proposes to deny that person such status, that person shall have thirty (30) days from the date of receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed denial shall become final through the issuance of a written decision to such person in the event that he does not appeal such notification by the end of that thirty (30) day period. If, however, such person requests a hearing within that thirty (30) day period, the Secretary proposed denial shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

(e) If the Secretary finds that a designated agent has violated the terms of paragraph (c) of this section, she may, after consultation with such designated agent, notify such person that she proposes to revoke his status as a designated agent.

(f) Upon receipt of a notice from the Secretary of the proposed revocation, which notice shall set forth the reasons for such proposed revocation, the designated agent shall have thirty (30) days from the date of receipt of such notification to request a hearing under the provisions of U.S.C. 556. The Secretary's proposed revocation shall become final through the issuance of a written decision to the designated agent in the event such designated agent does not appeal the proposed revocation within that thirty (30) day period. If, however, the designated agent requests a hearing within that thirty (30) day period, the Secretary's proposed revocation shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

§ 16.10 The Department of Commerce Mark.

The Department of Commerce shall develop a Mark which shall be registered in the U.S. Patent and Trademark Office under 15 U.S.C. 1054 for use on each Label described in a Specification.

§ 16.11 Amendment or Revision of a Performance Information Labeling Specification.

The Secretary may by order amend or revise any Specification published under § 16.5. The procedure applicable to the establishment of a Specification under § 16.5 shall be followed in amending or revising such Specification. Such amendment or revision shall not apply to consumer products manufactured prior to the effective date of the amendment or revision.

§ 16.12 Consumer Education.

The Secretary, in close cooperation and coordination with interested Government agencies, appropriate trade associations and industry members, consumer organizations, an other interested persons shall carry out a program to educate consumers relative to the significance of the labeling program. Some elements of this program shall also be directed toward informing retailers and other interested groups about the program.

§ 16.13 Coordination with State and Local Programs.

The Secretary will establish and maintain an active program of communication with appropriate State and local government offices and agencies and will furnish and make available information and assistance that will promote uniformity in State and local programs for the labeling of performance characteristics of consumer products.

§ 16.14 Annual Report.

The Secretary will prepare an annual report of activities under the program, including an evaluation of the program and a list of participants, designated agents, and types of consumer products covered.

[FR Doc.77-14851 Filed 5-20-77;3:00 pm]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 712—THE ACQUISITION FUNCTION

PART 790—PUBLIC HEARINGS AND LOCATION/DESIGN APPROVAL

Right-of-Way Parcels

AGENCY: Federal Highway Administration, Department of Transportation.

ACTION: Amendments to final rules.

SUMMARY: These amendments revise current procedures for the advance acquisition of right-of-way parcels to conform with a recent order of the United States District Court for the District of Columbia. These revisions are intended to make it clear that Federal funds may be expended to finance advance acquisition of right-of-way parcels only in extraordinary cases or emergency situations and only after (a) the State highway department has given official notice to the public that it has selected a particular location to be the preferred or recommended alignment for a proposed highway, or (b) a public hearing has been held or an opportunity for a public hearing has been afforded.

EFFECTIVE DATE: May 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. William B. Bynum, Real Property Acquisition Division, Office of Right-of-Way (202-426-0142), or Mr. Stanley H. Abramson, Office of Chief Counsel (202-426-0791), Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590. Hours are from 7:45 a.m. to 4:15 p.m. EST, Monday through Friday.

SUPPLEMENTARY INFORMATION: Under current Federal Highway Administration (FHWA) procedures, acquisition of right-of-way for a Federal-aid highway project normally occurs after (1) a final environmental impact statement has been processed or a negative declaration adopted pursuant to 23 CFR Part 771, (2) the FHWA has approved a route location under 23 CFR 790.9(e)(1), or accepted the general location of a highway section under 23 CFR 771.5, and (3) the public hearing requirements of 23 U.S.C. 128 have been satisfied. In certain cases the normal project development process is delayed by funding problems, changing legal requirements, lawsuits or similar problems. Public awareness that a particular route is under serious consideration develops as a result of public meetings and hearings, announcements made by the State highway department, prior approval actions taken by FHWA, publicity surrounding court cases and controversial projects, or various combinations of these factors.

Project delays, which run anywhere from a period of several months to ten years or more, coupled with public awareness of the project proposal often result in property owners being unable to sell their properties on the open market due to uncertainty over the proposed highway project, and a corresponding reluctance to improve or maintain these properties. In certain cases the inability to sell and lack of maintenance may present truly unique situatons involving extreme financial hardship and/or endangering the health and welfare of the property owner or a member of the owner's household.

In other cases project delays may prompt some property owners to invest substantial sums of money to develop their properties (e.g. construction of a housing subdivision or shopping center). If a decision is finally made to construct a transportation facility, the new development may unduly restrict the choice of alternative transportation modes or corridors, preclude selection of safe design configurations or result in undue community disruption.

For the foregoing reasons, the acquisition of particular parcels within the limits of a proposed Federal-aid highway corridor prior to normal right-of-way acquisition activities has been permitted in individual cases of demonstrated need under § 790.9(f) and the criteria in § 712.204(d) of Title 23, Code of Federal Regulations (23 CFR). In addition to normal Federal-aid project funds, the Federal share of the cost of advance acquisitions may also be drawn from a special fund established by Congress in 1956 for the specific purpose of advance acquisition of highway right-of-way (23 U.S.C. 108).

Certain aspects of the FHWA's advance acquisition procedure were criticized in an opinion by the United States Court of Appeals for the District of Columbia Circuit in "National Wildlife Federation v. Tiemann," Civil Action No. 75-1214 (D.C. Cir. October 28, 1976). Following the Circuit Court opinion the FHWA instituted an interim procedure for processing advance acquisition applications (42 FR 5774, January 31, 1977).

The case was remanded to the United States District Court for the District of Columbia for entry of a decree in accordance with the October 28 opinion. That decree, issued by the District Court on February 18, 1977 (Civil Action No. 1270-73, filed February 22, 1977), enjoins the Federal Highway Administration from ordinarily expending Federal funds to finance advance acquisition of right-of-way prior to (1) the holding of a final valid location hearing, (2) final consideration of the economic, social, environmental and other effects of the location and its alternatives as required by 23 U.S.C. 128(a), and (3) firm commitment to location pursuant to that statute and 23 CFR 790.9(e)(1). The decree also renders null and void the current provisions of 23 CFR 790.9(f) which were construed to ordinarily permit authorization of the acquisition of right-of-way prior to a location hearing.

The procedures formerly required under 23 CFR 790.9(f) have been revised in light of the judicial rulings and updated to conform with current program terminology. In order to give maximum effect to the court decisions, § 790.9(f) is being deleted and the new provisions added to the advance acquisition section of 23 CFR Part 712. The new provisions clarify the circumstances under which particular acquisitions proposed by a State prior to normal right-of-way acquisition activities will be considered eligible for Federal-aid funding.

A State's request for Federal participation will be approved only in extraordinary cases or emergency situations and then only upon submission of proper documentation demonstrating that the acquisition is in the public interest and is necessary to alleviate particular hardship to a property owner, on his request, in contrast to others because of an inability to sell his property or to prevent imminent development and increased costs of a parcel which would

tend to limit the choice of highway alternatives. The documentation requirements are part of the previous regulation. The "extraordinary" and "emergency" standards are new and are intended to emphasize that only truly unique situations will be considered for Federal-aid funding.

Another new provision permits Federal approval only after a public hearing has been held or the opportunity for such a hearing has been afforded in conformance with 23 U.S.C. 128, or after the State highway department has given official notice to the public that it has selected a particular location to be the preferred or recommended alignment for the proposed highway. Federal participation in the acquisition of right-of-way prior to one of these two occurrences will not be possible under any circumstances. Existing safeguards regarding parklands, historic sites and environmental assessments will remain in effect (23 CFR 712.204(d)(2), (3)).

States remain free to finance advance acquisitions out of their own funds and seek Federal funds for subsequent project costs. Current guidelines for preserving eligibility for Federal-aid highway funds under such circumstances will remain in effect (23 CFR 712.204(d)(5)).

NOTE.—The FHWA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

1. Accordingly, 23 CFR Part 712, Subpart B, is amended by revising § 712.204 (d)(1) to read as follows:

§ 712.204 Project procedures.

* * * * *

(d) * * *

(1) In extraordinary cases or emergency situations the State highway department may request and the Federal Highway Administrator may approve Federal participation in the acquisition of a particular parcel or a limited number of particular parcels within the limits of a proposed highway corridor prior to completion of processing of the final environmental impact statement or adoption of the negative declaration, but only after (i) the State highway department has given official notice to the public that it has selected a particular location to be the preferred or recommended alignment for a proposed highway, or (ii) a public hearing has been held or an opportunity for such a hearing has been afforded. Proper documentation shall be submitted to show that the acquisition is in the public interest and is necessary to:

(A) Alleviate particular hardship to a property owner, on his request, in contrast to others because of an inability to sell his property;

(B) Prevent imminent development and increased costs of a parcel which would tend to limit the choice of highway alternatives.

* * * * *

§ 790.9 [Amended]

2. 23 CFR 790.9(f) is deleted.

Issued on: May 18, 1977.

WILLIAM M. COX,
Federal Highway Administrator.

[FR Doc.77-14869 Filed 5-24-77;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 43n—PREPARATION OF A ROLL OF PERSONS OF GRAND RIVER OTTAWA INDIAN BLOOD TO BE USED AS THE BASIS TO DISTRIBUTE JUDGMENT FUNDS

MAY 18, 1977.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The purpose of this new Part 43n is to establish procedures to govern preparation of a roll, as provided in the Act of October 18, 1976, of persons of Grand River Ottawa Indian blood to be used as the basis to distribute the judgment funds.

EFFECTIVE DATES: These regulations shall become effective on: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Miss Janet Parks, Division of Tribal Government Services, telephone: 202-343-2985.

SUPPLEMENTARY INFORMATION: Beginning on page 13123 of the March 9, 1977, FEDERAL REGISTER (42 FR 13123), there was published a notice of proposed rulemaking. All interested persons were given until April 8 to submit their written comments, suggestions or objections regarding the proposed rule.

After consideration of all such relevant matter presented by interested persons, the revision as so proposed is hereby adopted with the following changes:

1. In line six of § 43n.3(f) add "s" to "paragraph", and after (b) in line seven add "and (g)".

2. After § 43n.3(f), new paragraph (g) is added as set forth below.

The authority for the Commissioner to issue these regulations is contained in 5 U.S.C. 301, and sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9), and 230 DM 1 and 2.

Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is hereby amended by adding a new Part 43n to read as follows:

Sec.
43n.1 Definitions.
43n.2 Purpose.
43n.3 Qualifications for enrollment.
43n.4 Filing of applications and deadline for filing.
43n.5 Burden of proof.
43n.6 Action by the Superintendent.
43n.7 Appeals.
43n.8 Preparation of the roll.
43n.9 Certification and approval of the roll.
43n.10 Special instructions.

AUTHORITY: 90 Stat. 2503.

§ 43n.1 Definitions.

(a) "Act" means the Act of October 18, 1976 (90 Stat. 2503), which directs the Secretary of the Interior to prepare the roll of the Grand River Band of Ottawa Indians.

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(d) "Area Director" means the Area Director, Minneapolis Area Office or his authorized representative.

(e) "Superintendent" means the Superintendent of the Michigan Agency.

§ 43n.2 Purpose.

The regulations in this part govern the preparation of a roll of persons who possess Grand River Ottawa Indian blood to be used to distribute the judgment funds awarded the Grand River Band of Ottawa Indians in Indian Claims Commission docket 40-K.

§ 43n.3 Qualifications for enrollment.

The roll shall contain the names of persons who meet the following requirements:

(a) They were born on or prior to and living on October 18, 1976;

(b) Their name or the name of a lineal ancestor through whom they claim eligibility appears as a Grand River Ottawa on the roll of the Ottawa and Chippewa Tribe of Michigan, Durant Roll of 1908, containing the Commissioner's recommendation that it be approved except for those persons listed opposite numbers 747, 1331, 2437, 3957, 4462, 4684, 6151, 6273, 6275, 6496, 6525, 7028, 7035 and 7168, and those persons whose names are checked in red pencil, indicating descendants of half-breeds or mixed bloods, and in blue pencil, indicating persons who affiliated with, received rights or were enrolled members of other tribes, approved by the Secretary on February 18, 1910, with the Commissioner's recommendation, or on any available census rolls or other records acceptable to the Secretary;

(c) They possess one-fourth degree or more Grand River Ottawa Indian blood;

(d) They are citizens of the United States; and,

(e) They file or have filed in their behalf applications for enrollment within the time specified in § 43n.4.

(f) In the absence of proof to the contrary, for the purposes of determining degree of Grand River Ottawa blood, all persons named as Grand River Ottawas on the Durant Roll of 1908 with the exceptions specified in paragraphs (b) and (g) of this section shall be considered as possessing 4/4 degree Grand River Ottawa Indian blood.

(g) Children named on the Durant Roll with an indication that one parent is non-Indian will be considered to possess ½ degree Grand River Ottawa Indian blood and children named on the roll with an Indian parent whose spouse is shown as non-Indian will be considered to possess ½ degree Grand River Ottawa Indian blood, provided, it can be established the non-Indian spouse is the other parent of the child.

§ 43n.4 Filing of applications and deadline for filing.

(a) Application forms may be obtained from the Superintendent, Michigan Agency, Bureau of Indian Affairs, Sault Ste. Marie, Michigan 47983. Completed applications must be received by the Superintendent by close of business on September 2, 1977.

(b) Applications received after that date will be denied for failure to file in time regardless of whether the applicants otherwise meet the requirements for enrollment.

§ 43n.5 Burden of proof.

The burden of proof rests upon the applicant to establish his eligibility for enrollment. Documentary evidence such as birth certificates, baptismal records, copies of probate findings or affidavits may be used to support claims for enrollment. Records of the Bureau of Indian Affairs may also be used to establish eligibility.

§ 43n.6 Action by the Superintendent.

The Superintendent must notify rejected applicants by certified mail, addressee only, return receipt requested, explaining the reason for the adverse action and advising them of their right to appeal to the Secretary.

§ 43n.7 Appeals.

Appeals from rejected applicants must be in writing and filed pursuant to Part 42 of this subchapter, a copy of which will be furnished with each notice of rejection.

§ 43n.8 Preparation of the roll.

The roll shall contain for each person a roll number, name, address, sex, date of birth, and, when applicable, the roll number and name and relationship of applicant to ancestor through whom eligibility is established.

§ 43n.9 Certification and approval of the roll.

The Superintendent shall attach a statement to the roll certifying that to the best of his knowledge and belief the roll contains only the names of those persons who meet the requirements for enrollment. The roll shall be submitted to the Area Director for approval.

§ 43n.10 Special instructions.

To facilitate the work of the Superintendent the Commissioner may issue special instructions not inconsistent with the regualtions in this part.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77-14800 Filed 5-24-77;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 530—RHODESIAN SANCTIONS REGULATIONS

Steel Mill Products in Transit

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rules.

SUMMARY: The amendment permits importation after May 18, 1977 of ferrochromium and specialty steel products for which an ocean bill of lading had been issued before March 18, 1977. The amendment is needed because the current authorization would have expired at the close of business on May 18, 1977.

EFFECTIVE DATE: May 19, 1977.

FOR FURTHER INFORMATION CONTACT:

George F. Hazard, Chief of Licensing, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, 202-376-0428.

SUPPLEMENTARY INFORMATION: Section 530.520(a) of the Regulations authorizes the importation of ferrochromium and steel mill products provided that the pertinent ocean bill of lading was issued before March 18, 1977. Under paragraph (c) of § 530.520, this authorization would have expired at the close of business on May 18, 1977. The current amendment deletes paragraph (c) and thus permits the unrestricted importation of ferrochromium and specialty steel products after May 18, 1977 if the ocean bill of lading was issued before March 18, 1977. The effect of the amendment is to permit products which were in bonded warehouse on March 18 to be withdrawn from warehouse and entered after June 14, 1977, when a new quota period for specialty steel products opens.

The primary author of this amendment is Stanley Sommerfield.

Since this amendment relaxes existing restrictions and involves a foreign affairs function, the provisions of the Administrative Procedures Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date are inapplicable.

§ 530.520 [Amended]

31 CFR, Part 530, is amended by the deletion of paragraph(c) of §530.520.

(22 U.S.C. 287(c); Pub. L. 95-12, March 18, 1977, 91 Stat. 22; Executive Order 11322; Executive Order 11419; Executive Order 11978.)

STANLEY L. SOMMERFIELD,
Acting Director.

Approved: May 18, 1977.

BETTE M. ANDERSON,
Under Secretary.

[FR Doc.77-14899 Filed 5-24-77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular No. 2422]

PART 4700—WILD FREE-ROAMING HORSE AND BURRO PROTECTION, MANAGEMENT, AND CONTROL

Use of Helicopters in Management of Wild Free-Roaming Horses and Burros

AGENCY: Land Management Bureau, Interior.

ACTION: Final rulemaking.

SUMMARY: This rule prescribes conditions under which helicopters may be used in the gathering and capturing of wild free-roaming horses and burros. This rule implements part of the Federal Land Policy and Management Act of 1976 (16 U.S.C. 1338a) and is intended to provide the most humane method of removing excess horses and burros.

EFFECTIVE DATE: May 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert J. Springer, 202-343-4328.

SUPPLEMENTARY INFORMATION: On January 25, 1977, the Land Management Bureau: Interior published proposed rulemaking (43 FR 4500) regarding the use of helicopters in the management of wild free-roaming horses and burros. Public comments were invited through April 22, 1977 and public meetings were held in 10 western States to discuss the proposal with interested persons. Written comments were received from 30 sources and verbal comments were recorded from 82 persons. Comments from all sources are summarized as follows:

Forty-two persons and interest groups expressed general concurrence with the rulemaking and nine persons and interest groups expressed general opposition to the rulemaking. Comments of persons and groups who made specific suggestions are grouped as comments leading to changes in the rulemaking, comments not leading to changes in the rulemaking, and suggested changes not possible under the existing authorities.

COMMENTS LEADING TO CHANGES IN THE RULEMAKING

1. It was suggested that the definition of "malicious harassment" be clarified to include deliberate disregard for the welfare of the animals.

2. It was suggested that the definition of "humane procedure" be changed by eliminating the clause beginning with the words, "in all actions involving roundups," to eliminate redundant and limiting words.

3. Thirty persons and groups suggested that the use of helicopters to gather claimed animals should be permitted. The rulemaking is amended to provide that the authorized officer may use helicopters in areas where all animals are claimed, if forage, habitat, or watershed resources are being adversely affected by horses and burros and the use of helicopters is the only feasible method

available to capture and remove the animals. Captured animals determined to be privately owned may be secured by the appropriate claimant upon payment of trespass charges under 43 CFR 4720.3 and a per head share of the helicopter rental and associated costs of the roundup and capture of the animals.

4. Three comments on § 4730.7–1 regarding the use of fixed-wing aircraft suggested (a) use no fixed-wing aircraft, (b) use no fixed-wing aircraft below 1,000 feet in altitude, and (c) ensure that wording in the rulemaking will permit utilization of fixed-wing aircraft to carry personnel and supplies to gather sites if needed.

The concerns were safety of people, unnecessary harassment of animals, and flexibility in the choice of support vehicles to conduct an efficient operation. The action is clarified to satisfy all three concerns.

5. It was suggested that § 4740.4(a)(4) be changed to provide that animals be moved in such a way as to prevent unnecessary stress or injury during capture operations. The words "or injury" are added.

6. Comments addressed to the issue of sorting animals for transportation suggested criteria for sorting and provision for efficiency of operations. Section 4740.4(b)(4) is changed to respond to both concerns.

7. Other minor editorial changes were made as identified.

COMMENTS NOT LEADING TO CHANGES IN THE RULEMAKING

1. It was suggested that the definition of "malicious harassment" be reworded to remove the exclusion of the agencies and to use only the dictionary definitions of the terms. This is not practical because the objective is to include any unlawful gathering of animals as malicious harassment regardless of methods used. Therefore, to avoid confusion, lawful gathering of animals by the agencies under humane, controlled conditions must be excluded from the meaning of the terms.

2. It was suggested that "undue stress" be defined. The term used in § 4700.0–5 (m) is "unnecessary stress." The comments indicated a desire to set criteria for measuring stress. No criteria have been set which could be applied in the field. It is understood that the animals will be under stress during the operation. The intent of this rulemaking is to keep the stress to a minimum.

3. Several comments suggested elimination of trespass charges on claimed animals. Trespass was not a substantive issue in the proposed rulemaking.

4. Several comments suggested allowing State brand and estray laws to apply in ownership determinations. No change is needed since these are the standards currently used by the authorized officer and the appropriate State official to determine ownership of claimed animals.

5. It was suggested that saddle horses used simultaneously with helicopters would add efficiency. No change is needed; both can be used on the same operation.

6. It was suggested that helicopters only be allowed to fly under 1,000 feet at the immediate capture site. This change is not made because a capable pilot and the authorized officer must have flexibility to determine a safe and efficient altitude in accordance with field conditions and terrain encountered on each operation.

7. Suggestions were received to provide for more than one helicopter on a gather and to provide for ground to air communications. Both are permissible under the rules as written.

8. It was suggested that § 4730.7–3 be reworded to allow the utilization of wheeled vehicles in the actual driving and capture of animals. The change would violate existing law.

9. Suggestions were made that the rules provide that a representative of a humane organization be in any helicopter engaged in a gather of horses and burros, that a public representative be present, and that the authorized officer always be in the helicopter. These changes are not made because, for safety and liability reasons, no one except the pilot and authorized officers should be in the helicopter and in certain situations the pilot may determine that no other person should be in the helicopter for safety reasons.

10. It was suggested that the rules be written to provide for gathering only one band at a time. Such a provision is impractical because there may be natural mixing of bands at water holes or accidental mixing of bands by the disturbance of a roundup. Additionally, the efficiency of operations and related expense of gathering in an area where several bands range would be significantly affected by a piecemeal effort directed to single bands of horses and burros.

11. It was suggested that no contract be issued on a per head basis. To make the suggested provision would restrict contracting to a time of operation basis and could be expected to lead to much higher costs per animal captured.

12. A comment suggested that in gathering and driving animals, weaker animals such as colts and mares in foal should be considered in setting the speed of movement. This is provided for in § 4740.4(a)(2).

13. Several comments suggested that the regulations provide for notification of humane groups, special interest groups, and the general public and that hearings be conducted prior to each roundup. It is not necessary to include such provisions in these regulations; the provisions of the Act relating to public hearings can be more efficiently complied with on an area, State, or regional basis at the discretion of the authorized officer.

14. It was suggested that these rules include a provision for medical examination of horses to ensure that disease is not transmitted to already domesticated animals. No change is needed. The precaution is already being taken.

SUGGESTED CHANGES EXCEEDING EXISTING AUTHORITY

The following suggested changes in the proposed rulemaking cannot be made because they violate existing authorities:

1. Allow roundup of wild free-roaming horses and burros by any method and free of charge by an individual.

2. Provide for the sale and passage of free title on animals.

3. Pass all responsibility for wild free-roaming horses and burros to the State government.

4. Do not allow Federal government to gather animals because of competition with free enterprise.

Additionally, these comments and suggestions do not belong in the regulations but will be considered in the preparation of manual directives for the program or in the specific plans for each roundup and capture operation:

1. Operate in a manner that will keep bands together.

2. If more than one band is handled at one time, transport the animals immediately after capture to minimize fighting and the chance of injury.

3. Consider issuing contracts to reliable individuals using saddle mounts to gather animals.

4. Provide for a reconnaissance flight to locate and map potential hazards such as cliffs and fences before a gather-and-drive is underway.

5. For the vehicles to be used to transport captured animals provide specific standards as to the construction of the inside of the vehicle, its condition as related to possible injury inflicting hazards, and the number of animals to be transported per vehicle.

6. In transporting of animals, provide for adequate rest periods and feeding and watering at appropriate intervals.

The proposed rulemaking amending Part 4700, Subchapter D, Chapter II, Title 43 of the Code of Federal Regulations is adopted with changes as set forth below.

GUY R. MARTIN,
Assistant Secretary of the Interior.

MAY 20, 1977.

1. Section 4700.0–3 is revised to read as follows:

§ 4700.0–3 Authority.

The Act of December 15, 1971 (16 U.S.C. 1331–1340), as amended, and the Act of June 28, 1934 (43 U.S.C. 314–315r).

2. Section 4700.0–5 is amended by revising paragraph (i) and by adding new paragraphs (k), (l), and (m) to read as follows:

§ 4700.0–5 Definitions.

* * * * *

(i) "Act" means the Act of December 15, 1971 (16 U.S.C. 1331–1340), as amended.

* * * * *

(k) "Malicious harassment" means any intentional act which demonstrates a deliberate disregard for the well-being of wild free-roaming horses and burros and which creates the likelihood of

injury, or is detrimental to normal behavior patterns of wild free-roaming horses and burros including feeding, watering, resting, and breeding. Such acts include, but are not limited to, unauthorized chasing, pursuing, herding, roping, or attempting to gather or catch wild free-roaming horses and burros. It does not apply to lawfully conducted activities by or on behalf of the Bureau of Land Management or the Forest Service in implementation or performance of duties and responsibilities under this Act.

(l) "Captured animal" means a wild free-roaming horse or burro taken and held in the custody of the authorized officer. This term does not apply to an animal placed in private custody through a cooperative agreement under § 4740.2 (b) or § 4750.2.

(m) "Humane procedure" means kind and merciful treatment, without causing unnecessary stress or suffering to the animal.

3. Section 4720.2 is amended by revising paragraph (a) to read as follows:

§ 4720.2 Claimed animals.

(a) Any person claiming ownership under State branding and estray laws of unbranded or branded horses or burros on public land where such animals are not authorized must present evidence of ownership to justify a roundup before permission will be granted to gather such animals. Claims of ownership with supporting evidence were required to be filed during a 90-day claiming period which expired November 15, 1973. Unauthorized privately owned horses or burros entering onto the public lands after November 15, 1973, may be claimed by filing an application with the District Manager. All written authorizations to gather claimed animals shall be on a form approved by the Director and shall provide for compliance with appropriate provisions of Subpart 4720. After such public notice as the authorized officer deems appropriate to inform interested parties, he may authorize the gathering or roundup. The authorized officer shall provide in the authorization that the gathering or roundup shall be consistent with these regulations; shall establish in the authorization a reasonable period of time to allow the gathering of the claimed animals; and shall provide such other conditions in the authorization which he deems necessary to minimize stress on any associated wild free-roaming horses or burros and to protect other resources.

(b) Animals captured in Bureau of Land Management conducted roundups and determined to be privately owned may be secured by the appropriate claimant upon payment of trespass charges in accordance with § 4720.3, and a per head share of helicopter rental and other associated costs determined appropriate by the authorized officer.

* * * * *

4. Subpart 4730 is amended by adding §§ 4730.7, 4730.7–1, 4730.7–2 and 4730.7–3 to read as follows:

§ 4730.7 Aircraft and motor vehicles.

§ 4730.7–1 Fixed-wing aircraft.

Fixed-wing aircraft may be used for inventory, observation, and surveillance purposes required for the administration of the Act. Such aircraft use shall be consistent with the Act of September 8, 1959, as amended (18 U.S.C. 41 et seq.). Fixed-wing aircraft shall not be used in connection with capture operations except as support vehicles.

§ 4730.7–2 Helicopters.

Only the authorized officer may use or contract for the use of helicopters in the administration of the Act. Helicopters may be used in all phases of the administration of the Act including, but not limited to, inventory, observation, surveillance, and capture operations (see § 4740.4). Helicopters may be used in areas where all animals are claimed, only if forage, habitat, or watershed resources are being adversely affected by horses and burros and helicopters are the only feasible method available to capture and remove the animals. The authorized officer shall supervise all helicopter use as follows:

(a) The authorized officer shall have the means to communicate with the pilot and be able to direct the use of the helicopter.

(b) The authorized officer shall be able to observe the effects of the use of the helicopter on the well-being of the animals.

§ 4730.7–3 Motor vehicles.

Motor vehicles may be used in the administration of the Act except that such vehicles shall not be used in connection with capture operations for driving or chasing the animals. The use of motor vehicles for the purpose of transporting captured animals is subject to the provisions of § 4740.4(b).

5. Subpart 4740 is amended by adding § 4740.4 to read as follows:

§ 4740.4 Humane use of helicopters and motor vehicles.

(a) The use of helicopters is authorized to locate the animals involved and for related purposes such as to transport personnel and equipment. The condition of the animals shall be continuously observed by the authorized officer and should signs of unnecessary stress be noted, the source of stress shall be removed so as to allow for recovery. Helicopters may be used in roundups or other capture operations subject to the following humane procedures:

(1) Helicopters shall be used in such a manner that bands or herds will tend to remain together.

(2) The rate of movement shall not exceed limitations set by the authorized officer who shall consider terrain, weather, distance to be traveled, and condition of animals.

(3) The helicopter shall be used to enable the authorized officer to look for the presence of dangerous areas and move the animals away from hazards during the capture operation.

(4) During capture operations, animals shall be moved in such a way as to prevent unnecessary stress or injury.

(b) Motor vehicles may be used for the purposes of transporting captured animals, subject to the following humane procedures:

(1) All such transportation shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of horses and burros.

(2) Vehicles shall be in good repair, of adequate rated capacity, and carefully operated so as to insure that captured animals are transported without undue risk of injury.

(3) Vehicles shall be inspected and approved by an authorized officer prior to use.

(4) Where necessary and practical, animals shall be sorted as to age, size, temperament, sex, and condition when transporting them so as to minimize, to the extent possible, injury due to fighting and trampling.

(5) The authorized officer shall consider the condition of the animals, weather conditions, type of vehicles, and distance to be transported when planning for the movement of captured animals.

[FR Doc.77-14929 Filed 5-24-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 73—RADIO BROADCAST SERVICES

Type Approved Antenna Monitors by AM Broadcast Stations Operating Directional Antenna Systems; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: In an Order adopted on April 28, 1977, Mimeo No. 69455, concerning use of type approved antenna monitors by AM broadcast stations operating directional antenna systems, paragraph (a)(8)(iv) of § 73.114 was omitted. This Erratum includes the omitted subparagraph.

EFFECTIVE DATE: June 1, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John W. Reiser, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Released: May 20, 1977.

In the matter of amendment of part 73 of the Commission's rules and regulations in reference to the use of type approved antenna monitors by AM broadcast stations operating directional antenna systems.

In the Order in the above-entitled proceeding, Mimeo No. 69455, adopted April 28, 1977, subparagraph (iv) was inadvertently omitted from the amendment

of paragraph (a) (8) of § 73.114 as shown on page 24056, May 12, 1977, the omitted subparagraph should be added to read as follows:

§ 73.114 Maintenance log.

(a) * * *
(8) * * *

(iv) Antenna monitor phase indications and the deviation of those indications, in degrees, from values specified in the station authorization.

* * * * *

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-14889 Filed 5-24-77;8:45 am]

[Docket No. 20603]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Conforming to Extent Practicable With International Radio Regulations Pertaining to Maritime Mobile-Satellite Service, Geneva 1971 and Maritime WARC, Geneva, 1974; Correction

AGENCY: Federal Communications Commission.

ACTION: Second correction.

SUMMARY: Deletion of reference to a non-existent section in the Commission's rules.

EFFECTIVE DATE: July 23, 1976.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John Gilsenan, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Released: May 19, 1977.

In the matter of amendment of Part 83 of the Commission's rules to conform to the extent practicable with the International Radio Regulations pertaining to the Maritime Mobile-Satellite Service, Geneva 1971 and Maritime WARC, Geneva, 1974, Docket No. 20603.

In the Report and Order in the above-entitled matter[1], FCC 76-530, adopted June 9, 1976, released June 18, 1976, and published in the FEDERAL REGISTER at 41 FR 25009, on page 25012, § 83.139(g) is corrected by the deletion of the reference to a non-existent § 83.51. As corrected § 83.139(g) reads as follows:

§ 83.139 Acceptability of transmitters for licensing.

* * * * *

(g) Pending the establishment of additional technical standards, type acceptance is not required for transmitters operating in the MARISAT system in the band 1636.5-1644 MHz, *Provided*, That, such equipment shall comply with all the technical standards contained in this subpart.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-14901 Filed 5-24-77;8:45 am]

[1] See also 41 FR 27365, July 2, 1976.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. NO. 1267]

PART 1033—CAR SERVICE

LOUISIANA & ARKANSAS RAILWAY CO.

Authorized To Operate Over Tracks of the Atchison, Topeka and Santa Fe Railway Company and Over Tracks of Chicago, Rock Island and Pacific Railroad Company

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1267).

SUMMARY: This order authorizes the Louisiana & Arkansas Railway to use a portion of the Cadiz Yard of the Chicago, Rock Island and Pacific Railroad in Dallas, Texas, and to operate over approximately 2.6 miles of tracks of The Atchison, Topeka and Santa Fe Railway in order to gain access to the Cadiz Yard. The present yard facilities used by the Louisiana & Arkansas and by The Atchison, Topeka and Santa Fe in Dallas are no longer adequate because of increased traffic. Transfer of Louisiana & Arkansas operations to the Cadiz Yard will eliminate congestion on and will expedite car movements on both railroads, thereby increasing freight car utilization and improving overall rail service to the public.

DATES: Effective 12:01 a.m., May 19, 1977. Expires 11:59 p.m., August 15, 1977.

FOR FURTHER INFORMATION CONTACT:

C.C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telephone 202-275-7840.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of May, 1977.

It appearing, That because of increased traffic on the lines of the Louisiana & Arkansas Railway Company (L&A) and The Atchison, Topeka and Santa Fe Railway Company (ATSF), the ATSF yard at Dallas, Texas, used jointly by the ATSF and the L&A has become badly congested; that such congestion is resulting in excessive delays to shipments in transit and is causing the loss of utilization of badly needed freight cars; that the operating agreement between the ATSF and the L&A has expired; that use of the ATSF yard by the L&A is being continued under a compromise agreement reached in an action before the Federal District Court in Dallas, Texas, which agreement requires the L&A to seek an alternative to its continued use of the aforementioned ATSF yard; that the Chicago, Rock Island and Pacific Railway Company (RI) Cadiz yard in Dallas has sufficient capacity to absorb the traffic of the L&A presently being handled in the ATSF yard; that the RI has consented to joint use with the L&A of the RI's Cadiz yard; that the ATSF has consented to use of certain of its tracks in Dallas by the L&A to provide that line with access to the Cadiz yard of the RI; that transfer of L&A operations from the ATSF yard at Dallas to the Cadiz yard of the RI at Dallas will substantially relieve congestion on both the L&A and the ATSF thereby expediting the movement of traffic via these lines through the Dallas terminal and contributing to more effective utilization of freight cars; that operation by the L&A over the aforementioned tracks of the ATSF and the RI is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein 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:

§ 1033.1267 Louisiana & Arkansas Railway Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company and over tracks of Chicago, Rock Island and Pacific Railroad Company.

(a) The Louisiana & Arkansas Railway Company (L&A) be, and it is hereby, authorized to operate over tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19; and

(b) *It is further ordered*, That the L&A be, and it is hereby, authorized to operate over the ATSF between ATSF milepost 53 plus 1802.2 feet and ATSF milepost 50 plus 4100 feet, together with necessary connecting trackage between the ATSF and the RI in the southwest quadrant of the crossing of the ATSF and the MKT at interlocking station No. 19 in Dallas, Texas.

(c) Nothing herein shall be considered as a prejudgment by the Commission of the application of the L&A seeking permanent authority to operate over the aforementioned tracks of the RI and the ATSF.

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

(e) *Rates applicable*. Inasmuch as this operation by the L&A over tracks of the

RI and of the ATSF is deemed to be due to carrier's disability, the rates applicable to traffic moved by the L&A over the tracks of the RI and of the ATSF shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(f) Effective date: This order shall become effective at 12:01 a.m., May 19, 1977.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., August 15, 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 copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall 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.[1]

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14786 Filed 5-24-77;8:45 am]

[S.O. No. 1268]

PART 1033—CAR SERVICE TRAILERS

Regulations for Return

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1268).

SUMMARY: Service Order No. 1268 directs the return to Seaboard Coast Line (SCL), Louisville and Nashville (L&N), and Richmond, Fredericksburg and Potomac (RFP) of insulated trailer-on-flat-car (TOFC) trailers owned or leased by Seaboard Coast Line and affiliated lines. Named railroads prohibited from furnishing insulated TOFC trailers except for transportation of freight requiring protection from heat. L&N and RFP directed to deliver surplus insulated trailers to SCL. There is a shortage of insulated TOFC trailers on SCL in Florida for transporting shipments of watermelons, potatoes, and other perishable commodities.

DATES: *Effective 12:01 a.m., May 23, 1977. Expires 11:59 p.m., June 15, 1977.*

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423. Telephone 202–275–7840. TLX 89–2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of May, 1977.

It appearing, That an acute shortage of insulated trailers equipped with ventilating devices exists on certain railroads in the southeast for transporting melons, potatoes, and other perishable products requiring protection from heat; that shippers are being deprived of the insulated and ventilated trailers required to transport such perishable freight, thus creating spoilage of produce and great economic loss; that insulated, ventilated trailers, after being unloaded are being retained and appropriated for other services which do not result in their return to the major origin areas for perishable freight; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of insulated, ventilated trailers 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:

§ 1033.1268 Regulations for return of trailers.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Remove from general distribution and deliver by rail, on flat cars insulated trailers described in paragraph (i) herein to any of the following railroads:

Louisville and Nashville Railroad Company (L&N)
Richmond, Fredericksburg and Potomac Railroad Company (RFP)
Seaboard Coast Line Railroad Company (SCL)

(i) Insulated trailers subject to this order are identified as follows:

Reporting Marks: RCLZ, RCRZ, RGRZ, RSCZ—Series 700000–709999 SBD, Series 30230, 30899, SBDZ 703043, 703076 and and 703105.

(2) Trailers described in part (1) of this section, located on railroads other than the L&N, RFP or SCL, may be loaded with freight requiring protection from heat to any destination to which loading is authorized by Rule 2 of the Code of Trailer Service Rules, published on page 185 of the Official Intermodal Equipment Register, ICC–OLER No. 29, issued by R. G. Hilts, or reissues thereof; or, such trailers may be loaded with any type of freight to any station on the lines of the L&N, RFP or SCL.

(3) Trailers described in part (1) of this section located on the L&N or RFP for which no suitable loading, as defined in part (4) of this section is available, shall be delivered empty, on cars, to the SCL.

(4) Trailers described in part (1) of this section, located on the L&N, RFP or SCL, may be used only for transporting traffic requiring protection from heat.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded trailer, described in this order contrary to the provisions of the order.

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

(e) Effective date. This order shall become effective at 12:01 a.m., May 23, 1977.

(f) Expiration date. The provisions of this order shall expire at 11:59 p.m., June 15, 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, Robert S. Turkington, and John R. Michael.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14787 Filed 5-24-77;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 293 (Sub-No. 2)]

PART 1125—STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Northeast-Midwest Region of the United States

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Final rule.

[1] Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member John R. Michael not participating.

SUMMARY: The provision in the standards governing the determination of costs under Accounts 269 and 271 has been modified. This action has been taken in response to the petition of the New York State Department of Transportation for reconsideration of the original rule governing the computation of these costs, which became effective December 16, 1976 (See 41 FR 55686).

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION CONTACT:

James R. Wells, 202-254-7553.

SUPPLEMENTARY INFORMATION: On December 16, 1976, the Rail Services Planning Office (the Office) of the Interstate Commerce Commission issued a number of clarifications and amendments to the Standards for Determining Rail Service Continuation Subsidies in the Northeast-Midwest Region of the United States (49 CFR Part 1125). The amendments and a discussion of the issues involved were published in the FEDERAL REGISTER of December 21, 1976 (41 FR 55686). One of the amendments added two accounts, *Account 269—Roadway machines* and *Account 271—Small tools and supplies*, to the accounts includable in the determination under § 1125.5 of the avoidable costs of providing the subsidized service. Account 269 includes the cost of repairing roadway machine which are used for repairs of roadway and structures. Account 271 includes the cost of obtaining and repairing roadway tools; the cost of supplies consumed in the operation of roadway machines; and the cost of supplies used by trackwalkers, track watchmen and roadway and track repairmen.

The Office first discussed the possibility of adding Accounts 269 and 271 to § 1125.5 in a notice and order, dated August 24, 1976 (41 FR 35730). In that notice, the Office stated that Consolidated Rail Corporation (ConRail) had requested that the two accounts be included in the standards and that they be apportioned to the individual branch on the ratio of maintenance costs performed on the branch in the subsidy year to the total ConRail system maintenance costs in the subsidy year (41 FR 35731).

The Office stated its belief that the costs covered by Accounts 269 and 271, if incurred solely as a result of work done on the branch, should be included as a direct cost, not as an apportioned cost, and it requested the parties to state their views as to how these costs should be determined and how they could be included without cross-subsidizing the upkeep of the carrier's maintenance of way equipment.

After consideration of the responses to its invitation, the Office concluded that it would not be practical to include all of the costs involved on an actual basis and that the fairest approach would be to assign costs under Accounts 269 and 271 in the same proportion that roadway maintenance costs (Accounts 202-220) for the branch bear to roadway maintenance costs for the operating carrier's system. The Office concluded that "* * * this approach should fairly apportion costs while minimizing recordkeeping and clerical time." (41 FR 55688).

The New York State Department of Transportation (NYDOT) has filed a petition seeking reconsideration of this amendment. NYDOT estimates that the apportionment formula adopted by the Office will result in a cost per year for Accounts 269 and 271 for the total subsidized mileage in New York State of approximately $300,000. This figure is based on the $3,000 per mile which NYDOT has budgeted for track maintenance costs. Using Penn Central system costs, NYDOT estimates that the branch costs for Accounts 269 and 271 would be 17.2 percent of the amount charged to the branch for Accounts 202-220, a percentage which NYDOT contends is unjustifiably high.

In further support of its petition, NYDOT notes that planning for branch line maintenance on New York State branch lines for the calendar year 1977 includes almost no major machine use. Thus, any apportionment for repair charges to major machines would result in cross-subsidization of the repairs to equipment used on non-subsidized lines. NYDOT also cites the massive tie renewal, surfacing and rail renewal programs undertaken by ConRail this year and asserts that it is obvious that the roadway machines involved in these programs have been used almost exclusively on main lines and will continue to be so used through 1977, at the least, as rehabilitation of main line track is the top priority of ConRail's program.

Although NYDOT agrees with the Office that it would be desirable to charge costs for Accounts 269 and 271 on a ratio basis, it submits that the Office should devise an equitable ratio that gives due consideration to the limited use of roadway machines on branch lines or else the Office should adopt the method proposed by NYDOT, wherein the repair cost element of machine rental costs would be assigned to the branch based on the number of days a machine is actually used on a subsidized line.

After giving full consideration to NYDOT's petition, the Office has concluded that the methods for determining the cost of repairing roadway machines, under Account 269, and the cost of supplies consumed in the operation of roadway machines, under account 271, should be modified. The method for determining the remaining costs under Account 271 will not be modified. This will result in two different methods being used for calculation of Account 271 costs.

First, with regard to roadway machines, Account 269, the Office has concluded that it would be more equitable to determine the amount that should be included in the subsidy calculation for this account on the basis of the average repair costs, for each type of machine, included in the daily rental fees charged by the operating railroad to other railroads or as published by the General Managers' Association of Chicago (GMA), based on the actual number of days each type of machine is used on the branch.

Second, with regard to supplies consumed in the operation of roadway machines, part of Account 271, the Office has concluded that the standard should be modified to provide that the costs for these supplies shall be the average cost of supplies per day, included in the daily rental fees charged by the operating railroad to other railroads or as published by the GMA, multiplied by the actual number of days that the machine is used on the branch.

Third, with regard to the remaining costs under Account 271 (costs of small tools and of supplies used by trackwalkers, track watchmen and roadway and track repairmen), the Office has concluded that, until it is demonstrated either that the present ratio formula is inequitable or that an alternative formula would be more equitable, the ratio contained in the present standards should not be changed. The Office believes that it would be impractical to require carriers to report these costs on an actual basis, since such a requirement would place a difficult and costly recordkeeping burden on the carriers.

The Office attempted to devise an apportionment formula which would be based on actual practices and requested permission from the General Managers' Association of Chicago to audit its records to determine what percentage of Account 271 represents the costs of small tools and what percentage represents the costs of supplies. However, permission was denied.

ORDER

In light of the foregoing:

It is ordered, That Part 1125 of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be amended by making the changes set forth below to the standards adopted on January 8, 1975, and amended on March 28, 1975, January 22, 1976, March 26, 1976, December 16, 1976, and February 4, 1977.

And it is further ordered, That this order shall become effective May 20, 1977.

NOTE.—This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Issued May 20, 1977 by Alan M. Fitzwater, Director, Rail Services Planning Office.

By the Commission.

ROBERT L. OSWALD,
Secretary.

1. Section 1125.5 is amended by revising paragraph (a)(5) to read as follows:

§ 1125.5 Avoidable costs of providing service.

* * * * *

(a) * * *

(5) *Account 269—Roadway machines* and *Account 271—Small tools and supplies*. The costs under Account 269 shall be assigned to the branch on the basis of the average repair costs, for each type of machine, included in the daily rental

fees charged by the operating railroad to other railroads or as published by the General Managers' Association of Chicago (GMA), based on the actual number of days each type of machine is used on the branch. The costs of supplies under Account 271, consumed in the operation of roadway machines, shall be assigned to the branch on the basis of the average costs of supplies per day, included in the daily rental fees charged by the operating railroad to other railroads or as published by the GMA, multiplied by the actual number of days that the machine is used in the branch. The remaining costs under Account 271 (costs of small tools and of supplies used by trackwalkers, track watchmen and roadway and track repairmen) shall be assigned to the branch on the basis of the ratio that the branch amounts in Accounts 202–220 bear to the carrier's system total for the same accounts.

* * * * *

[FR Doc.77–14937 Filed 5–24–77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

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

PART 23—ENDANGERED SPECIES CONVENTION

International Trade in Endangered Species of Wild Fauna and Flora—Implementation of Convention; Correction

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Correction.

SUMMARY: The Director, U.S. Fish and Wildlife Service, hereby issues a correction to § 23.23 concerning species listed in Appendices I, II, and III. This correction remedies typographical or clerical errors and is not a substantive change in the rule.

EFECTIVE DATE: May 25, 1977.

ADDRESSES: Comment concerning this correction should be sent to the Director (FWS/WPO), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard M. Parsons, Chief, Federal Wildlife Permit Office, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, Telephone 202–634–1496.

In FR Doc. 77–5006 appearing at pages 10462–10488 in the FEDERAL REGISTER of February 22, 1977, the following changes should be made:

1. On page 10468, lines 3–8 of § 23.23 (a) are corrected to read "* * * Appendix I, II, or III. The regulations in this Part do not apply to parts or derivatives of wildlife listed in Appendix III or of plants listed in Appendix II or III, unless such parts or derivatives are specified herein."

2. On page 10469, the Appendix listing of "Antelope, sassaby" is corrected to "III (Ghana)."

3. On page 10470, the scientific name of "Colobus, Zanzibar red" is corrected to read *"Colobus badius kirkii."*

4. On page 10471, the common name of "Langur, common capped" is corrected to read "Langur, capped."

5. On page 10482, correct the list of reptiles by adding after "Turtle, green:"

Common name	Scientific name	Appendix
* * *	* * *	*
Turtle, hawksbill.....	*Eretmochelys imbricata*.	I*
* * *	* * *	*

6. On page 10482, the common name of "Turtle, olive" is corrected to read "Turtle, olive ridley."

Dated: May 6, 1977.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc.77–14823 Filed 5–24–77;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1804]

[FmHA Instruction 424.1]

PLANNING AND PERFORMING DEVELOPMENT WORK

Extension of Comment Period

AGENCY: Farmers Home Administration, USDA.

ACTION: Extension of Comment Period of Proposed Rule.

SUMMARY: The Farmers Home Administration is extending the comment period of the proposed rule on thermal performance standards published at page 15317 of the FR on March 21, 1977, FR Doc. 77-8323, because of the unprecedented number of comments by the general public and an internal administrative decision. This extension is necessary because of the obvious interest expressed by the general public and the need to thoroughly consider all of the comments received.

DATE: Comments must be received on or before July 19, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Daniel Ball, 202-447-3394.

SUPPLEMENTARY INFORMATION: The comment period for the proposed rule on thermal performance standards published at page 15317 of the FR on March 21, 1977, FR Doc. 77-8323, was initially extended for 30 days in a document published at page 20825 of the FR for Friday, April 22, 1977, FR document 77-11740. This additional 60 day extension is promulgated so as to allow the public sufficient time to submit all relevant comments.

(7 U.S.C. 1989; 42 U.S.C. 1480; 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.)

Dated: May 19, 1977.

DENTON E. SPRAGUE,
Acting Administrator,
Farmers Home Administration.

[FR Doc.77-14824 Filed 5-24-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Establishment of Farm Size Standards for Purpose of Financial Assistance

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The Small Business Administration proposes to define a small farm, for the purpose of Small Business Administration loans, as one with average annual receipts for the farm's preceding 3 fiscal years not exceeding $1 million. This proposal is being made after evaluating responses to an earlier proposal which appeared in the FEDERAL REGISTER on December 17, 1976 (41 FR 55202), and which is hereby rescinded. If adopted, this action will increase the number of farms eligible for SBA financial assistance.

COMMENT DATE: Comments must be received on or before June 16, 1977.

ADDRESS ALL COMMENTS TO: William L. Pellington, Director, Size Standards Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Harvey D. Bronstein, 202-653-6373.

SUPPLEMENTARY INFORMATION: The Size Standards Division has received no comments to lower the $275,000 farm size standard proposed on December 17, 1976. Rather all comments have indicated that the proposed standard is too low.

Reason for a new proposal: Initially, the Size Standards Division approached this problem in the usual manner of examining the size distribution by annual receipts of all farms. Based on data from the Internal Revenue Service for 1973 (the most recent year for such information), the current size standard enables about 99 percent of all farms to qualify for SBA assistance. A size standard which covers all but one percent of farms seemed appropriate.

The uniqueness of agriculture, however, is such that the usual statistical analysis is inadequate. After extensive comments from agricultural experts, farmers, bankers, economists, SBA personnel, association representatives, and others, the following picture emerges:

Farms not typical business ventures: First, most farms are not commercial operations in the sense of being reasonably efficient, economically viable ventures. Most farmers are carrying on a traditional way of life, not a for-profit business. The majority of farms, unlike any other industry, are part-time operations too small to be efficient. The average annual gross receipts for a farm in 1974 were only $28,000; hardly an economically viable size. Farmers earn most of their income from off-farm sources, and experience a low rate of return on their investment. About one-half earn a negative rate of return.

Problem of financial access: Second, while a farm grossing less than several hundred thousand dollars may be efficient and financially able, many observers indicate that often farms with up to $1 million in gross annual receipts experience difficulty in obtaining bank credit, especially of an intermediate nature. Short-term crop loans are usually available, and long-term loans for land purchases can be financed through the Federal Land Banks. However, as farming becomes more mechanized, there is a need for loans to finance equipment purchases, and these often are most easily handled on an intermediate, i.e., 3- to 6-year basis. Smaller commercial farmers, i.e., under $1 million have difficulty obtaining this kind of financing, in part due to their size.

Farm size compared to other industries: Third, while the top one percent of farms (which produce 38 percent of farm receipts) are large in comparison to all other farms, they are small when compared to other businesses in the economy. Pub. L. 94-305 instructs the SBA to aid and assist small businesses engaged in agricultural production, not small farms. A farm of, for example, $1 million in annual receipts is a large farm, but a small business, in a general sense; probably worked by only two or three persons.

Economic viability and loan repayability: Fourth, when a bank or the SBA examines a loan applicant, it is concerned about repayability. In farming, the economically viable size helps determine repayability, and for many types of farms in certain parts of the country, the current size standard is below the viable farm size. Thus, even though a farm passes the size standard test, it may fail the repayability test. Commenters felt that the SBA should be able to assist farms of an economically viable size, provided that it stops short of aiding the very large corporate farms.

Crop rotation: Fifth, it has been brought to our attention that many farmers typically rotate crops from season to season, and thus a farm size standard by type of crop would be diffi-

cult to administer. A uniform size standard for all farms, it was felt, would simplify matters.

Rationale: A farm size standard of $1 million annual gross receipts would speak to the financial difficulty of these size farms and also cover the minimum sizes necessary for economically viable farms. The standard would be based not on the usual criterion of size distribution of farms, but on commercial viability and access to bank financing.

The $1 million size standard should be a 3-year average to account for the cyclical nature of farming, much as the procurement size standard for services is now.

Proposal: Specifically, the proposal to adopt a $275,000 annual receipts size standard for the various farm industries is rescinded and it is proposed instead to amend Part 121, Chapter I, Title 13, of the Code of Federal Regulations by deleting § 121.3–10(k) and revising § 121.3–10(j) to read as follows:

§ 121.3–10 Definition of small business for SBA loans.

* * * * *

(j) *Farms.* Any concern primarily engaged in the operation of a farm is classified as small if its average annual receipts for its preceding 3 fiscal years do not exceed $1 million.

Dated: May 18, 1977.

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc.77-14827 Filed 5-24-77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 742 3256]

WALGREEN CO.

Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: This consent agreement contains an order requiring a Deerfield, Ill., retail drug store chain, among other things, to cease disseminating advertisements that offer any item for sale, unless such item is available for sale at or below advertised price, in reasonably sufficient quantities to meet anticipated demands. Further, respondent is required to conspicuously post advertisements and disclosure statements at designated locations; maintain specified business records; and institute a surveillance program designed to ensure that its stores comply with the terms of the order.

DATE: Comments must be received on or before July 22, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Stephanie W. Kanwit, Regional Director, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603. 312–353–4423.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

BEFORE FEDERAL TRADE COMMISSION

[File No. 742 3256]

WALGREEN CO.

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The Federal Trade Commission having initiated an investigation of certain acts and practices of Walgreen Co., a corporation, and it now appearing that Walgreen Co., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Walgreen Co., by its duly authorized officer, and counsel for the Federal Trade Commission that:

1. Proposed respondent Walgreen Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its office and principal place of business located at 200 Wilmot Road, Deerfield, Illinois 60015.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if, within thirty (30) days after the sixty (60) day period, comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

I. *It is ordered,* That respondent Walgreen Co., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of general merchandise, drug or cosmetic products, hereafter sometimes referred to as items, offered or sold in its retail drug stores, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly.

A. Disseminating, or causing the dissemination of any advertisement by any means which offers any item for sale at a stated price, unless during the effective period of the advertised offer at each retail store covered by the advertisement:

1. Each advertised item is readily available for sale to customers in the public area of the store, or if not readily available there, a clear and conspicuous notice is posted where the item is regularly displayed which states that the item is in stock and may be obtained upon request, and said item is furnished on request;

2. There is a sign or other conspicuous marking at the place where an item advertised below regular shelf price is displayed for sale, clearly disclosing that the item is "as advertised" or "on sale" or words of similar import as appropriate, and disclosing on such sign or marking, the advertised price;

3. Each advertised item which is usually and customarily individually marked with a price, is individually, clearly, and conspicuously marked with the advertised price;

4. Each advertised item is sold to customers at or below the advertised price.

The Commission recognizes that technical per se violations of Section I of this order are inevitable despite the honest best efforts of respondent to ensure availability and proper pricing of advertised items. Therefore,

in determining compliance with Section I of this order, the Commission will consider (a) all circumstances surrounding nondelivery of advertised products which were actually ordered in quantities sufficient to meet reasonably anticipated demands but were not delivered due to circumstances beyond respondent's control, and (b) all circumstances surrounding failure to make advertised items conspicuous and readily available for sale at or below the advertised prices due to circumstances beyond respondent's control.

Provided, It shall constitute a defense to a charge of unavailability under subparagraph I.A.1. if respondent maintains and furnishes or makes available for inspection and copying upon the request of the Federal Trade Commission, such records and affidavits as will show that (a) the advertised items were delivered to its stores in quantities sufficient to meet reasonably anticipated demand, or (b) the advertised items were ordered but not delivered due to circumstances beyond respondent's control, and that respondent, upon notice or knowledge of such nondelivery acted immediately to contact the media to correct the advertisement or proposed advertisement to reflect the limited availability or unavailability of each advertised item, and (c) respondent immediately offered to customers on inquiry a "rain check" for each unavailable item which entitled the holder to purchase the item in the near future at or below the advertised price or a similar product of equal or better quality at or below the advertised price of the unavailable product.

Provided, further, That it shall not be deemed a violation of subparagraphs I.A.I., I.A.2., I.A.3., or I.A.4., if respondent is complying with a specific exemption, limitation or restriction with respect to store, item or price which is clearly and conspicuously disclosed in all advertisements for the product in question.

Provided, further, That an advertised item which is usually and customarily individually marked with a price, need not be marked with the advertised price but may remain marked at its regular price if both (i) a conspicuous sign at the site of the display of such item clearly states that the cashiers know the sale price; and (ii) the cashiers do in fact have a written list containing such sale price, have been instructed to charge the sale price for said item, and do in fact charge the customer the sale price.

II. *It is further ordered*, That throughout each advertised sale period in each of its retail stores covered by an advertisement, respondent shall post conspicuously (1) at or near each doorway affording entrance to the public, and (2) at or near the place where customers pay for merchandise, notices which contain the following information:

A. A copy of the advertisement.

B. A statement that: "All items listed in the advertisement are required to be available for sale at or below the advertised price."

C. A clear and conspicuous statement of respondent's rain check program which will inform customers that:

1. A rain check will be promptly issued by any store employee when an advertised item is unavailable.

2. A rain check will enable customers to purchase an unavailable item at the advertised price when stocks are replenished or, if such replenishment is impossible, a similar item of equal or better quality will be substituted.

3. A rain check will be valid for a period of thirty (30) days.

III. *It is further ordered*, That respondent shall cause the following statement to be clearly and conspicuously set forth in each advertisement which represents that items are available for sale at a stated price at any of its stores: "Each of these advertised items is required to be readily available for sale at or below the advertised price in each Walgreen store, except as specifically noted in this ad".

IV. *It is further ordered*, That:

A. Respondent shall forthwith deliver a copy of this order to each of its operating divisions and to each of its present and future officers and other personnel in its organization down to the level of and including assistant store directors who, directly or indirectly, have any supervisory responsibilities as to individual retail stores of respondent, or who are engaged in any aspect of preparation, creation, or placing of advertising, and that respondent shall secure a signed statement acknowledging receipt of said order from each such person;

B. Respondent shall institute and maintain a program of continuing surveillance adequate to reveal whether the business practices of each of its retail stores conform to this order, and shall confer with any duly authorized representative of the Commission;

C. Respondent shall, for a period of three (3) years subsequent to the date of this order:

1. Maintain business records which show the efforts taken to insure continuing compliance with the terms and provisions of this order;

2. Grant any duly authorized representative of the Federal Trade Commission access to all such business records;

3. Furnish to the Federal Trade Commission copies of such records which are requested by any of its duly authorized representatives.

D. Respondent shall, all other provisions of this order notwithstanding, on or before each of the first three (3) anniversary dates of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order in the preceding year.

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by, the Federal Trade Commission.

It is further ordered, That respondent shall notify the Commission at least thirty days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent which may affect compliance obligations arising out of this order.

It is further ordered, That respondent shall, within sixty days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

[File No. 742-3256]

WALGREEN CO.

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from the Walgreen Co.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Walgreen Co. is an Illinois corporation engaged in the operation of a large chain of retail drug stores throughout the United States. Its national distribution of products is broadened by the franchising of over 1800 independently owned "Walgreen Agency Stores". Its newspaper advertisements regularly list and depict general merchandise, drug and cosmetic products and state the prices at which such items will be offered for sale during a specific time period.

The complaint alleges that in a number of Walgreen retail drug stores a substantial number of items listed in its advertisements were not available, or were not conspicuously available for sale at or below the advertised prices, or were sold to customers at prices higher than the advertised prices during the effective period of the advertisement.

The consent order requires Walgreen to make advertised items readily available, to use shelf signs to indicate the location of items advertised below regular shelf price, to mark customarily price-marked items with their advertised prices, and to sell advertised items at the advertised price. Exceptions make provision for unanticipated demand, circumstances beyond Walgreen's control, and limitations clearly set forth in the advertising.

The order requires Walgreen to post in its stores: copies of advertisements, notices that all advertised items are required to be available at the advertised prices, and the availability of rain checks for them. Other provisions of the order are designed to ensure Walgreen's compliance with it.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc. 77-14822 Filed 5-24-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Parts 231, 261, 291, 293]

PROHIBITIONS

Miscellaneous Changes

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Forest Service, Department of Agriculture is considering amending regulations in 36 CFR Parts 231, 261, 291, and 293. The previous such amendment appearing at page 2956 FEDERAL REGISTER dated Friday, January 14, 1977, is hereby being supplemented to make Part 261—Prohibitions the only part containing prohibitions as was the original intent.

DATES: Comments must be received on or before June 24, 1977.

ADDRESS: Submit comments to: William L. Rice, Director, Fiscal and Ac-

counting Management, U.S. Department of Agriculture, Forest Service, P.O. Box 2417, Washington, D.C. 20013. All written submissions made pursuant to this notice will be available for public inspection in room 4017, South Building, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C., during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Kenneth L. Evans, Fiscal and Accounting Management, 202–447–7850.

SUPPLEMENTARY INFORMATION: It is proposed to amend 36 CFR, Chapter II as follows:

PART 231—GRAZING

1. By revising § 231.11 (p) and (q) to read as follows:

§ 231.11 Wild free-roaming horses and burros.

* * * * *

(p) *Arrest.* Any employee designated by the Chief, Forest Service, shall have the power to arrest without warrant, any person committing in the presence of the employee a violation of the Act or of § 261.21 of this chapter and to take such person immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so designated shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of the Act and the regulations in § 261.21 of this chapter.

(q) *Penalties.* In accordance with Section 8 of the Act, any person who willfully violates a regulation issued pursuant to the Act shall be subject to a fine of not more than $2,000 or imprisonment for not more than 1 year, or both. Any person so charged with such violation by the authorized officer may be tried and sentenced by a United States commissioner or magistrate, designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in section 3401, Title 18, U.S.C.

(85 Stat. 649, as amended, (16 U.S.C. 1331–1340); sec. 1, 30 Stat. 35, as amended, (16 U.S.C. 551); sec. 32, 50 Stat. 525, as amended, (7 U.S.C. 1011); 74 Stat. 215 (16 U.S.C. 528–531).)

PART 261—PROHIBITIONS

AUTHORITY: 30 Stat. 35, as amended, (16 U.S.C. 551); sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526, as amended, (7 U.S.C. 1011(f)); 82 Stat. 916 (16 U.S.C. 1281(d)); 82 Stat. 922 (16 U.S.C. 1246(i)), unless otherwise noted.

§ 261.7 [Amended]

2. By revising § 261.7(a) by deleting the period following the word "System" and adding the words "or other lands under Forest Service control."

3. By revising § 261.7(b), by deleting the period following the "System" and adding the words "or other lands under Forest Service control."

4. By deleting paragraph (e) of § 261.7.

5. By amending § 261.10, adding paragraph (k) as follows:

§ 261.10 Occupancy and use.

* * * * *

(k) Violating the terms or conditions of a permit issued under § 261.50(f).

6. By amending § 261.13 to add the following new paragraphs (h) and (i):

§ 261.13 Use of vehicles off roads.

* * * * *

(h) In a manner which damages or disturbs the land, wildlife, or vegetative resources.

(i) In violation of applicable State or county laws and regulations established for vehicles used off roads.

8. By amending § 261.16 (c) and (d) to read as follows:

§ 261.16 National Forest wilderness.

* * * * *

The following are prohibited in a National Forest wilderness:

* * * * *

(c) Landing of aircraft, or the dropping or picking up of any material, supplies, or person by means of aircraft, including helicopter.

(d) Motels, summer homes, stores, resorts, organization camps, hunting and fishing lodges, and similar facilities and uses.

8. By amending § 261.19 to read as follows:

§ 261.19 National Forest Primitive Areas.

Except as may be authorized as necessary for prospecting, locating, and developing of mineral resources or for a statutory right of ingress or egress, the following are prohibited in any area classified as a National Forest Primitive Area on September 3, 1964:

(a) Roads or other provisions for motorized transportation.

(b) Commercial timber cutting.

(c) Motels, summer homes, stores, resorts, organization camps, hunting and fishing lodges, and similar facilities and uses.

(d) Landing of aircraft or the use of motor boats, unless such use had become well established.

(e) Possessing or using a motor vehicle.

(f) Possessing or using a motor or motorized equipment, except small battery powered, hand-held devices, such as cameras, shavers, flashlights, and geiger-counters.

9. By adding a new § 261.21, consisting of provisions presently in § 261.7(e) and § 231.11(q), to read as follows:

§ 261.21 Wild free-roaming horses and burros.

(a) The following are prohibited:

(1) Willfully removing of, or attempting to remove, a wild free-roaming horse or burro from the National Forest System.

(2) Converting a wild free-roaming horse or burro to private use, without authority from the Chief, Forest Service.

(3) Maliciously causing the death or harassment of any wild free-roaming horse or burro.

(4) Processing or permitting to be processed into commercial products, the remains of a wild free-roaming horse or burro.

(5) Selling, directly or indirectly, a wild horse or burro allowed on private or leased land pursuant to section 4 of the Wild Free-Roaming Horses and Burros Act.

(85 Stat. 649, as amended, 16 U.S.C. 1331–1340.)

10. By amending § 261.50(e)(1) and (f) to read as follows:

§ 261.50 Orders.

* * * * *

(e) * * *

(1) Persons with a permit specifically authorizing the otherwise prohibited act or omission.

* * * * *

(f) The Chief, each Regional Forester, each Forest Supervisor, and each District Ranger or equivalent officer may issue permits to persons authorizing the occupancy or use of a road, trail, area, or other part of the National Forest System in accordance with authority which is delegated elsewhere in this chapter or in the Forest Service Manual. The issuing officer may authorize in the permit an act or omission which would otherwise be a violation of a Subpart A or C regulation or a Subpart B order. The issuing officer may include in any permit such conditions as he considers necessary for the protection and administration of the National Forest System, or for the promotion of public health, safety, or welfare.

11. By revising § 261.52, paragraphs (d), (h), and (j) to read as follows:

§ 261.52 Fire.

* * * * *

(d) Smoking, except within enclosed vehicles or buildings, developed recreation sites, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.

* * * * *

(h) Operating an internal combustion engine.

* * * * *

(j) Operating or using any internal or external combustion engine on any timber, brush, or grass covered land, including trails traversing such land, without a spark arrester, maintained in effective working order, meeting either (1) Department of Agriculture, Forest Service Standard 5100–1a; or (2) appropriate Society of Automotive Engineers (SAE) recommended practices J335 and J350.

12. By adding paragraph (e) to § 261.55 as follows:

§ 261.55 Forest development trails.

* * * * *

(e) Operating any vehicle in violation of any applicable noise emission standard established by any Federal or State agency.

13. By adding paragraphs (w), (x), and (y) to § 261.58 as follows:

§ 261.58 Occupancy and use.

When provided by an order, the following are prohibited:

* * * * *

(w) Transporting, across National Forest System land, motors capable of propelling a water craft.

(x) Using wheels, rollers, or other mechanical devices for the overland transportation of any water craft.

(y) The land or water landing of aircraft, or the dropping or picking up of materials, supplies, or persons by means of an aircraft, including a helicopter.

PART 291—OCCUPANCY AND USE OF DEVELOPED SITES AND AREAS OF CONCENTRATED PUBLIC USE

§ 291.9 [Amended]

14. By deleting the last sentence each of paragraphs (a), (b), and (c) of § 291.9.

PART 293—WILDERNESS—PRIMITIVE AREAS

15. By adding alpha numeration to the existing paragraph (designate) and a new paragraph (b) to § 293.3 to read as follows:

§ 293.3 Control of uses.

(a) * * *

(b) For all prohibitions in National Forest wilderness, see Part 261 of this chapter.

§ 293.8 [Amended]

16. By deleting the first sentence of § 293.8, Permanent structures and commercial services. This subject is covered in Part 261.

§ 293.9 [Reserved]

17. By revoking and reserving § 293.9, *Poisons and herbicides*. This item is covered in Part 261.

§ 293.15 [Amended]

18. By revoking and reserving paragraph (b) of § 293.15, *Gathering information about resources other than minerals*.

19. By amending § 293.16(b) to read as follows:

§ 293.16 Special provisions governing the Boundary Waters Canoe Area, Superior National Forest.

* * * * *

(b) Except as provided in the Wilderness Act, in this section, and in § 294.2 (b), (c), and (e) of this chapter and subject to existing private rights, there shall be no prohibitions except as provided for in Part 261 of this chapter. For all prohibitions in the Boundary Waters Canoe Area, see Part 261 of this Chapter.

(1) The Chief, Forest Service, may permit temporary structures and commercial services within the Boundary Waters Canoe Area to the extent necessary for realizing the recreational and other wilderness purposes, which may include the public services generally offered by outfitters and guides.

(2) In the Portal Zone, temporary roads and the use of motorized equipment and mechanical transport for the authorized travel and removal of forest products will be permitted in accordance with special conditions established by the Chief, Forest Service. Such use of the roads for other purposes is not permitted.

(3) The overland transportation of any watercraft by mechanical transport and necessary attendant facilities may be permitted, in accordance with special conditions established by the Chief, Forest Service, over portages along the International Boundary, including the Loon River Portage, when acquired; Beatty Portage and Prairie Portage; the other major portages into Basswood Lake; namely, Four Mile and Fall-Newton-Pipestone Bay Portages; and the Vermilion-Trout Lake Portage. Mechanical transport over Four Mile and Fall-Newton-Pipestone Bay Portages may be suspended, modified, or revoked upon acquisition by the United States of all lands on Basswood Lake, and the expiration of rights reserved in connection with the acquisition of such lands.

(4) The Chief, Forest Service may designate special routes, for the transporting of motors or other mechanical device capable of propelling a water craft, across National Forest land. The Chief, Forest Service, shall cause a list and map of all routes so designated, and any special conditions governing their use, to be maintained for public reference in the offices of the Regional Forester, the Forest Supervisor, and the District Ranger having jurisdiction.

(5) The Chief, Forest Service, may permit the use of motor-driven ice and snow craft on routes over which motors may be transported, as authorized in subparagraph (4) of this paragraph; and over the Crane Lake-Little Vermilion Lake Winter Portage; and over the Saganaga Lake Winter Portage, in sections 18–19, T. 66N., R.4 W. The Chief shall cause a list and a map of routes over which use of ice and snow craft is permitted and any special conditions governing their use, to be maintained for public reference in the offices of the Regional Forester, the Forest Supervisor, and the District Ranger having jurisdiction.

(6) In order to permit customary use of the Boundary Waters Canoe Area to continue pending a permanent solution to the change of water levels resulting from the failure of Prairie Portage Dam and notwithstanding the provision of subparagraph (3) of this paragraph until December 31, 1969, use of portage wheels to transport boats across the temporary portage between Moose Lake and Newfound Lake may be permitted, and permits may be issued for the storage of boats and related equipment in the vicinity of this temporary portage to the extent consistent with the operating practices ofthe permittees prior to the failure of Prairie Portage Dam as determined by the Forest Supervisor; and notwithstanding the provisions of subparagraph (1) of this paragraph, a structure to maintain normal water levels in Moose Lake is authorized.

* * * * *

(78 Stat. 890, (16 U.S.C. 1131–1136); 74 Stat. 215, (16 U.S.C. 528–531); 46 Stat. 1020, (16 U.S.C. 577–577c).)

20. By revising § 293.17 as follows:

§ 293.1 National Forest Primitive Areas.

(a) All prohibitions for those areas of National Forest classified as "Primitive" on the effective date of the Wilderness Act, September 3, 1964, are established in or pursuant to Part 261 of this chapter.

(b) Existing roads over National Forest lands reserved from the public domain and roads necessary for the exercise of a statutory right of ingress and egress may be allowed under appropriate conditions determined by the Chief, Forest Service.

(c) The grazing of domestic livestock, development of water storage projects which do not involve road construction, and improvements necessary for the protection of the National Forests may be permitted, subject to such restrictions as the Chief, Forest Service, deems desirable.

(d) Within Primitive Areas the Chief, Forest Service, may authorize the landing of aircraft, the use of motor boats, motor vehicle, or motorized equipment for the administrative needs of the Forest Service, use by other Federal agencies, in emergencies, or where necessary for the exercise of a statutory right.

(78 Stat. 890 (16 U.S.C. 1131–1136); 74 Stat. 215 (16 U.S.C. 528–531).)

M. RUPERT CUTLER,
Assistant Secretary.

MAY 20, 1977.

[FR Doc.77-14853 Filed 5-24-77;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 77-14]

APPEARANCES AND PRACTICE BEFORE THE COMMISSION

Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Maritime Commission proposes to amend its Rules of Practice and Procedure governing the appearance and practice before the Commission of former employees to prohibit any former Commission member, officer or employee from practicing, appearing, or representing anyone before the Commission within one year of the termination of their service with the Commission unless it is shown that the particular matter under consideration by the Commission was not under the official responsibility of such former member, officer or employee at any time within a period of one year prior to the termination of such responsibility. These changes are being made to conform this Commission's rule with 18 U.S.C. 207(b).

DATES: Comments on or before: June 23, 1977.

ADDRESSES: Comments to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573 (202-523-5725).

SUPPLEMENTARY INFORMATION: It has come to the attention of the Commission that Rule 32(b) of the Rules of Practice and Procedure (46 CFR 502.32 (b)), governing the practice before the Commission of former employees within one year of the termination of such employee's service with the Commission is inconsistent with the relevant criminal statute (18 U.S.C. § 207(b)) governing the same conduct for former government officers or employees. Rule 32(b) of the Commission's Rules of Practice and Procedure provides:

(b) *Matters pending; waiver.* (1) No former member, officer, or employee of the Commission shall practice, appear, or represent anyone before the Commission, within one year after the termination of his service with the Commission, in connection with any particular Commission matter involving a specific party or parties which was pending before the Commission at any time during the period of his service with the Commission, unless he shall first apply for and obtain written consent of the Commission. This consent will not be granted unless it appears that the applicant did not, as member, officer, or employee of the Commission *participate personally and substantially in the matter* through decision, approval, disapproval, recommendation, the rendering of service, investigation, or otherwise gain knowledge of the facts of the matter. (Emphasis added.)

However, 18 U.S.C. 207(b) is somewhat more strict. It provides that:

(b) Whoever, having been so employed, within one year after his employment has ceased, appears personally before any court or department or agency of the government as agent, or attorney for, anyone other than the United States in connection with any proceeding, application, requesting for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested, *and which was under his official responsibility as an officer or employee of the Government* at any time within a period of one year prior to the termination of such responsibility—

Shall be fined not more than $10,000 or imprisoned for not more than two years, or both: * * * (Emphasis added.)

A comparison of Rule 32(b) and 18 U.S.C. 207(b) shows that a former employee of the Commission could unwittingly violate the criminal provision even though he was in compliance with the Commission rule. Therefore, the Commission proposes to amend paragraph (b), § 502.32, Title 46 CFR as follows:

§ 502.32 **Former employees.**

* * * * *

(b) *Matters pending; waiver.* (1) No former member, officer, or employee of the Commission shall practice, appear, or represent anyone before the Commission, within one year after the termination of his or her service with the Commission, in connection with any particular Commission matter involving a specific party or parties which was pending before the Commission at any time during the period of his or her service with the Commission, unless prior written consent of the Commission is applied for and obtained. This consent will not be granted unless it appears that the particular matter was not under the applicant's official responsibility as a member, officer, or employee of the Federal Maritime Commission at any time within a period of one year prior to the termination of such responsibility.

(2) Such applicant shall be required to file an affidavit to the effect that the particular Commission matter was not under the applicant's official responsibility as a member, officer or employee of the Federal Maritime Commission at any time within a period of one year prior to the termination of such responsibility; that the applicant is not associated with, and will not in such matter be associated with, any former member, officer, or employee of the Commission who is either permanently or temporarily precluded from practicing, appearing or representing anyone before the Commission in connection with the particular matter; and that the applicant's employment is not prohibited by any law of the United States or by the regulations of the Commission. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files and records of the case.

(3) Applications for consent should be directed to the Commission, should state the former connection of the applicant with the Commission, and should identify the matter in which the applicant desires to appear. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and the application, affidavit and consent, or refusal to consent, shall be filed by the Commission in its records relative thereto. Separate consents to appear must be obtained to appear in separate cases.

* * * * *

(18 U.S.C. § 207(b); E.O. 11222 of May 8, 1965 (30 F.R. 6169); section 43, Shipping Act, 1916 (46 U.S.C. 841a); (5 U.S.C. § 553).)

By Order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.14789 Filed 5-24-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21238; RM-2632]

FM BROADCAST STATION IN McRAE, GA.

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Upon petition filed by John W. Davidson, this Notice proposes the assignment of a first FM channel to McRae, Georgia (1970 pop. 3,061).

DATES: Comments must be received on or before June 24, 1977, and reply comments must be received on or before July 14, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: May 10, 1977.

Released: May 17, 1977.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (McRae, Georgia), Docket No. 21238, RM-2632.

1. *Petitioner, proposal, and comments.* (a) Petition for rule making filed December 10, 1975, by John W. Davidson,[1] licensee of daytime-only AM Station WDAX, McRae, Georgia, proposing the assignment of Channel 237A or 232A to McRae, as a first FM assignment to that community. Public Notice of the filing of the petition was given on January 14, 1976.

(b) Channel 237A could be assigned in full conformity with the Commission's minimum distance separation requirements. Channel 232A is short-spaced to a new site granted to Station WTOC-FM (Channel 231) at Savannah, Georgia. Since there is an alternative, Channel 232A will not be proposed.

(c) Opposition was filed by Broadcast Good Music! Committee in connection with its own proposal to add a seventh FM assignment at Atlanta, Georgia, and to change seven other assignments in Georgia. However, this proposal was denied by the Commission in *Atlanta, Georgia*, 49 F.C.C. 2d 1270 (1974), and the denial was upheld by the U.S. Court of Appeals (D.C. Cir.), Case No. 75-1926, 543 F. 2d 416 (1976). Thus, this matter is no longer an obstacle to the McRae proposal.

(d) Davidson states that, if the channel is assigned, he will promptly file an application to construct a station.

2. *Community data.* (a) *Location.* McRae, county seat of Telfair, is located in south central Georgia some 113 kilometers (70 miles) southeast of Macon and 145 kilometers (90 miles) east of Savannah.

(b) *1970 U.S. Census population.* McRae—3,061; Telfair County—11,381.

(c) *Local broadcast service.* The only local broadcast service in McRae and

[1] Davidson is also the principal in Jesup Broadcasting Corporation, licensee of WLOP and WIPO(FM), in Jesup, Georgia; and Davidson Communications, Inc., licensee of WDKD and WDKD-FM, Kingstree, South Carolina.

Telfair County is petitioner's AM station (1 kilowatt, daytime-only).

3. *Economic data.* Davidson states that farming is the major industry of the area, and that pulpwood, corn and cattle are the basic products. Davidson states that manufacturers also employ some of the McRae residents.

4. In view of the apparent need for a first local FM service and first local nighttime aural service for McRae and Telfair County, we find that consideration of the proposed FM assignment in a rulemaking proceeding would be in the public interest.

5. Accordingly, it is proposed to amend the FM Table of Assignments (§ 73.202 (b) of the Commission's rules and regulations) as follows for the city listed below:

City	Channel No.	
	Present	Proposed
McRae, Ga.		237A

6. Authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated by reference herein.

7. Interested parties may file comments on or before June 24, 1977, and reply comments on or before July 14, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.28(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2 *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rule making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-14831 Filed 5-24-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21237; RM-2538]

FM BROADCAST STATION IN WRENS, GA.

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Upon petition filed by Mayor J. J. Raburn, this notice of proposed rule making proposes the assignment of a first FM channel to Wrens, Georgia.

DATES: Comments must be received on or before June 24, 1977, and reply comments must be received on or before July 14, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau (202-632-7792).

SUPPLEMENTAL INFORMATION:

Adopted: May 10, 1977.

Released: May 17, 1977.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Wrens, Georgia), Docket No. 21237, RM-2538.

1. *Petitioner, proposal, and comments.* (a) Petition for rulemaking, filed March 28, 1975, by Mayor J. J. Rabun, proposing Channel 232A or 244A as a first FM assignment to Wrens, Georgia.[1]

(b) Channel 232A would be short-spaced to an assignment at Sandersville and to Station WTOC (Channel 231), Savannah, Georgia (conditionally granted a construction permit for a new transmitter site). Therefore, we shall not propose Channel 232A for Wrens.

(c) Channel 244A would meet the Commission's spacing requirements at Wrens if its transmitter site were located at least 8 kilometers (5 miles) northwest of the community.

(d) Rabun states that an application would be expeditiously filed for construction of a station at Wrens if the channel is made available.

2. *Community data.* (a) *Location.* Wrens is located in eastern Georgia in Jefferson County, some 48 kilometers (30 miles) southwest of Augusta, Georgia.

(b) *1970 Census population.* Wrens—2,204; Jefferson County—17,174.

(c) *Local aural service.* Wrens has no local broadcast stations. Louisville, Georgia (1970 pop. 2,691), is 24 kilometers (15 miles) south of Wrens and has AM Station WPEH (1 kW, daytime) and a Class A FM station, WPEH-FM.

3. *Economic data.* Demographic information shows that Wrens is a manufacturing and industrial community which is increasing in population (35 percent between 1960 and 1970). Petitioner presents a list of industries, raw materials, schools, health facilities, recreation, churches, banks, and public services to support the assertion of Wrens' need for the assignment.

4. Rabun claims that a first FM service and a first nighttime aural service would be provided to 2,364 persons. The assignment would be a first local aural service for Wrens itself.

5. In view of the apparent need for a local broadcast service, and the showing of the new service it would make possible in the area, we find that consideration of the proposed FM assignment in a rulemaking proceeding would be in the public interest.

6. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, for the community listed below:

City	Channel No.	
	Present	Proposed
Wrens, Ga.		244A

7. Proponents should show the availability of a transmitter site at least 8 kilometers (5 miles) northwest of Wrens which would be free of obstruction to the propagation of FM signals to the com-

[1] Conflicts with a proposal to assign Channel 233 to Baxley, Georgia, have been eliminated by our decision to deny that assignment and propose Channel 240A for Baxley instead, as had been suggested by Rabun.

munity. See § 73.208(a)(4) of the Commission's rules.

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below.

9. Interested parties may file comments on or before June 24, 1977, and reply comments on or before July 14, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this Notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service(See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-14832 Filed 5-24-77;8:45 am]

[47 CFR Part 73]

[Docket No. 20413; RM-2505]

FM BROADCAST STATIONS, COPPERAS COVE, TEXAS

Memorandum Opinion and Order Dismissing Further Proposal

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order.

SUMMARY: Action dismissing a proposal to assign a second FM channel to Copperas Cove, Texas, because the proponent (Kove Broadcasting Company) no longer has an interest in applying for the assignment. The proponent has entered into a buy-out agreement with the estate of a competing applicant (B. Rex Samford) for the existing FM assignment at Copperas Cove, Texas.

DATES: Non-Applicable.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau, (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: May 18, 1977.

Released: May 20, 1977.

In the matter of Amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Copperas Cove, Texas), Docket No. 20413, RM-2505.

1. On December 11, 1975, the Commission reopened this proceeding by Further Notice of Proposed Rule Making (41 FR 1088; Jan. 6, 1976), to consider the proposal of Kove Broadcasting Company to add Channel 288A to Copperas Cove, Texas, as a second FM assignment.[1] Since Kove was a competing applicant with B. Rex Samford for the first FM assignment at Copperas Cove (Channel 276A), the Commission asked for a statement of intention by Request for Further Information on July 29, 1976 (41 FR 34078).

2. The executrix of the Samford estate has informed the Commission that Mr. Samford is deceased, and she requests that his application for Channel 276A be withdrawn. Kove has entered into an agreement with the estate and has agreed to pay expenses incurred by the dismissing applicant. Kove intends to prosecute its application for Channel 276A, and requests dismissal of its proposal for a second assignment at Copperas Cove, Texas.

3. As a result and since no other party has expressed an interest in this assignment: *It is ordered*, That the proposed assignment of Channel 288A to Copperas Cove, Texas, is hereby dismissed.

4. *It is further ordered*, That this proceeding is terminated.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-14882 Filed 5-24-77;8:45 am]

[1] Channel 276A was assigned to Copperas Cove by Report and Order, 40 FR 49335; October 14, 1975. The proposal for a second channel was in the comments of Kove's principals.

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1047, 1082]

[Nos. MC-C-3437, MC-C-4000]

MOTOR TRANSPORTATION OF PROPERTY INCIDENTAL AND PASSENGERS INCIDENTAL TO TRANSPORTATION BY AIRCRAFT

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule.

SUMMARY: The purpose of this document is to institute a proceeding to determine whether the area (the "air terminal area") within which motor transportation of property and passengers incidental to transportation by aircraft is exempt from economic regulation under the Interstate Commerce Act should be redefined and expanded.

DATES: Comments must be received on or before: August 8, 1977.

ADDRESSES: Send comments to: Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. 20423. All written submissions will be available for public inspection during regular business hours at the same address.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, 202-275-7292.

SUPPLEMENTARY INFORMATION: Section 203(b)(7a) of the Interstate Commerce Act (49 U.S.C. 303(b)(7a)) exempts from economic regulation "the transportation of persons or property by motor vehicle when incidental to transportation by aircraft". The statute fails to specify the circumstances in which a movement by motor vehicle is to be considered "incidental to transportation by aircraft". We have adopted regulations giving meaning to the broad statutory

language. In "Motor Transp. of Property Incidental to Air", 95 M.C.C. 71 (1964), 112 M.C.C. 1 (1970), we adopted regulations (a) specifying the circumstances in which the transportation of property by motor vehicle is to be considered incidental to transportation by aircraft, and (b) specifying the circumstances in which an air freight forwarder subject to economic regulation under the Federal Aviation Act might receive from or turn over to motor common carriers subject to economic regulation under Part II of the Interstate Commerce Act shipments the transportation of which is not within the scope of the incidental-to-aircraft exemption of Section 203(b)(7a) without being considered as conducting operations as a freight forwarder subject to Part IV of the Interstate Commerce Act. These regulations are codified as 49 CFR 1047.40 and 1082.1, respectively. In "Interpretation of Rights—Designated Airports", 110 M.C.C. 597 (1969), we adopted a regulation specifying the circumstances in which motor carriers holding certificates or permits authorizing service at named airports or at certain facilities at named airports could serve also air-freight terminals located beyond the physical boundaries of the named airports. This regulation is codified as 49 CFR 1041.23. "In Motor Transp. of Passengers Incidental to Air", 95 M.C.C. 526 (1964), we adopted a regulation specifying the circumstances in which the transportation of passengers by motor vehicle is to be considered incidental to transportation by aircraft. This regulation is codified as 49 CFR 1047.45.

We are instituting this rulemaking proceeding because we believe at this time that a redefinition of the term "air terminal area," and an expansion of existing air terminal areas, as defined in the regulations cited above, may be reasonable and in the public interest. Established airports have expanded enormously in the last decade and new airports have come into being. Large capacity aircraft can accommodate more freight than ever before and air freight tonnage has risen accordingly. Each year we receive a large number of applications for motor carrier operating authority to transport property between named airports, on the one hand, and, on the other, points in named counties located near the named airports but beyond the existing air terminal area. The traffic for which authority is thus sought seems to be "incidental" to transportation by aircraft as contemplated by the statute. In recent years we have received several petitions requesting expansion of the "air terminal areas" around named airports, including Philadelphia International Airport, Philadelphia, Pa., Miami International Airport, Miami, Fla., Fort Lauderdale International Airport, Fort Lauderdale, Fla., O'Hare International Airport, Chicago, Ill., and Savannah, Ga., Airport. These petitions have been filed pursuant to 49 CFR 1047.40(c) and 1047.45(c). The filing of these petitions would seem to evidence an increasing belief that the air terminal areas as currently defined ought to be expanded.

The Commission's Blue Ribbon Staff Study Panel recommended in 1975 (a) that the Commission's 25-mile "rule of thumb" standard exempting motor carrier transportation of property from economic regulation under Section 203(b)(7a) of the Interstate Commerce Act be dropped in favor of an exempt zone coextensive with the Civil Aeronautics Board-accepted terminal area of the air carrier, and (b) that the existing 25-mile limitation to the exempt zone covering transportation of passengers moving incidental to air transportation be removed. (See Internal Staff Study Recommendations, Commission release No. 187-75, released July 7, 1975, recommendations 29 and 30.) We believe at this time that the expansion of existing air terminal areas is worthy of further study.

We believe at this time that a redefinition of the term "air terminal area" (so as to define an air terminal area as a zone extending a fixed distance from the boundaries of an airport) and an expansion of air terminal areas (so as to set the fixed distance referred to above at 100 miles, and to include points located within commercial zones any part of which is within 100 miles of the airport) might be warranted. The definition of an air terminal area partly in terms of distances from cities does not seem to be entirely appropriate—air traffic moves to and from airports, not cities. We would note too that a single airport can serve more than one city. We, therefore, believe at this time that air terminal areas ought to be defined as zones surrounding airports. The present extent of air terminal areas (i.e., as generally limited by the so-called 25-mile "rule of thumb" in 49 CFR 1047.40, and the 25-mile standard in 49 CFR 1047.45) would seem to be too limited. Motor movement of air freight consists essentially of pickup and delivery within a broad area served by a particular airport. The fact that a motor movement is 100 miles instead of 25 miles would seem not to be the relevant criterion. The pertinent factor would seem to be that the motor movement is incidental to the air movement. The same observation would seem to be applicable to motor movement of passengers to or from airports. We, therefore, believe at this time that consideration should be given to whether the air terminal area of any particular airport ought to be expanded to embrace all points located within 100 miles of the said airport, and to include also points located within commercial zones any part of which is within 100 miles of the said airport. We would expect that the proposed expansion of air terminal areas would allow direct air carriers and air freight forwarders to operate with greater flexibility, and would thereby improve the climate for intermodalism and containerization. We would note too that adoption of a 100-mile standard would eliminate all the "special" definitions of air terminal areas now codified as 49 CFR 1047.40(d) and 1047.45(d), and would thereby simplify our regulations.

The particular changes in the wording of our regulations would be as follows. Regulation 1041.23, which incorporates by reference the provisions of Regulation 1047.40, would remain as is. Regulations 1047.40 and 1047.45 would be consolidated into a revised Regulation 1047.40, and the present Regulation 1047.45 would be eliminated. The revised Regulation 1047.40 would carry forward all the provisions of the present Regulations 1047.40 and 1047.45 (except subsection (d) of each), with these changes: In subsection (a), the term "air terminal area" would be defined as the area encompassed by a 100-mile radius of the boundary of the airport at which the shipments are received or delivered or the passengers arrive or depart and by the boundaries of the commercial zones (as defined by the Commission) of any municipalities any part of whose commercial zones falls within the 100-mile radius of the pertinent airport; and in subsection (c), the provisions for individual determination of air terminal areas would allow for individual determination of air terminal areas around airports, but not around cities. In regulation 1082.1, the reference to an air freight forwarder's "terminal area" would be changed to "the air terminal area (as described in § 1047.40 of this chapter) of the airport at which the actual air movement begins or ends." In summary, Regulation 1041.23 would remain as is, Regulation 1047.45 would be deleted, and Regulation 1047.40 and 1082.1 would be amended as set forth below.

We anticipate that there will be many questions at issue in this proceeding, including but not limited to the following: (1) Are the existing 25-mile "rule of thumb" standard in 49 CFR 1047.40, and the 25-mile standard in 49 CFR 1047.45, adequate? (2) Should air terminal areas be redefined as zones surrounding airports? (3) Would an expanded 100-mile standard better satisfy Section 203(b)(7a) of the Interstate Commerce Act and the needs of the shipping and travelling public? (4) Would an expanded mileage standard other than 100 miles better satisfy Section 203(b)(7a) and the public interest? (5) What impact will an expanded mileage standard have on regulated motor carriers, nonregulated motor carriers, surface freight fowarders, air freight forwarders, and direct air carriers? (6) How many operating rights applications have been filed within the past 2 calendar years for motor carrier operating authority to transport property between named airports, on the one hand, and, on the other, points in one or more counties located near the named airports? (7) What changes would adoption of an expanded mileage standard create in (a) competitive relations, (b) quality of transportation services, (c) rates, revenues, and financial results, (d) operating efficiency, (e) conservation of scarce resources, (f) impact on the environment, and (g) operating rights application activity? and (8) Would a standard based upon some factor other

than mileage better satisfy section 203(b)(7a) and public interest?

Oral hearings do not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence concerning the matters involved in this notice may do so by the submission of written data, views, or arguments.

Parties will be expected to present economic data supporting their contentions to the extent feasible. An original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with this Commission on or before 75 days after publication in the FEDERAL REGISTER.

This notice of proposed rulemaking is issued under the authority of sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559) and sections 203, 204, 207, 208, 209, 403, 404, and 413 of the Interstate Commerce Act (49 U.S.C. 303, 304, 307, 308, 309, 1003, 1004, and 1013).

By the Commission.

ROBERT L. OSWALD,
Secretary.

Parts 1047 and 1082 of Chapter X of Title 49 of the Code of Federal Regulations would be amended by deleting § 1047.45 and by revising § 1047.40 and § 1082.1 as set forth below:

§ 1047.40 Motor transportation of property and passengers incidental to transportation by aircraft.

(a) *Definition—(1) Motor transportation of property incidental to transportation by aircraft.* The transportation of property by motor vehicle to or from points in the zone defined in subparagraph (3) of this paragraph, except as said zone may be individually determined as provided in paragraph (c) of this section, is transportation incidental to transportation by aircraft within the meaning of section 203(b)(7a) of the Interstate Commerce Act: *Provided,* (i) That it is confined to the transportation of shipments in bona fide collection, delivery, or transfer service, and (ii) that it is confined to the transportation of shipments which have been received from or will be delivered to a direct air carrier or air freight forwarder (indirect air carrier) as part of a continuous movement which, if provided by an air carrier subject to economic regulation under the Federal Aviation Act, shall be provided for in tariffs filed with and accepted by the Civil Aeronautics Board, and shall be performed on a through air bill of lading covering, in addition to the line-haul movement by air, the collection, delivery, or transfer service performed by the motor carrier.

(2) *Motor transportation of passengers incidental to transportation by aircraft.* The transportation of passengers by motor vehicle to or from points in the zone defined in subparagraph (3) of this paragraph, except as said zone may be individually determined as provided in paragraph (c) of this section, is transportation incidental to transportation by aircraft within the meaning of section 203(b)(7a) of the Interstate Commerce Act: *Provided,* That it is confined to the transportation of passengers who have had or will have an immediately prior or immediately subsequent movement by air.

(3) *Air terminal area.* The zone within which motor transportation is incidental to transportation by aircraft within the meaning of section 203(b)(7a) of the Interstate Commerce Act, except as it may be individually determined as provided in paragraph (c) of this section, is the area encompassed by a 100-mile radius of the boundary of the airport at which the shipments are received or delivered or the passengers arrive or depart and by the boundaries of the commercial zones (as defined by the Commission) or any municipalities any part of whose commercial zones falls within the 100-mile radius of the pertinent airport.

(b) *Substitution of motor-for-air transportation due to emergency conditions—(1) Motor transportation of property.* The transportation of property by motor vehicle is transportation incidental to transportation by aircraft if it constitutes substituted motor-for-air service, performed at the expense of the direct air carrier or air freight forwarder, on a through air bill of lading, in emergency situations arising from the inability of the direct air carrier to perform air transportation due to adverse weather conditions, equipment failure, or other causes beyond the control of the direct air carrier.

(2) *Motor transportation of passengers.* The transportation of passengers by motor vehicle is transportation incidental to transportation by aircraft if it constitutes substituted motor-for-air service, performed at the expense of the air carrier in emergency situations arising from the inability of the air carrier to perform air transportation due to adverse weather conditions, equipment failure, or other causes beyond the control of the air carrier.

(c) *Individual determination of exempt zones—(1) Motor transportation of property.* Upon its own motion or upon petition filed by any interested person, the Interstate Commerce Commission may, in an appropriate proceeding, determine whether the area within which the transportation of property by motor vehicle, in bona fide collection, delivery, or transfer service, must be performed, in order to come within the provisions of paragraph (a)(1) of this section, should be individually determined with respect to any particular airport authorized to be served by a direct air carrier or air freight forwarder holding authority from the Civil Aeronautics Board, and whether there should be established therefor appropriate boundaries, differing in extent from those defined in paragraph (a)(3) of this section.

(2) *Motor transportation of passengers.* Upon its own motion or upon petition filed by any interested person, the Interstate Commerce Commission may, in an appropriate proceeding, determine whether the area within which the transportation by motor vehicle of passengers having an immediately prior or immediately subsequent movement by air must be performed, in order to come within the provisions of paragraph (a)(2) of this section, should be individually determined with respect to any particular airport, and whether there should be established therefor appropriate boundaries differing in extent from those defined in paragraph (a)(3) of this section.

§ 1047.45 [Deleted]

§ 1082.1 Use by air freight forwarders of regulated motor common carrier service.

An air freight forwarder (indirect air carrier) subject to economic regulation under the Federal Aviation Act may receive from or turn over to motor common carriers subject to economic regulation under part II of the Interstate Commerce Act shipments the transportation of which is not within the scope of the incidental-to-air exemption of section 203(b)(7a) of the Interstate Commerce Act without being considered as conducting operations as a freight forwarder subject to part IV of the Interstate Commerce Act: *Provided:*

(a) That the air freight forwarder shall not hold out to assume responsibility for, nor make any claim in its advertising, solicitation of freight, or tariff publications that it will assume responsibility for, any shipment prior to its receipt from or after it is turned over to an authorized motor common carrier for movement beyond the air terminal area (as described in §1047.40 of this chapter) of the airport at which the actual air movement begins or ends.

(b) That all shipment documents issued by the air freight forwarder shall state clearly that its responsibility for the shipment does not extend beyond its actual air movement and the territorial extent of the air terminal area (as described in § 1047.40 of this chapter) of the airport at which the actual air movement begins or ends.

(c) That the air freight forwarder shall receive no compensation from any shipper or motor carrier for services rendered in connection with the receipt of shipments from or the delivery of shipments to a motor carrier for movement beyond the air terminal area (as described in § 1047.40 of this chapter) of the airport at which the actual air movement begins or ends.

[FR Doc.77-14852 Filed 5-24-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Supplemental Proposed Rulemaking

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rulemaking.

SUMMARY: This document supplements FEDERAL REGISTER Document 77-6969, published on March 10, 1977,

which notified the public that the U.S. Fish and Wildlife Service proposes to establish hunting season regulations for certain migratory game birds during 1977–78, and provided information on certain proposed regulations. Further information, clarification or correction is provided relative to certain regulatory items for which information was not complete when FR Doc. 77–6969 was published. The more important of those relate to zoning in Illinois, Indiana, Maine, Michigan, Missouri, and Ohio for duck seasons; changes in daily bag and possession limits and season lengths for Canada geese in a portion of the Atlantic Flyway; regulatory relaxations for wood ducks in southeastern States in early October; and modifications of lesser sandhill crane seasons in portions of the Central Flyway.

DATES: Initial comments: May 18, 1977; comments on this supplemental proposed rulemaking will be accepted until July 14, 1977.

ADDRESS: Comments to: Director (FWS/MBM), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202–343–8827), who is also the originator of this supplemental proposed rulemaking.

SUPPLEMENTARY INFORMATION: On March 10, 1977, the Fish and Wildlife Service published for comment in the FEDERAL REGISTER (42 FR 13311) a proposal to amend 50 CFR Part 20. That document dealt with minor modifications in § 20.11 of Subpart B and the addition of a new § 20.40 in Subpart D of 50 CFR Part 20, and with establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K of 50 CFR Part 20. In that document, the Service indicated that a supplemental proposed rulemaking containing proposals and other considerations was scheduled for publication on May 16, 1977. Consequently, this supplemental proposed rulemaking is the second in a series of proposed and final rulemaking documents for migratory bird hunting regulations and deals specifically with a number of supplemental or modified proposals and clarification or correction of minor portions of the earlier document. Included is further information relative to zoning in Illinois, Indiana, Maine, Michigan, Missouri, and Ohio for duck seasons; regulatory relaxation for wood ducks in southeastern States in early October; changes in daily bag and possession limits and season lengths for Canada geese in a portion of the Atlantic Flyway; and modifications of lesser sandhill crane seasons in portions of the Central Flyway.

CLARIFICATIONS AND CORRECTIONS

In the definitions of the four flyways, the biological-ecological units frequently used for references in setting hunting regulations for many migratory birds, the New Mexico portion of the Central Flyway given in FR Doc. 77–6969 appearing on page 13313 in the FEDERAL REGISTER of March 10, 1977, needs further clarification. In New Mexico, the Central Flyway is confined to that portion of the State east of the Continental Divide and outside the Jicarilla Apache Indian Reservation. In the March 10, 1977, FEDERAL REGISTER the Central Flyway portion was described as being "east of the Continental Divide and the Jicarilla Apache Indian Reservation."

In Item 23, Woodcock, there was a typographical omission of the daily bag limit. The second sentence should read, "States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1977, and February 28, 1978, of not more than 65 days, with daily bag and possession limits of 5 and 10, respectively: * * *."

ZONING PROPSOALS AND OTHER CONSIDERATIONS

The following zoning proposals and other considerations are numbered to correspond with topics or items published in the FEDERAL REGISTER of March 10, 1977.

2. *Frameworks dates for ducks and geese in the continental United States.* The FEDERAL REGISTER dated March 10, 1977, identified the general hunting season framework for geese in the Mississippi Flyway as being from October 1, 1977, through January 20, 1978; however, it did not note the exception in Louisiana where later framework closing dates have been allowed in recent years in recognition of crop depredations caused by geese. Therefore, the following additional exception to the general Mississippi Flyway goose season framework is proposed:

(f) Louisiana goose season framework: October 1, 1977, through February 14, 1978.

4. *Wood duck.* The FEDERAL REGISTER dated March 10, 1977, noted that the increased population of this species and an analysis of population and banding data suggests that the wood duck population in the southeastern United States could sustain additional harvests, provided that such liberalizations did not increase the harvest of wood ducks from breeding populations in the north. For purposes of this discussion the southeastern United States is defined as Virginia, Kentucky, Tennessee, Arkansas, and Louisiana and all States of the Atlantic and Mississippi Flyways south and east thereof. Various means of providing for additional harvest opportunities on southeastern wood ducks on a trial basis and evaluating its effects were considered and discussed this spring. Accordingly, the Service proposes to consider regulations aimed at additional wood duck harvest in the southeastern States only within the following guidelines:

(a) In 1977 States in the southeastern United States may split their regular duck hunting season in such a way that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15.

(b) During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway in 1977 shall apply to wood ducks, and under the point system, the point value for wood ducks shall be reduced from the high to the mid-point category. For other species of ducks daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations.

(c) In addition, the extra blue-winged teal option available to States in the Atlantic and Mississippi Flyways that select conventional regulations and do not have a September teal season may be applied during this period.

(d) This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

(e) This special provision for wood ducks shall be regarded as experimental, and subject to annual and final evaluations by participating States of population, harvest, banding, and other available information.

(f) The experiment shall be conducted for a specified time period to be agreed upon between the Service and participating States.

13. *Zoning.* Five States in the Mississippi Flyway and one in the Atlantic Flyway have submitted proposals to the Service to establish within-State zones, in each of which the season for hunting waterfowl would be set separately rather than Statewide beginning in the 1977–78 waterfowl hunting season. According to these proposals, season length, daily bag limits and possession limits would conform to the general framework for the respective Flyway. Only the season dates would differ between zones. The purpose is to provide a more equitable distribution of harvest opportunity within the States. The zones proposed by these States are as follows:

ATLANTIC FLYWAY

MAINE

North Zone—Game Management Zones 1, 2, and 3.

South Zone—Game Management Zones 4 through 8.

MISSISSIPPI FLYWAY

ILLINOIS

North Zone—St. Clair, Clinton, Marion, Clay, Richland, and Lawrence Counties and all counties to the north.

South Zone—All counties south of St. Clair, Clinton, Marion, Clay, Richland, and Lawrence Counties.

INDIANA

North Zone—That portion of Indiana north of State Highway 18.

South Zone—That portion of Indiana south of State Highway 18.

MICHIGAN

North Zone—The Upper Peninsula.
South Zone—The Lower Peninsula.

MISSOURI

North Zone (entitled Upper Zone in proposal)—That portion of Missouri lying north of a line running easterly from the Kansas-Missouri border along U.S. Highway 160 to the junction of U.S. Highway 60 in Springfield, along U.S. Highway 60 to the junction of State Highway 34, and along State Highway 34 to the Illinois-Missouri border along the Mississippi River at Cape Girardeau.
South Zone—The remainder of Missouri.

OHIO

North Zone—That portion of Ohio north of U.S. Highway 30 North.
South Zone—That portion of Ohio south of U.S. Highway 30 North.

The Service will consider the establishment of the proposed zones based on an evaluation of each of the State proposals according to the following criteria:

1. The establishment of any of these zones shall be considered experimental until the effects of the zoning are more clearly defined and understood.

2. The primary purpose of the zoning shall be to provide more equitable distribution of harvest opportunity for hunters throughout a State.

3. Proposed zones and season dates shall not substantially change the pattern of harvest distribution among States within a flyway.

4. Zoning shall not detrimentally change the harvest distribution pattern among species or populations at either the State or flyway level.

5. Each zoning proposal shall include a detailed evaluation plan describing how changes in harvest will be measured, and what steps will be taken to compensate for any significant changes that might occur.

6. Each zoning proposal shall include an evaluation of anticipated changes due to zoning. If on the basis of this evaluation the Service and the State agree that no significant increase in harvest is likely, the zoning experiment may be conducted without a reduction in season length for each zone, pending further evaluation. If the evaluation indicates that a significant increase in harvest is likely, an appropriate reduction in season length compared to what would be permitted without zoning shall be made for each zone.

7. Where two or more adjoining States in a flyway may be involved simultaneously in zoning experiments, consideration shall be given to the possibility of consolidating zones.

14. *Goose and brant seasons.—Atlantic Flyway.* Notice was given in the FEDERAL REGISTER dated March 10, 1977, that a lengthening of snow goose season from 30 to 50 days would be considered in view of the expanding population of greater snow geese. The greater snow goose population has increased in recent years. Surveys of the main wintering areas in the United States, which do not account for all of the population, indicate an increase in recent years from 63,000 birds in 1971 to 109,000 in 1977. Spring surveys of the St. Lawrence River of Canada indicate a May 1976 population of 185,000 birds. Concurrent with the growth of this population, there is evidence of increasing damage to marsh habitat caused by feeding geese, and increasing crop depredations. After reviewing this situation, the Atlantic Flyway Council recommended at its meeting of March 6, 1977, a snow goose season length of 60 days with a bag limit of 3 birds daily and 6 in possession, regardless of production rates in 1977. The Council further recommended establishing minimum population levels for the conduct of hunting seasons for the greater snow goose. The Service hereby provides notice of the Atlantic Flyway Council recommendation which will be considered along with other recommendations and comments during the regulations process. The March 10, 1977, FEDERAL REGISTER identified the sources of information which will be considered regarding the proposed regulatory changes for snow geese.

In recent years, the Canada goose population in the Atlantic Flyway has increased significantly, now numbering well over one million birds in the fall flight. The upward trend is continuing. In 1975, 819,000 birds were counted in the January surveys, and 924,000 in 1977. When harvest data are considered, the Flyway population objective of one million geese in the fall flight has been exceeded in recent years. The Service is of the view that concentration of these geese in the main portions of their wintering range is now excessive. Excessive winter concentrations of Canada geese pose a risk of disease outbreaks which could result in large-scale mortality. States in the main wintering area have recommended and the Service proposes that the Canada goose season length in this area be extended from 70 to 90 days with increases in the daily bag limit from 3 to 4 birds, and the possession limit from 6 to 8 birds. The area in which the proposed changes would apply comprises Delaware, the Delmarva Peninsula portion of Maryland, and that portion of Pennsylvania lying east and south of a boundary beginning at the Maryland border or Interstate Highway 83 and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border.

The Service is of the view that this regulatory change will not result in excessive harvests of these geese nor adversely affect their status insofar as population management objectives are concerned.

Mississippi Flyway. For Canada geese in portions of the Mississippi Flyway, Statewide harvest quotas are proposed as follows: Illinois, 35,000 birds; Kentucky, 15,000 birds; and Wisconsin, 35,000 birds. These harvest quotas support efforts to manage the segment of Mississippi Valley Population Canada geese that concentrates in excessive numbers near Horicon National Wildlife Refuge in Wisconsin, and concurrent efforts to achieve a more satisfactory distribution of these geese throughout the Mississippi Flyway. The quotas are consistent with recommendations of the Ad Hoc Committee assigned by the Mississippi Flyway Council to develop a management plan for Mississippi Valley Population Canada geese. This is the first harvest quota for Kentucky where a sizable portion of the harvest of this population now occurs. The 1977 winter count of Mississippi Valley Population Canada geese was well above the management objective of 300,000 wintering birds. The distribution and regulation of the harvest quota for Wisconsin will be described by State regulations.

Pacific Flyway. In the March 10, 1977, FEDERAL REGISTER, changes were proposed in closure dates for Canada goose hunting in the Sacramento and San Joaquin areas of California to provide added protection of the endangered Aleutian Canada goose. The Service now proposes that Canada goose hunting in the Sacramento area be closed from the beginning of the regular waterfowl hunting season to December 15 instead of December 20 as originally proposed. This modification is based on a re-analysis of band recovery data and field observations of Aleutian Canada geese. The original proposal to extend the beginning of the closed period in the San Joaquin closed area from December 15 to December 1 is reaffirmed. To date, only one Aleutian Canada goose band has been reported from the Sacramento and San Joaquin areas outside the proposed closure periods. No plans are contemplated at this time to change the boundaries or numbers of closed areas.

In the Pacific Flyway, Nevada has requested that it be allowed to select a single Statewide waterfowl season. Presently, the seasons for Clark and Lincoln Counties, along the Colorado River, coincide with seasons selected by California and Arizona. This proposal is made pending further review and evaluation by the Pacific Flyway Council which has not yet had an opportunity to consider it.

17. *Migratory game bird seasons for falconers.* In the March 10, 1977, FEDERAL REGISTER the Service indicated it would consider proposals from States to establish extended seasons for taking migratory game birds by falconry under certain conditions. The Service now proposes to establish a new Section, if the proposals are accepted, for setting hunting seasons, limits, and hours for taking migratory game birds by falconry and the heading of this new section would read as follows:

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

18. *Lesser sandhill (little brown) cranes.* The FEDERAL REGISTER dated March 10, 1977, indicated that no changes in sandhill crane hunting regulations were contemplated at that time but that additional data would be examined. Discussions with the Central Flyway Council and a review of additional data indicate that a modification in the crane season framework for North Dakota and South Dakota is warranted. Specifically, the Service now proposes that lesser sandhill crane hunting in designated portions of these States be

permitted during the period of September 1 through 11, 1977, in lieu of the 30-day seasons from November 6 to December 5 offered in 1976. The earlier but shorter seasons would better coincide with the period when huntable numbers of sandhill cranes are present, and reduce the period when endangered whooping cranes might be present during the sandhill crane season. A review of observation records indicates that whooping cranes seldom arrive in the two hunting areas prior to mid-September. No change is proposed in the area where hunting would be allowed in North Dakota. It is proposed that South Dakota be offered the option of defining its hunting area by county boundaries rather than by highways. The Service proposes that the hunting season length in Colorado be increased one day to 37 days, to provide full weekends at the beginning and ending of the season as its generally provided in many Central Flyway areas for other migratory game birds. The impact of these changes is expected to be a small increase in sandhill crane harvests and better protection for whooping cranes.

25. *Mourning doves.* Eastern Management Unit: Four States (Alabama, Georgia, Mississippi, and Louisiana) have been allowed for several years to select differential mourning dove hunting seasons by north and south zones. Two States have asked that minor changes be made in zone boundaries. Alabama requests that its boundary of the South Zone be changed to run from the Mississippi line via U.S. Highway 84 to the Covington County line, and include the counties of Coffee, Covington, Dale, Geneva, Henry, and Houston. This change would shift a relatively small area of southwestern Alabama from the south zone into the north zone. Georgia requests that the zone boundary be changed to run from the Alabama line via U.S. Highway 280 to Abbeville, thence east along the Ocmulgee and Altamaha Rivers to the Atlantic Ocean. This change would shift a relatively small portion of southeastern Georgia from the south zone to the north zone. The proposed boundary changes are expected to result in no significant change in mourning dove harvests.

Central Management Unit: Except for Texas, all States in the Central Management Unit which choose mourning dove hunting seasons permit shooting hours to extend from ½ hour before sunrise to sunset. It is proposed that these shooting hours be allowed in Texas for all days when mourning dove hunting is allowed. This would bring all shooting hours frameworks for mourning doves in the management unit into uniformity. Shooting hour restrictions within this time frame may be set by State regulation. Also, it is proposed that the closing date for mourning dove season framework be changed from January 20 to January 22, 1978. The effect of this change is expected to have an insignificant impact upon the State's mourning dove harvest.

26. *White-winged doves.* It is proposed that shooting hours for white-winged doves be changed from noon until sunset to ½ hour before sunrise to sunset. This would bring the shooting hours in Texas for white-winged doves into conformance with those proposed for Arizona, California, Nevada, and New Mexico. This change is expected to have no significant impact upon the Texas whitewinged dove harvest.

Texas requests that the white-winged dove frameworks in Texas be modified by deleting mention at this time of the specific counties in which hunting would be allowed. The proposed change gives Texas greater flexibility following the completion of breeding population surveys in defining areas where hunting will be allowed. The occurrence and distribution of breeding white-winged doves in south Texas and along the Rio Grande River appear to be expanding northward and it may be desirable to modify the permitted hunting area. Consequently, the last two paragraphs in Item 26 of the March 10, 1977, FEDERAL REGISTER are modified to read as follows:

The number of hunting days allowed in Texas, and areas where hunting will be allowed, will depend upon results of breeding population surveys conducted there. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

These changes have been endorsed by the Central Flyway Council. The areas open to hunting will be described in frameworks scheduled for FEDERAL REGISTER publication on July 22, 1977

The March 10, 1977, FEDERAL REGISTER contained an extensive discussion of shooting hours for migratory game birds, and advised that the Service was examining and will make available additional information on the subject. This plan complies with the U.S. District Court, District of Columbia, ruling of March 11, 1977, that the Service should in the future provide greater information regarding migratory game bird shooting hours.

STEEL SHOT REGULATIONS

On April 28, 1977, the Service published in the FEDERAL REGISTER (42 FR 21614) final regulations regarding areas in the Atlantic and Mississippi Flyways in which shotshells loaded with steel shot will be required for waterfowl hunting in seasons commencing in 1977. The intended effect of establishing these steel shot zones is to reduce the number of deaths of waterfowl caused by ingesting spent lead pellets. The regulations appear under § 20.108 and will also be summarized in the Service's waterfowl regulations leaflets to be published late this summer.

HEARINGS

Two public hearings are scheduled pertaining to migratory bird hunting regulations being considered for the 1977–78 hunting seasons. Both will be conducted in accordance with Part 455 of the Departmental Manual (Hearings). On June 21, 1977, a public hearing will be held at 9 a.m. in the Auditorium of the General Services Building, 18th and F Streets NW., Washington, D.C., to review proposed hunting regulations of species for which early (prior to October 1) seasons are set. This hearing is for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe. Proposed hunting regulations for these species will be discussed, plus regulations governing migratory game birds in Alaska, Puerto Rico, the Virgin Islands; mourning doves in Hawaii; September teal seasons; and special sea duck seasons in the Atlantic Flyway. On August 2, 1977, a public hearing will be held at 9 a.m. in the Auditorium of the General Services Building, 18th and F Streets NW., Washington, D.C., to review the status of other waterfowl and consider proposed regulations for migratory game birds that were not previously set. These deliberations will pertain to seasons commencing October 1 or later. The public is invited to participate in both hearings.

Persons wishing to participate in these hearings should notify the Director (FWS/MBM), United States Fish and Wildlife Service, Washington, D.C. 20240, or call 202–343–8827. Those wishing to have statements included in the record should file them in writing in duplicate with the Director before or at each hearing.

PUBLIC COMMENT INVITED

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the amendments resulting from these supplemental proposals will specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common (Wilson's) snipe, coots, cranes, swans, and certain waterfowl in the contiguous United States; coots, cranes, common (Wilson's) snipe and waterfowl in Alaska; sea ducks in coastal waters of certain eastern States; migratory game birds in Puerto Rico and the Virgin Islands; and mourning doves in Hawaii; and would further clarify existing tagging requirements.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals and will take into consideration the comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

COMMENT PROCEDURE

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate in this rulemaking by submitting

written comments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 2243, Department of the Interior, C Street between 18th and 19th Streets NW., Washington, D.C.

All relevant comments received no later than July 14, 1977, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

ENVIRONMENTAL REVIEW

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

NOTE.—The U.S. Fish and Wildlife Service, Department of the Interior, has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

AUTHORITY: 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).

Issued in Washington, D.C., May 19, 1977.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.77-14821 Filed 5-24-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATOR EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-104]

TENNESSEE GAS PIPELINE CO.

Emergency Order Pursuant to Section 6 of Pub. L. 95-2

On May 13, 1977, Tennessee Gas Pipeline Company (Tennessee) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application to make certain emergency purchases of natural gas from the Louisiana Land and Exploration Company and General Crude Oil Company (Seller). For the reasons set forth below, I authorize the purchase of this emergency natural gas.

By agreement dated May 10, 1977, Tennessee agreed to purchase up to 1000 Mcfd of natural gas from Seller's No. 1 C. L. Cruse Well, Tyler County, Texas with the gas to be made available at a mutually agreeable point in Tyler County, Texas. The contract between Tennessee and Seller is to begin on issuance of Administrator's order and terminate on July 31, 1977.

Tennessee will purchase these supplies at a price of $1.5738 per MMBtu inclusive of all state and local taxes and other adjustments. I find this price to be fair and equitable in accordance with Order No. 2. In addition, Seller advised that an estimated 17,000 feet of pipeline facilities were installed in order to deliver the gas to Tennessee. Tennessee will install a hot tap and side valve at an estimated cost of $7,700.

The sale of gas for which Tennessee seeks approval may result in a commingling of interstate natural gas with Seller's normal intrastate system gas supply and with volumes of gas owned by other parties. The contractual provisions between Seller and its producers, transporters and other suppliers of gas prohibit the sale of natural gas in interstate commerce and the commingling of their intrastate pipeline system gas supplies with gas moving in interstate commerce. The sale of gas for which Tennessee seeks approval may result in some commingling of interstate natural gas with Seller's normal intrastate gas supplies and with gas owned by other third parties. This order shall be considered as applying to all such commingled gas.

Under the provisions of section 9 (b), (c) of Pub. L. 95-2 (91 Stat. 4.9), the suppliers of such gas, which is so commingled, may not terminate existing contracts with Seller or such other parties or require a redetermination of the prices provided in such contracts by reason of this transaction. Contractual termination, prohibition or redetermination provisions in any such contracts refererd to above are not enforceable by reason of Section 9 of Pub. L. 95-2 since Seller is selling gas to Tennessee pursuant to Section 6(a) of that Act. Seller and any third person whose gas is commingled with Tennessee's gas shall refer all relevant information concerning any attempt to terminate existing contracts or require a redetermination of prices to the Administrator for appropriate action.

According to the official files of the Federal Power Commission, Seller is not classified as a natural gas company within the meaning of the Natural Gas Act. Section 6(b)(1)(A) of the Act provides in part that "(t)he provisions of the Natural Gas Act shall not apply * * * to any sale to an interstate pipeline * * * under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with such sale * * *" 91 Stat. at 8. In addition 6(c)(2) provides:

> Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provisions of state law.

Tennessee shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act, I hereby authorize Seller to sell Tennessee up to 1000 Mcfd of natural gas from No. 1 C. L. Cruse Well, Tyler County, Texas with the subject gas to be made available at a mutually agreeable point on Tennessee's pipeline in Tyler County, Texas, in accordance with the terms and conditions set forth in Tennessee's filing in this proceeding.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Tennessee and Seller. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MAY 19, 1977.

[FR Doc.77-14850 Filed 5-20-77;3:15 pm]

DEPARTMENT OF AGRICULTURE

Forest Service

APACHE NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting Cancellation

The Apache Grazing Advisory Board meeting, originally scheduled for 1:00 p.m. on June 9, 1977, at the Ramada Inn, Springerville, Arizona has been cancelled.

MILES P. HANRAHAN,
Acting Forest Supervisor.

MAY 16, 1977.

[FR Doc.77-14855 Filed 4-24-77;8:45 am]

SITGREAVES NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting Cancellation

The Sitgreaves Grazing Advisory Board Meeting, originally scheduled for 10:00 a.m. on June 10, 1977, at the Maxwell House, Show Low, Arizona has been cancelled.

MILES P. HANRAHAN,
Acting Forest Supervisor.

MAY 16, 1977.

[FR Doc.77-14854 Filed 5-24-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-5-97; Docket 29123, Agreement C.A.B. 26574]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to North/Central Pacific Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of May 1977.

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 Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote at the request of the IATA North/Central Pacific Policy Group, has been assigned the above C.A.B. agreement number.

The agreement would establish an IATA North/Central Pacific fare structure for effect from June 1977 through March 1978, and is consistent with the Board's earlier disposition of an IATA Pacific fare proposal (Order 77-3-163, March 29, 1977). As set forth in the attached appendix, the agreement would establish fares, including those for normal economy service and the 14/21-day excursion fares, at levels which have been approved by the Board on earlier occasions. The agreement would also bring forward unchanged most of the applicable rules and amendments thereto. However, the 30/120-day excursion fare applicable westbound from U.S. points, which was previously disapproved by the Board, has been excluded from the new structure, while the affinity group-100 fares from Alaska to Japan would be reinstated.

We will approve the agreement as proposed, subject to conditions which have been imposed earlier upon individual resolutions, with specific reference to a condition set forth in Order 77–1–60 which precludes individual return-travel on the 14/35-day group inclusive-tour fare. The proposed fare levels have all been approved by the Board on prior occasions,[1] and we anticipate that the formal closing of fares in this area will have a beneficial impact of fostering greater stability in this market.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that special readopting and amending resolution JT31(Mail 126)002u, incorporated in Agreement C.A.B. 26574, to be adverse to the public interest or in violation of the Act provided that approval of the individual resolutions readopted therein are subject, where applicable, to conditions previously imposed by the Board.

Accordingly, *IT IS ORDERED* That:

1. Agreement C.A.B. 26574 be and hereby is approved, subject, where applicable, to conditions previously imposed by the Board; and

2. Tariffs implementing Agreement C.A.B. 26574 may be filed on not less than one day's notice for effectiveness not earlier than June 1, 1977 and shall be marked to expire March 31, 1978. The short notice authority in this paragraph expires July 1, 1977.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[1] See Order 77–3–163, Mar. 29, 1977, for most fares; Order 77–1–60, Jan. 11, 1977, for 14/21-day excursion fares; Order 76–5–158, May 28, 1976, for normal economy fares except to/from Japan; and Order 74–10–88, Oct. 17, 1974, for normal economy fares to/from Japan.

APPENDIX A.—*Summary of North/Central Pacific Fares*

Fare category	West Coast-Tokyo				Honolulu-Tokyo				Anchorage-Tokyo			
	Present tariff fare	CAB 26064 fare [1]	CAB 26257 fare [2]	Proposed CAB 26574 fare	Present tariff fare	CAB 26064 fare [1]	CAB 26257 fare [2]	Proposed CAB 26574 fare	Present tariff fare	CAB 26064 fare [1]	CAB 26257 fare [2]	Proposed CAB 26574 fare
1st class	$1,624	$1,706	$1,786	$1,786	$1,278	$1,342	$1,402	$1,402	$1,476	$1,530	$1,536	$1,536
Economy	1,004	1,034	1,074	1,004	806	830	860	806	908	908	908	908
21-d excursion	853	938	958	928	694	729	769	729	694	694	734	694
14 to 35 day IIT	853	896			694	729			694	694		
Affinity group (25)	793	833	883	883	647	679	719	719	647	647	687	687
Affinity group (70)	550	578	628	628	459	482	520	520	459	459	500	500
Affinity group (100)	437	481	541	541	377	415	465	465	377	415		465
GIT (basic)	564	642	692	692	372	441	481	481	372	397	437	437
GIT (peak)	684	718	768	768	492	517	557	557	492	492	532	532

[1] Order 77–1–60, Jan. 11, 1977, disapproved proposed normal fare increases and proposed Asia-originating 30 to 120 d excursion fares, but approved all other increases.

[2] Order 77–3–163, Mar. 29, 1977, disapproved proposed normal economy and 14 to 21 d excursion fare increases, but approved all other increases.

Summary of North/Central Pacific fares

Fare category	West Coast-Hong Kong				Honolulu-Hong Kong				Anchorage-Hong Kong			
	Present tariff fare	CAB 26064 fare [1]	CAB 26257 fare [2]	Proposed CAB 26574 fare	Present tariff fare	CAB 26064 fare [1]	CAB 26257 fare [2]	Proposed CAB 26574 fare	Present tariff fare	CAB 26064 fare [1]	CAB 26257 fare [2]	Proposed CAB 26574 fare
1st class	$2,186	$2,242	$2,322	$2,322	$1,784	$1,856	$1,916	$1,916	$1,884	$1,960	$1,960	$1,960
Economy	1,312	1,312	1,352	1,312	1,102	1,102	1,132	1,102	1,192	1,192	1,192	1,192
21-d excursion	1,147	1,147	1,167	1,147	962	962	1,002	962	916	916	956	916
120-d excursion (ex-Asia)		770	820	820		650	690	690				
14 to 35 d IIT	1,094	1,094			962	962			916	916		
Affinity group (25)	1,016	1,016	1,066	1,066	855	855	896	896	814	814	854	854
Affinity group (70)	719	719	794	704	584	584	644	644	556	556	616	616
GIT (basic)	780	830	880	880	669	719	759	759	637	662	702	702
GIT (peak)	925	925	975	975	814	814	854	854	775	775	815	815

[1] Order 77–1–60, Jan. 11, 1977, disapproved proposed normal fare increases and proposed Asia-originating 30 to 120 d excursion fares, but approved all other increases.
[2] Order 77–3–163, Mar. 29, 1977, disapproved proposed normal economy and 14 to 21 d excursion fare increases, but approved all other increases.

[FR Doc.77–14707 Filed 5–24–77;8:45 am]

[Order 77–5–91; Docket 29123]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North Atlantic Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of May 1977.

Agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North Atlantic passenger fares; Agreement C.A.B. 26555, R–1 through R–19; Agreement C.A.B. 26556, R–1 through R–14; Agreement C.A.B. 26557, R–1 through R–8.

By Order 77–3–54, March 9, 1977, the Board generally approved an agreement among the carrier members of the International Air Transport Association (IATA) to establish North Atlantic passenger fares from April 1, 1977, through March 31, 1978. We did, however, disapprove the proposed increases in normal economy fares as well as all increases proposed in fares between Florida and London; and placed a condition on our approval of amendments to the seasonality pattern on several fares, to provide that such changes not become effective before June 1, 1977.

The IATA carriers have now submitted new agreements to the Board for approval which are intended to satisfy the Board's objections to the previous IATA package. Generally the agreements would retain normal economy fares at status quo levels; reduce the magnitude of increases proposed in Miami-London first-class and promotional fares; and amend the proposed seasonality changes in line with the Board's condition. The agreements would also amend Resolution 001vv, disapproved by the Board in Order 77–3–54. The resolution would, inter alia, permit carriers to reduce fares from the United States, by individual tariff filings, in response to changes in non-IATA-agreed transatlantic fares from Canada. The proposed amendment clarifies the tariff filing requirement as an addition to the provision for cable notice from the carrier to the IATA Secretariat.

Justification in support of the agreement has been submitted by National Airlines, Inc. (National) and Trans World Airlines, Inc. (TWA).

National, whose earnings position was the basis of the Board's disapproval of Florida/London fare increases, states that the new proposal would retain normal economy fares at status quo; and that other fares would be held at present levels during April and May, increased by about half the amount originally proposed for the peak season (June 1–September 14), and increased the full amount originally proposed during the remainder of the basic season (September 15–March 31).[1] In support of the

[1] See app. A.

agreement, National alleges that these revisions have already resulted in Mexico-Europe fares being removed from the overall IATA transatlantic package due to undercuts and would probably cause the negation of the Mid-Atlantic fare package as well if not approved; that even under the revised increases in Miami-London fares substantial undercuts of fares from points such as Atlanta and Washington would occur; and that Miami-originating passengers will experience extremely low fares per mile compared with transatlantic fares from other U.S. cities. The carrier has also submitted a revised forecast of financial results in Miami-London combination service for the year ending March 31, 1978, showing returns on investment (ROI) of 10.45 and 11.44 percent under present and proposed fares, respectively.

National's forecast reflects a 53.78-percent load factor rather than the 51.06 percent it had projected in support of the previous agreement; National states it has accepted the Board's capacity adjustment but has estimated traffic at 15 percent above that for calendar year 1976.[2] National alleges that its revised traffic and load factor projections are reasonable since British Airways will enjoy a 40-percent capacity advantage over National during the forecast period due to different equipment types;[3] and avers that any comparison with previous load factors is invalid since the historical figures for 1975 did not reflect results in the normally "softer" months of September through December when operations were suspended due to a strike.

TWA supports the approval of revised Resolution 001vv and incorporates by reference its petition for reconsideration of the Board's disapproval of the resolution in Order 77-3-54.

The Board has concluded to approve the bulk of the agreement, which is consistent with our actions in Order 77-3-54, with certain exceptions.

First, increases in Miami-London fares have not been shown to be warranted and they will, therefore, be disapproved. National's economic justification reflects a forecast load factor of 53.78 percent which is better than the 51.06 percent previously forecast, but which still falls considerably below the 58.37 percent attained during the historical period. In view of National's contention that the historical results for the years ended September 30, 1976, or December 31, 1975, are invalid because the low traffic months of September–December were excluded by a strike, we have reviewed the carrier's reported results for the year ending December 31, 1976. During that period National's international load factor was 57.34 percent, a modest decline from the earlier periods but hardly the drastic decline National now forecasts. Therefore, we have adjusted National's forecast load factor to reflect its calendar 1976 experience. This increases the carrier's ROI to 12.36 percent under present fares and to 13.39 percent under proposed fares. Thus, it is clear that National's earnings will be adequate under existing fares and that no increase is needed.

We are not unmindful of the alleged fare undercuts, for routings via Miami, of other transatlantic fares to/from U.S., Caribbean and Mexican points. However, National has made no showing that this problem, to the extent it exists, is so serious as to justify approval of otherwise unwarranted increases in transatlantic fares to/from Miami. In the case of U.S. points, National cites only a sampling of fares to London which are lower from Miami than from Atlanta or Washington. We have examined the fares from these points, as well as from New Orleans, and are not convinced that the carriers would suffer unduly from this situation since in but a few cases does combination of the New Orleans, Atlanta, or Washington domestic fares with the present Miami-London fare undercut the constructed IATA fares from New Orleans, Atlanta, or Washington to London. Only in the case of the 22/45-day excursion fares from New Orleans and Atlanta could the passenger achieve a saving by connecting over Miami, and then a saving of only $13–$34. Indeed, since Miami may, in many cases, be a more convenient departure gateway for travelers originating at these cities anyway, and thus the Miami routings reduce congestion at New York, the Board cannot fault such combinations of fares which have been established at reasonable levels on each sector.[4]

As to undercuts of transatlantic fares for Mexico and Caribbean points, National has provided no figures whatsoever.[5] Our review of the fares in the Caribbean area shows a very limited number of potential undercuts, and no evidence has ever been presented concerning the extent to which such undercuts are actually used or whether there has been any discernible diversion of traffic via Miami.[6]

Second, we will condition our approval of the 7/8-day group inclusive tour (GIT) fares to provide for continued application of the spring shoulder period through May 22, 1977. Order 77-3-54 stipulated that proposed seasonality changes not become effective before June 1, which in the case of the 7/8-day GIT would retain last year's seasons this spring. The current application of the shoulder period on this fare extends through May 22, yet the agreement before us still proposes a cutoff date of May 14. In order to prevent an unexpected impact on passengers who have already booked on this fare we will maintain our prior condition.

Finally, we will condition amended Resolution 001vv to require such changes to be filed with the Board as an agreement and approved prior to filing in tariffs. The amendment merely clarifies the necessity to file tariffs implementing the contemplated changes which is a requirement of section 403 of the Federal Aviation Act in any event. As more fully discussed in concurrent Order 77-5-92, denying TWA's petition for reconsideration, the Board is not prepared to permit such wholesale changes in fares without the benefit of an agreement filed with the Board, justified by the carriers, and approved under section 412 of the Act.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, 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:

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[2] In Order 77-3-54, the Board adjusted National's capacity downward in order to maintain the 58.4-percent load factor experienced during the historical period, stating that there was no reason to anticipate such a precipitous decline in load factor—to 51.06 percent—as that forecast by National.

[3] National operates DC-10-30 aircraft on the Miami-London route while British Airways operates a B-747. During most of 1976, the capacity advantage of the larger B-747 was checked due to the roped-off provision of the capacity agreement then in force.

[4] Consistently with our action in Orders 73-7-55, 73-9-58, and 73-11-30, we will condition our approval of the applicable resolutions to require that all travelers qualifying for these fares on routings over Miami be quoted and charged the lower combination of fares over Miami rather than the IATA through fare constructed over New York, so that this benefit will not be discriminatorily limited to those sophisticated travelers who know how to obtain the combination of local fares, by double-ticketing if necessary. See also Order 72-10-1.

[5] For instance, National states that the revised fares for Miami have already resulted in negation of the Mexico/Europe IATA fares agreement. Yet that agreement, as submitted to the Board, covered only first-class and normal economy fares. The normal economy fares to/from Miami are not proposed to be increased in any event, and moreover our examination of London-Mexico fares discloses no undercuts using a combination of fares via Miami.

[6] We would also point out that combinations of transatlantic promotional fares from London to Miami with Miami-Mexico or Miami-Caribbean fares cannot be through ticketed, and may necessitate an overnight layover in Miami. Potential undercuts of transatlantic fares between Mexico or the Caribbean and Europe are further limited by the required matchings of fare seasonalities and ticket validities.

Agreement CAB	IATA No.	Title	Application
26556:			
R-1	LA9	North Atlantic Limited Agreement U.S.A.-Europe (New)	1/2.
R-5	064a	North Atlantic Economy-Class Fares (Readopting and Amending)	1/2 (North Atlantic-Europe).
26555:			
R-4	064a	do	1/2 (North Atlantic-Middle East).
26557:			
R-4	064a	do	1/2 (North Atlantic Africa).

2. It is not found that the following resolutions, set forth in the agreements indicated, are adverse to the public interest or in violation of the Act except insofar as increased New York-London fares would be used to construct through fares to and from points in Florida, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
26556:			
R-3	002ee	Special Readoption Resolution	1/2 North Atlantic-Europe
R-4	015	North Atlantic Proportional Fares North American (Readopting and Amending) Except Note "M".	Do.
R-6	070d	North Atlantic 14/21-Day and 14/45-Day Excursion Fares (Readopting and Amending).	Do.
R-7	071p	North Atlantic Advance-Purchase Excursion Fares (Readopting and Amending).	Do.
R-8	071q	North Atlantic 22/45-Day Excursion Fares (Readopting and Amending).	Do.
R-9	076e	North Atlantic Affinity Group Fares (Readopting and Amending)	Do.
R-10	076p	North Atlantic 14-Day Incentive Group Fares (Readopting and Amending).	Do.
R-11	084a	North Atlantic 21, 28, and 30 Day Group Inclusive-Tour Fares (Readopting and Amending).	Do.
R-14	092ff	North Atlantic Individual Youth Fares (Readopting and Amending)	Do.
R-2	002ff	Special Readoption Resolution	1/2 North Atlantic-Middle East).
R-3	015	North Atlantic Proportional Fares North American (Readopting and Amending) Except Note "M".	Do.
R-5	070d	North Atlantic 14/21-Day and 14/45-Day Excursion Fares (Readopting and Amending).	Do.
R-6	070t	North Atlantic 14/21-Day Excursion Fares—Amman, Bahgdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Tehran (Readopting and Amending).	Do.
R-7	070x	do	Do.
R-8	071q	North Atlantic 22/45-day Excursion Fares (Readopting and Amending).	Do.
R-9	075i	North Atlantic Group Fares—Israel (Readopting and Amending)	Do.
R-10	075r	North Atlantic 8/21-Day Group Fares—Israel (Readopting and Amending).	Do.
R-11	075rr	North Atlantic 8/21-Day Group Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Nicosia (Readopting and Amending).	Do.
R-12	076e	North Atlantic Affinity Group Fares (Readopting and Amending)	Do.
R-13	076p	North Atlantic 14-Day Incentive Group Fares (Readopting and Amending).	Do.
R-14	084a	North Atlantic 21, 28, and 30 Day Group Inclusive-Tour Fares (Readopting and Amending).	Do.
R-15	084cc	North Atlantic Winter Group Inclusive-Tour Fares to Middle East (Readopting and Amending).	Do.
R-17	092ff	North Atlantic Individual Youth Fares (Readopting and Amending)	Do.
R-19	092gg	North Atlantic Group Youth Fares, U.S.A.-Israel (Readopting and Amending).	Do.
26557:			
R-2	002gg	Special Readoption Resolution	1/2 (North-Atlantic-Africa).
R-3	015	North Atlantic Proportional Fares North American (Readopting and Amending) Except Note "M".	Do.
R-5	070d	North Atlantic 14/21-Day and 14/45-Day Excursion Fares (Readopting and Amending).	Do.
R-6	076e	North Atlantic Affinity Group Fares (Readopting and Amending)	Do.
R-7	076p	North Atlantic 14-Day Incentive Group Fares (Readopting and Amending).	Do.
R-8	084a	North Atlantic 21, 28, and 30 Day Group Inclusive-Tour Fares (Readopting and Amending).	Do.

3. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act insofar as increased New York-London fares would be used to construct fares to and from points in Florida:

Agreement CAB	IATA No.	Title	Application
26556:			
R-3	002ee	Special Readoption Resolution	1/2 (North Atlantic-Europe).
R-6	070d	North Atlantic 14/21-Day and 14/45-Day Excursion Fares (Readopting and Amending).	Do.
R-7	071p	North Atlantic Advance-Purchase Excursion Fares (Readopting and Amending).	Do.
R-8	071q	North Atlantic 22/45 Day Excursion Fares (Readopting and Amending).	Do.
R-9	076e	North Atlantic Affinity Group Fares (Readopting and Amending)	Do.
R-10	076p	North Atlantic 14-Day Incentive Group Fares (Readopting and Amending).	Do.
R-11	084a	North Atlantic 21, 28, and 30-Day Group Inclusive-Tour Fares (Readopting and Amending).	Do.
R-12	084p	North Atlantic 7/8, 7/10, and 7/13-Day Group Inclusive-Tour Fares—Europe (Readopting and Amending).	Do.
R-14	092ff	North Atlantic Individual Youth Fares (Readopting and Amending)	Do.
26555:			
R-2	002ff	Special Readoption Resolution	1/2 (North Atlantic-Middle East.
R-5	070d	North Atlantic 14/21-Day and 14/45-Day Excursion Fares (Readopting and Amending).	Do.
R-6	070f	North Atlantic 14/21-Day Excursion Fares—Amman, Baghdad, Beirut Cairo, Damascus, Jersulem, Kuwait, Nicosia, Tehran (Readopting and Amending).	Do.
R-7	070x	....do	Do.
R-8	071q	North Atlantic 22/45-Day Excursion Fares (Readopting and Amending).	Do.
R-9	075i	North Atlantic Group Fares—Israel (Readopting and Amending)	Do.
R-10	075r	North Atlantic 8/21-Day Group Fares—Israel (Readopting and Amending).	Do.
R-11	075rr	North Atlantic 8/21-Day Group Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Nicosia (Readopting and Amending).	Do.
R-12	076e	North Atlantic Affinity Group Fares (Readopting and Amending)	Do.
R-13	076p	North Atlantic 14-Day Incentive Group Fares (Readopting and Amending).	Do.
R-14	084a	North Atlantic 21, 28, and 30 Day Group Inclusive-Tour Fares (Readopting and Amending).	Do.
R-15	084cc	North Atlantic Winter Group Inclusive—Tour Fares to Middle East (Readopting and Amending).	Do.
R-17	092ff	North Atlantic Individual Youth Fares (Readopting and Amending)	Do.
R-19	092gg	North Atlantic Group Youth Fares, U.S.A.-Israel (Readopting and Amending).	Do.
26557:			
R-2	002gg	Special Readoption Resolution	1/2 (North Atlantic-Africa).
R-5	070d	North Atlantic 14/21-Day and 14/45-Day Excursion Fares (Readopting and Amending).	Do.
R-6	076e	North Atlantic Affinity Group Fares (Readopting and Amending)	Do.
R-7	076p	North Atlantic 14-Day Incentive Group Fares (Readopting and Amending).	Do.
R-8	084a	North Atlantic 21, 28, and 30 Day Group Inclusive-Tour Fares (Readopting and Amending).	Do.

4. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26556:			
R-4	015	North Atlantic Proportional Fares North American (Readopting and Amending) Note "M".	1/2 (North Atlantic.—Europe).
26555:			
R-3	015	....do	1/2 (North Atlantic.—Middle East).
26557:			
R-3	015	....do	1/2 (North Atlantic.—Africa).

5. It is not found that the following resolution, incorporated in Agreement C.A.B. 26556 as indicated, is adverse to the public interest or in violation of the Act except insofar as increased New York-London fares would be used to construct fares to and from points in Florida, provided that approval is subject to conditions previously imposed by the Board as well as the additional condition hereinafter stated:

Agreement CAB	IATA No.	Title	Application
26556:			
R-12	084p	North Atlantic 7/8, 7/10, and 7/13 Day Group Inclusive-Tour Fares—Europe (Readopting and Amending).	1/2 (North Atlantic-Europe).

NOTE.—Provided that the 1977 shoulder season fares from the United States set forth in subpar. (4)(a)(ii) shall be applicable through May 22, 1977, and from Sept. 15 through Oct. 31, 1977.

6. 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 to the condition hereinafter stated:

Agreement C.A.B.	IATA No.	Title	Application
26556: R-2	001vv	JT12 (North Atlantic) Special Europe Resolution (Readopting and Amending).	1/2 (North Atlantic-Europe).
26555: R-1	001vv	....do	1/2 (North Atlantic-Middle East).
26557: R-1	001vv	....do	1/2 (North Atlantic-Africa).

NOTE.—Provided that: No changes in fares to/from U.S. points pursuant to the resolution shall be filed in tariffs unless previously filed with and approved by the Board as an agreement under sec. 412 of the act.

7. It is not found that the following resolutions, incorporated in the agreements indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
26556: R-13	002f	North Atlantic Individual Youth Fares (Readopting and Amending)	1/2 North Atlantic-Europe).
26555: R-16	002f	....do	1/2 (North Atlantic-Middle East).
R-18	002g	North Atlantic Group Youth Fares Canada/Mexico-Israel (Readopting and Amending).	Do.

Accordingly, *It is ordered*, That:

1. Those portions of Agreements C.A.B. 26556, C.A.B. 26555, and C.A.B. 26557 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 Agreements C.A.B. 26556, C.A.B. 26555, and C.A.B. 26557 set forth in finding paragraph 2 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board, provided further that, for transportation between points in the United States and Traffic Conference 2 involving an actual routing via Miami, tariffs shall provide a through fare not in excess of the sum of the local sector fares over Miami;

3. That portion of Agreement C.A.B. 26556 set forth in finding paragraph 5 above be and hereby is approved subject to conditions previously imposed by the Board and, in addition, to the condition stated therein, provided further that, for transportation between points in the United States and Traffic Conference 2 involving an actual routing via Miami, tariffs shall provide a through fare not in excess of the same of the local sector fares over Miami;

4. Those portions of Agreements C.A.B. 26556, C.A.B. 26555, and C.A.B. 26557 set forth in finding paragraph 6 above be and hereby are approved subject to the condition stated herein;

5. Those portions of Agreements C.A.B. 26556, C.A.B. 26555, and C.A.B. 26557 set forth in finding paragraphs 3 and 4 above be and hereby are disapproved;

6. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreements C.A.B. 2656 and C.A.B. 26555 set forth in finding paragraph 7 above; and

7. Tariffs implementing the resolutions approved herein shall be marked to expire March 31, 1978.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A.—*Miami-London roundtrip air fares*

	Present	Agreement CAB 26382	Agreement CAB 26556	Increase
				% Percent
1st class:				
Peak	$1,350	$1,412	$1,380	2.2
Basic	1,350	1,412	[1] 1,412	4.6
Normal economy:				
Peak	864	874	864	
Basic	726	746	726	
14/21 excursion:				
Peak	664	696	680	2.4
Basic	579	606	[1] 606	4.7
22/45 excursion:				
Peak	566	632	599	5.8
Basic	466	512	[1] 512	9.9
APEX:				
Peak	477	495	486	1.9
Basic	392	405	[1] 405	3.3
Youth:				
Peak	662	698	693	4.7
Basic	603	635	[1] 650	7.8
Group inclusive tour (GIT):				
Peak	558	608	580	3.9
Basic	456	492	[1] 492	7.9
7/8 GIT:				
Shoulder	487	499	[1] 499	1.0
Winter	426	457	[1] 457	7.3
Affinity/incentive group:				
Peak	556	[2]	[2]	[2]
Basic	447	512	[1] 512	14.5

[1] Status quo would be maintained during April and May of the 1977 basic season as well as during April/May 1977, for the winter and shoulder periods of the 7/8-day GIT.
[2] Discontinued.

APPENDIX B.—*National Airlines, Inc.—Miami-London service forecast year ending Mar. 31, 1978*

[In thousands]

	National justification		Adjusted	
	Present	Proposed	Present	Proposed
Revenue passenger-miles	486,763	486,763	486,763	486,763
Available seat-miles	903,112	902,112	[2] 848,907	[2] 848,907
Load factor (percent)	53.78	53.78	[1] 57.34	[1] 57.34
Total operating revenue	$30,129	$30,824	$30,129	$30,824
Total operating expense	23,516	23,516	[2] 22,545	[2] 22,545
Operating profit (loss)	6,613	7,308	7,584	8,279
Nonoperating income and expense, net	(809)	(809)	[2] (771)	[2] (771)
Net income before tax	5,804	6,499	6,813	7,508
Income tax (credit) at 48 pct	2,786	3,120	3,270	3,604
Net income after tax	3,018	3,379	3,543	3,904
Add: Interest expense	809	809	[2] 771	[2] 771
Return element	3,827	4,188	4,314	4,675
Investment	36,623	36,623	[2] 34,917	[2] 34,917
Returns on investment (percent)	10.45	11.44	12.36	13.39

[1] Historical load factor for calendar 1976.
[2] Capacity adjusted to achieve historical load factor. Capacity costs, investment, and interest expense revised downward accordingly.

[FR Doc.77-14705 Filed 5-24-77;8:45 am]

[Docket No. 30880; Order 77-5-62 [1]]

DOMESTIC PASSENGER-FARE INCREASE PROPOSED BY VARIOUS CARRIERS

Order of Investigation and Suspension; Errata

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of May, 1977.

1. Paragraph 2 of the ordering paragraphs should be amended by changing "Appendix B" in the fourth line to read "Appendix C".

2. Refer to Appendix B under heading for Tariff C.A.B. No. 142 and change to read as follows:

Rules 85(h) and (J) on 47th, 48th, 49th, 50th and 51st Revised Pages 28.

By the Civil Aeronautics Board.

Dated: May 16, 1977.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-14909 Filed 5-24-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF IDAHO ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes 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 Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00086. Applicant: University of Idaho, Electron Microscopy Center, Department of Veterinary Science, Moscow, Idaho 83843. Article: Electron Miscroscope, Model EM 10a with Goniometer Stage and 70 mm Camera. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study a wide variety of materials or phenomena including (1) cells from diseased and normal animals and plants; (2) microorganisms, mycoplasma, etc.; (3) crystal structures; (4) synthetic fibers and particles; (5) nucleic acid strands extracted from viral agents; (6) morphogenesis of subcellular elements in eukaryotic and prokaryotic cells; (7) ingestion and digestion of infectious agents and inert particles by phagocytic and nonphagocytic cells; and (8) replication or growth and binary division of infectious agents in parasitized host cells. The experiments that will be conducted include the following: (1) Morphologic characterization of infectious agents, (2) Ultrastructural Studies of Abnormal Leukocytes, and (3) Origin of Ascospore—Delimiting Membranes.

In addition, the article will be used in a laboratory course in electron microscopy which is designed to develop proficiency in the use of the transmission electron microscope and selected preparation techniques used for electron microscopy. Application received by Commissioner of Customs: January 10, 1977. Advice submitted by the Department of Health, Education, and Welfare on: April 22, 1977. Article ordered: December 22, 1976.

Docket Number: 77-00095. Applicant: University of Rochester School of Medicine & Dentistry, Department of Anatomy, Box 603, 601 Elmwood Ave., Rochester, New York 14642. Article: Electron Microscope, Model EM 10A and High Goniometer Stage. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the investigation of junctional complexes and cell to cell communication in normal and malignant tissues. DNA–RNA configurations in normal and malignant brain tissues will also be studied. Experiments will involve growing normal and tumor cell lines in vitro. At various time periods of growth, the spheroids will be prepared for electron microscopy to determine the type, development and duration of attachment of cell junctions in an attempt to elucidate the role of cell to cell communication in cancer cells which afford greater resistance to irradiation and/or chemotherapeutic agents. These cell lines will also be grown in laboratory animals to determine the in vivo effects of the drugs and/or irradiation on cell junctions and cell to cell communication. The article will also be used to train graduate students, medical students and post-doctoral fellows in the use of the microscope and ancillary techniques. Application received by Commissioner of Customs: January 10, 1977. Advice submitted by the Department of Health, Education, and Welfare on: April 22, 1977. Article ordered: December 21, 1976.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manfactured in the United States at the time the articles were ordered.

Reasons: Each foreign article has a specified resolving capability of 3.5 Angstroms. The Department of Health, Education, and Welfare (HEW) advises in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. HEW also advises that it knows of no domestic instrument which provided the pertinent features of each article at the time of order. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing application relate, for such purposes as these articles are intended to be used, which was being manfactured in the United States at the time the articles were 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.77-14808 Filed 5-24-77;8:45 am]

UNIVERSITY OF ROCHESTER ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes 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 Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00078. Applicant: University of Rochester, 601 Elmwood Avenue, Rochester, NY 14642. Article: Electron Microscope, Model EM 10-A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of materials and phenomena related directly to the analysis of the mammalian central nervous system and specifically to the ultrastructural correlates of neuroendocrine mechanisms and the fine structural localization of brain hormones. The properties of the material to be investigated for the phenomena relates to the capability of localizing radio-labelled neurohormones releasing factors and neurotransmitters with transmission electron microscopy in the primate central nervous system, that has been embedded in plastic and thin sectioned. Relevant regions of the primate brain including the hypothalamus, brain stem, and other circumventricular organs will be analyzed as to their capacity to sequester various radioactive bioactive peptide molecules. The article will also be used for educational purposes in the courses: Anatomy 595, Ph.D. Research; Anatomy 395, Research in Anatomy; Anatomy 500, Techniques in Neuroendocrine Morphology; and Anatomy 596, Ultrastructural Correlates of Neuroendocrine Mechanisms. The objectives of these courses are to instill in students basic

[1] Published at 42 FR 25517 5-18-77.

fundamental ultrastructural techniques to determine the fine anatomy of the central nervous system and provide advanced training for senior graduate students, post-doctoral fellows and research associates. Application received by Commissioner of Customs: January 7, 1977. Advice submitted by the Department of Health, Education, and Welfare on: April 22, 1977. Article ordered: December 23, 1976.

Docket Number: 77-00080. Applicant: The Regents of the University of California, San Diego, Department of Pathology, M-012, La Jolla, CA 92093. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studying mechanisms of disease affecting brain, nerve, heart, and liver in human and experimental animals. Specific investigations will include the following:

(1) Studies on the alteration of brain tissue concerned with the interaction of plasma membranes and virus with particular reference to changes seen in transmissible spongiform encephalopathy,

(2) Studies on peripheral nerves concentrated on the ultrastructural localization of heavy metals in demyelinating enuropathies such as lead, mercury, thallium, arsenic and calcium,

(3) Studies on the heart concerned with early changes in mitochondrial and plasma membranes as well as myofilaments in heart muscle and the deposition of minerals in mitochrondria during cardiac ischemia, and

(4) Studies on the liver that elucidate the localization of bile salts in the liver after their precipitation by alkali metals. In addition, the article will be used for the training of interns, residents and medical students in course 208L (Pathology, Microbiology, Pathophysiology, Epidermiology, and Clinical Pharmacology) and 199 (Independent Studies). Ph. D. candidates in Pathology will also use the article. Application received by Commissioner of Customs: January 7, 1977. Advice submitted by the Department of Health, Education, and Welfare on: April 23, 1977. Article ordered: November 30, 1976.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles are ordered.

Reasons: Each foreign article provides a wide magnification range of 100 to 200,000X and a guaranteed resolution of 3.5 angstroms point to point. The Department of Health, Education, and Welfare (HEW) advises in its respectively cited memoranda that the capabilities of each article described above are pertinent to each applicant's intended purposes. HEW further advises that it knows of no domestic instrument which provided the pertinent features of the articles at the time each article was ordered.

The Department of Commerce knows of no other insetrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were 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. 77-14807 Filed 5-24-77;8:45 am]

SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Wedesday, June 22, 1977, at 9:30 a.m. in Room 4833, Main Commerce Building, 14th and Constittuion Avenue, N.W. Washington, D.C. The meeting will continue June 23 in Room 3817, Main Commerce Building, to the conclusion of the agenda.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. V, 1975) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

1. Opening remarks by the Chairman, Mr. Larry L. Hansen.
2. Presentation of papers or comments by the public.
3. Review of assignments made at last meeting.

EXECUTIVE SESSION

4. Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestc and Internatonal Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated: May 20, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, Department of Commerce.

SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the semiconductor manufacturing and test equipment industry, the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established by the Secretary of Commerce pursuant to Section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. 2404(c)(1) (Supp. V, 1975), to advise the Department

of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has twelve members representing industry and six members representing government agencies, will terminate no later than August 29, 1978, unless extended by the Secretary of Commerce or his designee. All members of the Committee have the appropriate security clearances.

The Committee's activities are conducted pursuant to 50 U.S.C. App. 2404(c)(1), P.L. 94-362, 50 U.S.C. App. 5(b), Executive Order No. 11940, 15 C.F.R. § 390.1, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the Committee is concerned with matters listed in Section 552(b) of Title 5 of the United States Code. Section 5(c) of the Government in the Sunshine Act P.L. 94-409, effective March 12, 1977, provides that advisory committee meetings or portions thereof may be exempt from the open meeting and public participation requirements of the Federal Advisory Committee Act if the President, or the head of the agency to which the Advisory Committee reports, determines that such portion of such meeting may be closed to the public in accordance with 5 U.S.C. 552b(c).

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy, and is in fact properly classified pursuant to such Executive Order.

5 U.S.C. 552b(c)(1) provides that agency meetings or portions thereof may be closed to the public where they are likely to disclose matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

Notices of Determination authorizing the closing of meetings, or portions thereof, of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, were approved on March 6, 1973 for the meeting of March 27, 1973; on June 18, 1973 for the meeting of June 29, 1973; on August 21, 1973 for a series of meetings from August 21, 1973 through December 31, 1973; on December 26, 1973 for a series of meetings for the period January 1, 1974 through April 30, 1974; on May 16, 1974, covering a series of meetings from May 1, 1974 through January 3, 1975; on December 16, 1974, covering a series of meetings from January 4, 1975 to January 3, 1976; and on November 25, 1975, covering a series of meetings from January 4, 1976 through January 3, 1977.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national defense or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period from the date of the signing of this determination, to August 29, 1978, from the provisions of Section 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in 5 U.S.C. 552(b)(1) and 5 U.S.C. 552b(c)(1). The remaining portions of the meetings will be open to the public.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

JANUARY 29, 1977.

ALFRED MEISNER, JR.,
General Counsel.

JANUARY 27, 1977.

[FR Doc.77-14884 Filed 5-24-77;8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed 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 Telecommunications Equipment Technical Advisory Committee will be held on Thursday, June 30, 1977, at 10 a.m., in Room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975, and March 16, 1977, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Nomination and election of a new Chairman.

(4) Discussion on draft sections of Findings—Volume I of the annual report.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on April 22, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr Charles C. Swanson, Director, Operations Division, Office of Export Administra-

tion, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone A/C 202-377-4196.

The complete Notice of Determination to close portions of the meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated: May 20, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the telecommunications industry, the Telecommunications Equipment Technical Advisory Committee was established by the Secretary of Commerce pursuant to Section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. 2404(c)(1) (Supp. V, 1975), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has four members representing industry and six members representing government agencies, will terminate no later than August 29, 1978, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearances.

The Committee's activities are conducted pursuant to 50 U.S.C. App. 2404(c)(1), Pub. L. 94-362, 50 U.S.C. App. 5(b), Executive Order No. 11940, 15 CFR § 390.1, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975, and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act as amended by Section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409, provides that advisory committee meetings or portions thereof may be exempt from the open meeting and public participation requirements of the Federal Advisory Committee Act if the President, or the head of the agency to which the Advisory Committee reports, determines that such meetings or portions thereof may be closed to the public in accordance with 5 U.S.C. 552b(c).

5 U.S.C. 552b(c)(1) provides that agency meetings or portions thereof may be closed to the public where they are likely to disclose matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

Seven Notices of Determination authorizing the closing of meetings, or portions thereof, of the Telecommunications Equipment Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, have been approved in the past.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national defense or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the series of meetings or portions of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In the Sunshine Act, Pub. L. 94-409, that the series of meetings or portions of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period from the date of the signing of this determination, to August 29, 1978, from the provisions of Section 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in 5 U.S.C. 552b(c)(1). The remaining meetings or portions thereof will be open to the public.

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

APRIL 22, 1977.

ALFRED MEISNER, Jr.,
General Counsel.

APRIL 19, 1977.

[FR Doc.77-14881 Filed 4-24-77;8:45 am]

National Oceanic and Atmospheric Administration

AMERICAN FORESTRY ASSOCIATION CONFERENCE

Public Meeting

AGENCY HOLDING THE MEETING: National Marine Fisheries Service, NOAA, Commerce.

DATE AND TIME: June 8, 1977; 2 p.m.

PLACE: American Forestry Association Conference, Room 1319, 18th Street NW., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED: Discuss possible regulation of the Alaska native harvest of the bowhead whale (*Balaena mysticetus*).

PERSON TO CONTACT FOR INFORMATION:

Thomas C. Andrews, Marine Mammal and Endangered Species Division, National Marine Fisheries Service, Washington, D.C. 20235, Area Code 202-634-7287.

Dated: May 18, 1977.

WINFRED H. MEIBOHM,
National Marine Fisheries Service.

[FR Doc.77-14925 Filed 5-24-77;8:45 am]

HOKUYO LONGLINE—GILLNET ASSOCIATION, ET AL.

Issuance of General Permits

On May 11, 1977, General Permits were issued to the following associations, to take marine mammals incidental to commercial fishing operations, pursuant to 50 CFR 216.24 (39 FR 32117-32124), as amended:

Hokuyo Longline—Gillnet Association, Zenkeiren Building, 7, Hirakawa-cho 2, Chiyoda-ku, Tokyo, Japan, has been issued a General Permit, Category 5, "Other Gear;"

Japan Deep Sea Trawlers Association, Daito Building, 6/F, Ogawa-che, 3-6, Kanda, Chiyoda-ku, Tokyo, Japan, has been issued a General Permit, Category 1, "Towed or Dragged Gear;"

The National Federation of Medium Trawlers, Showa Kaikan, 3-2, Kasumigaseki 3, Chiyoda-ku, Tokyo, Japan, has been issued a General Permit, Category 1, "Towed or Dragged Gear;"

North Pacific Fisheries Development Association, Seoul, Korea, has been issued a General Permit, Category 1, "Towed and Dragged Gear;"

North Pacific Fisheries Development Association, Seoul, Korea, has been issued a General Permit, Category 4, "Stationary Gear;" and

North Pacific Fisheries Development Association, Seoul, Korea, has been issued a General Permit, Category 5, "Other Gear."

The Permits are available for public inspection in the office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Dated: May 11, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-14926 Filed 5-24-77;8:45 am]

OFFICE OF PARKS AND RECREATION

Issuance of Permit To Take Marine Mammals

On January 12, 1977, notice was published in the FEDERAL REGISTER (42 FR 2520), that an application had been filed with the National Marine Fisheries Service by the Office of Parks and Recreation, Lake Merritt, 1520 Lakeside Drive, Oakland, California 94612, for a Permit to take three (3) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on May 9, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking to the Office of Parks and Recreation subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 9, 1977.

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

[FR Doc.77-14927 Filed 5-24-77;8:45 am]

PACIFIC FISHERY MANAGEMENT COUNCIL, SCIENTIFIC AND STATISTICAL COMMITTEE, AND THE SUBCOMMITTEE ON FOREIGN OWNERSHIP OF U.S. FISHING VESSELS

Public Meetings

Notice is hereby given of meetings of (1) the Pacific Fishery Management Council, established under Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), (2) the Council's Scientific and Statistical Committee, and (3) the Council's Subcommittee on Foreign Ownership of U.S. Fishing Vessels, both established under Section 302(g) of the Act.

The Pacific Fishery Management Council has 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 foreign fishing applications, 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 Subcommittee on Foreign Ownership of U.S. Fishing Vessels was appointed to consider problems associated with foreign ownership of U.S. fishing vessels.

All meetings will be held at the Sheraton-Los Angeles Airport Hotel, 9750 Airport Boulevard, Los Angeles, California 90045.

The Pacific Fishery Management Council will convene in Dickens A and D Room at 1 p.m. and adjourn about 5 p.m. on June 13, 1977, and reconvene at 8 a.m. and adjourn about 5 p.m. on June 14, 1977. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Organization of the Council, including its staff, advisory panels, and committees, and operational and procedural matters.

2. Consideration of development of fishery management plans, including anchovy, ground fish, and comprehensive salmon management plans.

3. Consideration of a report from the Council's Subcommittee on Foreign Ownership of U.S. Fishing Vessels.

4. Development of Council recommendation with regards to Soviet permit application to receive Pacific hake from U.S. fishermen within the 200-mile zone.

5. Consideration of report from Council's Subcommittee on Scheduling of Management Plans and Their Implementation.

6. Review of communications from other agencies and organizations.

7. Budget and administrative matters.

8. Other business.

This meeting is open to the public and there will be seating for approximately 150 public members available on a first-come, first-served basis.

The Scientific and Statistical Committee will meet in the San Diego Room at 10:30 a.m. on June 13, 1977 and adjourn about 5 p.m. The Committee will tentatively reconvene, dependent upon Council developments, at 8 a.m. and adjourn about 5 p.m. on June 14, 1977.

The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Consideration of development of fishery management plans, including anchovy, groundfish, and comprehensive salmon management plans.

2. Organization of the Council, including fishery advisory panels and management development teams, and operational and procedural matters.

3. Other business.

This meeting is open to the public and there will be seating for approximately 25 public members available on a first-come, first served basis.

The Subcommittee on Foreign Ownership of U.S. Fishing Vessels will convene in the Tokyo Room at 9 a.m. and adjourn about 12 noon on June 13, 1977. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Review of permit application for Soviet vessel to receive and process hake from U.S. fishermen within 200-mile zone and implications of approval of such application.

2. Review of the issue of citizenship requirements for captains and crews of U.S. fishing vessels to determine whether loopholes exist which would enable foreign captains and crews to operate U.S. fishing vessels within U.S. fishery zone.

3. Development of recommendations to the Council on items listed above.

4. Other business.

This meeting is open to the public and there will be seating for approximately 50 public members available on a first-some, first-served basis.

Members of the public having an interest in specific items for discussion are also advised that agenda changes are, at times, made prior to the meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact on or about June 3, 1977:

Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201 (503-229-5769).

At the discretion of the Council and its Committees, interested members of the public may be permitted to speak at times which will allow the orderly conduct of business. Interested members of the public who wish to submit written statements should do so by addressing Lorry Nakatsu 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 meetings.

Dated: May 20, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-14843 Filed 5-24-77;8:45 am]

ENDANGERED SPECIES AND MARINE MAMMALS

Issuance of Permit

On January 12, 1977, notice was published in the FEDERAL REGISTER (42 FR 2520) that an application had been filed with the National Marine Fisheries Service by Dr. Roger S. Payne, Weston Road, Lincoln, Massachusetts 01773, for a Permit to take, by potential harassment, an unspecified number of humpback whales in various waters for the purpose of scientific research.

Notice is hereby given that on May 11, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Permit to Dr. Roger S. Payne, for the above taking, subject to certain conditions therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species Permits (39 FR 14357, November 27, 1974).

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702;
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: May 11, 1977.

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

[FR Doc.77-14928 Filed 5-24-77;8:45 am]

CARIBBEAN FISHERY MANAGEMENT COUNCIL AND ITS ADVISORY PANEL

Public Meeting

Notice is hereby given of a meeting of the Caribbean Fishery Management Council and its Advisory Panel.

The Council was established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265). The Council has authority over fisheries within the fishery conservation zone adjacent to Puerto Rico and the Virgin Islands. The Councils will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This is one of a series of organizational meetings of the Council. The meeting will be held Monday through Thursday, June 20 to June 23, 1977, at the Caneel Bay Plantation, St. John, Virgin Islands. The meeting will convene at 1 p.m. on June 20 and adjourn at about noon on June 23. Daily sessions will normally start at 9 a.m. and adjourn at 5 p.m., except as otherwise noted. The meeting may be extended or shortened depending upon progress on the agenda.

Proposed Agenda

1. Council Organization and Administrative Procedures.
2. Technical Organization and Procedures.
3. The Advisory Panel may meet in conjunction with the Council.
4. Review of foreign fishing applications, if any.
5. Domestic fishery in foreign zones.
6. Other management business.

Meeting concurrently with the Council will be the Council's Advisory Panel. This is established pursuant to section 302(g) of the Act. The Advisory Panel contains broad representation from interests affected by Council activities in order to assist the Council in carrying out its functions under the Act.

Proposed Agenda

1. Consideration of internal program matters.
2. Review of fishery management plan issues.
3. Appropriate recommendations to the Council.
4. Other management business.

All of these meetings will be open to the public, and there will be seating for a limited number of public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact, on or about June 10, 1977:

Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco de Ponce Building, Suite 806, Munoz Rivera Avenue, Halo Rey, Puerto Rico 00936.

At the discretion of the Council or the Panel, as appropriate, interested members of the public may be permitted to speak at times which will allow the orderly conduct of official business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address. To receive due consideration and to facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meetings.

Dated: May 20, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-14841 Filed 5-24-77;8:45 am]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Mid-Atlantic Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Mid-Atlantic Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of New York, New Jersey, Delaware, Pennsylvania, Maryland and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

This meeting of the Council will be held on June 15 and 16, 1977, 9 a.m. to 3 p.m., at the Southampton Inn, Southampton, Long Island, New York, 11968. The meeting may be extended or shortened depending on progress on the agenda.

Proposed Agenda

1. Surf Clam/Ocean Quahog Management Plan.
2. Report of foreign fishing activity.
3. Status of fishery management plans.
4. Other management business.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meetings. To receive information on changes, if any, made to the agenda, interested members of the public should contact, on or about June 3, 1977:

Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, North and New Streets, Dover, Delaware 19901.

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 official business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Bryson 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: May 20, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-14840 Filed 5-24-77;8:45 am]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the Scientific and Statistical Committee of the Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Mid-Atlantic Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of New York, New Jersey, Delaware, Pennsylvania, Maryland and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings. 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 fishery management plans.

The meeting of the Scientific and Statistical Committee will be held on June 13 and 14, 1977, from 9:30 a.m. to 4:00

p.m., and 9:00 a.m. to 3:00 p.m. respectively, at the Southampton Inn, 91 Hill Street, Southampton, Long Island, New York 11968. The meeting may be extended or shortened depending on progress on the agenda.

Proposed Agenda

1. Mackerel Management Plan.
2. Administrative Matters.
3. Other Business.

This meeting is open to the public and there will be seating for approximately twenty public members available on a first-come, first-served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about June 3, 1977:

Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, Delaware 19901.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Committee business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Bryson 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 meeting.

Dated: May 20, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-14842 Filed 5-24-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE CATEGORY SYSTEM

MAY 19, 1977.

The Committee for the Implementation of Textile Agreements is planning to revise the textile category system used in the bilateral textile agreements negotiated with other countries under the Arrangement Regarding International Trade in Textiles. The new system, published below, is based on the existing system but would streamline and consolidate that system. Such revisions are designed to improve the implementation of bilateral agreements by strengthening category uniformity among fibers and reducing the incidence of category classification problems. The number of categories under the revised system would be reduced from 137 to 106. The new system will be effective on January 1, 1978.

Interested parties are invited to submit their written views and comments concerning the revised textile category system to Mr. Robert E. Shepherd, Chairman of the Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 3826, Washington, D.C. 20230. All submissions should be made in ten copies. Because of pending bilateral negotiations with countries which will involve the use of the revised textile category system, such submissions should be received no later than June 15, 1977.

Copies of all written comments received will be available for public inspection between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday, in the Office of Textiles, Room 2815, Department of Commerce, Washington, D.C.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

CATEGORY CONSOLIDATION FOR NEGOTIATIONS

5/13/77

Description	Composition		
YARN			
Cotton			
Carded	1		Singles
	2		Plied
	Pt 64:	300.6020	Singles (CVC)
		22	Singles (CVC)
		24	Plied (CVC)
Combed	3		Singles
	4		Plied
	Pt 64:	300.6026	Singles (CVC)
		28	Plied (CVC)
Wool			
Tops & Yarn	101		Tops
	102		Angora Rabbit Hair Yarn
	103		Wool Yarn
Man-Made Fiber			
Textured	200		
Cont. cellulosic	201		
Cont. non-cellulosic	202		
Spun cellulosic	203		
Spun non-cellulosic	204		
Other yarns	205		
FABRIC			
Cotton			
Ginghams	5/6		
Velveteens	7		
Corduroy	8		
Sheeting	9/10		
Broadcloth	15/16		
Printcloths	18/19		
	Pt 26:	320.--34	
		321.--34	
		322.--34	
		326.--34	
		327.--34	
		328.--34	
Shirtings	20/21		
Twills & satteens	22/23		
Yarn-dyed	24/25		

CATEGORY CONSOLIDATION FOR NEGOTIATIONS

5/13/77

Description	Composition		
FABRIC Cont.			
Cotton Cont.			
Duck	Pt 26:	320.01 thru .08	
		321.01 thru .08	
		322.01 thru .08	
		326.01 thru .08	
		327.01 thru .08	
		328.01 thru .08	
Other fabrics, N.K.	11/12		Lawns
	13/14		Voiles
	17		Typewriter ribbon
	Pt 26:		Remaining TSUSA Nos.
	27		Other combed fabrics
Wool			
Woolens & Worsted	104		
Tapestries & Upholstery	108		
Knit	110		
Other Fabrics	105		Billiard cloth
	109		Pile & tufted
Man-Made Fiber			
Cont. Cellulosic, N.K.	206		
Spun Cellulosic, N.K.	207		
Cont. Noncell., N.K.	208		
Spun Noncellulosic, N.K.	209		
Other fabrics, N.K.	210		
Knit	211		
Pile & tufted	212		
Specialty	213		
APPAREL			
Cotton			
Handkerchiefs	32		
Gloves	39		
Hosiery	40		
	Pt 62:	374.1520	Lace
Suit-Type Coats, M & B	Pt 49:	380.0940	Corduroy
		0960	Other
		1240	Corduroy
		1260	Other
		5104	Veg. fiber
	Pt 63:	380.0043	Orn.
Other Coats, M & B	Pt 48:	380.0910	Corduroy
		0920	Other
		1210	Corduroy
		1220	Other

CATEGORY CONSOLIDATION FOR NEGOTIATIONS

5/13/77

Description	Composition		
APPAREL Cont.			
Cotton Cont.			
Other Coats, M & B (cont.)	Pt 49:	376.5410	Designed for rainwear
		380.0980	Other, corduroy
		380.0990	Other, other
		1280	Other, corduroy
		1290	Other, other
		5108	Other, veg. fiber
	Pt 62:	380.0003	Raincoats, orn.
		0610	Raincoats, N. orn.
		0006	Other, orn.
		0501	Other, other fiber
		0615	Other, not orn.
	Pt 63:	380.0040	Raincoats, orn.
		0046	Other, orn.
Coats, W G I	Pt 48:	382.0902	Corduroy
		0904	Velveteen
		0906	Other
		0908	Corduroy
		0910	Velveteen
		0912	Other
		1202	Corduroy
		1204	Velveteen
		1206	Other
		1208	Corduroy
		1210	Velveteen
		1212	Other
	Pt 49:	382.0914	Corduroy
		0916	Velveteen
		0918	Other
		0920	Corduroy
		0922	Velveteen
		0924	Other
		1214	Corduroy
		1216	Velveteen
		1218	Other
		1220	Corduroy
		1222	Velveteen
		1224	Other
		3313	Imported in sets
		4208	Veg. fiber

CATEGORY CONSOLIDATION FOR NEGOTIATIONS

5/13/77

Description	Composition		
APPAREL Cont.			
Cotton Cont.			
Coats, W G I (cont.)	Pt 62:	382.0004	Raincoats, orn.
		0006	Raincoats, orn.
		0008	Other, orn.
		0010	Other, orn.
		0615	Raincoats
		0620	Raincoats
		0625	Other
		0630	Other
	Pt 63:	382.0052	Raincoats, orn.
		0054	Other, orn.
		0056	Other, orn.
Dresses	53		
	Pt 62:	382.0012	Knit, orn.
		0014	Knit, orn.
		0635	Knit, N. orn.
		0640	Knit, N. orn.
		3908	Veg. fiber
		6908	Silk
Playsuits	54		
	Pt 62:	380.0015	Knit, orn. M & B
		0630	Knit, N. orn. M & B
		382.0020	Knit, orn. W G I
		0655	Knit, N. orn. W G I
Knit Shirts, M & B	Pt 42:	380.0018	White, orn. T-shirts
		0021	Other, orn. T-shirts
		0640	Other, N. orn. T-shirts
	Pt 43:	380.0650	N. orn., other shirts
	Pt 62:	380.0024	Sweatshirts, orn.
		0027	Shirts, orn.
		0645	Sweatshirts, N. orn.
Knit Shirts & Blouses, WGI	Pt 42	382.0022	Orn. T-shirts
		0660	N. orn. T-shirts
	Pt 43:	382.0670	Shirts, N. orn.
	Pt 62:	382.0002	Orn.
		0024	Sweatshirt
		0026	Orn.
		0605	Orn.
		0610	Orn.
		0665	Sweatshirt
		3904	Veg. fiber
		6904	Silk

CATEGORY CONSOLIDATION FOR NEGOTIATIONS

5/13/77

Description	Composition		
APPAREL Cont.			
Cotton Cont.			
Shirts, N.K.	45		Dress
	46		Sport
	47		Work
	Pt 63:	380.5112	Veg. fiber
Blouses, N.K.	52		
Skirts	Pt 62:	382.0028	Knit
		0675	Knit
		3912	Veg. fiber, knit
	Pt 63:	382.0080	Woven, orn.
		0082	Woven, orn.
		3334	Corduroy
		3336	Corduroy
		3338	Velveteen
		3340	Velveteen
		3342	Other, woven
		3344	Other, woven
		4216	Vegetable fiber, woven
Suits, M & B	Pt 63:	380.5116	Veg. fiber
	Stat. Annotation by 484-E Committee		
Suits, WGI	Pt 63:	382.4222	Veg. fiber
	Stat. Annotation by 484-E Committee		
Sweaters	44		
	Pt 62:	380.0030	Orn.
		382.0030	Orn.
Trousers, M & B	50		
	Pt 62:	380.0033	Knit orn.
		0660	Knit
	Pt 63:	380.0070	Orn.
Trousers, W G I	51		
	Pt 62:	382.0032	Knit, orn.
		0685	Knit
		0690	Knit
		3922	Veg. fiber
		6916	Silk
Brassieres, etc.	61		Bras, etc.
Dressing Gowns	55		
	Pt 62:	380.0009	Knit, orn., M & B
		0620	Knit, N. orn., M & B
		382.0016	Knit, Orn., W G I
		0645	Knit, N. Orn., W G I
	Pt 63:	382.7212	Silk

CATEGORY CONSOLIDATION FOR NEGOTIATIONS

5/13/77

Description	Composition		
APPAREL Cont.			
Cotton Cont.			
Nightwear	60		Pajamas, etc.
	Pt 63:	380.0052	Orn.
		0055	Orn.
		382.0072	Orn.
Underwear	41		White T-shirts
	56		Undershirts, knit
	57		Briefs, woven & knit
	58		Other, knit
	59		Other, woven
	Pt 62:	378.1012	Union suits
		1512	Union suits
Other apparel	Pt 62:	Remaining TSUSA Nos.	
	Pt 63:	Remaining TSUSA Nos.	
Wool			
Gloves	112		
Hosiery	111		
	Pt 117:	374.3000	Orn.
Suit-Type Coats, M & B	Pt 121:	380.0240	Orn.
		5134	Veg. fiber
		6310	
		6610	
Other Coats, M & B	Pt 121:	380.0245	Orn.
		5138	Veg. fiber
		6320	
		6620	
	Pt 116:	380.5710	
	Pt 117:	380.6110	
Coats, W G I	Pt 122:	382.0255	Orn.
		4238	Veg. fiber
		6015	
		6020	
		6315	
		6320	
	Pt 117:	382.5820	
Dresses	Pt 116:	382.5420	Knit
	Pt 117:	382.0210	Knit
		3938	Veg. fiber
		5830	Knit
		6928	Silk, knit

CATEGORY CONSOLIDATION FOR NEGOTIATIONS

5/13/77

Description	Composition		
APPAREL Cont.			
Wool Cont.			
Dresses (cont.)	Pt 125	382.4242	Woven
		6025	Woven
		6325	Woven
		7228	Woven
Knit Shirts & Blouses	Pt 116:	380.5720	Shirts
		382.5410	Blouses
	Pt 117:	380.0205	Shirts
		6120	Shirts
		382.0205	Blouses
		3934	Veg. fiber
		5810	Blouses
		6924	Silk blouses
Shirts, N.K.	Pt 125:	380.0255	Shirts
		5142	Veg. fiber
		6340	Shirts
		6640	Shirts
		382.0250	Blouses
		4234	Veg. fiber, blouses
		6010	Blouses
		6310	Blouses
		7224	Silk blouses
Skirts	123		
	Pt 116:	382.5425	
	Pt 117:	382.0215	
		5840	
Suits, M & B	120		
Suits, W G I	Pt 122:	382.4252	
		6040	
		6340	
	Pt 117:	382.0235	
		5845	
Sweaters, M & B	Pt 116:	380.5730	
		5740	
		5750	
	Pt 117:	380.0210	
		0215	
		0220	
		5900	
		6130	
		6140	
		6150	

CATEGORY CONSOLIDATION FOR NEGOTIATIONS

5/13/77

Description	Composition		
APPAREL Cont.			
Wool Cont.			
Sweaters, W G I	Pt 116: 382.5430		
	5435		
	5440		
	Pt 117: 382.0220		
	0225		
	0230		
	3946	Veg. fiber	
	5600		
	5850		
	5860		
	5870		
	6932	Silk	
Trousers, M & B	Pt 124: 380.0265	Orn.	
	5154	Veg. fiber	
	6360		
	6660		
Trousers, W G I	Pt 124: 382.3952	Veg. fiber, knit	
	4256	Veg. fiber, not knit	
	6045		
	6345		
	6936	Silk, knit	
	7238	Silk, not knit	
Other Wool apparel	113	Underwear	
	114	Infants' articles	
	115	Knit hats	
	118	Hats, not blocked	
	119	Hats, blocked	
	Pt 116: Remaining TSUSA Nos.		
	Pt 117: Remaining TSUSA Nos.		
	Pt 125: Remaining TSUSA Nos.		
Man-Made Fiber			
Handkerchiefs	226		
Gloves	214		
Hosiery	215		
Suit-Type Coats, M & B	Pt 229: 380.0443	Orn.	
	5164	Veg. fiber	
	8415		
	Pt 224: 380.0402	Orn.	
	8103		

CATEGORY CONSOLIDATION FOR NEGOTIATIONS

5/13/77

Description	Composition		
APPAREL Cont.			
Man-Made Fiber Cont.			
Other Coats, M & B	Pt 229: 376.5610	Designed for rainwear	
	380.0440	Raincoats, orn.	
	0446	Other, orn.	
	5168	Other, veg. fiber	
	8410	Raincoats, N. orn.	
	8420	Other, N. orn.	
	Pt 224: 380.0401	Raincoats, orn.	
	0404	Other, orn.	
	8101	Raincoats, N. orn.	
	8107	Other, N. orn.	
Coats, W G I	Pt 229 382.0462	Raincoats, orn.	
	0464	Other, orn.	
	4268	Veg. fiber	
	8106	Raincoats, N. orn.	
	8108	Other, N. orn.	
	8110	Other, N. orn.	
	Pt 224: 382.0405	Raincoats, orn.	
	0407	Other, orn.	
	7807	Raincoats, N. orn.	
	7809	Other, N. orn.	
Dresses	216	Knit	
	230	Woven	
Playsuits	233	Woven	
	Pt 224: 380.0404	Orn.	
	8127	N. orn.	
	382.7841	N. orn.	
Knit Shirts, M & B	Pt 218: 380.0416	White, T-shirts, orn.	
	0417	Other, T-shirts, orn.	
	8133	White, T-shirts, N. orn.	
	8135	Other, T-shirts, N. orn.	
	Pt 219: 380.0419	Shirts, orn.	
	8137	Shirts, N. orn.	
Knit Shirts & Blouses, W G I	Pt 218: 382.0439	T-shirts, orn.	
	7851	T-shirts, N. orn.	
	Pt 219: 382.0401	Blouses, orn.	
	0443	Other shirts, orn.	
	3964	Veg. fiber, orn.	
	6944	Silk, orn.	
	7801	Blouses, N. orn.	
	7859	Other shirts, orn.	
	Pt 224: 382.0455	Tops & Vests, orn.	
	7879	Tops & Vests, N. orn.	
	0403	Body suits	
	7805	Body suits	

CATEGORY CONSOLIDATION FOR NEGOTIATIONS

5/13/77

Description	Composition	
APPAREL Cont.		
Man-Made Fiber Cont.		
Shirts	234	Dress
	235	Other
Blouses	228	
Skirts	220	Knit
	236	Woven
	Pt 224: 382.0410	Culottes
	7815	Culottes
Suits, M & B	Pt 224: 380.0420	Orn.
	8143	N. orn.
	Pt 237: 380.0464	Orn.
	5176	Veg. fiber, N. orn.
	8450	N. orn.
Suits, W G I	Pt 224: 382.0451	Orn.
	7867	N. orn.
	Pt 237: 382.0478	Orn.
	4282	Veg. fiber, N. orn.
	8126	N. orn.
Sweaters, M & B	Pt 221: 380.0423	Orn.
	8147	N. orn.
Sweaters, W G I	Pt 221: 382.0427	Infants' orn.
	0430	Other, orn.
	3976	Veg. fiber, N. orn.
	6952	Silk, N. orn.
	7870	Infants' N. orn.
	7873	Other, N. orn.
Trousers, M & B	Pt 222: 380.0428	Orn.
	8165	Not orn.
	Pt 238: 380.0467	Orn.
	5184	Veg. fiber, N. orn.
	8455	N. orn.
Trousers, W G I	Pt 222: 382.0454	Orn.
	3982	Veg. fiber, N. orn.
	6956	Silk, N. orn.
	7888	N. orn.
	Pt 238: 382.0480	Orn.
	4286	Veg. fiber
	7258	Silk
	8128	Man-made fiber
Brassieres, etc.	225	
Dressing Gowns	231	Woven
	Pt 224: 380.0408	Orn.
	6117	N. orn.
	382.0417	Orn.
	7821	N. orn.

CATEGORY CONSOLIDATION FOR NEGOTIATIONS

5/13/77

Description	Composition	
APPAREL Cont.		
Man-Made Fiber Cont.		
Nightwear	217	Knit
	232	Woven
Underwear	223	Knit
	239	Woven
Other apparel	Pt 224: Remaining	TSUSA Nos.
	227	Mufflers, etc.
	240	Other N. knit apparel
MADE-UPS & MISC.		
Cotton		
Pillowcases	28/29	
	Pt 64: 363.0120	Orn.
Sheets	34/35	
	Pt 64: 363.0140	Orn.
Bedspreads & Quilts	36	
	Pt 64: 363.6025	Quilt covers
Terry & other pile towels	Pt 31: 366.1865	Terry
	1880	Pile or tufted
	2160	Terry
	2180	Pile or tufted
	2460	Terry
	2480	Pile or tufted
	2720	Jacquard-figured
Other Cotton manufactures	30	Dish towels
	Pt 31: Remaining	TSUSA Nos.
	33	Table Damask
	37	Elastic
	38	Fish nets
	64	Other manufactures
Wool		
Blankets	106	Blankets
	107	Auto robes
Floor covering	131	Braided
	132	Other
Other wool manufactures	126	Lace & net articles
	128	Other wool manufactures
Man-Made Fiber		
Floor coverings	241	
Other furnishings	242	
Other man-made manufactures	243	

[FR Doc. 77-14631 Filed 5-24-77;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC MEETING

Notice is hereby given of the eleventh regular meeting of the Commission on Federal Paperwork to be held on June 10, 1977, in Room 2154, Rayburn House Office Building, Washington, D.C.

The meeting will begin at 9:00 a.m. and will continue until approximately 12:30 p.m. The meeting is open to the public. The Commission will review progress on approved projects, staff proposals for future projects, and proposed Commission positions on specific paperwork problems. Among the topics to be considered are welfare reform, Title XX, housing, procurement, public works, and ombudsmen.

Anyone wishing to attend the meeting is invited. For further details, contact the Commission on Federal Paperwork, Room 2000, 1111 20th Street NW., Washington, D.C. 20582, telephone (202) 654-5400.

FRANK HORTON,
Chairman.

[FR Doc. 77-14830 Filed 5-24-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 16, 1977.

The USAF Scientific Advisory Board ad hoc Committee on Defensive Chemical Systems will hold a meeting on June 15 at the Life Support Program Office, Wright-Patterson Air Force Base, Ohio, from 8 a.m. to 4 p.m.

The purpose of the meeting is to hold classified discussions on the ability of USAF Tactical Air Forces to operate in a chemically hostile environment.

The meeting will be open to the public upon verification of appropriate security clearances.

For those not having clearances the meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board at (202-697-4648).

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-14857 Filed 5-24-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 17, 1977.

Members of the USAF Scientific Advisory Board Aerospace Vehicles Panel Committee on B-1 Structures will hold a meeting at Rockwell International, Los Angeles, California, on June 30 and July 1, 1977, from 8 a.m. to 5 p.m.

The members of the Committee will receive classified briefings and hold classified discussions on the structural aspects of the B-1 aircraft development program.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meeting will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8845.

FRANKIE S. ESTEP,
Air Force Federal Register, Liaison Officer, Directorate of Administration.

[FR Doc.77-14856 Filed 5-24-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 732-7; (OPP-42013B)]

PUERTO RICO

Extension of Contingent 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. 136b), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On November 6, 1975, the Honorable Rafael Hernandez-Colon, then Governor of the Commonwealth of Puerto Rico, submitted a Commonwealth of Puerto Rico Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to EPA.

A summary of the Commonwealth of Puerto Rico Plan was published in the FEDERAL REGISTER on March 10, 1976 (41 FR 10255). On April 30, 1976, the Regional Administrator, EPA Region II, approved the plan on a contingent basis for a twelve-month period. Contingent approval was based upon EPA approval of implementing regulations to be promulgated by the Puerto Rico Department of Agriculture (PRDA). Notice of contingent approval was published in the FEDERAL REGISTER June 3, 1976 (41 FR 22410).

The Puerto Rico Pesticide Control Act was passed by the Puerto Rico Legislature on October 30, 1975. Proposed regulations for the enforcement of the Act have been drafted, submitted to concerned agencies for comment and are expected to be published by June 30, 1977. As a result, on April 18, 1977, the Commonwealth of Puerto Rico requested an extension of the Commonwealth of Puerto Rico contingent approval pending final promulgation of regulations.

The Regional Administrator, EPA Region II, finds that there is good cause for approving the request and hereby gives notice that an extension has been granted until September 30, 1977.

Dated: May 13, 1977.

HERBERT BARRACK,
Acting Regional Administrator, U.S. Environmental Protection Agency, Region II.

[FR Doc.77-14788 Filed 5-24-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-321; RM-2698]

BUSINESS RADIO SERVICE; SPECIAL EMERGENCY RADIO SERVICE

Memorandum Opinion and Order; Denying Petition for Rule Making

Adopted: May 11, 1977.

Released: May 20, 1977.

In the Matter of Amendment of Parts 89 and 91 of the Commission's Rules to transfer central station electrical protection industry licensees and certain frequencies allocated for their use from the Business Radio Service to the Special Emergency Radio Service.

By the Commission.

1. The Central Station Electrical Protection Association has petitioned the Commission to amend Part 89 (Public Safety Radio Services) and Part 91 (Industrial Radio Services) of the Commission's Rules to recognize central station electrical protection companies as a class of eligible in the Commission's Special Emergency Radio Service (Part 89, Subpart P) and to transfer 5 pairs of frequencies[1] in the Business Radio Service designated for use by this industry's members to the Special Emergency Radio Service.

2. Additionally, petitioner requests, upon transfer to the Special Emergency Radio Service, that central station electrical protection industry licensees be permitted to use their presently assigned mobile service frequencies above 25 MHz for fixed point-to-point tone or impulse signalling, subject to the condition that harmful interference not be caused to the primary mobile service operations of other licensees.

3. The International Municipal Signal Association (IMSA) and the associated Public-Safety Communications Officers, Inc. (APCO) have filed comments opposing CSEPA's petition on the grounds that the petition does not demonstrate a need for the proposed change, and because the service CSEPA members provide differs fundamentally from the public safety functions of the entities and personnel now eligible for licensing in the Special Emergency Radio Service.

4. We have carefully considered the petitioner's proposals and the arguments made in support of them, but we have not

[1] 460.900 MHz/465.900 MHz; 460.925 MHz/465.925 MHz; 460.950 MHz/465.950 MHz; 460.975 MHz/465.975 MHz; and 461.000 MHz/466.000 MHz.

been able to conclude that it would be in the public interest to grant the petition. Our reasons for this conclusion are stated briefly below.

5. First, we do not believe that the petitioner has made an adequate case for its proposals, and has not shown how its members and, more importantly, how the public would benefit from their adoption. For example, CSEPA has not shown (nor indeed alleged) that the five pairs of frequencies designated for the industry's use in the Business Radio Service are not adequate. In this connection, it is noted that the petition, although not entirely clear on this point, does not propose that central station protection companies be made eligible to use the frequencies allocated in the Special Emergency Radio Services.[2] It would seem, therefore, that continued eligibility in the Business Radio Service would be advantageous for the central station protection industry because it would continue to have access to all Business Radio frequencies, not only in the 460–470 MHz band but also in the lower and in the higher bands as well.

6. Additionally, as we have indicated above, one immediate objective of the petitioner is to qualify its members to use their designated mobile service frequencies for fixed point-to-point operations. This, however, is not allowed in the Special Emergency Radio Service under existing rules, although it is permitted in other public safety radio services, see Section 89.126. Such a fixed use has been previously proposed by the petitioners in the Business Radio Service in an earlier petition, RM–1513, and was considered and denied by the Commission, see *Memorandum Opinion and Order*, RM–1513, 34 FCC 2d 350 (1972). Nothing presented here requires or warrants a different conclusion on that proposal now.

7. Finally, we agree with APCO and IMSA that commercial central station protection companies do not belong in the Special Emergency Radio Service. That service was established principally to accommodate activities oriented towards life protection, such as hospitals, ambulances, rescue and disaster organizations, and physicians, additionally, our extensive regulatory program for authorizing emergency medical service communication systems has been incorporated into the Special Emergency Radio Service. The activities of the petitioner's members, although important, are profoundly different from these types of activities. Thus, while we want to emphasize that we are aware of the importance of the protection services being provided by the central station protection industry[3], we simply do not believe that its radio communications operations should be accommodated in the Special Emergency Radio Service.

8. Accordingly, it is ORDERED, That the petition filed by the Central Station Electrical Protection Association (RM–2698) is denied.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–14888 Filed 5–24–77;8:45 am]

[2] If full eligibility in the Special Emergency Radio Service were proposed, other public interest issues would be raised.

[3] It was in recognition of the important functions performed by the central station protection industry that we designated five pairs of frequencies for its use in Docket 13847 and provide for the use of frequencies in the 952–960 MHz band for operation of central station alarm systems.

PURAC TASK ON THE GENERAL MOBILE RADIO SERVICE

Meeting

In preparation for the next meeting of the Personal Use Radio Advisory Committee (PURAC), the PURAC task investigating the personal uses of the General Mobile Radio Service will meet June 10, 1977 at 9 A.M. in Room 7317 of the offices of the Federal Communications Commission at 2025 "M" Street NW., Washington, D.C. 20554. The agenda for this meeting will be to report on progress made in identifying the uses of the General Mobile Radio Service and to review the work schedule for the task area for 1977.

Members of the public, especially those interested in personal use two-way radio, are invited to attend. For more information, contact Mr. Corwin Moore, Jr., Highway Safety Research Institute, University of Michigan, Huron Parkway and Baxter Road, Ann Arbor, Michigan 48109 (313–763–3232).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–14892 Filed 5–24–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

GUAM OIL AND REFINING CO.

Proposed Consent Order

I. INTRODUCTION

Pursuant to 10 CFR § 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of a Consent Order, which was executed between Guam Oil and Refining Company (GORCO) and the FEA on April 22, 1977. In accordance with that Section, FEA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by FEA, the FEA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

II. THE CONSENT ORDER

Guam Oil and Refining Company, with its executive office located in Dallas, Texas, is a firm engaged in the refining and marketing of petroleum products subject to FEA regulations.

As a result of an audit conducted by FEA of GORCO's costs and recovery of costs reflected in its Forms FEO–96 for the period between January 1974 through March 1975, FEA advised GORCO that GORCO had (1) understated its recoveries of increased crude oil costs in sales of "other covered products" by $2,277,417 by failing to consider certain sales in calculating its cost recoveries and (2) understated its increased costs of crude oil by $101,030 by improperly calculating its "crude oil cost differential." The net result of GORCO's miscalculations is that GORCO overstated on its Forms FEO–96 its "Net Increased Costs Attributable to Other Covered Products" by $2,176,387 between January 1974 through March 1975.

In resolution of the issues raised by the audit results, FEA and GORCO executed a Consent Order on April 22, 1977, the significant terms of which are as follows:

(1) In an effort to resolve its dispute with FEA, GORCO agrees to make adjustments to Line 18, Part V of its March 1975 FEO–96 to reflect adjustments resulting from its understatement of costs and understatment of cost recoveries, and to resubmit Forms FEO–96 filed for the period March 1975 to the present, reflecting all necessary adjustments based on the above-described March 1975 adjustment. (Based on the available information, GORCO had unrecovered increased product costs in each month of measurement, January 1974 through March 1975, after applying the corrected amounts determined in this Consent Order).

(2) In submitting revised Forms FEO–96, GORCO agrees that amounts removed in one month shall be carried forward and deducted from GORCO's Forms FEO–96 for all subsequent months, including the most recently filed Form FEO–96 and FEA–P110–M–1 filed for all future months.

(3) The provisions of 10 CFR 205.197, including the publication of this Notice, are applicable to the Consent Order.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to Mr. D. M. Fowler, Regional Administrator, Region VI, Federal Energy Administration, P.O. Box 35228, Dallas, Texas 75235.

Copies of this Consent Order may be received free of charge by written request to this same address or by calling 214–749–7626.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on GORCO Consent Order." All comments received on or before _____, 1977, will be considered by the FEA in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential, must be identified as such and submitted in accordance with the procedures outlined in 10 CFR 205.9(f).

Issued in Washington, D.C., May 19, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-14814 Filed 5-20-77;11:15 am]

REFINERS' CRUDE OIL ALLOCATION PROGRAM

Allocation Quarter of June 1 Through August 31, 1977

The notice specified in § 211.65(e) of the refiners' crude oil allocation program is hereby published for the allocation quarter of June 1, 1977, through August 31, 1977.

The buy-sell list for refiners is set forth as an appendix to this notice. The provisions of 10 CFR 211.65 apply to all transactions made under the buy-sell list. Included as part of the list, as required by § 211.65(e), are: The quantity of crude oil each refiner-buyer is eligible to purchase; the total allocation obligation for all refiner-sellers; the fixed percentage share for each refiner-seller; and the quantity of crude oil each that refiner-seller is obligated to offer for sale to refiner-buyers, with a specification as to the portions thereof that constitute the primary and secondary sales obligations for each refiner-seller, in accordance with 10 CFR 211.65(d).

The allocations shown on the buy-sell list for refiner-buyers that own and operate Canadian Crude Oil Allocation Program second priority refineries (as defined in Part 214 of 10 CFR) reflect two types of adjustments resulting from reductions in Canadian crude oil exports to the United States. Adjustments have been made for the June 1977–August 1977 allocation quarter based on FEA's estimate of Canadian crude oil exports during that allocation quarter. In addition, a further adjustment has been made for certain refiner-buyers that operate second priority refineries and that purchased their entire allocation for the March 1977–May 1977 allocation quarter. This adjustment reflects the difference between FEA's estimates of Canadian crude oil available for March 1977 through May 1977, which were used to adjust allocations during the March 1977–May 1977 allocation quarter, and the actual export level subsequently announced by the Canadian government.

Adjustments have also been made pursuant to 10 CFR 211.65(a)(4) for refiner-buyers that have recently experienced losses of Federal royalty oil. Additionally, FEA made corresponding adjustments for refiner-buyers that are gaining Federal royalty oil for this allocation quarter. Similar adjustments have been made in the last three allocation quarters.

The buy-sell list reflects a reduction in the sale obligation of Continental Oil Company (Conoco) to account for domestic crude oil directed away from Conoco to another refiner under FEA's Decision and Order in "Continental Oil Company," 2 FEA ¶80,503 (January 7, 1975). As has been the case for buy-sell lists since the effectiveness of primary and secondary sales obligations for refiner-sellers in the allocation quarter commencing September 1, 1975, Conoco's primary sales obligation is reduced by the amount of the redirected domestic crude oil under "Farmariss Oil and Refining Company and Navajo Refining Company," CCH Fed. Energy Guidelines, ¶20,629 (July 22, 1974). However, with the issuance of the Decision and Order in "Exxon Company," U.S.A., 5 FEA ¶____ (April 25, 1977), the relief under which is reflected for the first time in this notice, it appears that Conoco's adjustment reducing its sales obligation should have been applied proportionately to both its primary and secondary obligations, as is specified for Exxon in this recent decision involving similar facts. Accordingly, FEA hereby gives notice that, for future allocation quarters for which the buy-sell program continues in its present form, the reduction of Conoco's sale obligation will be calculated in the same manner as is Exxon's adjustment under the "Exxon" decision.

The buy-sell list covers PAD Districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(d), each refiner-seller shall offer for sale, directly or through exchange, to refiner-buyers during an allocation quarter a quantity of crude oil equal to that refiner-seller's primary sales obligation plus any portion of that refiner-seller's secondary sales obligation as to which FEA directs a sale pursuant to 10 CFR 211.65(h). No refiner-seller shall be required to offer for sale to refiner-buyers, whether by directed sale or otherwise, any portion of its secondary sales obligation until each other refiner-seller (except refiner-sellers with minimal primary sales obligations) has sold at least 80% of its primary obligation.

The procedures of 10 CFR 211.65(h) provide that if a sale is not agreed upon within 15 days of the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must not be made earlier than 15 days nor later than 30 days after the publication of this notice. Upon such request, FEA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, providing that the refiner-seller or refiner-sellers in question have fully complied with provisions of 10 CFR 211.65. Refiner-buyers making such requests must provide FEA with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell list transactions.

2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specifications of crude oil that have historically been processed in each refinery.

3. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

4. Names and locations of all refiner-sellers from which crude oil has been sought under the buy-sell list and the volume and specifications of the crude oil sought from each.

5. The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

6. Such other pertinent information as FEA may request.

Each refiner-buyer and refiner-seller will report the details of each transaction under the buy-sell list to FEA on Form FEA P–118–Q–1 within 15 days of the completion of arrangements for the transaction. Each refiner-buyer and refiner-seller is requested to report as promptly as practicable every such transaction to which it is a party.

Refiner-buyers wishing to receive an allocation in the allocation quarter commencing September 1, 1977, with respect to future refining capacity (as defined in 10 CFR 211.62) that is not presently taken into account in determining their respective purchase opportunities, must apply to the FEA for certification of that capacity and provide all necessary information required to enable FEA to evaluate the factors set forth in 10 CFR 211.65(b)(1) no later than July 1, 1977.

All reports and applications made under this notice should be addressed to:

Manager, Crude Oil Allocation Programs, Crude Oil Buy-Sell Program, 20th Street Postal Station, P.O. Box 19028, Washington, D.C. 20036.

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before June 27, 1977.

Issued in Washington, D.C. May 19, 1977.

ERIC J. FYGI,
Acting General Counsel.

APPENDIX

The list of refiner-sellers and refiner-buyers for the period June 1, 1977, through August 31, 1977, is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller and the volumes of crude oil (reflecting all adjustments required under § 211.65) that each such refiner-seller is obligated to offer for sale (with a specification as to primary and secondary sales obligations) or that each such refiner-buyer is eligible to purchase, as the case may be.

FEA crude oil allocation program for the period June through August 1977

	Share	Sales: Primary obligation	Sales: Secondary obligation
		Barrels	*Barrels*
Amoco Oil Co	0.099	2,902,384	3,940,419
Atlantic Richfield	.072	2,138,084	2,893,635
Chevron U.S.A.	.096	4,888,179	3,820,914
Cities Service Oil	.023	2,465,783	925,502
Continental Oil Co	.024	0	949,037
Exxon Corp	.112	1,896,172	2,456,893
Getty	.020	465,614	708,109
Gulf Oil Corp	.086	2,409,897	3,427,651
Marathon Oil Co	.022	509,815	859,819
Mobil Oil Corp	.089	2,147,127	3,539,447
Phillips Petroleum	.039	922,910	1,556,517
Shell Oil Co	.107	2,872,985	4,274,329
Sun Oil Co	.052	1,190,676	2,087,817
Texaco Inc	.107	3,422,379	4,277,594
Union Oil Co. of California	.043	1,678,095	1,719,507
Total		30,000,000	37,526,850
Total allocation obligation			67,526,850

FEDERAL ENERGY ADMINISTRATION

CRUDE OIL ALLOCATION PROGRAM FOR THE PERIOD JUNE 1977 THROUGH AUGUST 1977—PURCHASES

	Barrels
Allied Materials Co	164,311
Amerada Hess Corp	10,085,883
American Petrofina	0
Apco Oil Corp	418,113
Arizona Fuels Corp	0
Asamera Oil, Inc	201,606
Ashland Oil, Inc	1,934,524
Axel Johnson	130,486
Bayou State Oil Corp	0
Beacon Oil Co	0
Boswell Oil Co. of Louisiana	0
Calumet Industries	0
Canal Refining Co	0
Caribou Four Corners	0
C&H Refinery	4,130
Champlin Petroleum	1,243,281
Charter Oil Co	0
Claiborne Gas Co	0
Clark Oil & Refining	103,299
Coastal States Gas	1,043,832
Commonwealth Oil Ref	2,731,250
CRA-Farmland Ind. Inc	875,293
Cross Oil & Ref.-Ark	121,093
Crown Central Petro	1,999,000
Crystal Oil Co	0
Crystal Refining Co	186,862
Delta Refining Co	1,417,029
Diamond Shamrock Corp	164,262
Dorchester Gas	0
Dow/Refinery	1,114,327
Eco Petroleum Inc	45,078
Eddy Refining Co	22,116
Edgington Oil Co	603,475
Edgington Oxnard Ref	0
Energy Cooperative, Inc	0
Evangeline Refining	0
Farmers Union Central Exchange	1,219,597
Fletcher Oil and Ref	30,689
Flint Chemical Corp	0
Gary Western Co	195,500
Giant Industries	271,000
Glacier Park	0
Gladieux Refining	389,966
Golden Eagle Ref. Co	467,250
Good Hope Refineries	860,000
Guam Oil & Refining	0
Gulf States	46,760
HIRI	0
Howell Corp	282,250
Hunt Oil Co	420,126
Husky Oil Co	1,164,380
Independent Refinery Corp	0
Indiana Farm Bureau	293,500
J&W Refining Inc	558,119
Kentucky Oil Ref. Co	0
Kern County Ref., Inc	0
Kerr McGee Co	4,115,753
Koch Refining Co	406,492
La Gloria Oil-Gas Co	506,625
Laketon Asphalt Ref	0
Lakeside Refining Co	60,408
Little America Ref	1,467,024
La. Land & Exploration Co	0
MacMillan RF Oil Co	344,750
Marion Corp	289,466
Mid-America Refining	0
Mohawk Petroleum Co	107,625
Mansato Co	1,634,100
Morrison Petroleum	0
Mountaineer Refinery	15,096
Murphy Oil Corp	1,763,078
National Coop. Ref	801,188
Navajo Refining Co	0
Navada Refining Co	25,701
Newhall Refining Co	149,375
North American Petroleum	0
Northland Oil & Ref	155,535
OKC Corp	377,045
Pennzoil Co	338,060
Pester Petroleum Co	0
Pioneer Refining	0
Placid Refining	2,145,000
Plateau Inc	283,244
Powerine Oil Co	1,151,705
Pride Refining Inc	1,086,712
Princeton	0
Quaker State Oil Refining Co	0
Road Oil Sales, Inc	5,750
Rock Island Refining	0
Saber Refining Co	289,997
Sabre Refining Inc. (Dingman)	0
Sage Creek Refining Co	37,045
San Joaquin Refining	0
Seminole Asphalt Ref	48,369
Sigmor Corp	24,500
Somerset Refinery	0
Sound Refining, Inc	0
South Hampton	1,160,599
Southern Union	1,228,076
Southland Oil Co	260,250
Southwestern Refining Co	0
Standard Oil of Ohio	6,604,625
Sunland Refining Co	352,236
Tenneco Oil Co	819,125
Tesoro Petroleum Co	540,027
Texas American Petrochemicals, Inc	278,866
Texas Asphalt & Refining	0
Texas City Refining	3,521,750
Thagard Oil	0
Thriftway Oil Co	0
Thunderbird Resources	0
Tonkawa Refining Co	0
TOSCO	0
Total Petroleum, Inc	907,650
Trans-Ocean Petroleum	0
United Independent Oil Co	10,171
United Refining Co	835,500
U.S. Oil & Refining Co	368,555
USA Petrochem	0
Vickers Petroleum Co	1,135,835
Vulcan Asphalt Ref	0
Warrior Asphalt Corp	0
West Coast Oil	0
Western Refining Co	255,192
Winston Refining Co	82,991
Wireback Oil Co	8,095
Witco Chemical Corp	522,375
Yetter Oil Co	1,000
Young Refining Corp	190,902
Total	67,526,850

[FR Doc.77-14518 Filed 5-20-77;11:15 am]

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC. AND PANAMERICANA INSURGENTES (BERMUDA) LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 14, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by R. J. Finnan, Pricing Analyst, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10296, between the above named parties, is an equipment lending arrangement whereby Panamericana Insurgentes will allow Lykes to use its equipment, i.e., dry or reefer containers mounted on chassis, according to the terms, conditions and to the extent set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: May 19, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-14906 Filed 5-24-77;8:45 am]

FEDERAL POWER COMMISSION

ARKANSAS LOUISIANA GAS CO.

[Docket No. RP77-55]

Notice of Revised Tariff Sheet

MAY 17, 1977.

Take notice that on April 29, 1977, Arkansas Louisiana Gas Company (Arkla)

tendered for filing "Revised Sheet No. 4 issued on May 1, 1977" to its Rate Schedule No. G–2 FPC Gas Tariff First Revised Volume No. 1, which Arkla states represents the rates as filed in the captioned docket adjusted to reflect its currently effective purchased gas cost of 52.29¢ per Mcf at 14.73 psia and surcharge rate of 23.27¢ per Mcf at 14.73 psia.

Arkla requests the above described tariff sheet be substituted for the "Revised Sheet No. 4 issued on April 18, 1977" in its Notice of Rate Change filed on April 18, 1977 in Docket No. RP77–55 to be effective June 1, 1977.

Arkla also states that copies of its filing were mailed to the jurisdictional customer affected and other interested parties.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77–14870 Filed 5–24–77;8:45 am]

[Docket No. CP77–372]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MAY 18, 1977.

Take notice that on May 5, 1977, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP77–372 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the twelve-month period ending June 30, 1978, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $2,000,000 and that the cost of any single project would not exceed $500,000. These costs would be financed from funds on hand and funds to be obtained from its parent corporation, Consolidated Natural Gas Company, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–14873 Filed 5–24–77;8:45 am]

[Docket No. G–10122, et al.]

CONTINENTAL OIL CO.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 13, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

LOIS D. CASHELL,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-440..... 4-26-77 A	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Hayter "A" No. 1 Well, Hayter Field, Harper County, Kans.	[1] [2] $1.45	14.73
CI77-441..... 4-26-77 A	Anadarko Production Co.....	Panhandle Eastern Pipe Line Co., Loco Hills Federal "A" No. 1 Well, Loco Hills Morrow Field, Eddy County, N. Mex.	[1] [3] 1.442126	14.73
CI77-442..... 4-27-77 A	Placid Oil Co., 1600 1st National Bank Bldg., Dallas, Tex. 75202.	Transcontinental Gas Pipe Line Corp., Bowie Creek Field, Jefferson Davis County, Miss.	[4] [5] 53.0¢	14.73
CI77-443..... 4-27-77 A	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Transwestern Pipeline Co., Loco Hills Federal Unit No. 1 Well, Eddy County, N. Mex.	[4] 176.265[2]¢	14.73
CI77-444..... 4-28-77 A	Union Oil Co. of California.....	Transcontinental Gas Pipe Line Corp., Block 67 in Block 76 Field, Vermilion area, offshore Louisiana.	[4] 163.00¢	15.025
CI77-445..... 4-28-77 A	McCulloch Oil & Gas Corp., 10880 Wilshire Blvd., suite 1500, Los Angeles, Calif. 90024.	Michigan Wisconsin Pipe Line Co., Smith "A" No. 1 Well, southeast Aledo area, Custer County, Okla.	[1] $1.45	14.65
CI77-448..... 5-2-77 A	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., Coldwater Creek Field, Sherman County, Tex.	[1] $1.45	14.73
G-10122..... 3-14-77 B	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipe Line Co., west delta block 58, offshore Louisiana.	(7)	
G-20002..... 5-2-77 C	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Rocky Mount Field, Bossier Parish, La.	[1] $1.45	14.73
C176-601..... 4-25-77 C	Amoco Production Co., 500 Jefferson Bldg., P.O. Box 3092, Houston, Tex. 77001.	El Paso Natural Gas Co., Carlsbad South et al. fields, Eddy and Lea Counties, N. Mex.	[1] $1.7691	14.73
CI77-327..... 4-25-77 A	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Elisando Federal "A" No. 3 Well, Morrow Zone and Tracy E. No. 1 Well, Eddy County, N. Mex.	[1] 163.913¢	14.73
CI77-330..... 4-22-77 C	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Leonard Brothers No. 2, South Leonard Queen Field, Lea County, N. Mex.	[1] $1.45	14.73
CI77-370..... 4-22-77 C	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	El Paso Natural Gas Co., Burton Flats Field, Eddy County, N. Mex.	[1] $1.45	14.73
CI77-403..... 4-24-77 A	Sun Oil Co.....	Northern Natural Gas Co., Emperor Field, Winkler County, Tex.	[1] 53¢	14.73
CI77-421..... 4-20-77 C	Cities Service Co.....	Sea Robin Pipeline Co., block 586, West Cameron area, offshore Louisiana.	[1] [6] $1.75	15.025
CI77-422..... 4-20-77 A	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., High Island Block 111 Field, offshore Texas.	[1] $1.45	14.73
CI77-423..... 4-21-77 A	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Tennessee Gas Pipeline Co., Bayou Blaize Field, Plaquemines Parish, La.	[1] $1.45	14.73
CI77-436..... 4-25-77 A	Sun Oil Co.....	Trunkline Gas Co. Eugene Island Block 380 (south addition) offshore Louisiana.	[1] $1.45	14.73
CI77-437..... 4-25-77 A	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Exxon-Laguna Grande Unit No. 1 Well, Eddy County, N. Mex.	[4] 145.00¢	14.73
CI77-438..... 4-25-77 A	Getty Oil Co.....	United Gas Pipe Line Co., High Island Block 111 Field, offshore Texas.	[1] $1.45	14.73
CI77-439..... (CI73-308) 4-26-77 B	Raymond Friedlander et al., Box 1416, Oklahoma City, Okla.	Panhandle Eastern Pipe Line Co., sec. 20, township 25N, range 11W, Alfalfa County, Okla.	(8)	

[1] Applicant proposes to collect the applicable national rate as prescribed in opinion No. 770-A, subject to adjustments contained therein.
[2] Applicant and purchaser are affiliated.
[3] Subject to upward and downward Btu adjustment.
[4] Includes 100 pct tax reimbursement.
[5] Plus 1.0¢ yearly escalation.
[6] Applicant is willing to accept a permanent certificate in accordance with opinion No. 770, as amended, subject to adjustments contained therein.
[7] Lease has terminated.
[8] Plus 2.0¢ escalation beginning each succeeding 1-yr period.
[9] Well plugged.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.77-14771 Filed 5-24-77;8:45 am]

[Docket No. CP77-367]

FLORIDA GAS TRANSMISSION CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MAY 18, 1977.

Take notice that on May 4, 1977, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, (Applicants) filed in Docket No. CP77-367 a joint application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of 3,000,000,000 Btu's of natural gas per day at a new and additional delivery point located in Jones County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange 3,000,000,000 Btu's of natural gas per day pursuant to a letter agreement dated April 11, 1977 between the two parties. It is stated that Florida Gas has contracted for a supply of natural gas from Florida Gas Exploration Company (Exploration), a producing affiliate, to be produced from the Calhoun Field, Jones County, Mississippi, and that Florida would deliver the gas, or cause the gas to be delivered to Transco for the account of Florida Gas at the existing valve located on Transco's pipeline facilities in Jones County, Mississippi. It is further stated that Transco would redeliver equivalent volumes of natural gas to Florida at any mutually agreeable existing authorized interconnection between Applicants' systems.

Applicants state that it would not be necessary to construct any new facilities to render the instant service; however, if additional facilities are required to ensure the proper measurement of the quantities of natural gas proposed to be exchanged, such facilities would be installed and operated or caused to be installed and operated by Florida Gas at no expense to Transco.

Applicants indicate that the proposed exchange of natural gas could provide additional and immediate volumes to the interstate market and that it would assist Florida Gas in maintaining adequate supplies of gas to its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 3, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14876 Filed 5-24-77;8:45 am]

[Docket No. CP75-283]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Amendment to Application

MAY 18, 1977.

Take notice that on May 6, 1977, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP75-283 an amendment to its application filed in said docket pursuant to Section 7 of the Natural Gas Act so as to authorize the construction and operation of a total of approximately 217 miles of 36-inch diameter pipeline loop and related facilities, of which approximately 125 miles of the loop would be constructed for transportation of commingled gas during Phase I, and modification and utilization of existing facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its initial application filed in the instant docket, Applicant proposed (1) to transport for the account of ANG Coal Gasification Company (Gasification Company), commingled synthetic and natural gas (commingled gas) from Thief River Falls, Minnesota to Crystal Falls, Michigan and (2) to construct, modify and operate facilities to enable it to receive and transport such gas. The synthetic gas which would be commingled with natural gas flowing through Applicant's existing facilities would be produced in a coal gasification plant to be built in Mercer County, North Dakota, it is said. Applicant states that at the time it filed its original application, such plant was proposed to be built and owned solely by the Gasification Company and the plant output was anticipated to be 275,000 Mcf of natural gas per day.

Applicant states that the following changes have occurred since the filing of its original application:

(1) In April 1976, the Gasification Company decided to construct the plant in two phases with Phase I to be completed by 1981; the plant output after completion of the first phase is anticipated to be 137,500 Mcf of natural gas per day which is half of the total projected output of 275,000 Mcf of natural gas per day after completion of Phase II; (2) In April, 1977, the Gasification Company advised Great Lakes that an interim agreement had been reached between the Gasification Company and PGC Coal Gasification Company (PGC), wholly-owned subsidiary of The Peoples Gas Company of Chicago, Illinois, which provided for the sharing of front end costs and which outlined the basis of co-ownership of Phase I of the gasification plant. ANR Gasification Properties Company (ANP) a newly formed wholly-owned subsidiary of American Natural Resources Company and PGC would be the co-owners as tenants in common of Phase I; additionally, these two companies would equally share in the output of the proposed plant. Such change of ownership would not change the construction or operation of the facilities to be installed by Applicant, it is said.

Applicant proposes to construct during Phase I 365 miles of 20-inch diameter synthetic natural gas (SNG) pipeline which would be used for transportation of the SNG from the outlet of the gasification plant to the interconnection of SNG line with the existing facilities of Applicant at Thief River Falls, Minnesota (Thief River Falls interconnection).

Applicant states that the transportation of commingled gas from the Thief River Falls interconnection to the interconnection of Applicant's facilities with those of Mchigan Wisconsin Pipe Line Company (Michigan Wisconsin) near Crystal Falls, Michigan (Crystal Falls interconnection) during Phase I would require construction of approximately 125 miles of 36-inch diameter looping in seven segments and utilization of 35.8 miles of Applicant's existing 36-inch diameter loop which is presently being used to render a transportation service for Northern Natural Gas Company.

It is indicated that Applicant has now updated the costs of Phase I facilities to constant mid-1976 dollars, and that the total estimated cost of Applicant's Phase I SNG facilities in mid-1976 constant dollars is $70,567,200 and the total estimated cost of the jurisdictional facilities is $55,680,700. Applicant states that the financing plan for this undated cost is not different in any material respect from the financing plan originally proposed.

It is stated that in the event that PGC does not become a co-owner of Phase I of the gasification plant and output, renegotiation of Applicant's transportation contracts for both the non-jurisdictional SNG transportation service and the jurisdictional commingled gas transportation service would be necessary. It is further stated that both these transportation services are expected to be performed under the terms and conditions similar to those of the contracts which are already on file with the Commission except for the following changes: (1) Applicant would have separate transportation contracts with the coowners; (2) the new contracts would pertain to half of the anticipated gasification plant out-put; and (3) each of these contracts would reflect the two-phase construction of the facilities.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervent in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14877 Filed 5-24-77;8:45 am]

[Docket No. ER77-359]

LOUISVILLE GAS AND ELECTRIC CO.

Notice of Tariff Change

MAY 18, 1977.

Take notice that Louisville Gas and Electric Company (LG&E) on May 4, 1977, tendered for filing proposed changes in its Interconnection Agreement between LG&E and East Kentucky Power Cooperative (East Ky.), formerly East Kentucky Rural Electric Cooperative Corporation, designated Louisville Gas and Electric Company FPC Rate Schedule No. 25.

LG&E indicates that the purpose of this filing is to increase the demand charge as set forth under Article VI of the Interconnection Agreement from $0.075 per kilowatt per weekday (Monday through Saturday) to $0.10 per kilowatt per weekday (Monday through Saturday). LG&E further indicates that this proposed revision reflects a desire on the part of both parties to attain the optimum benefit from the interconnection of their systems.

According to LG&E copies of the filing were served upon East Kentucky Power Cooperative.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14872 Filed 5-24-77;8:45 am]

[Docket No. ES77-39]

IOWA POWER & LIGHT CO.

Notice of Application

MAY 18, 1977.

Take notice that on May 12, 1977, Iowa Power & Light Company (Applicant) of Des Moines, Iowa, filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of not more than 450,000 shares of Common Stock, par value $10 per share.

Applicant proposes to issue and sell for cash the aforesaid 450,000 shares of Common Stock, par value $10 per share, under an Automatic Dividend Reinvestment and Stock Purchase Plan.

The purpose for which the Common Stock is to be issued is to obtain funds to pay a portion of short-term borrowings outstanding from commercial banking institutions and commercial paper from time to time and for general corporate purposes.

Any person desiring to be heard or to make any protest with reference to the application should on or before June 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant a party to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14878 Filed 5-24-77;8:45 am]

[Docket No. CP77-373]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 18, 1977.

Take notice that on May 9, 1977, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP77-373 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 13, 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the system of other pipeline companies which may be authorized to transport gas for the account of or exchange with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $12,000,000 with no single offshore project to exceed a cost of $2,500,000 and no single onshore project to exceed a cost of $1,500,000. These costs would be financed with cash on hand, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14874 Filed 5-24-77;8:45 am]

[Docket No. CP77-371]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application

MAY 18, 1977.

Take notice that on May 5, 1977, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP77-371 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing on the date of the order granting the requested authorization, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased or received from producers and other similar sellers thereof, or produced by Applicant, from time to time, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $6,000,000, with no single project to exceed a cost of $1,500,000. These costs would be financed out of funds obtained from internal sources and from short-term bank borrowings as may be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14875 Filed 5-24-77;8:45 am]

[Docket No. ES77-36]

PACIFIC POWER & LIGHT CO.

Notice of Application

MAY 18, 1977.

Take notice that on May 5, 1977, the Pacific Power & Light Company (Applicant), a corporation organized under the laws of the state of Maine and quali-

fied to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of not exceeding $160,000,000 in an aggregate principal amount at any one time outstanding of unsecured promissory notes (1) pursuant to Lines of Credit ($85,000,000), and (2) in the form of Commercial Paper ($75,000,000).

(1) Unsecured promissory notes in an aggregate principal amount not exceeding $85,000,000 at any one time outstanding would be issued by Applicant to evidence borrowings from commercial banks under Lines of Credit. Each note so issued would be dated the day of issuance and would have a maturity of up to three months from the date thereof. All notes issued pursuant to the Lines of Credit would mature not later than June 30, 1979.

(2) Unsecured promissory notes in an aggregate principal amount not exceeding $75,000,000 at any one time outstanding would be issued and sold by Applicant to one or more commercial paper dealers. Each note issued as Commercial Paper would be dated the day of issuance, would have a maturity of not more than 270 days from the date thereof, but not later than June 30, 1979, and would be discounted at the rate prevailing at the time of issuance for Commercial Paper of comparable quality and maturity.

Proceeds from the borrowings to be made under the Lines of Credit and in the form of Commercial Paper would be used to temporarily finance current transactions, including Applicant's construction expenditures, which for 1977 and 1978 are presently estimated at $602,141,000. The balance of funds required to meet estimated construction expenditures is expected to come, in part, from funds to be generated internally, from borrowings pursuant to a Letter Agreement dated March 10, 1977, not exceeding $50,000,000 at any one time outstanding, and from permanent financing of types and magnitudes not yet finally determined.

Any person desiring to be heard or to make any protest with reference to this application should, on or before May 31, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14871 Filed 5-24-77;8:45 am]

[Docket No. CP77-374]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 17, 1977.

Take notice that on May 11, 1977, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-374 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 5,000 Mcf of natural gas per day for Mississippi River Transmission Corporation (Mississippi River) and the construction and operation of a tap or taps at the proposed delivery point in order to receive such gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport up to 5,000 Mcf of natural gas per day for Mississippi River for 10 years pursuant to a transportation agreement dated April 6, 1977, between Applicant and Mississippi River. It is stated that Mississippi River would deliver or cause to be delivered to Applicant the proposed volumes of gas at the tap or taps to be installed by Applicant at Mississippi River's expense on Applicant's 24-inch line located in Desoto Parish, Louisiana, and Applicant would redeliver such gas to Mississippi River at the outlet side of its existing measuring and regulating stations located at Mississippi River's Perryville Compressor site located in the Monroe Field, Quachita Parish, Louisiana. Applicant states that it is currently selling gas to Mississippi River under a service agreement dated September 11, 1970, at this point.

It is stated that Mississippi River would pay Applicant for gas transported under the instant agreement an amount per Mcf equal to Applicant's average jurisdictional transmission cost of service in effect from time to time in Applicant's northern rate zone as such may be determined by Applicant based on rate filings made from time to time, less any amount included in such average jurisdictional cost of service which is attributable to gas consumer in the operation of Applicant's pipeline system. The current average jurisdictional transmission cost of service, exclusive of the cost of gas consumed in Applicant's operation, is 20.04 cents per Mcf, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-14879 Filed 5-24-77;8:45 am]

FEDERAL RESERVE SYSTEM

CHEMICAL NEW YORK CORP.

Proposed Performance of Industrial Bank Activities

Chemical New York Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to convert the Boulder, Colorado office of its subsidiary, Sun Finance and Loan Company, into an industrial bank to be known as Depositors Industrial Bank. Notice of the application was published on April 19, 1977, in "The Boulder Daily Camera," a newspaper circulated in Boulder, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of an industrial bank, including making direct loans and purchasing sales finance contracts and other extensions of credit as would be made or acquired by an industrial bank; providing group credit life and group credit accident and health insurance directly related to such extensions of credit; receiving time savings deposits. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board ap-

proval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 16, 1977.

Board of Governors of the Federal Reserve System, May 19, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-14809 Filed 5-24-77;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Main Street National Bank of Dallas, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 16, 1977.

Board of Governors of the Federal Reserve System, May 19, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-14810 Filed 5-24-77;8:45 am]

THE CENTRAL BANCORPORATION, INC.

Acquisition of Bank

The Central Bancorporation, Inc., Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of the successor by merger to The Central Security National Bank of Lorain County, Lorain, Ohio. 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 Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 17, 1977.

Board of Governors of the Federal Reserve System, May 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-14897 Filed 5-24-77;8:45 am]

OLD KENT FINANCIAL CORP.

Acquisition of Bank

Old Kent Financial Corporation, Grand Rapids, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Old Kent Bank of Norton Shores, Norton Shores, N.A., Norton Shores, Michigan, a proposed de novo bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1977.

Board of Governors of the Federal Reserve System, May 19, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-14898 Filed 5-24-77;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of April 19, 1977

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on April 19, 1977.[1]

The information reviewed at this meeting suggests that growth in real output of goods and services increased in the first quarter from the reduced pace in the fourth quarter of 1976. In March industrial output, retail sales, and employment expanded substantially further. Although the labor force also increased sharply, the unemployment rate declined from 7.5 to 7.3 percent. The wholesale price index for all commodities again rose substantially; increases were particularly sharp among farm products and foods, and there were sizable advances for many industrial commodities. The index of average wage rates rose in the first quarter of 1977 at a somewhat faster pace than it had on the average during 1976, reflecting largely an increase in the minimum wage.

The average value of the dollar against leading foreign currencies has declined somewhat over the past month, returning to about the level at the beginning of the year. Demand for the Japanese yen and the U.K. pound intensified. The U.S. foreign trade deficit continued large in February.

M-1 grew at a moderate pace in March but increased substantially in early April. At banks and thrift institutions, inflows of time and savings deposits other than large-denomination CD's continued to slacken in March. Market interest rates declined considerably in mid-April, after having changed little since mid-March.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will encourage continued economic expansion, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

Growth in M-1, M-2, and M-3 within ranges of 4½ to 6½ percent, 7 to 9½ percent, and 8½ to 11 percent, respectively, from the first quarter of 1977 to the first quarter of 1978 appears to be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

The Committee seeks to encourage near-term rates of growth in M-1 and M-2 on a path believed to be reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, at present, it expects the annual growth rates over the April-May period to be within the ranges of 6 to 10 percent for M-1 and 8 to 12 percent for M-2. In the judgment of the Committee such growth rates are likely to be associated with a weekly average Federal funds rate of about 4¾ percent. If, giving approximately equal weight to M-1 and M-2, it appears that growth rates over the 2-month period will deviate significantly from the midpoints of the indicated ranges, the operational objective for the Federal funds rate shall be modified in an orderly fashion within a range of 4½ to 5¼ percent.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

NOTE.—On May 6, 1977, the Committee modified the inter-meeting range for the Federal funds rate specified in the next-to-last paragraph of the domestic policy directive issued on April 19, 1977, by increasing the upper limit for 5¼ to 5½ percent.

By order of the Federal Open Market Committee, May 20, 1977.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.77-14896 Filed 5-24-77;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of April 19, 1977, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 1; Friday, June 10, 1977, from 9 a.m. to 4:30 p.m.; Room 927, J. W. McCormack Post Office and Courthouse, Post Office Square, Boston, Massachusetts 02109.

The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the following project:

"Building Modernization", J. W. McCormack Post Office and Courthouse, Boston, Massachusetts.

The meeting will be open to the public.

Dated: May 13, 1977.

ALBERT A GAMMAL, JR.,
Regional Administrator.

[FR Doc.77-14858 Filed 5-24-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

CELLULAR AND MOLECULAR BASIS OF DISEASE REVIEW COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the date and location of the next meeting of the Cellular and Molecular Basis of Disease Review Committee, National Institute of General Medical Sciences.

As published in the FEDERAL REGISTER on April 4, 1977 (42 FR 17914), this committee was to have met on June 6-10, 1977 at the National Institutes of Health, Building 31, Conference Room 4, Bethesda, Maryland. The meeting dates have been changed to June 20-24, 1977, and the location to the New Jersey Room of the Holiday Inn, Bethesda, Maryland. The meeting will be open to the public on June 20th from 9 a.m. to 11 a.m. and will be closed to the public from 11 a.m., June 20 until adjournment on June 24, 1977.

Dated: May 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-14839 Filed 5-24-77;8:45 am]

COMPREHENSIVE SICKLE CELL CENTER AD HOC REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Comprehensive Sickle Cell Center ad hoc Review Committee, National Heart, Lung, and Blood Institute, June 23-24, 1977, Barbizon Plaza Hotel, New York, New York 10019.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 23 from 6:00 p.m. to midnight, and on June 24 from 8:00 a.m. to adjournment at 2:00 p.m. for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Michael A. Oxman, Executive Secretary, NHLBI, NIH, Room 555, Westwood Building, Bethesda, Maryland 20014, phone (301) 496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, National Institutes of Health)

Dated: May 16, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-14837 Filed 5-24-77;8:45 am]

HEART, LUNG, AND BLOOD RESEARCH REVIEW COMMITTEE A

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, June 24-25, 1977, Conference Room 9, Building 31, NIH Campus, Bethesda, Maryland.

This meeting will be open to the public on June 24, 1977 from 8:30 am to approximately 9:30 am to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 24, 1977 from 9:30 am until adjournment on June 25, 1977, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur W. Merrick, Executive Secretary, NHLBI, NIH, Room 552, Westwood Building, Bethesda, Maryland 20014, phone (301) 496-7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837 and 13.838, National Institutes of Health.)

Dated: May 16, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-14836 Filed 5-24-77;8:45 am]

HEART, LUNG, AND BLOOD RESEARCH REVIEW COMMITTEE B

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, June 24-25, 1977, Conference Room 7, Building 31, NIH Campus, Bethesda, Maryland.

This meeting will be open to the public on June 24, 1977 from 8:30 am to approximately 9:30 am to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 24, 1977 from 9:30 AM until the adjournment on June 25, 1977, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Henry G. Roscoe, Executive Secretary, NHLBI, NIH, Room 554, Westwood Building, Bethesda, Maryland 20014, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, National Institutes of Health.)

Dated: May 16, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-14835 Filed 5-24-77;8:45 am]

PRESIDENT'S CANCER PANEL ET AL.

Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notices. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of

Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members, upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

PRESIDENT'S CANCER PANEL

Dates and time: July 12, 1977; 9:30 a.m., adjournment.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Type of meeting: Open for the entire meeting.
Agenda: To hear reports of the Chairman, President's Cancer Panel and the Director, National Cancer Program, NCI.
Executive Secretary: Richard A. Tjalma, Building 31A, Room 11A46, National Institutes of Health, Phone: 301-496-5854.

CARCINOGENESIS SCIENTIFIC ADVISORY COMMITTEE

Date and time: July 18-19, 1977; 8:30 a.m., adjournment.
Place: Building 31C, Conference Room 9, National Institutes of Health.
Type of meeting: Open for the entire meeting.
Agenda: To review the scientific research program of the Carcinogenesis Program, Division of Cancer Cause and Prevention, NCI.
Executive Secretary: Dr. Glo B. Gori, Building 31, Room 11A05, National Institutes of Health, Phone: 301-496-6616.
Name of committee: Data Evaluation and Risk Assessment Subgroup of the Clearinghouse on Environmental Carcinogens.
Dates: July 25, 1977; 8:30 a.m., adjournment.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Type of meeting: Open for the entire meeting.
Agenda: To review available bioassay reports and other matters relevant to data evaluation and risk assessment.
Executive Secretary:
Dr. James M. Sontag, Building 31A, Room 3A16, National Institutes of Health. Phone: 301-496-5108.

Dated: May 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-14834 Filed 5-24-77;8:45 am]

RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Recombinant DNA Molecule Program Advisory Committee at the Linden Hill Hotel, Terrace Room, 5400 Pooks Hill Road, Bethesda, Maryland 20014 on June 22, 1977 from 9 a.m. to 5 p.m., and June 23, 1977 from 9 a.m. to 12 p.m.

The entire meeting will be open to the public for consideration of proposed revisions of the NIH Guidelines for Research Involving Recombinant DNA Molecules, and other matters requiring necessary action by the Committee. Attendance by the public will be limited to space available.

Dr. William J. Gartland, Executive Secretary, Recombinant DNA Molecule Program Advisory Committee, National Institutes of Health, Building 31, Room 4A52, telephone 301-496-2323, will provide summaries of the meeting, rosters of committee members and substantive program information.

Dated: May 18, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-14833 Filed 5-24-77;8:45 am]

RESEARCH MANPOWER REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, June 12-14, 1977, Conference Room, Chevy Chase Holiday Inn, Chevy Chase, Maryland.

This meeting will be open to the public on June 12, 1977 from 8:30 p.m. to approximately 10:30 p.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 13 and 14, 1977 from 8 a.m. until adjournment on both days, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Maryland 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Maryland 20014, phone 301-496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, 13.839, National Institutes of Health.)

Dated: May 16, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-14838 Filed 5-24-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA, OUTER CONTINENTAL SHELF IN THE WESTERN GULF

Postponement of Public Hearings Regarding Proposed Oil and Gas Lease Sale

The location and date of the public hearings scheduled for June 1-4, 1977, in Kodiak and Anchorage, Alaska were announced in the FEDERAL REGISTER on May 11, 1977, (42 FR 23885) Volume 42, No. 91. These hearings concerning the proposed oil and gas lease sale in the Western Gulf of Alaska have been postponed. The Secretary of the Interior announced an 18 month planning schedule for Outer Continental Shelf oil and gas leasing on May 17, 1977. This schedule does not include the proposed Kodiak sale, but it will be considered for inclusion in the schedule being developed for 1979-1978).

We are still soliciting comments from the public on the draft environmental impact statement which was made available to the public on April 12, 1977. Comments should be sent to the Manager, Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510, by June 24, 1977.

Dated: May 19, 1977.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: May 20, 1977.

GUY R. MARTIN,
Assistant Secretary of the Interior.

[FR Doc.77-14829 Filed 5-24-77;8:45 am]

[SAC 062886]

CALIFORNIA

Termination of Proposed Withdrawal and Reservation of Land

MAY 17, 1977.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application Sacramento 062886, for withdrawal and reservation of lands for the planned facilities of the Trinity River Division, Central Valley Project, California, was published as FR Doc. 60-5809 on page 5848 of the issue of June 24, 1960. The applicant agency has cancelled its application.

MOUNT DIABLO MERIDIAN

T. 32 N., R. 6 W.,
Sec. 19, SE¼NE¼.

The area described aggregates 40 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands at 10 a.m. on June 27, 1977, will be relieved of the segregative effect of the above mentioned application.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-14860 Filed 5-24-77;8:45 am]

[N-16657]

NEVADA

Airport Lease Application Amended

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Agricultural Aviation Services has amended its lease application to include the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 38 N., R. 36 E.,
Sec. 12, NW¼NE¼NE¼, N½NW¼NE¼, N½N½NW¼.

The purpose of this notice is to inform the public that the filing of this application segregated the described public lands from all other forms of appropriation under the public land laws.

Interested persons desiring to express their views should promptly send their comments together with their name and address to the Winnemucca District Manager, Bureau of Land Management, 705 East Fourth Street, Winnemucca, Nevada 89445.

WM. J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.77-14861 Filed 5-24-77;8:45 am]

[U-37233]

UTAH

Application

MAY 17, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 23 E., Sec. 14, NE¼NW¼, SE¼NW¼.

The needed right-of-way is a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

PAUL HOWARD,
State Director.

[FR Doc.77-14862 Filed 5-24-77;8:45 am]

[U-37227]

UTAH

Application

MAY 17, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 17 S., R. 25 E., Secs. 3 and 4.

The needed right-of-way is a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

PAUL HOWARD,
State Director.

[FR Doc.77-14863 Filed 5-24-77;8:45 am]

[U-37226]

UTAH

Application

MAY 17, 1977.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 22 E.,
Sec. 31, lot 1, NE¼NW¼.

The needed right-of-way is a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

PAUL HOWARD,
State Director.

[FR Doc.77-14864 Filed 5-24-77;8:45 am]

[Wyoming 59407]

WYOMING

Application

MAY 16, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Panhandle Pipe Line Company of Kansas City, Missouri filed an application for a right-of-way to construct a 4" natural gas pipeline for the purpose of transporting natural gas across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 44 N., R. 77 W.
Sec. 3, lot 4, SW¼NW¼;
Sec. 4, lot 1.
T. 45 N., R. 77 W.
Sec. 1, SE¼SE¼;
Sec. 11, E½SE¼, SW¼SE¼;
Sec. 12, NW¼NE¼, E½NW¼, SW¼NW¼;
Sec. 14, NE¼NW¼, S½NW¼;
Sec. 15, SE¼SW¼, SE¼NE¼, NE¼SE¼, SW¼SE¼;
Sec. 21, E½SE¼;
Sec. 22, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 28, E½E½;
Sec. 33, E½E½.

The pipeline is to transport natural gas from wells located in Johnson County, Wyoming, and will connect the wells with an existing gas transmission line in Johnson County.

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, Union & Overland Blvd., P.O. Box 2834, Casper, Wyoming 82601.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-14865 Filed 5-24-77;8:45 am]

[Wyoming 59189]

WYOMING

Application

MAY 17, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Company of Casper, Wyoming filed an application for the purpose of authorizing existing 3", 4", 6" and 8" pipelines and related facilities which have been constructed for the transportation of oil and other synthetic liquid fuels across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WASHAKIE COUNTY, WYOMING

T. 47 N., R. 90 W.
Secs. 7, 8, and 18.
T. 45 N., R. 91 W.
Secs. 19 and 30.
T. 46 N., R. 91 W.
Sec 6
T. 47 N., R. 91 W.
Secs. 5, 7, 8, 9, 10, 11, 13, 14, 22, 23, 24, 27, 28, 29, 31, 32, and 33.
T. 48 N., R. 91 W.
Secs. 29 and 32.
T. 45 N., R. 92 W.
Secs 6, 7, 8, 17, 20, 21, 22, 25, 26, and 27.
T. 46 N., R. 92 W.
Sec. 1.
T. 47 N., R. 92 W.
Secs 1, 2, 3, 11, 12, 13, 33, and 34.

The pipeline for which this right-of-way application is made is utilized as a gathering system comprised of five basic components, each an integral part of the whole. Utilization of the component parts of the right-of-way was commenced between 1957 and 1972, and has continued since that time as the only practicable

way of gathering and transporting crude oil produced from the wells served.

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, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 77-14866 Filed 5-24-77;8:45 am]

OUTER CONTINENTAL SHELF OFF LOUISIANA AND TEXAS

Oil and Gas Lease Sale No. 47, June 23, 1977

Correction

In FR Doc. 77-14474 appearing at page 26250 in the issue of Monday, May 23, 1977, make the following changes:

1. In the last three lines of paragraph 5, first column, page 26251, "Affirmative Representation Form" should read "Affirmative Action Representation Form."
2. In the title of the tract listing for Green Canyon, first column, page 26253, "protection" should read "protraction."
3. In the tract listig for Mississippi Canyon, first column, page 26253, the "Block" entry for Tract 47-230, which now reads "380," should read "280."
4. In the form on page 26254, there should be a gap in the dotted line following "N.O. misc No," to indicate that two entries are to be placed there.

Bureau of Reclamation

[INT FES 77-15]

COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior and Department of Agriculture have prepared a final environmental statement for the Colorado River Water Quality Improvement Program.

The environmental statement concerns a basinwide salinity control program to reduce the salinity of the Colorado River in order to provide water quality benefits to agricultural and municipal and industrial water users in the basin states.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-9247

Office of Assistant to the Commission, Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone 202-343-4991.

Chief, Colorado River Water Quality Office, Office, Bureau of Reclamation, Engineering and Research Center, Denver Federal Center, P.O. Box 25007, Denver, Colorado, telephone 303-234-3828.

Regional Director, Upper Colorado Region, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84111, telephone 801-588-5592.

Regional Director, Lower Colorado Region, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, telephone 702-598-7411.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation, Engineering and Research Center, or the Regional Directors. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: May 19, 1977.

HEATHER L. ROSS,
Acting Deputy Assistant Secretary.

[FR Doc.77-14826 Filed 5-24-77;8:45 am]

Fish and Wildlife Service

THREATENED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 4(d), 16 U.S.C. 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Charles Kamm, Route 1, Box 87, Courtland, Minnesota 56021.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED
Propagating Certain Species of Avian wild life classified as endangered or Threatened Wildlife - and To Sell, or Trade and also buy such birds and wildlife for the purpose of enhancing The Survival of These Species.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Charles Kamm
Rt 1 Box 87
Courtland Minn
56021

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5'6"	WEIGHT 150
DATE OF BIRTH 12-6-36	COLOR HAIR Black	COLOR EYES Blue
PHONE NUMBER WHERE EMPLOYED 359-2602 (507)	SOCIAL SECURITY NUMBER 468-42-6956	

OCCUPATION Disabled

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Propagator of Avion wildlife

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NOT Applicable

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
N/A

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Rt 1 Box 87
Courtland Minn 56021

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT ☒ YES ☐ NO
(If yes, list license or permit number)
PRT 2-1847-TW

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
NOT Applicable

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: immediately

11. DURATION NEEDED: Continuing

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.33(a)(1)(2)(3)(4)(5)(6)(7)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Sign in ink) Charles Kamm DATE 3/16/77

COMMON AND SCIENTIFIC NAME

1. Pheasant, Bar-tailed, *Syrmaticus Asminae.*
Pheasant, Brown-eared, *Crossoptilon manchuricum.*
Pheasant, Edwards, *Lophura edwardsi.*
Pheasant, Mikado, *Syrmaticus mikado.*
Pheasant, Palawan Peacock, *Polyplectron emphanum.*
Pheasant, Swinhoe, *Lophura swinhoii.*
√Pheasant, Western Tragopan, *Tragopan melanocephalus.*
Pheasant, White-eared, *Crossoptilon crossoptilon.*
√Pheasant, Elliot, *Syrmaticus elliotti.*
√Pheasant, Impeyan, *Lophopharus impeyanus.*
√Prairie Chicken, Attwater's Greater, *Tympanuchus cupido attwateri.*

2. These birds were raised in captivity.

3. Any birds can be obtained from captive-reared stock within the U.S. under permits issued by your department.

4. The birds to be covered will be raised in Minnesota at my residence at Route 1, Box 87, Courtland, MN, U.S.A. 56021.

5. The facilities available for maintaining these birds are as follows: The 18 breeding pens are 6 ft. high and 12X12. These pens house 1 pair of birds, then they also have a pen within a winterized building approximately 6X8 floor space. We maintain an outer fence with electric wire around it to protect the birds from predators. The one in poultry netting is used on the sides of pens and tops are covered with either poultry netting or toprite plastic netting. All birds are fed a commercially prepared feed and those needing heat during the winter are provided heat. The young birds are raised in free standing brooders and are started on a good quality commercial starter, switching later to grower, then flyer, etc. According to recommendations of producers and researchers, this is fed throughout their lives. I have large 50 x 50 pens, plus some individual pens for these young birds.

(ii) I have bred and maintained and raised over 30 species of birds, some of them prior to them being placed on the endangered list, and many that are considered to be delicate and difficult to maintain or breed in captivity. I have been raising game birds as a hobby for around 10 years, because we love the birds, and we're proud of the care we give them and the condition they are in. I make every effort to stay up on the latest publications and research related to my interest in captive propagation and feel that I'm well aware of the needs of the endangered birds and meet this need.

(iii) I am always willing to cooperate in the expansion of the populations of these birds and will give any data and knowledge I might have to further the populations of those species.

(iv) Any transporting is done in standard, roomy, well-ventilated cardboard or wood containers with food and water supplied. However, I don't ship any of these birds or plan to have birds shipped to me at this time. I have in the past shipped these birds (before the 1973 Endangered Species law became effective) and these containers were very adequate and no loss resulted.

(v) I have had to destroy 1 male Edwards because of a broken leg. We checked with the veterinarian and it was impossible to set. This was two years ago. Since then I have had no mortalities in birds to be covered by this permit.

7. I have no pending contracts or agreements pertaining to these birds.

8. (i) The activities include keeping and breeding of the endangered species listed in this application. I want to either sell or trade young birds I raise in captivity and to be able to obtain either by buying or trading for new birds from other breeders so that strong blood lines are kept going, and perhaps some day some of these birds can be restored to the wild from captive stock.

(ii) The activity will be carried out through proper routine care and maintenance of the birds involved so that through proper care, they will reproduce and help to increase the numbers of these dwindling species.

(iii) I don't need to restate the plight of these birds that are endangered, but it is my belief that through sound management of the captive strains of these birds they can at least keep extinction at bay in captivity, if not in the wild. I believe that I have the expertise and experience to propagate these birds as I have in the past and plan to indefinitely.

(iv) Any birds that are raised will either be paired up for breeding or distributed to other breeders interested in the captive propagation and preservation of these birds and considered qualified by State and Federal agencies, but I would also like to see these agencies granting permission and permits to the young people with the desire and love of these birds, not only to those with the expertise. Many of these young persons hold the key to the future and they can't learn if we don't let them. I for one will give all the advice needed to successfully breed any of these species—so long as they have the love and desire, that generally makes the difference between success and failure.

(v) Should the Impeyan pheasant (*Lophophorus impeyanus*) be put on the Endangered or Threatened list at a later date, I would like this permit to cover this bird as well even though at present it is not on the list or considered endangered or threatened.

Thank you.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-718-25; please refer to this number when submitting comments. All relevant comments received on or before June 24, 1977.

Dated: May 20, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office U.S. Fish and Wildlife Service.

[FR Doc.77-14819 Filed 5-24-77;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Woodland Park Zoological Gardens, 5500 Phinney Avenue North, Seattle, Washington 98103. David Hancocks, General Director.

OMB NO. 42-R1270

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Wish to send on Breeding Loan one male snow leopard, Panthera uncia, to Marwell Zoological Park, England

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Woodland Park Zoological Gardens
5500 Phinney Avenue North
Seattle, Washington 98103
Phone: 782-1265

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Non-profit public zoological park

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
David Hancocks, General Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)
Not applicable

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
Import Permit from Department of The Environment, England

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ ----------

10. DESIRED EFFECTIVE DATE: As soon as possible.

11. DURATION NEEDED: 90 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22 Title 50, questions 1 - 8 answered on attached sheet.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) [signature] DATE: March 16/77

GPO 895-041

17.22 Permit Application for Scientific Purposes.

(1) Snow leopard, *Panthera uncia*, one male, born Woodland Park Zoological Gardens, on May 2, 1975, to be sent to Marwell Zoological Park, England, for breeding purposes.

(2) Snow leopard was born in captivity at Woodland Park Zoological Gardens on May 2, 1975.

(3) Not applicable.

(4) The subject animal was born in captivity at Woodland Park Zoological Gardens, Seattle, Washington, U.S.A.

(5) Marwell Zoological Park is a large reputable zoo which has considerable success in breeding endangered species. The address is: Colden Common, Nr. Winchester, Hampshire, SO211JH, England.

6. (i) A copy of the enclosure plans where the snow leopards will be housed is enclosed. It has the considerable advantage which does not show from the plan, of being placed on a wooded slope with the woodland to the south of the enclosure, so that it is always shaded and secluded and does not become too hot even when it has temperatures as high as it did last year, of 90 degrees F. The inside enclosures are not open to the public and the dens are arranged to give complete seclusion to the inhabitants. The complex was in fact designed for snow leopards, although to date it has been occupied by European lynx who have bred regularly therein.

(ii) Marwell Zoological Park has bred the following felines since 1972: 11 Siberian tigers, 8 jaguars, 7 lynx, 12 leopards and 3 servals. In addition, they are presently involved in a comprehensive program for the breeding of cheetahs. They have a close connection with the Zoological Society of London and conduct many reciprocal breeding agreements with them. They have a qualified animal keeper staff and their curator, before coming there, was for six years a veterinary aide in the Animal Hospital of the Zoological Society of London. They have an extensive program of monitoring the health of all of their animals by routine visits of their own veterinary surgeon, and a complete laboratory monitoring of health by the local Ministry of Agriculture diagnostic laboratories.

(iii) Both Woodland Park Zoological Gardens and Marwell Zoological Park have a reputable history and intensive interest in the breeding and propogation of endangered species.

(iv) The animal will be shipped in a container that will comply with guidelines used by zoological parks and in a manner that is humane.

(v) They have had no mortalities in snow leopards.

7. Copy of breeding loan agreement is attached.

8. The sending of a snow leopard to Marwell Zoological Park will help the zoo to establish a breeding population.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-49-C07; please refer to this number when submitting comments. All relevant comments received on or before June 24, 1977 will be considered.

Dated: May 20, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-14818 Filed 5-24-77;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: John S. Nero, 414 S. Military Avenue, Green Bay, Wisconsin 54303.

OMB NO. 42-R1475

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Purchase out of state and transporting interstate 4 birds included on the Endangered Species List. These are live birds and will be used for enhancement and propagation of the species.
Scarlet-chested Parakeet
(Neophema splendida)

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
John S. Nero (Summerplace)
414 S. Military Ave.
Green Bay, WI 54303
(414) 499-9013

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6' 0" WEIGHT: 168
DATE OF BIRTH: 4 - 4 - 1951
COLOR HAIR: lt. brown COLOR EYES: blue
PHONE NUMBER WHERE EMPLOYED: Same
SOCIAL SECURITY NUMBER: 389-56-3005
OCCUPATION: Owner - Interior Landscaping
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.:
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
1840 Western Ave.
Green Bay, WI 54303

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO None needed
(If yes, list jurisdictions and type of document(s))

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: As soon as poss.

11. DURATION NEEDED: as long as possible

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR Section 17.22 (a)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): John R. Nero
DATE: 3-25-77

3-200
10-76

ATTACHMENT I—APPLICATION FOR PERMIT
SECTION 17.22(A)

(1) We seek a permit to cover 4 Scarlet-chested Parakeets (*Neophema splendida*); 1 male, 2½ year of age; 1 female, 2½ years; 2 females, about 4 weeks at this date. The activity sought to be authorized is the purchase of these birds in Ohio and transporting them back to Wisconsin.

(2) All birds were born in captivity.

(3) We have attempted unsuccessfully to locate these birds within our state of Wisconsin. We have since found the birds in question from a breeder in Ohio.

(4) The birds that we wish to be covered by the permit were bred in confinement by Dr. William K. Lindsay, 288 N. Virginia Lee Rd., Columbus, Ohio 43209.

(5) and (6) (i) The birds will be housed during winter months (Sept.–May) in a separate indoor flight measuring 3' x 7' x 8' long. A sufficient number of natural perches are always provided. The concrete floor is covered with cedar shavings which is changed as necessary. Temperature is maintained at 62–65° F. The flights are artificially illuminated by fluorescent lights. All birds are given every opportunity to propagate during this time (next boxes, nesting material and other pertinent stimulae).

During the summer months (May–Sept.), all birds are housed in outdoor aviaries (see Attachment II) measuring a minimum of 4' wide x 6' high x 8' long. A 6' high chain link fence protects the entire premises from intruders, animal and otherwise. Natural perches are again used. A dry, protective shelter (4' x 4' x 6') adjoins each flight for use at night and during severe weather. All flights are built on natural turf with wire netting buried underground around the perimeter to minimize rodent intrusion. Natural plantings are used where possible. Additionally, for further enhancement of our birds, we put a maximum effort into providing the highest quality and most complete diet at all times.

(ii) We presently maintain a very large group of exotic birds, all housed individually to reduce stress and increase potential for breeding. To further encourage breeding, all birds are put into outside aviaries during the summer, providing as natural of an environment as possible. I have been keeping and raising foreign birds for the past 13 years, breeding primarily Cockatiels and Lovebirds.

We put every conceivable effort into successfully maintaining and propagating all our birds, as can be attested to by our veterinarian, Dr. B. J. Roningen (see Attachment III) and Special Agent Dan Pooler, FWS from Oshkosh, WI, who has inspected our facilities.

(iii) We fully and sincerely intend to carry on a cooperative breeding program with the birds we seek to be covered by the permit. Additionally, we will maintain pertinent written data concerning all activities involving these birds.

(iv) The birds in question will be transported via automobile from Ohio to Wisconsin. While in transit, they will be kept in a small wire cage (approx. 20" x 12" x 12") with suitable perches, food and water. They will be covered and kept from extremes in temperature.

(v) We have had few mortalities that involved related birds—in particular, Lovebirds: one bird as a result of a crop tumor; surgery was attempted unsuccessfully by Dr. Roningen; another died of a ruptured uterus while attempting to breed. Finches have died for undetermined reasons, though senility was perhaps a contributing factor (6 years of age). In the event of any mortalities of our birds, post-mortems are performed by Dr. Roningen to attempt to find the causes of death, thus reducing the chances for further casualties.

(7) There is only a verbal agreement between us and Dr. Lindsay of Columbus, Ohio, from whom we are intending to purchase the 4 Scarlet-chested Parakeets. The purchase and subsequent transportation will take place immediately following the issuance of the necessary permits.

(8) (i) We wish to establish a successful captive breeding colony of the Scarlet-chested Parakeets in Wisconsin. As far as we know, there are no other birds of this species present or propagating in Wisconsin. By expanding their captive territory, we hope to increase the species' total population.

(ii) The birds in question have proven to be free and highly successful breeders in confinement, particularly in California. There seems to be no set season for breeding and, in fact, nest boxes must be removed frequently to avoid over-breeding!

The past, present and future success in captive breeding of these endangered birds may probably be the only means in which they may be saved from extinction. This has been proven not only by their very prolific nature in captivity, but also by the existence of a fair and increasing number of these birds already in confinement.

We have the sincere desire to participate in the enhancement and, indeed, the saving of this extremely lovely species of bird. We are and will continue to endeavor to continue to take any pains, expense and effort to successfully achieve this goal.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washing-

ton, D.C. 20240. This application has been assigned File Number PRT 2–746–07; please refer to this number when submitting comments. All relevant comments received on or before June 24, 1977 will be considered.

Dated: May 20, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77–14820 Filed 5–24–77;8:45 am]

MIGRATORY GAME BIRD REGULATIONS

Public Hearing

Notice is hereby given that a public hearing will be held in accordance with Part 455 of the Departmental Manual (Hearings) to review proposed hunting regulations of migratory birds for which early (prior to October 1) seasons are set, as follows:

PUBLIC HEARING ON EARLY SEASON MIGRATORY BIRD HUNTING REGULATIONS

Date and time: June 21, 1977, at 9 a.m.

Place: Auditorium, General Services Building, 18th and F Streets, NW., Washington, D.C.

Purpose of hearing: This hearing is for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe. Proposed hunting regulations for these species will be discussed plus regulations governing migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons in the Mississippi and Central Flyways; and special sea duck seasons in the Atlantic Flyway.

Persons wishing to participate in this public hearing should notify the Director (FWS/MBM), U.S. Fish and Wildlife Service, Department of the Interior, C Street between 18th and 19th Streets, NW., Washington, D.C. 20240, or call 202/343–8827. Statements from interested persons should be presented in writing in duplicate to the Hearing Officer at the meeting or forwarded to the U.S. Fish and Wildlife Service (FWS/MBM) at the above address prior to the meeting.

Minutes of the hearing will be available for purchase from a public stenographic services company.

Dated: May 18, 1977.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

[FR Doc.77–14813 Filed 5–24–77;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES v. CORNING FIBERS, INC.

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 5, 1977, a proposed consent decree in *United States v. Corning Fibers, Inc.*, was lodged with the District Court for the District of Vermont. The proposed decree would require Corning Fibers, Inc., to complete installation of a wastewater treatment facility by May 1, 1978, and to attain operational level with that wastewater treatment facility by June 1, 1978.

The Department of Justice will receive until June 24, 1977, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. Corning Fibers, Inc.*, D.J. Ref. 90–5–1–1–699.

The proposed consent decree may be examined at the office of the United States Attorney, P.O. Box 10, Rutland, Vermont, at the Region I Office of the Environmental Protection Agency, Enforcement Division, John F. Kennedy Federal Building, Boston, Massachusetts 02203, and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

PETER R. TAFT,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 77–14867 Filed 5–24–77;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice is hereby given, pursuant to Pub. L. 92–463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, June 10 and on Saturday, June 11, 1977. Friday will be set aside for site visits in the Appalachian states (Tennessee, Southern Ohio, Kentucky, Georgia, Alabama and Mississippi) and will start at 8:30 a.m. and end at 5:30 p.m. The Saturday meeting will be held in Atlanta, Georgia (meeting room and place to be announced at a later date) from 9 a.m. until 2 p.m.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The main purpose of the two-day activities is to study rural issues in compensatory education in the various Appalachian States and to examine the role of the Appalachian Regional Commission.

Because of limited space, all persons wishing to attend should call for reservations by June 3, 1977, area code 202–382–6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on May 23, 1977.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.77–15036 Filed 5–24–77;8:45 am]

NATIONAL SCIENCE FOUNDATION

INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

NAME: Proposal Review Panel of the Office for the International Decade of Ocean Exploration, Ad Hoc Subpanel for the BIOTRANS Project.

DATE AND TIME: June 10, 1977; 9 a.m. to 5 p.m.

PLACE: National Science Foundation, 1800 G Street NW., Washington, D.C 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON:

Mr. Feenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, Room 605, National Science Foundation, Washington, D.C. 20550, telephone 202–632–7356.

PURPOSE OF PANEL: To provide the IDOE Proposal Review Panel members with additional expertise in the review and evaluation of proposals relating to oceanographic research related to Biological Transport (BIOTRANS).

AGENDA: Detailed review and evaluation of proposals for support of the BIO TRANS Project.

REASON FOR CLOSING: The proposals being reviewed included information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MAY 20, 1977.

[FR Doc.77–14904 Filed 5–24–77;8:45 am]

SOCIOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Sociology.

DATE AND TIME: June 10 and 11, 1977; 9 a.m. each day.

PLACE: Room 628, National Science Foundation, 1800 G Street NW., Washington, D.C.

TYPE OF MEETING: Closed.

CONTACT PERSON:

Mr. Garry Wallace, Assistant Program Director for Sociology, Room 312, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4204.

PURPOSE OF PANEL: To provide advice and recommendations concerning support research in sociology.

AGENDA, CLOSED SESSION: To review and evaluate research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-14905 Filed 5-24-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 18, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Importers' questionnaire (malleable cast-iron pipe and tube fittings), single time, importers of malleable cast-iron pipe and tube fittings, Evinger, S. K., 395-3710.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Request for arbitration panel, on occasion, labor and management organizations, Warren Topelius, 395-5872.

DEPARTMENT OF COMMERCE

Economic development administration, certification by contractor or subcontractor regarding equal employment opportunity, ed-120, on occasion, contractors and subcontractors, Lowry, R. I., 395-3772.

National Bureau of Standards, Survey of Radiation Calibration Needs in Therapy, NBS-1978, single time, medical physicists and radiotherapists, Richard Eisinger, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Survey of Hospital Staff, single time, administrators of short-stay hospitals, Richard Eisinger, 395-6140.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Proposed Appendix C to the Joint FHWA/UMTA Urban Transportation Planning Regulation, Other (See SF-83I), Metro planning orgs. in all 279 urbanized areas, Strasser, A., 395-5867.

National Highway Traffic Safety Administration Motorcycle Accident Factors/Exposure Data, on occasion, motorcyclists, Strasser, A., 395-5867.

REVISIONS

DEPARTMENT OF COMMERCE

Domestic and International Business Administration Marketing Data Form, DIB-466P, weekly, manufacturers and exporters, Warren Topelius, 395-5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement for Determining Continuing Eligibility for SSI Payments, SSA-8203, single time, aged, blind or disabled recipients of SSI payments, housing, veterans and labor division, 395-3532.

EXTENSIONS

FEDERAL MEDIATION AND CONCILIATION SERVICE

Arbitrators Personal Data, R-22, on occasion, labor arbitrators, Warren Topelius, 395-5872.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service:

Application for Settlement of Indebtedness (to U.S. Department of Agriculture), ASCS-539, on occasion, individual farmers or ex-farmers, Warren Topelius, 395-5872.

Estimate of production (Tobacco), MQ92, on occasion, farms, Warren Topelius, 395-5872.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Steel Producers Production (Directive) Report, DIB 943, quarterly, steel producers, Warren Topelius, 395-5872.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Requirement for Preparation of Financial Reports, HUD92310NH, HUD92408, on occasion, all multifamily housing projects, Housing, Veterans and Labor Division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-14893 Filed 5-24-77;8:45 am]

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Business Advisory Council on Federal Reports to be held in Room 2010, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. on June 16, 1977, at 10:00 a.m.

The purpose of the meeting is to conduct Council business such as the Treasurer's Report, Council budget, and reports of various Committees; to hear remarks from the Deputy Associate Director for Statistical Policy; and to receive reports of recent actions by the Office of Management and Budget which affect the reporting of business firms to Federal agencies. The meeting will be open to public observation and participation.

Anyone wishing to participate should contact the Deputy Associate Director for Statistical Policy, Room 10202, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395-3730.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.77-14868 Filed 5-24-77;8:45 am]

[Public Notice CM-7/69]

DEPARTMENT OF STATE

ADVISORY COMMITTEE TRANSNATIONAL ENTERPRISES

Meeting

The Department of State Advisory Committee on Transnational Enterprises will hold its eighth meeting on Friday, June 10 at 9:30 a.m. in Room 1105 of the

Department of State, 2201 C Street NW., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting will be to discuss the ongoing work in international fora in regard to questionable payments, and codes of conduct relating to transfer of technology and transnational enterprises.

Requests for further information on the meeting should be directed to Stephen Bond, Department of State, 2201 C Street NW., Washington, D.C. 20520. He may be reached by telephone on area code 202–632–0349.

Members of the public wishing to attend the meeting must contact Mr. Bond's office in order to arrange entrance to the State Department building.

The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: May 13, 1977.

STEPHEN R. BOND,
Executive Secretary.

[FR Doc.77-14791 Filed 5-24-77;8:45 am]

[Public Notice CM-7/70]

SHIPPING COORDINATING COMMITTEE

Subcommittee on Safety of Life at Sea

Meeting

The working group on the carriage of dangerous goods of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 on Thursday, June 16, 1977, in Room 8334 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting will be to discuss:

The report to the Maritime Safety Committee of the 27th Session of the Intergovernmental Maritime Consultative Organization (IMCO) Subcommittee on the Carriage of Dangerous Goods.

U.S. positions on matters to be considered at the 28th Session of the IMCO Subcommittee on the Carriage of Dangerous Goods scheduled to be held in London September 19–23, 1977.

The progress of IMCO activities of a continuing nature, such as implementation of the International Maritime Dangerous Goods Code (IMDG).

Requests for further information on the meeting should be directed to Captain C. E. Mathieu, United States Coast Guard. He may be reached by telephone on area code 202–426–2296.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, Jr.,
Acting Director,
Office of Maritime Affairs.

MAY 16, 1977.

[FR Doc.77-14792 Filed 5-24-77;8:45 am]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE OF THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on June 9, 1977 at 10 a.m. in Room 511 of the Federal Communications Commission, 1919 M Street NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The Committee will discuss international telecommunications questions relating to telegraph and telex services, and will consider the development of U.S. positions to be taken at an international CCITT meeting to be held June 20–24, 1977 in Geneva, Switzerland.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: May 16, 1977.

ARTHUR L. FREEMAN,
Chairman,
U.S. CCITT National Committee.

[FR Doc.77-14790 Filed 5-24-77;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Agnese, Carlos E., 700C Raleigh Avenue, Norfolk, Virginia, convicted on March 29, 1974, in the United States District Court for the Eastern District of Norfolk, Virginia.

Askenette, Alexander, Jr., Star Route, Keshena, Wisconsin, convicted on March 22, 1967, in the County Court of Shawano, Menominee County, Wisconsin.

Baldwin, Ardeth D., 1007 Okoboji Avenue, Milford, Iowa, convicted on September 7, 1948, in the United States District Court, Northern District, Iowa.

Bathke, Randolph O., RFD, Plankinton, South Dakota, convicted on March 25, 1974, in the Fourth Judicial Circuit, Aurora County, South Dakota.

Belcher, Edward F., 220 Chestnut Street, Suffolk, Virginia, convicted on May 8, 1951, in the Circuit Court of Charlotte County, Virginia.

Boynton, David B., 1719 Oak Drive, Augusta, Georgia, convicted on June 16, 1966, in the Superior Court of Richmond County, Georgia.

Brannen, Robert F., 2210 Country Bend South, Lakeland, Florida, convicted on September 5, 1972, in the United States District Court, Middle District of Florida, Tampa, Florida.

Brewer, Jack H., Route 10, Box 621-Z, Fort Worth, Texas, convicted on April 10, 1975, in the United States District Court, Northern District, Fort Worth, Texas.

Brown, Franklin D., 105 Greenbriar Road, Gadsden, Alabama, convicted on October 28, 1954, in the District Court, Northern District of Illinois, Eastern Division.

Browning, Bobby R., Route 1, Box 186, Franklin, North Carolina, convicted on October 9, 1974, in the Superior Court for Jackson County, North Carolina.

Burt, Jay Dee, 1916 Rancho Road, Lincoln, Nebraska, convicted on February 2, 1973, in the Lancaster County District Court, Nebraska.

Caldero, Santiago L., 2716 West Division Street, Chicago, Illinois, convicted on November 6, 1956, in a General Court Martial, Fort Sill, Oklahoma.

Campbell, Neil J., 3318 Comanche, Flint, Michigan, convicted on October 31, 1963, in the Circuit Court for the County of Huron, Michigan.

Carey, Martin F., 6031 Madison, Groves, Texas, convicted on January 8, 1975, in the Criminal District Court of Jefferson County, Texas.

Carey, Martin J., 200 West Hermosa Drive, I-201, Tempe, Arizona, convicted on May 26, 1972, in the Court of Common Pleas, Philadelphia, Pennsylvania.

Chaffin, Robert M., Route 1, Box 5, Drewryville, Virginia, convicted on January 19, 1965, in the Campbell County Circuit Court, Rustberg, Virginia.

Cook, Phillip D., 1027 South Bell Street, Kokomo, Indiana, convicted on March 4, 1966, in the Russell Circuit Court, Jamestown, Kentucky.

Cook, Victor H., 4472 Daisy Street, Springfield, Oregon, convicted on February 27, 1974, in the Circuit Court for Lane County, Oregon.

Dahlin, Roy G., 612 73rd Avenue North, Minneapolis, Minnesota, convicted on October 10, 1950, in the Fourth Judicial District Court, Hennepin County, Minnesota.

DuBois, Raymond L., Jr., 216 East Third Street, Winona, Minnesota, convicted on December 6, 1963, in the Third Judicial District Court, Winona County, Winona, Minnesota.

Flowers, Richmond M., 209 North Oates Street, Dothan, Alabama, convicted on March 10, 1969, in the United States District Court, Northern District, Alabama.

Foss, Gerard J., 291 Garfield Avenue, Battle Creek, Michigan, convicted on November 16, 1962, in the Barry County Circuit Court, Michigan.

Furr, Jerry Franklin, Route 4, Box 154-5, Albermarle, North Carolina, convicted on November 19, 1973, in the Stanly County Superior Court, North Carolina.

Gallaher, Hubert L., Jr., 1168 Sheffield Drive, Lynchburg, Virginia, convicted on June 10, 1974, in the United States District Court, Western District, Virginia, Lynchburg, Virginia.

Genest, Wilfred P., 551 Indian Head Street, Hanson, Massachusetts, convicted on December 3, 1968, in the Boston Municipal Court, Boston, Massachusetts.

Gilmore, Jackson L., Route 2, Box 62, Wadesboro, North Carolina, convicted on August 16, 1971, in the United States District Court, Western District, Charlotte, North Carolina.

Graves, James H., 3244 Southwest 88th Place, Miami, Florida, convicted on July 9, 1973, in the United States District Court, Southern District of California.

Green, Riza L., 1456 South Seventh Street, Louisville, Kentucky, convicted on April 27, 1972, in the Circuit Court, McCracken County, Paducah, Kentucky.

Hammons, Ellis, Jr., 2560 White River Boulevard #2, Muncie, Indiana, convicted on April 24, 1941, in the Delaware County Circuit Court, Muncie, Indiana.

Harlan, Richard C., 2028 West Fourth, Spokane, Washington, convicted on October 4, 1957, in the District Court of Blackhawk County, Waterloo, Iowa.

Hays, Dennis C., 72 Russell Street, Melrose, Massachusetts, convicted on May 7, 1962, in the Plymouth Superior Court, Plymouth, Massachusetts.

Hemphill, Charles L., Box 324, Deer River, Minnesota, convicted on March 26, 1973, in the Ninth Judicial District Court, County of Ithaca, Minnesota.

Huckabee, Donald J., Route 4, Box 180-B, Gainesville, Florida, convicted on April 13, 1959; April 11, 1961; July 5, 1966; and on July 20, 1967, in the Alachua County Circuit Court, Florida.

Hurlburt, Todd O., 1401 Rand Street, Boise, Idaho, convicted on January 28, 1972, in the Yakima County Superior Court, Yakima, Washington.

Kaminski, Bernard W., 1123 North Second Avenue, Wausau, Wisconsin, convicted on March 19, 1973, in the Marathon County Court, Wausau, Wisconsin.

Kimbro, Frank, Bur Cole Ranch, Route 1, Grovetown, Georgia, convicted in October 1934, in the Superior Court, Green County, Georgia; and on April 9, 1957, in the United States District Court, Southern District, Georgia.

Klamert, Glenn E., 2513 Brown Street, Flint, Michigan, convicted on December 30, 1963, in the Circuit Court for Genesee County, Michigan.

Kraft, Monroe E., Box 219, Timber Lake, South Dakota, convicted on September 18, 1973, in the Jones County Circuit Court, Murdo, South Dakota.

Lape, Lillian R., Bay Crest Estates, P.O. Box 5508, Charleston, Oregon, convicted on April 5, 1960, in the Coffee County District Court, Burlington, Kansas.

Lee, David A., RFD #3, Augusta, Maine, convicted on June 10, 1974, in the Penobscot Superior Court, Maine.

Loignon, Kennard L., Box 380, Pine Ridge, South Dakota, convicted on March 5, 1975, in the United States District Court, Maryland.

Loomis, Arthur C., 414 West 12th Street, Vancouver, Washington, convicted on August 19, 1935, in the Superior Court, State of Washington, Clark County.

Luce, Donald E., 360 East Atherton Road, Flint Michigan, convicted on January 15, 1951, and on December 2, 1964, in the Circuit Court for the County of Genesee, Michigan; and on November 20, 1964, in the Circuit Court for the County of Ingham, Michigan.

Mills, James H., R.D. #2, Mercersburg, Pennsylvania, convicted on July 26, 1957, and on January 29, 1960, in the Franklin County Court, Pennsylvania.

Moore, Luther D., 19 Lake Hills, North, Northport, Alabama, convicted on April 18, 1966, in the United States District Court for the Northern District of Alabama.

Packett, Irving D., Jr., Route 2, Warsaw, Virginia, convicted on January 29, 1973, in the Circuit Court of Franklin County, Virginia.

Payne, Wesley D., 508 Sandy Valley Court, Virginia Beach, Virginia, convicted on May 24, 1974, in the United States District Court, Eastern District, Virginia, Norfolk Division.

Pettigrew, Roosevelt, 1810 North Washington Street, Baltimore, Maryland, convicted on August 2, 1973, in the United States District Court, for the District of Maryland.

Pickler, Edgar L., Jr., 7200 Galveston Boulevard, Norfolk, Virginia, convicted on March 29, 1974, in the United States District Court, Eastern District of Virginia, Norfolk, Virginia.

Pullar, Michael W., 1621 Township Street, Sedro Woolley, Washington, convicted on July 13, 1973, in the Superior Court of Skagot County, Washington; and on July 16, 1973, in the Superior Court of Whatcom County, Washington.

Rowan, Donald R., 29 Allen Avenue, Painesville, Ohio, convicted on or about May 22, 1962, in the Common Pleas Court, Lake County, Ohio.

Sandra, Jerry L., Route 1, Hiawassee Georgia, convicted on May 28, 1970, in the United States District Court, Western District, Bryson City, North Carolina.

Schultz, Raymond S., 839 Victory Drive, Westwego, Louisiana, convicted on October 22, 1974, in the United States District Court, Eastern District of Louisiana.

Seiber, Robert H., Route 8, Powell, Tennessee, convicted on January 3, 1944; on January 10, 1966; on August 15, 1968; on December 9, 1970; and on January 9, 1974, in the United States District Court, Eastern District, Tennessee.

Snedegar, Robert S., P.O. Box 54, Columbia, Tennessee, convicted on October 11, 1954, in the United States District Court, Middle District of Tennessee; and on May 10, 1955, in the United States District Court, Middle District of Tennessee.

Sweisford, Raymond C., 1308 North Oregon Street, El Paso, Texas, convicted on October 2, 1969, in the United States District Court, Western District, Texas.

Tharpe, Loton E., Route 1, Box 469, Ronda, North Carolina, convicted on or about May 18, 1953; and on May 23, 1957, in the United States District Court, Wilkesboro, North Carolina.

Tickner, Darrel D., 8616 Airline, Houston, Texas, convicted on February 26, 1973, in the District Court, Harris County, Texas.

Tinnerello, Dominic A., Sr., 241 Buttrick Avenue, Bronx, New York, convicted on June 13, 1938, in the County Court of Putnam County, New York.

Williams, Tommy Ray, Box 341, Pascagoula, Mississippi, convicted on June 27, 1966, in a General Court Martial, Fort Bragg, North Carolina.

Yaughn, Franklin L., 1202 Glendale Avenue, Macon, Georgia, convicted on January 18, 1973, in the United States District Court, Northern District of Georgia.

Signed at Washington, D.C., this 17th day of May 1977.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.77-14812 Filed 5-24-77;8:45 am]

[Supplement to Dept. Circular Public Debt Series—No. 12-77]

Office of the Secretary

TREASURY NOTES OF SERIES Q-1979

Interest Rate

MAY 19, 1977.

The Secretary of the Treasury announced on May 18, 1977, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 12-77, dated May 12, 1977, will be 6⅛ percent per annum. Accordingly, the notes are hereby redesignated 6⅛ percent Treasury Notes of Series Q-1979. Interest on the notes will be payable at the rate of 6⅛ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77-14811 Filed 5-24-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 397]

ASSIGNMENT OF HEARINGS

MAY 20, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 141431 Sub 2, Cal-Valley Transportation, Inc., now assigned June 8, 1977, at San Francisco, Calif., will be held in the Tax Court, Room 2021, Federal Bldg. and Courthouse, 450 Golden Gate Ave.

MC 121775 Sub 2, Milton B. Anderson and Melvin K. Anderson, A Partnership d.b.a. Overland Express, now assigned June 13, 1977 at Reno, Nevada, will be held in Courtroom 2, 5th Floor, Federal Bldg., 300 Booth.

MC 117604 Sub 11, Meadors Freight Lines, Inc., now assigned September 12, 1977, at Atlanta, Ga., will be held in Room 305, 1252 W. Peachtree St. NW.

MC 117940 Sub 187, Nationwide Carriers, Inc., now assigned June 16, 1977, at Minneapolis, Minn., will be held in Room 627, Federal Bldg., 316 N. Robert Street.

MC 127187 Sub 16, Floyd Duenow, Inc., now assigned June 20, 1977, at Minneapolis, Minn., will be held in Court Room 3, Federal Bldg., U.S. Courthouse, 316 N. Robert Street.

MC 133490 Sub 11, Lees Trucking, Inc., now assigned June 14, 1977 at Minneapolis, Minn., will be held in room 627, Federal Bldg., 316 N. Robert Street.

MC 136786 Sub 103, Robco Transportation, Inc., now assigned June 15, 1977, at Minneapolis, Minn., will be held in Room 627, Federal Bldg., 316 N. Robert Street.

MC 123407 Sub 346, Sawyer Transport, Inc., now assigned June 13, 1977, at Boise, Idaho, will be held in Room 429, Federal Bldg., 550, W. Fort Street.

MC 117940 Sub 202, Nationwide Carriers, Inc., now assigned June 27, 1977, at New York City, N.Y., will be held in Room 2839, Federal Bldg., 26 Federal Plaza.

MC 29613 Sub 8, Jayne's Motor Freight, Inc., now assigned June 29, 1977, at New York, N.Y., will be held in Room 2839 Federal Bldg., 26 Federal Plaza.

MC 140389 Sub 9, Osborn Transportation, Inc., now assigned June 20, 1977, at Atlanta, Ga., will be held in Room 305, 1252 W. Peachtree St. N.W., and on July 18, 1977, at San Francisco, Calif., will be held on the 5th Floor Room 510 211 Main Street.

MC 84687 Sub 4, Veterans Truck Line, Inc., now assigned June 14, 1977, at Chicago, Ill., will be held Room 286, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 29839 Sub 5 and MC 29839 Sub 6, Evergreen Stage Lines, Inc., now assigned June 20, 1977, at Portland, Oregon, will be held in Room 103, Pioneer Courthouse, 555 SW. Yamhill Street.

MC-F-13044, Consolidated Freightways Corp., of Del.—Purchase (Portion)—Point Express, Inc., now assigned June 8, 1977, at Columbus, Ohio, will be held in room 235, Federal Bldg., 85 Marconi Blvd.

MC 110012 Sub 33, Roy Widener Motor Lines, Inc., now assigned June 1, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 139279 Sub 2, Conalco Contract Carriers, Inc., now assigned June 3, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 142287 Sub 2, Tom Younkin, Inc., now assigned June 2, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 139495 Sub 180, National Carriers, Inc., now assigned June 6, 1977, at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC-F 12774, O'Nan Transportation Co., Inc.—Investigation of Control — Owenton Express, Inc., MC 136018, Tri-City Express, Inc., MC-F 12598, Cooper-Jarrett, Inc.—Purchase—Tri-City Express, Inc., MC 35334 Sub No. 78, Cooper-Jarrett, Inc., MC 134817 and MC 134817 Sub 1, Owenton Express, Inc. now being assigned July 12, 1977 (4 days) for continued hearing at Lexington, Kentucky in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14931 Filed 5-24-77;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 139]

BURLINGTON NORTHERN INC.

Exemption Under Mandatory Car Service Rules

It appearing that the railroads named herein own numerous 40-ft., narrow door, plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 403, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6 in. or less, equipped with doors less than 9 ft. wide; and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

BURLINGTON NORTHERN INC.

Reporting Marks: BN-CBQ-GN-NP-SPS

Effective 11:30 a.m., May 13, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., May 13, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-14936 Filed 5-24-77;8:45 am]

[Notice No. 65]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 20, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 78118 (Sub-No. 33TA), filed April 22, 1977. Applicant: W. H. JONES, INC., 35 Witmer Road, Lancaster, Pa. 17602. 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: *Paper and paper products*, from the plantsite and shipping facilities of Container Corporation of America in Hanover Township, Lehigh County, Pa., to points in that portion of New Jersey on and north of U.S. Highway 40. Restricted to traffic originating at and destined to the above origin and destination territory, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Container Corporation of America, Philadelphia, Pa. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 107460 (Sub-No. 67TA), filed April 26, 1977. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from the plantsite of R. R. Donnelley Corporation located at or near Crawfordsville, Ind., to the plantsite of Random House, Inc., located at or near Westminster, Md., under a continuing contract or contracts with R. R. Donnnelley Corporation, for 180 days. Supporting shipper(s): R. R. Donnelley Corporation, 2223 King Drive, Chicago, Ill. 60616. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 108393 (Sub-No. 119TA), filed May 2, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: Thomas B. Hill (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances, equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between Lowell, Mich. and Clyde, Ohio, under continuing contract or contracts with Whirlpool Corporation, for 180 days. Supporting shipper: Whirlpool Corporation, Carl R. Anderson, Director of Corporate Traffic, Administrative Center, Benton Harbor, Mich. 49022. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 110525 (Sub-No. 1191TA), filed April 22, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520

East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenols*, in bulk, in tank vehicles, from Rotterdam Junction, N.Y., to points of entry on the International Boundary between the United States and Canada located on the St. Lawrence River at Alexandria Bay, N.Y., and Rooseveltown, N.Y., for furtherance of Belleville, Ontario, Canada, for 180 days. Supporting shipper(s): Schenectady Chemicals, Inc., Congress Street, Schenectady, N.Y. 12301. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111812 (Sub-No. 533TA), filed April 26, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: David Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products*, except in bulk, in vehicles equipped with mechanical refrigeration from the storage facilities utilized by M&M/MARS, located at or near Hampden Township, Cumberland County, Pa., to Arizona, California, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M&M/MARS, High Street, Hackettstown, N.J. 07840, Daniel B. Craver, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 117940 (Sub-No. 219TA), filed April 26, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale department and hardware stores (except foodstuffs, articles of unusual value, commodities in bulk, and household goods as defined by the Commission) (1) from the Los Angeles, California Harbor Commercial Zone to Brookings, S. Dak. and Minneapolis, Minn., (2) from the facilities of the Port of Tacoma, Wash. and the Port of Seattle, Wash., to Brookings and Sioux Falls, S. Dak., and to points in the Minneapolis-St. Paul, Minnesota Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately four (4) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 119789 (Sub-No. 345TA), filed April 25, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 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: *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 Los Angeles, Calif., to points in New York—Representative destinations New York City, Westbury, Mt. Kisco and Waterford, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ward Foods Company, Inc., Gold Ring Meat Division, 3461 E. Vernon Avenue, Los Angeles, Calif. 90058. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 139520 (Sub-No. 2TA) (Correction), filed March 25, 1977, published in the FEDERAL REGISTER issue of April 13, 1977, and republished this issue. Applicant: DEAN MCCARY, doing business as FLYING "S" FEED EXPRESS, Route 4, Box 84, Clovis, N. Mex. 88101. Applicant's representative: James E. Sneed, P.O. Box 2228, Santa Fe, N. Mex 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transportating: (a) *Livestock feed*, between points in California, on the one hand, and, on the other, points in Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas and California, (b) *livestock feed ingredients*, between points in the states of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas and California, under a continuing contract with Wilbur-Ellis Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilbur-Ellis Company, P.O. Box 427, Clovis, N. Mex. Send protests to: District Supervisor, John H. Kirkemo, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101. The purpose of this republication is to include part (b) to the requested authority.

No. MC 139824 (Sub-No. 3TA), filed April 27, 1977. Applicant: BITTERSWEET ENTERPRISES, INC., Rural Route 1, Manhatten, Kans. 66502. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Complete buildings, except prefabricated* building when transported in wheeled undercarriages equipped with hitchball connectors, between Marshall County, Kans., on the one hand, and, points in Nebraska, on the other hand, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Meyer Lumber and Hardware, Inc., Box 8, Summerfield, Kans. 66541. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building and U.S. Courthouse, 444 S. E. Quincy, Topeka, Kans. 66683.

No. MC 143013 (Sub-No. 1TA), (Partial correction), filed March 21, 1977, published in the FEDERAL REGISTER issue of April 20, 1977, republished as a partial correction this issue. Applicant: ROGER CHILTON, doing business as CHILTON TRUCKING COMPANY P.O. Box 841, Beaumont, Tex. 77704. Applicant's representative: John W. Carlisle, 4100 Greenbriar, Suite 215, Houston, Tex. 77098. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engine or motor parts and equipment and parts thereof*, used on ships and ocean going vessels for the operation, maintenance and safety of such ships and vessels; (5) between the following airport: Bates Field, Mobile, Ala.; Ferguson Regional Airport, Pensacola, Fla.; Clearwater Airport and Albert Whitted Airport, St. Peterburg, Fla.; Tampa International Airport, Peter O. Knoght Airport and Vandenberg Airport, Tampa, Fla.; Page Field, Ft. Myers, Fla.; Executive Airport and Hollywood International Airport, Ft. Lauderdale, Fla.; Key West International Airport, Key West, Fla.; Miami International Airport, Miami, Fla.; Palm Beach International Airport, West Palm Beach, Fla.; Harry W. Nelson Airport, Ft. Pierce, Fla.; Daytona Beach Regional Airport, Daytona Beach, Fla.; St. Augustine Municipal Airport, St. Augustine Fla.; Golden Isles Municipal Airport and Malcom McKinnon Airport, Brunswich, Ga.; Savannah Municipal Airport.

No. MC 143118 (Sub-No. 1TA) (Correction) filed April 8, 1977, published in the FEDERAL REGISTER issue of April 28, 1977, republished as corrected this issue. Applicant: ALFRED SWINFORD, doing business as SWINFORD TRUCKING, Route 8, Hendron Road, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire coat hangers*, from the plantsite of Laidlaw Corporation, Metropolis, Ill., to Miami, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting

shipper: Laidlaw Corporation, 1212 5th St., Metropolis, Ill. 62960. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 N. Main Bldg., 100 B. Main St., Suite 2006, Memphis, Tenn. 38103. The purpose of this republication is to correct the applicant's name.

No. MC 143161 (Sub-No. 1TA), filed April 26, 1977. Applicant: BEVERAGE TRANSPORT, INC., Box 13515, 1210 Bluff Road, Columbia, S.C. 29201. Applicant's representative: Harry S. Dent, Drawer 175, West Columbia, S.C. 29169. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages and soft drinks and materials, supplies, and equipment* used in the manufacture, mixing, distribution, and sale of non-alcoholic beverages and soft drinks, between Cheraw, S.C., on the one hand, and, on the other, North Carolina; Georgia; Virginia; West Virginia; Kentucky; Gainesville and Jacksonville, Fla.; Johnson City and Knoxville, Tenn.; Philadelphia and Allentown, Pa.; Mt. Vernon, N.Y.; Cheverly, Forestville, Salisbury and Silver Spring, Md.; Teterboro, Caldwell, Kearny, and Brunswick, N.J.; and Washington, D.C., under a continuing contract, or contracts, with Carolina Canners, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Carolina Canners, Inc., P.O. Box 965, Cheraw, S.C. 29520. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 143177TA, filed April 22, 1977. Applicant: MICHAEL C. STRICKLAND, d.b.a. STRICKLAND FEED SERVICE, West 6th Street, P.O. Box 10, Luverne, Ala. 36049. Applicant's representative: Michael C. Strickland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds and feedstuff* only in bulk, in tank trailers with auger self unloading devices, from the plantsite and storage facilities of Cargill, Inc., Nutrena Feed Division, in the Montgomery Industrial terminal in Montgomery, Ala., to all points in Georgia and Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cargill, Inc., Nutrena Feed Division, P.O. Box 9407, Montgomery, Ala. 36108. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 143206TA, filed April 25, 1977. Applicant: PRIVATE COURIERS, INC., 4661 N. 2th Avenue, Schiller Park, Ill. 60176. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medicines, drugs, supplies, and equipment*, and parts thereto, normally used in the operation of a hospital or medical clinic, including, but not limited to, medical isotopes, test kits, and radiopharmaceuticals, between the facilities of Abbott Laboratories at or near North Chicago, Ill., on the one hand, and, on the other facilities of air carriers and/or air freight forwarders located in the commercial zones of Chicago and Wheeling, Ill., and Milwaukee, Wis., restricted to traffic having prior or subsequent movement by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Abbott Laboratories, Robert E. Schayer, Manager-Distribution Planning, Abbott Park, AP-8, North Chicago, Ill. 60064. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

PASSENGER APPLICATIONS

No. MC 143176TA, filed April 19, 1977. Applicant: GOLF HOST WEST, INC., d/b/a. TAMARRON INN AND GOLF CLUB, U.S. Highway 550, 18 miles north of Durango, Post Office Drawer 3131, Durange, Colo. 81301. Applicant's representative: Lester I. Sherman, 124 E. 9th St., P.O. Box 1121, Durange, Colo. 81301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guests of Tamarron Inn and Golf Club*, having subsequent or prior movement by air, between Farmington, N. Mex., and Tamarron 18 miles north of Durango, Colo., and their baggage in the same vehicle or towed trailer. From Tamarron, 18 miles north of Durango, Colo., to Farmington, N. Mex. Airport via the following routes: U.S. Highway 550 south to Durango, U.S. Highways 550 and 160 south five miles, U.S. Highway 550 south to Farmington, N. Mex., and return over the same route, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tamarron Association of Condominum Owners, Inc., 124 E. 9th St., P.O. Box 1121, Durango, Colo. 81301. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 143202TA, filed April 27, 1977. Applicant: E & P AUTO LIVERY INC., 43 Easton Avenue, New Brunswick, N.J. 08003. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in nonscheduled door to door service of not more than six passengers in any one vehicle not including driver, over irregular routes, between points in Middlesex County, N.J., on the one hand, and, on the other, John F. Kennedy International Airport and LaGuardia Airport, New York, N.Y., and Philadelphia International Airport, Philadelphia, Pa., for 180 days. Supporting shipper(s): There are approximately four (4) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14933 Filed 5-24-77;8:45 am]

[Notice No. 66]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 20, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmited.

MOTOR CARRIERS OF PROPERTY

No. MC 35807 (Sub-No. 74TA), filed May 13, 1977. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, 210 Baker St. NW., Atlanta, Ga. 30302. Applicant's representative: Steven J. Thatcher (same address as applicant). Authority sought to operate as a *contract carrier*, b. motor vehicle, over irregular routes, transporting:

Coin, currency and securities, between Denver, Colo., and all points and places in Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, and Harper Counties, Kans., and all points and places in Kansas west thereof, under a continuing contract or contracts with Federal Reserve Bank of Kansas City, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Federal Reserve Bank of Kansas City, 925 Grand, Kansas City, Mo. 64198. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Rm. 546, Atlanta, Ga. 30309.

No. MC 40494 (Sub-No. 12TA), filed April 18, 1977. Applicant: HILBURN TRUCKING, INC., Sixth and Locust, Wellsville, Kans. 66092. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *New and used combines, knocked down or set up, and parts thereof* between Independence, Missouri on the one hand, and, on the other, points and places in the states of Nebraska, Kansas, Colorado, Illinois, Wisconsin, Indiana, Ohio, and Michigan, for 180 days. Supporting shipper: Allis-Chalmers, P.O. Box 1099, Independence, Mo. 64051. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 48958 (Sub-No. 132TA), filed May 5, 1977. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, Colo. 80216. Applicant's representative: Mr. Lee Lucero (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged meats and meat products*, in mechanically refrigerated equipment, from the plantsite and storage facilities of Land O' Frost, Inc., at Searcy, Ark., to Phoenix, Ariz., and points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Land O' Frost, Inc., 16850 Chicago Avenue, Lansing, Ill. 60438. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 71642 (Sub-No. 25TA) (Correction), filed March 25, 1977, published in the FEDERAL REGISTER issue of April 13, 1977, republished as corrected this issue. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Allen Drive, Newark, Del. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemically hardened fibre and insulating materials, articles, sheets, shapes and forms, including plastics and plastic articles, sheets, shapes, forms, rods, tubes, grinding, and pellets*, for the account of Keysor-Century Corporations, between Delaware City Commercial Zone, and Newark, Del., on the one hand, and, the commercial zones of Hialeah and Miami, Fla., and Mt. Vernon, N.Y., and Holtsville and Holbrook, Long Island, N.Y., and return from these points, under a continuing contract with Keysor Century Corp., for 180 days. Supporting shipper: Keysor Century Corp., P.O. Box 311, Delaware City, Del. 19706. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Rm. 3238, Philadelphia, Pa., 19106. The purpose of this republication is to indicate the location as to where protests are to be filed.

No. MC 73165 (Sub-No. 404TA), filed May 5, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Stephens and East Camden, Ark., to points in Alabama, Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Elk Corporation, P.O. Box 37, Stephens, Ark. Send protests to Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 82063 (Sub-No. 79TA), filed May 6, 1977. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, St. Louis, Mo. 63127. Applicant's representative: W. E. Klipsch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastic resins*, in bulk, in tank vehicles, from Monticello, Ark., to Decatur, Ala., Jeffersonville, Ind., Louisville, Ky., New Orleans, La., and Houston, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Empro Corporation, 5250 West 74th Street, Edina, Minn. 55435. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Rm. 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 96938 (Sub-No. 6TA), filed May 10, 1977. Applicant: ARKANSAS TRANSIT HOMES, INC., 8400 Mabelvale Pike, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. 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 buildings, in sections, mounted on wheeled undercarriages (except prefabricated buildings) in secondary movements, in truckaway service: (1) from points in Mississippi to points in Arkansas; (2) between points in Texas and Louisiana, on the one hand, and, on the other, points in Arkansas; and (3) from points in Arkansas to points in Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately ten (10) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 105566 (Sub-No. 142TA), filed May 5, 1977. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, 6901 Old Keene Mill Road, Suite 406, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and toilet preparations*, from Bristol, Tennessee to Elmhurst, Ill., Dallas, Tex., and Sacramento and San Francisco, Calif. Supporting shipper: Beecham Laboratories (Division of Beecham, Inc.), 501 5th Street, Bristol, Tenn. 37620. Send protests to: District Supervisor J. P. Werthamann, Interstate Commerce Commission, Bureau of Operations, Rm. 1465, 210 N. 12th Street, St. Louis, Mo. 62101.

No. MC 107295 (Sub-No. 850TA), filed May 6, 1977. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, including *returned or refused shipments*, from International Falls, Minn. to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin, for 180 days. Supporting shipper: G. B. Bundy, Asst. General Manager, Transportation Services, Boise Cascade Corporation, P.O. Box 2885, Portland, Oreg. 97208. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 111045 (Sub-No. 141TA), filed May 6, 1977. Applicant: REDWING CARRIERS, INC., P.O. Box 426, 7809 Palm River Road, Tampa, Fla. 33601. Applicant's representative: L. W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite and storage facilities of Alpine Laboratories, Inc., at or near Bay Minette, Ala.; to points in the United States, except Alaska and Hawaii, for 180

days. Supporting shipper: Alpine Laboratories, Inc., P.O. Box 147, Bay Minette, Ala. 36507. Send protests to: Dona M. Jones, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 111170 (Sub-No. 236TA), filed May 3, 1977. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 N. West Ave., El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, Burner FS-2, from Conway, Ark., to Lone Star Ammunition Depot, Texarkana, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Department of Defense, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111302 (Sub-No. 106TA), filed May 4, 1977. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Amherst Rd., Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid citric acid*, in bulk, in tank vehicles, from Elkhart, Ind. to New Johnsonville, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Miles Laboratories, Inc., 1127 Myrtle St., Elkhart, Ind. 46514. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 111397 (Sub-No. 123TA), filed May 6, 1977. Applicant: DAVIS TRANSPORT, INC., 1345 South 4th Street, Paducah, Ky. 42001. Applicant's representative: Mr. H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uranium hexafluoride* in steel cylinders from port of entry on the United States-Canada Boundary Line at Port Huron, Mich., to Energy Research and Development Agency Plant sites, at or near Sargents, Ohio, at Oak Ridge, Tenn., and at points in McCracken County, Ky. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eldorado Nuclear Limited, Port Hope, Ontario, Canada. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Street, 100 North Main Building, Suite 2006, Memphis, Tenn. 38103.

No. MC 112520 (Sub-No. 339TA), filed May 6, 1977. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, 122 Appleyard Drive, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay catalyst*, in bulk, in tank vehicles, from Attapulgus, Ga., to Cyril, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Englehard Minerals & Chemicals, Menlo Park, Edison, N.J. 08817. Send protests to: Dist. Supv. G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 114457 (Sub-No. 305TA), filed May 11, 1977. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composite containers*, from Ponca City, Okla., to St. Paul, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Metalcote Grease & Oil Co., P.O. Box 16435, St. Paul, Minn. 55116. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114457 (Sub-No. 307TA), filed May 12, 1977. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from International Falls, Minn., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan,, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota and Wisconsin, for 180 days. Supporting shipper(s): Boise Cascade Corporation, P.O. Box 2885, Portland, Oreg. 97208. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 116280 (Sub-No. 17TA), filed May 9, 1977. Applicant: W. C. Mc QUAIDE, INC., 153 Macridge Avenue, Johnstown, Pa. 15904. Applicant's representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, Mich. 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* limited to individual articles, not exceeding 100 pounds in weight from one consignor to one consignee in a single day, on bills of lading of surface, interstate freight forwarders, between points in Pennsylvania; Jefferson, Ashtabula, Trumbull, Mahoning, and Cuyahoga Counties, Ohio; Chautauqua, Chemung, Broome, and Orange Counties, New York; Warren, Mercer, and Camden Counties, New Jersey; New Castle County, Delaware; Baltimore, and Washington Counties, Maryland; and Hancock, Brooke, Ohio and Monongalia Counties, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Delivery Systems, Inc., 300 East Seven Mile Road, Detroit, Mich. 48203. Send protests to: Richard C. Gobbell, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 116459 (Sub-No. 63TA), filed May 6, 1977. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Pineville Rd., Route 5, Chattanooga, Tenn. 37405. Applicant's representative: Charles T. Williams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer material* from Tyner, Tenn., to points in Alabama, Georgia, and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: CF Industries, Inc., Salem Lake Drive, Long Grove, Ill. 60047. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, Nashville, Tenn. 37219.

No. MC 118142 (Sub-No. 145TA), filed May 3, 1977. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (having prior movement by water), from Norfolk, Va., to the states of Ohio, Indiana, Illinois, Missouri, Kansas, Colorado, Oklahoma, Arkansas, Tennessee, Nebraska, Iowa, Michigan and Wisconsin, for 180 days. Supporting shipper(s): Dominion Import Co., Inc., 700 Boundary Avenue, Chesapeake, Va. 23324. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, 110 North Market, Wichita, Kans. 67202.

No. MC 118142 (Sub-No. 148TA), filed May 6, 1977. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and dry processed potatoes*, from the facilities of American Potatoe Co., at or near Plover, Wis., to points and places in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee and Texas, for 180 days. Supporting shipper(s): American Potatoe Company, 4600 Bank of America Center, San Francisco, Calif. 94104. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin

Building, 110 North Market, Wichita, Kans. 67202.

No. MC 118989 (Sub-No. 158TA), filed May 11, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth St., Milwaukee, Wis. 53221. Applicant's representative: Rolland K. Draves (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty aluminum containers*, from Milwaukee, Wis., to Perry, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Can Company, 10050 Regency Circle, Omaha, Nebr. 68114 (Richard S. Skalla). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 119726 (Sub-No. 89TA), filed May 3, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, Suite 1000, 130 E. Washington St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefore*, from the plantsite of Midland Glass Company located at or near Warner Robins, Ga., to Williamsburg, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 119908 (Sub-No. 41TA) filed May 2, 1977. Applicant: WESTERN LINES, INC., P.O. Box 1145, 3523 N. McCarty, Houston, Texas 77029. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, Lumber from Dudley and Blackshear, Ga., to points in Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gilman Paper Company, P.O. Box 520, St. Marys, Ga. 31558. Send protests to: District Supervisor John Mensing, Interstate Commerce Commission, 515 Rusk, 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 123407 (Sub-No. 370TA), filed May 4, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from the facilities of Fry Division of Owens Corning Fiberglass located at or near North Kansas City, Mo., to points in the states of Minnesota, North Dakota, and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fry Division of Owens Corning Fiberglass, 5818 Archer Road, Summit (Argo P.O.), Ill. 60501. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 124947 (Sub-No. 58TA), filed May 6, 1977. Applicant: MACHINERY TRANSPORTS, INC., 608 Cass St., Box 2338, East Peoria, Ill. 61611. Applicant's representative: T. M. Brown, 223 Cuidad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, forest products and wood products*, from Idaho, Montana, Oregon and Washington to points in Texas, Oklahoma, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Minnesota, and Omaha, Nebr. Restricted to the transportation of traffic for the account of the Wickes Corporation and its wholly owned subsidiaries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Wickes Corporation, 515 N. Washington Ave., Saginaw, Mich. 48607. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 125023 (Sub-No. 45TA), filed May 11, 1977. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Richard G. McCurdy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from facilities of Pabst Brewing Company, Houston County, Ga., to points in Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately five (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 129994 (Sub-No. 22TA), filed May 5, 1977. Applicant: RAY BETHERS TRUCKING, INC., a Utah corporation, 176 West Central Avenue, Murray, Utah 84107. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, (1) from points in Utah, Arizona, and Nevada to California, and (2) from Nevada and Utah to Arizona, for 180 days. Supporting shipper: R. & D. Enterproses, 1855 South Beverly, Casper, Wyo. 82601 (Daniel E. Indgjer, Partner). Send protests to: District Supervisor Lyle D. Hlefer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 135452 (Sub-No. 3TA), filed May 11, 1977. Applicant: JOHN R. SHEARON & FRED D. SHEARON, individuals, doing business as SHEARON TRUCKING, P.O. Box 387, Ashland City, Tenn. 37015. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters*, from Ashland City, Tenn., to Alabama, Arizona, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Minnesota, Missouri, Oklahoma, Ohio, Pennsylvania, Texas and West Virginia, under a continuing contract, or contracts, with State Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): State Industries, Inc., Ashland City, Tenn. 37015. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37219.

No. MC 135684 (Sub-No. 38TA), filed May 4, 1977. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Rd., Flemington, N.J. 08822. Applicant's representative: Ronald L. Knorowski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from Bohemia, Long Island, N.Y., to Minneapolis, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tenneco Chemicals, Inc., West 100 Century Road, Paramus, N.J. 07652. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 138777 (Sub-No. 1TA), filed May 12, 1977. Applicant: FETZ INCORPORATED, 2784 Woodwin Rd., Doraville, Ga. 30340. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporitng: *Naphtha*, in bulk, in tank vehicles, from the facilities of Young Refining Company at Douglasville, Ga., to Oxford, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Young Refining Corporation, P.O. Box 775, Douglasville, Ga. 30134. Send protests to: Sara K. Davis, Trans-

portation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtreet St., NW., Rm. 546, Atlanta, Ga. 30309.

No. MC 139254 (Sub-No. 10TA), filed May 5, 1977. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio 44139. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), from the facilities of Champion International Corporation at Asheville, Canton, Fletcher and Waynesville, N.C., to points in New York, New Jersey and Pennsylvania, for 180 days. Supporting shipper(s): Champion International Corporation, Knightsbridge Drive, Hamilton, Ohio 45020. Send Protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio. 44199.

No. MC 141546 (Sub-No. 17TA), filed May 10, 1977. Applicant: BULK TRANSPORT SERVICE, INC., 1 Dundee Park, Andover, Mass. 01810. Applicant's representative: Kenneth B. Williams, 84 State St., Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk, in tank trucks, from Hudson and Greenport, in Columbia County, N.Y., to points in Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New Jersey, and Pennsylvania, for 180 days. Supporting shipper(s): Independent Cement Corporation, 65 William St., Wellesley Office Park, Wellesley, Mass. 02181. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

No. MC 141804 (Sub-No. 55TA), filed May 9, 1977. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representativve: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hair and skin products, toilet preparations, and equipment, materials, and supplies* used in the production and distribution thereof (except commodities in bulk) between points in Ventura, Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif., on the one hand, and, on the other, West Memphis, Ark., for 180 days. Supporting shipper(s): Redken Laboratories, Inc., 14721 Califa Street, Van Nuys, Calif. 91411. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 141804 (Sub-No. 56TA), filed May 9, 1977. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hair and skin products, toilet preparations, and equipment, materials, and supplies* used in the production and distribution thereof, (except commmodities in bulk), between points in Ventura, Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif., on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, Kansas, Missouri, Nebraska, North Dakota, South Dakota, and Kentucky, for 180 days. Supporting shipper(s): Redken Laboratories, Inc., 14721 Califa Street, Van Nuys, Calif. 91411. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 141804 (Sub-No. 58TA), filed May 11, 1977. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, 847 Springfield Highway, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except commodities in bulk), from Frankfort, Louisville, Owensboro, and Lawrenceburg, Ky.; Cincinnati, Ohio; Lynchburg, Tenn.; Detroit and Allen Park, Mich.; Lawrenceburg, Ind.; St. Louis, Mo.; Dundalk and Relay, Md.; Linfield and Philadelphia, Pa.; Hammondsport, N.Y.; Edison and Lawrenceville, N.J.; Plainfield and Chicago, Ill., to points in California, Arizona, and Nevada, for 180 days. Supporting shipper(s): There are approximately seven (7) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142177 (Sub-No. 2TA), filed April 26, 1977. Applicant: B.W.C.S., INC., 14 Park Avenue, Salem, N.H. 03079. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-negotiable checks, drafts, deposit slips, and documents*, from Amherst, N.H., to Brookline and Boston, Mass., and *data processing papers, cancelled checks, and audit and accounting media*, from Brookline and Boston, Mass., to Amherst, N.H., restricted against the transportation of any package or article weighing more than 70 pounds or exceeding 108 inches in length and girth combined and each package or article shall be considered as a separate and distinct shipment, and restricted against transportation of packages or articles weighing in the aggregate more than 150 pounds from one consignor at one location to one consignee at one location on any one day, for 180 days. Supporting shipper: Glenn W. Vorce, Vice President and Treasurer, Amherst Bank & Trust Company, Junction 101A and 122, Amherst, N.H. 03031. Send Protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 415 Federal Building, 55 Pleasant Street, Concord, N.H. 03301.

No. MC 142353 (Sub-No. 2TA), filed May 11, 1977. Applicant: ADAMS SAND CO., INC., Highway 90, General Delivery, Mossy Head, Fla. 32434. Applicant's representative: Edward L. Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in side-dump trailers. From Cottondale and Pace, Fla., to points in Alabama and Georgia on and south of U.S. Highway 80 and west of Interstate 75, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, Okla. 73125. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 142550 (Sub 1TA), filed April 11, 1977. Applicant: BERT E. JESSUP TRANSPORTATION, INC., 3387 Wrightwood Drive, Studio City, Calif. 91604. Applicant's representative: Bert E. Jessup (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice Cream*, from Seattle, Wash., to Los Angeles, Calif., under a continuing contract or contracts with Adohr Farms, for 180 days. Supporting shipper: Adohr Farms 4002 W. Westminister Avenue, Santa Ana, Calif. Send protests to: Irene Carolos, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 142941 (Sub-No. 4TA), filed May 13, 1977. Applicant: SCARBOROUGH TRUCK LINES, 1313 N. 25th Avenue, Phoenix, Ariz. 85009. Applicant's representative: Lewis P. Ames, 10th Floor, 111 West Monroe, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, prepared and frozen*, NOI, from the plant site and storage facilities of Kitchens of Sara Lee, located at or near Deerfield, Ill., and New Hampton, Iowa, to points in Arizona, California, New Mexico, and Nevada, for 180 days. Applicant has also filed an underlying ETA

seeking up to 90 days of operating authority. Supporting shipper(s): Kitchens of Sara Lee, 500 Waukeegan Road, Deerfield, Ill. 60015. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427, Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 143155TA, filed April 13, 1977. Applicant: RICHARD'S HAULING, 508 Clinton Avenue, Wyckoff, N.J. 07481. Applicant's representative: Mr. Ralph August, 222 Greenridge Road, Franklin Lakes, N.J. 07417. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cut and uncut rolls and cartons of fabrics*, between Fairview, N.J., and Lawrenceville, Ga., under a continuing contract with August Fabrics, Inc., for 180 days. Supporting shipper: August Fabrics, Inc., 37 Industrial Avenue, Fairview, N.J. 07022. Send protests to: District Supervisor, Joel Morrows, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 143179TA, filed April 19, 1977. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, Nebr. 68101. Applicant's representative: Marshall D. Becker, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane foam*, (1) from Middleton, Wis., to points in Iowa (except Council Bluffs), Illinois, Minnesota, Michigan, Missouri, and Indiana; and (2) between Council Bluffs, Iowa, and Middleton, Wis., under a continuing contract, or contracts, with Future Foam, Inc., for 180 days. Supporting shipper(s): Foster L. Kent, Administration Manager/Sales and Marketing, Future Foam, Inc., 400 North 10th Street, Council Bluffs, Iowa 51501. Send protests to: Carrol Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 143180TA, filed April 20, 1977. Applicant: B & F DISTRIBUTING CO., 325 N. Lee Avenue, Idaho Falls, Idaho 83401. Applicant's representative: William D. Faler, P.O. Box 129, Idaho Falls, Idaho 83401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and wine*, from Los Angeles, Fairfield, Oakland, Santa Rosa, Napa, Modesto, San Jose, all in California, to Pocatello, Soda Springs, Idaho Falls, and Salmon, all in Idaho, under a continuing contract or contracts with K & S Distributors, for 180 days. Supporting shipper(s): K & S Distributors, P.O. Box 852, Salmon, Idaho 83467. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St., Box 07, Boise, Idaho 83724.

No. MC 143203TA, filed April 27, 1977. Applicant: UNITED TRUCKING CO., P.O. Box 1158, Miles City, Mont. 59301. Applicant's representative, Joe Gerbase, 100 Transwestern Building, 404 North 31st St., Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages and empty containers*, between Olympia, Wash., on the one hand, and, on the other, Miles City, Mont., under a continuing contract or contracts with Olympia Brewing Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. H. Rutledge, Traffic Manager, Olympia Brewing Company, P.O. Box 947, Olympia, Wash. 98501. Send protests to: District Supervisor Paul J. Labana, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 143210 (Sub-No. 1TA), filed May 12, 1977. Applicant: W. C. HALL, P.O. Box 102, Callao, Va. 22435. Applicant's representative: Calvin F. Major, 200 Grace Street, Richmond, Va. 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk, from Texas, Md., to Heathsville and Village, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alliance Fertilizer Corp., P.O. Box 56, Heathsville, Va. 22473; Village Seed Service, Village, Va. Send protests to: District Supervisor Paul Collins, Interstate Commerce Commission, Room 10-502, Federal Building, 400 North Eighth Street, Richmond, Va. 23240.

No. MC 143230 (Sub-No. 1TA), filed May 5, 1977. Applicant: LUCK TRUCKING, INC., R.R. 1, Box 190, Wolcott, Ind. 47995. 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: (1) *Anhydrous ammonia*, from Huntington, Ind., to Ohio and Michigan; (2) *Liquid fertilizer*, from Yoder, Ind., to Ohio and Michigan; and from Kentland, Indiana, to Illinois for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Amoco Oil Company, 200 East Randolph Drive, Chicago, Ill. 60601. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 227TA), filed May 13, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers* in regular route service and *passengers and their baggage in charter service*. Operate from, to, or between: (A) Regular route: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Chico, Calif., and the junction of California Highway 191 and California Highway 70, serving all intermediate points: from Chicago over Skyway Road to Paradise, thence over California Highway 191 to junction California Highway 70 and return over the same route; (B) Irregular route: *Passengers and their baggage*, in one-way and round-trip charter operations: from points in Butte County, Calif., to all points in the United States (including Alaska but excluding Hawaii). Applicant seeks the requested authority to establish direct service to the City of Paradise, Calif. Passengers and bus express shippers from this community must now travel by other means approximately 26 miles to avail themselves of existing Greyhound service, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Passenger Public. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427, Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 143162 (Sub-No. 1TA), filed April 28, 1977. Applicant: KLATT TRAVEL, INC., 651 Main Avenue, P.O. Box 1161, Durango, Colo. 81301. Applicant's representative: William F. Scherkein, Suite 1600, 718 Seventeenth Street, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, originating on or destined to Frontier Airlines flights, and to be transported in vehicles limited in capacity to no more than 12 passengers and baggage; between Durango, Colo., and Farmington, New Mexico Airport over U.S. Highway 550, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Frontier Airlines, 8250 Smith Road, Denver, Colo. 80207; Durango Chamber of Commerce, 2301 North Main, P.O. Box 1311, Durango, Colo. 81301. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14934 Filed 5-24-77;8:45 am]

[Notice No. AB 142]

NEW ORLEANS & LOWER COAST RAILROAD CO.

Abandonment of Line of Railroad Known as "South End" Between Port Sulphur and Empire in Plaquemine Parish, Louisiana

MAY 17, 1977.

The Interstate Commerce Commission hereby gives notice that: 1. The Commission's Section of Energy and Environment has prepared an environmental

threshold assessment survey in the above-entitled proceeding in which it was concluded that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq. 2. A notice setting forth this conclusion was served April 20, 1977, and no substantive comments in opposition, of an environmental nature, have been received by the Commission in response to said notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14932 Filed 5-24-77;8:45 am]

[Amdt. No. 2 to I.C.C. Order No. 26 Under Service Order No. 1252]

Rerouting of Traffic

GREEN MOUNTAIN RAILROAD CORP.

Upon further consideration of I.C.C. Order No. 26, (Green Mountain Railroad Corporation) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 26 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 15, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 15, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 13, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-14935 Filed 5-24-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:30 a.m., Thursday, May 26, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Amendment of Part 91 of the Commission's Rules to require type acceptance for transmitters used at radiolocation stations (Docket No. 20547).

General—2—Photographs on Radio Operator Certificates.

Safety and Special Radio Services—1—Application of Western Information Network Association (WIN) for Review of Bureau action denying WIN's petition for waiver of Section 1.932 of the Rules and reinstatement of its lapsed authorizations for private microwave facilities to operate a closed circuit educational television system in the 6575–6875 and 12,200–12,700 MHz frequency bands.

Safety and Special Radio Services—2—Notice of Proposed Rule Making relating to amendment of Part 83 to delete the requirement that voluntarily equipped ship stations be provided with a copy of Part 83 of the rules, and to require manufacturers to supply an instructional sheet with the radio equipment package.

Common Carrier—1—A Motion for Leave to File Comments filed by the Independent Data Communications Manufacturers Association, Inc. to supplement its petition for reconsideration of the Final Decision and Order in Docket No. 20288 (DDS), FCC 77–35 (released January 17, 1977).

Common Carrier—2—RCA Global Communications, Inc. (RCA Globcom) Request for Stay of Commission Final Decision and Order in Docket No. 20452, Interconnection Facilities Provided to the International Record Carriers, FCC 77–176, adopted March 8, 1977, released March 23, 1977.

Cable Television—1—Joint petition requesting issuance of order to show cause (CSC–167) filed by Station WPSD–TV (NBC, Channel 6), Paducah, Kentucky, inter alia, directed against Jackson Cable TV, Jackson, Missouri.

Renewal—1—Application (BRTT–775) of Gilbert Nathanson for renewal of license of TV translator K73AD, Palm Springs and Desert Hot Springs, California.

Special—1—Reconsideration of the July 20, 1976 Rate Integration Order, 61 FCC 2d 380 (1976).

Special—2—Creation of Joint Board for the purpose of determining the Separations methodologies applicable to Alaska and Hawaii.

Special—3—Creation of Joint Board for the purpose of prescribing the separations methodologies applicable to Puerto Rico and Virgin Islands.

Special—4—Carrier Agreement setting forth a proposal to implement MTS rate integration for Puerto Rico and Virgin Islands.

Special—5—Petitions to Reject or Suspend and Investigate tariff changes contained in Graphnet Systems, Inc. Transmittal No. 28.

Special—6—Memorandum Opinion and Notice of Proposed Rule Making concerning uniform settlement rates on parallel international communications routes.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public, Information Officer, telephone number 202–632–7260.

Issued: May 19, 1977.

[S–484–77 Filed 5–20–77;3:46 pm]

2

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: Follows scheduled open meeting Thursday, May 26, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Hearing—1—Petition to Add Disqualification Issue in the Norfolk, Virginia WTAR–TV comparative renewal proceeding (Docket Nos. 18791–2).

Hearing—2—Request by WNIA for extension of silence authority pendente lite in the Rochester and Cheekowaga, New York, standard broadcast renewal proceedings (Docket Nos. 20791–2).

Complaints and Compliance—1—Field investigation into the operation of Station WAEO–TV, Rhinelander, Wisconsin.

Complaints and Compliance—2—Field investigation into the operation of Station WDRK(FM), Greenville, Ohio.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202–632–7260.

Issued: May 19, 1977.

[S–485–77 Filed 5–20–77;3:46 pm]

3

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: Follows 2 p.m. Oral Argument, Thursday, May 26, 1977.

PLACE: Room 814, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTER TO BE CONSIDERED:

Instructions to the staff following oral argument on the exceptions to the Initial Decision in the WLLE(AM), Raleigh, North Carolina, proceeding (Docket No. 19908).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202–632–7260.

Issued: May 19, 1977.

[S–486–77 Filed 5–20–77;3:46 pm]

4

AGENCY HOLDING THE MEETING: Federal Trade Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: May 19, 1977, page 25827.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, May 25, 1977.

CHANGES IN THE MEETING: The meeting is now scheduled for Wednesday, June 1, 1977.

[S–483–77 Filed 5–20–77;2:28 pm]

5

AGENCY HOLDING THE MEETING: National Mediation Board.

TIME AND DATE: 2 p.m.; Wednesday, June 1, 1977.

PLACE: Board Hearing Room, 8th Floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Amendment to NMB fee schedule for Freedom of Information Act records searches.

(2) Findings Upon Investigation in NMB Case No. R–4582, Frontier Airlines, Inc.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel. 202–523–5920.

(Date of Notice: May 23, 1977.)

[S–488–77 Filed 5–23–77;11:17 am]

federal register

WEDNESDAY, MAY 25, 1977

PART II

ENVIRONMENTAL PROTECTION AGENCY

MOTOR VEHICLES

Emission Control System Performance Warranty Regulations—Short Test Establishment

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 85]

[FRL 689-6]

MOTOR VEHICLES

Emission Control System Performance Warranty Regulations—Short Test Establishment

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: Section 207(b) of the Clean Air Act, 42 U.S.C. 1857f-5a, deals with the periodic inspection of motor vehicles to determine whether they comply in actual use with applicable air pollution emission standards, and with the remedy of any deficiencies identified in such inspections. Two separate rulemakings are required to fully implement Section 207 (b): (a) The establishment by regulation of testing methods and procedures for ascertaining whether a vehicle complies with the emission standard, and (b) the establishment by regulation of a warranty by which the owner of a vehicle that fails to demonstrate in such a test that it complies with emission standards will have his vehicle repaired without cost by its manufacturer if the owner has properly operated and maintained his vehicle.

This Notice of Proposed Rulemaking deals with the first of these matters, i.e., the establishment of testing methods and procedures for ascertaining whether a vehicle complies with emission standards. Regulations dealing with the warranty for cars failing such a test are being proposed today as Subpart V of Part 85 of Title 40 of the Code of Federal Regulations.

DATES: All relevant material received on or before August 23, 1977, will be considered.

Final regulations, modified as the Administrator deems appropriate after consideration of comments, will be promulgated as soon as practicable after such consideration and will be applicable to model year 1979 and later light-duty vehicles and light-duty trucks.

ADDRESS: Interested persons may participate in this rulemaking by submitting written comments to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M Street SW., Washington, D.C. 20460. Ten copies are requested but not required.

FOR FURTHER INFORMATION CONTACT:

Paul Lapsley, Regulatory Management Staff, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, Washington, D.C. 20460 at 202-755-0596.

SUPPLEMENTARY INFORMATION:

STATUTORY REQUIREMENTS AND PURPOSE

The statutory requirement for a "short test" capable of being correlated with the Federal Test Procedure is stated in Section 207(b) of the Clean Air Act:

> If the Administrator determines that (1) there are available testing methods and procedures to ascertain whether, when in actual use throughout its useful life (as determined under section 202(d)), each vehicle and engine to which regulations under section 202 apply complies with the emmission standards of such regulations, (ii) such methods and procedures are in accordance with good engineering practices, and (iii) such methods and procedures are reasonably capable of being correlated with tests conducted under section 206(a)(1), then—
>
> (1) he shall establish such methods and procedures by regulation, * * *

The requirement that the 207(b) test (hereinafter called a short test) reasonably correlate with the Federal Test Procedure (FTP) conducted under section 206(a)(1) has proved to be a difficult and controversial task. A short test must be performed in a short time on a fully warmed up vehicle, is limited at best to a very few vehicle speed/load conditions, and will be performed under a wide range of environmental conditions (i.e., temperature, humidity, human factors and instrument factors which are either uncontrollable or under limited control). Conversely, the FTP is performed with a cold start, includes a very large number of vehicle speed and load conditions simulating a typical stop-and-go urban commutation, and is performed under closely controlled laboratory environmental conditions (temperature and humidity are rigidly controlled and test personnel are under engineering quality control supervision).

The identification of testing methods and procedures and the determination that these methods and procedures are in accordance with good engineering practice and are reasonably capable of being correlated with tests conducted under section 206(a)(1) has involved the agency in an extensive testing program in which the short tests (plus the FTP) were administered to each vehicle in the following fleets:

a. *The Experimental Catalyst Fleet.* This fleet consisted of approximately fifty 1973 model year automobiles which had been fitted with catalysts and secondary air injection.

b. *The 1974 Model Year Fleet.* This fleet consisted of approximately one hundred and fifty privately owned 1974 model year automobiles and represented non-catalyst 1975 technology.

c. *The Defects Test Fleet.* This fleet was comprised of five catalyst-equipped cars. The vehicles were first set to the manufacturers' specifications and then a series of defects were introduced and the subsequent effect on emissions recorded.

d. *300-Car Test Fleet.* Approximately one hundred 1975 model year privately owned production vehicles were selected in each of three cities: Chicago, Houston and Phoenix.

In addition, EPA has another program planned to generate additional data on correlatability:

e. *State/EPA Pilot Project.* Approximately 2400, 1975/76 model year light-duty vehicles will be tested in Portland, Oregon by the FTP and the proposed short tests. Approximately 86 engine-vehicle groups will be represented in the sample.

Finally, EPA is evaluating commercially available test equipment for measuring hydrocarbons (HC), carbon monoxide (CO) and oxides of nitrogen (NO_x) in terms of accuracy, repeatability, response time and deficiencies in order to provide reports on which is acceptable.

THE PROPOSED REGULATIONS

On the basis of the data which have been collected from light-duty vehicles in the four test fleets described above, the Agency proposes that all of the following five tests be designated as "short tests" which meet the statutory requirements of availability, correlation and good engineering practice: The idle test, the Federal 3 Mode, the Clayton Key Mode,[1] The Federal Short Cycle, and the N.Y./N.J. composite test. These test procedures are discussed in detail in Subpart W and briefly described below.

(a) *Idle test.* The raw exhaust gas is measured with simple instrumentation to determine HC and CO concentrations in the raw exhaust gases with the engine in an idling condition. Procedural variations of the idle test studied included running the test with the automatic transmission in neutral vs. drive, and idle speed at normal RPM vs. high RPM with the transmission in neutral. NO_x concentration cannot be meaningfully measured at idle since NO_x emissions are insignificant under idle conditions—an important limitation of the idle test. The idle test has been the predominant inspection test procedure utilized in currently operational and contemplated state programs.

(b) *Steady State Modal Tests. (Federal 3 Mode and Clayton Key Mode).* The raw exhaust gas is measured with simple instrumentation to determine HC, CO, and NO_x concentrations while the vehicle is driven under prescribed load conditions at two different speeds and at idle. A dynamometer is used in this test to simulate nonvarying speed and load conditions. Procedural variations between the two tests involve the severity of the load simulated. The Clayton Key Mode test is currently being evaluated by the states of Arizona and California.

(c) *Transient tests. (Federal Short Cycle and NY/NJ Composite Test).* A sample of the dilute exhaust gas (a CVS unit is used)[2] is collected in a bag while the vehicle is driven on a dynamometer to simulate a driving cycle that includes acceleration, deceleration, and cruise modes. The sample accumulated in the bag is analyzed for MC, CO, and NO_x concentration. The concentration values

[1] The Clayton Manufacturing Company has applied for patents on the Key Mode emissions test procedure and has stated its intent to charge fees for use of the diagnostic information provided with the test results. The status of the patent and the extent to which it applies to other steady state modal tests is unknown at this time.

[2] Substitution of a less costly procedure for obtaining the sample than a Constant Volume Sampler (CVS) may be possible. A substitute procedure was not evaluated.

measured are converted to a mass (gm/mile) basis. At present there is no field experience data available for these tests and no state is using or contemplating the use of such a test. In theory a large number of different transient tests are possible for simulating different driving cycles; however, in practice only two cycles have been studied: (1) A composite of the N.J. and the N.Y. Short Test and (2) the EPA Short Cycle Test developed by the Office of Mobile Source Air Pollution Control.

Both the idle test and the steady state modal tests have been used in state I/M programs. Because of the differences in equipment, manpower requirements and time required to conduct steady state modal tests over the idle test, the choice between these two tests is dependent upon the incremental improvement in accuracy and correlation derived by the steady state modal tests. The transient tests, requiring greater investment in resources, have not been implemented to date by state or local governments.

The Agency proposes, therefore, to specify these five short tests as being suitable for use, either in total or in part (where so identified), in light-duty vehicles and light-duty truck inspection programs; to identify the methodology which has been used in defining correlation for these tests; to specify the mathematical methodology to be used in the setting of short test cutpoints (that value, as measured by appropriate instruments for each pollutant, above which the vehicle fails the short test); and to specify the methodology which will be used to collect the data from which the short test cutpoints will be developed.

Implementation of Performance Warranty

Implementation of the warranty provisions of section 207(b), after the warranty regulations are promulgated by EPA, will occur when a vehicle which has been properly maintained and operated fails to conform at any time during its useful life (5 years or 50,000 miles, whichever first occurs) to the applicable emissions standards and such nonconformity results in the ultimate purchaser of such vehicle having to bear any penalty or other sanction (including the denial of the right to use such vehicle) under State or Federal law. The determination of whether a vehicle is conforming to applicable emission standards will most likely occur through the adoption of any one of the designated short tests and its associated cutpoints into a State or local government vehicle inspection program.

Currently available evidence indicates that the appropriate short test cutpoints for new model year vehicles will have to be established on a yearly basis. Further testing may reveal that cutpoints need not be set annually or for as many groups of vehicles as anticipated which would result in the development of short test cutpoints on an as needed basis. These cutpoints would remain in effect throughout the useful life of each vehicle. (Provisions are included in §85.2306 of Subpart X to enable the EPA or the manufacturers to modify the short test cutpoints over time, given that sufficient data can be provided which indicate that the cutpoints for a given group need to be revised. Provisions are also included for the updating of the cutpoints at the time of significant manufacturer changes to a vehicle covered by certification. There are essentially three options for establishing the cutpoints: states can determine the cutpoints, or they can be provided by EPA, or the manufacturers could provide the data on the basis of which cutpoints would be set either by the states or the EPA.

Although the procedures being proposed herein are aimed at the development of cutpoints by the Agency, it is feasible that the cutpoints can be developed by the states using the methodology being proposed by the agency. Comments on the way in which states would implement these provisions and the desirability for such implementation as part of the states' inspection and maintenance programs are requested. Comments are also requested on the feasibility and desirability of permitting or requiring each individual manufacturer to utilize the methodology for generating the data on the basis of which cutpoints will be set, and providing the resulting data to the EPA or to the several states for the setting of cutpoints; since it is obvious that each individual manufacturer would have a significant incentive to establish the cutpoint for his cars at the highest possible level, so as to minimize potential warranty claims, comments should include a discussion of how the EPA or the States might best supervise and control the process of data generation by manufacturers so as to assure that the resulting data are valid.

In the case that the agency develops the cutpoints, they would be developed through yearly programs wherein new model-year, privately owned, production vehicles and/or vehicles at the assembly line are tested by the FTP and by each short test. Sufficient quantities of vehicles would be obtained so as to furnish statistically meaningful results. The short test cutpoints would be determined on the basis of these data in accordance with the methodology set forth in these regulations and would then be disseminated to each state for use in its vehicle inspection program.

Discussion of Issues

(a) correlation methodology

Statistically, three different methodologies are associated with the concept of correlation: Regression analysis, ranking analysis and contingency table analysis.

Regression analysis is a technique by which one parameter of interest is predicted by one or more other variables of interest. Thus, a functional relationship is defined between the variables. For every value or set of values for the predictor variable, there is a value of the predicted variable.

Regression analysis can be performed with one or more predictor variables (independent variables) and with one or more predicted variables (dependent variables). When there is one dependent variable and one independent variable, the technique is usually called simple regression. A regression analysis is based upon the assumption of a relationship between the dependent and independent variables.

Most regression is based upon the "least squares" approach, although other approaches could be used. Thus, the coefficients are selected to minimize the sum of the squares of the actual values minus the predicted values. Least squares is the preferred approach since it provides estimates of the coefficients which have the minimum possible variance.

For the case of 207(b) correlation, the dependent variable is the Federal Test Procedure (FTP) emission for a specified pollutant. The independent variable is the short test emission for the same pollutant. In cases where the short test has more than one mode, there are multiple independent variables.

The disadvantage of using a regression methodology to evaluate correlation is that determination of the exact form of the functional relationship is necessary. Also, it is equally important to predict each and every dependent data point with the same absolute degree of accurarcy. Thus, a given error in the prediction of a gross emitter will affect correlation as much as the same error in a vehicle which just fails the Federal standards.

Ranking analysis is a technique by which two variables are compared without any assumption as to a predictable relationship between the variables. Each variable is compared and ordered within itself with the largest value of each variable assigned the rank of 1. Then the ranks of each pair of variables are subtracted and the differences are summed. The rank correlation coefficient is a function of the number of data points and the sum of the differences; it will be low when the variables are independent and high when they are correlated.

A rank correlation value near 1 indicates that two variables, when normalized, tend to be high or low together. A rank correlation near zero indicates that the relative rank of one variable cannot predict the relative rank of the second variable. A high but nonperfect rank correlation, however, does not allow for an assessment of the magnitude of error which would occur with the prediction process.

Contingency table analysis assumes that there is a discrete number of groups of individual measurements of a given dependent variable. There are also one or more independent variables. The analysis attempts to find one or more independent variables which can be used to discriminate between the different classes of the dependent variable. In other words, the contingency table approach says that a predictive relationship between the dependent and inde-

pendent variables is not important. Rather, the only thing of interest is that the independent variable be able to classify the dependent variable into one of the available group categories. Contingency table analysis is based upon the assumption that cutpoints can be found for one or more independent variables which will discriminate among the groups of the dependent variable. The selection of the cutpoints results in the development of a contingency table.

Contingency tables are considerably simpler to deal with than regression analyses since it is not necessary to determine the exact predictive relationship. Rather, it is sufficient to identify the number of important groups into which the dependent variable needs to be classified. For the purposes of 207(b) implementation, there are only two such groups: Vehicles which pass the FTP and vehicles which fail the FTP. Thus, Figure 1 shows the 207(b) application of a contingency table.

Predicted variable

	(FTP) of—	
	Pass	Fail
Predictor variable (short test):		
Pass	Correctly passed	Incorrectly passed by the short test (error of omission).
Fail	Incorrectly failed by the short test (error of commission).	Correctely failed.

FIGURE 1

The definition of correlation in a contingency table can be addressed in several ways (unlike regression analysis correlation or rank correlation). First, a measure of independence between the two variables can be determined. This indicator will fall between −1 and +1, as did the other measures of correlation. Because of the simple form of the predictive relationship inherent in the table, other more meaningful measurement quantities can be computed, e.g., the ratio of vehicles failing the short test to vehicles failing the FTP, the ratio of cars incorrectly failing the short test to the total number of cars failed by the short test, etc. These quantities express the ability of the short test to correctly identify passing and failing vehicles on the FTP. A selection as to which of these quantities best expresses correlation depends upon the specific application, the relative importance of the types of errors, and the magnitude of the correctly identified vehicles.

It was anticipated that the short tests would not correlate with the FTP in a classical statistical sense, i.e., no short test is capable of a reliable and consistent prediction of the FTP mass emissions. The extensive fleet tests verified that the statistical correlation coefficients arrived at through regression techniques were low (generally less than 0.8), indicating unacceptable correlation.

However, EPA interprets the Clean Air Act requirement of "reasonable correlation" to be met if the short test is capable of reliably and consistently predicting whether the vehicle would pass or fail the FTP even if it cannot give the magnitude of the passing or failing margin. Therefore, the contingency table approach has been adopted as the method for determining correlation between the FTP and selected short tests. The reasonableness of such correlation depends on the ratio of incorrect predictions to correct predictions. In the case of the 207(b) short test the incorrect predictions are of two types, errors of commission and errors of omission, each with significantly different consequences. An error of commission (i.e., the short test incorrectly predicts failure for a vehicle that really passes the FTP) would cause a vehicle which conforms to all Federal emission requirements to be repaired under warranty at some cost to the manufacturer. It is possible, however, that air quality benefit may still be obtained from vehicles which are in conformance with the emission standards at the time of failure; vehicles in a good state of tune can often emit at levels substantially below the emission standards, especially at low mileage. An error of omission (i.e., the short test incorrectly passes a vehicle that would fail the EFP) has no cost impact on the manufacturer but represents a lost opportunity for air quality improvement.

By varying the severity of the short test cutpoint (i.e., the numerical value used to predict passing or failing on the FTP) it is possible to reduce errors of commission to any desired level, but always at the cost of increasing errors of omission.

(b) GOOD ENGINEERING PRACTICE

The criterion of good engineering practice must be resolved in terms of whether the test(s) can: (1) Be conducted with reasonable demands upon test personnel and equipment and (2) yield reasonably accurate and reproducible results when the test is performed as specified. All five of the short tests identified in these proposed regulations meet these criteria. The basis for this conclusion is explained in detail in: Regulatory Support Document—Section 207(b) NPRM. Single copies may be obtained from the Director, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, Michigan 48105; a copy is also on file in the EPA Public Information Reference Unit, Room 2922 Waterside Mall, U.S./EPA, 401 M Street SW., Washington, D.C. 20460.

(C) SHORT TEST STANDARDS DEVELOPMENT

On a yearly basis, the Agency proposes to test vehicles of the latest model year which are privately-owned production vehicles and/or vehicles at the assembly line. (Further testing may reveal that cutpoints need not be set annually or for as many groups of vehicles as anticipated, which would result in the Agency providing short test cutpoints on an as-needed basis). The vehicles will be tested by each approved short test and by the FTP. Vehicles will be selected for testing on the basis of those engine/vehicle size/emissions control technology combination(s) (called groups) which are in production and which are significantly different. A sufficient number of vehicles will be tested in each group to satisfy statistical requirements for sample size. The data will be collected during the first nine months of the model year (these data could also serve to supplement Section 207(c), the "recall" provision, of the Clean Air Act if testing is performed with rigorous quality control). The Agency will analyze the data by the prescribed methodology and select the short test cutpoints for each group. Consolidation within groups of the final number of short test cutpoints will be performed in accordance with the methodology prescribed. The effects of real world variables (temperature, humidity, human factors, instrumentation, etc.) on short test cutpoints as determined by the state/EPA pilot project being conducted in Portland, Oregon, will be incorporated in the sets of short test cutpoints which are furnished to each state or local government.

Because errors do occur in the categorization of vehicles in the contingency table and because of the relative difference in importance of the two types of errors (Errors of Commission (Ec) and Errors of Omission (Eo), the Agency is proposing five approaches for the selection of the short test cutpoints. These five approaches are stated below and the one which is judged to best fulfill the requirements of Section 207(b) based on the data which the Agency has available and on the comments received from this notice of proposed rule making will be adopted.

Option 1. Set the short test cutpoints at the level which corresponds to a 5 percent error of commission rate (based on the total number of vehicles tested) within each group.

This method has several advantages. First, it is easy to implement. Second, each vehicle group manufacturer will be incorrectely penalized for the same fraction of his sales of that vehicle as every other vehicle group manufacturer. There are some disadvantages to this method. This occurs when the number of vehicle groups is greater than one. First, the mean FTP emissions of failed vehicles in group 1 may be very different from the mean FTP emissions of failed vehicles in group 2 even though both short test pass/fail cutpoints were set to ensure 5 percent commission errors. Second, vehicle group 1 may contain a greater percentage of error of omissions than vehicle group 2 and thus be required to repair fewer vehicles than vehicle group 2, even though both groups have the same percentage of vehicles exceeding emission standards when measured by the FTP. Third, assume that vehicle group 1 has extremely high short test variability. Then, it is likely that due to short test variability, cars with low FTP emissions will have high short test levels. This situation will result in a higher

short test pass/fail cutpoint than for a low test variability class, since high test variability increases commission errors and omission errors. Thus, a manufacturer could be rewarded for high short test variability. The same situation could occur with high FTP variability.

Option 2. Set the short test rejection ratio, $(E_c+FF)/(E_o+FF)$, equal to unity. (Vehicles which are correctly failed by the short test are classified as "FF" vehicles.)

This option is no more difficult to implement than the fixed error of commission approach. It treats all manufacturers equitably and does not give any advantage to manufacturers who produce vehicels with high FTP and/or ST (short test) variability. Rather, it encourages improvements in emissions performance because the manufacturer is never allowed to repair fewer vehicles than he should, i.e., true FTP failing vehicles. This approach does not permit the setting of a single ST cutpoint for all vehicles. This is true for all equitable approaches for setting cutpoints and therefore cannot be treated as a negative characteristic of the method. Air quality benefits will tend to improve from the original approach because the error of omission rate will be lowered. However, mean FTP emissions of failed vehicles in two different groups could still be significantly different. Many manufacturers will have to repair more error of commission vehicles than under the original concept.

Option 3. Set a fixed level of $E_c/(E_c+FF)$ for each group.

This option is more difficult to implement since $E_c/(E_c+FF)$ can be small when FF is large or when E_c is small. Thus, there is more than one way to satisfy the function. This option does, however, have the potential for crediting manufacturers of vehicle classes which have low FTP failure rates. This option does not alter the variability considerations of the first approach.

Option 4. Set the short test cutpoints so that equivalent FTP pass/fail levels are enacted for each vehicle group while maintaining the error of commission rate at five percent or less. This option has the potential for crediting groups with low FTP emissions but at the expense of increasing errors of omission. In fact, under certain circumstances, the group having the highest true failures could experience the greatest increase in errors of omission.

Option 5. Set an error of commission rate or $E_c/(E_c+FF)$ rate as a function of test variability. Allow a five percent error of commission rate when test variability is at the maximum acceptable level.

This option eliminates the variability problem inherent in Options 1 and 3. A functional relationship between errors of commission or $E_c/(FF+E_c)$ and variability could be developed using mathematical simulation techniques. This could be accomplished by taking a set of data and, using probability distribution theory and random numbers, variability could be introduced into the data base at different levels. Then, using fixed short test cutpoints, commission errors can be computed and plotted against variability.

These five approaches for the selection of short test cutpoints are detailed in Subpart X, § 85.2308. While more extensive analysis has been completed on some of these approaches, further efforts are aimed at examining the potential effects of adopting any of the five approaches for selecting short test cutpoints. Comments are particularly requested on each of the above approaches.

(d) REAL WORLD CONSIDERATIONS

All of the data available to EPA on the correlation of short tests to the FTP have been established under laboratory conditions. Inspection of vehicles at state inspection lanes will occur under varying atmospheric conditions and will also be subject to personnel errors as well as problems associated with correct instrument calibration and maintenance. The Portland study is being performed by the Agency to quantify the effects of these variables on short test correlation and to determine the effectiveness of the short test in the real world. Once the magnitudes of these variables have been quantified, they will be factored into the cutpoints for 207(b) to be published by the Agency. Incorporation of these variables will not result in unacceptable error rates or correlation. However, they may reduce the predicted air quality benefits relative to those projected from laboratory data.

(e) EFFECTS ON STATE I/M PROGRAM

Publication of Section 207(b) cutpoints will not require their adoption by a state or local government. However, if the cutpoints used by a state or local government are less stringent than the 207(b) cutpoints, then that locality will not be achieving as great an air quality improvement from its I/M program as possible. The only vehicle owners who would be afforded the warranty protection of section 207(b) are those whose emissions exceed the state I/M cutpoints. The opposite scenario, i.e., where the state cutpoints are more stringent than the section 207(b) cutpoints, could also exist. In this case, only those vehicles whose short test levels exceed the 207(b) cutpoints would be covered by warranty. The owners of vehicles whose short test values were below the 207(b) cutpoints but above the state standards would have to bear the cost of repairing their own vehicles.

Each state will have to evaluate the relative merits of either adopting the 207(b) cutpoints or adopting less stringent or more stringent short test pass/fail values.

(f) NEED FOR NEW SHORT TEST DEVELOPMENT

In light of the rapid changes which are taking place in the technology being used to meet the present and future emissions standards, it is possible that cases will occur where the proposed short tests will not function effectively as predictors of the FTP emissions from those vehicles. Should this possibility occur, the Agency will implement one or more new short tests which will apply to these new technology vehicles.

(g) ANTICIPATED AIR QUALITY BENEFITS

Because of the intimate relationship between I/M and the execution of a 207 (b) program, it is very difficult to separate their respective effectivenesses. The predicted effectiveness is, therefore, presented in two ways. The first case is for a joint 207(b)/Inspection and Maintenance program, where the 207(b) cutpoints (E_c=5 percent) are used and no I/M program previously existed. The second case is where an I/M program existed prior to the implementation of 207(b) and had been failing approximately ⅓ of the vehicles in each model year. In this case the 207(b) cutpoints (E_c=5 percent) are adopted following implementation of section 207(b). The effectiveness is expressed as a percent reduction in total emissions over the useful life of the vehicles.

Effectiveness of sec. 207(b) over the useful life of the vehicle

Case I (no prior I/M) (percent)			Case II (previous I/M programs) (percent)		
HC	CO	NOx	HC	CO	NOx
54.6 to 21.1	42.8 to 26.0	2.0 to 0.33	7.6 to 6.4	8.7 to 7.8	0.22 to 0.00

The technical issues involved in preparing the various short tests and statistical procedures are discussed in detail in: Regulatory Support Document Section 207(b) NPRM.

(h) APPLICABILITY OF 207(b) TO LIGHT-DUTY TRUCKS

At the present time, available vehicle test data on the short tests and the FTP have only been measured on light-duty vehicles. Before final rulemaking, data will be available on light-duty trucks. Because light-duty trucks are similar to light-duty vehicles both in engineering design and in usage, the same tests which are appropriate for light-duty vehicles are expected to be appropriate for light-duty trucks. The specific short test cutpoints for light-duty trucks may differ from the light-duty vehicle cutpoints and will be determined in a separate test program. However, the methodology for determining the cutpoints is expected to apply to both light-duty vehicles and light-duty trucks.

REQUEST FOR COMMENTS

EPA is particularly interested in receiving comments and information on the following topics:

1. Appropriateness in terms of correlatability and good engineering practice of the proposed test procedures for light-duty vehicles and light-duty trucks.

2. Appropriateness of the test procedures proposed with respect to existing technology and "new" technology.

3. Appropriateness of the short test cutpoint selection methodologies proposed for light-duty vehicles and light-duty trucks. What is the most equitable approach, which is the most applicable in practice? Who should establish the cutpoints? In which way would the states establish the cutpoints?

4. Alternative methods for determining short test cutpoint values. Particularly, should some weighting factor be used to balance errors of commission and omission in terms of air quality? Also, what approach should be taken when no car in the test group exceeds the standards or all cars in the test group fail the standards?

5. Should prototype or new assembly line vehicles be used instead of privately owned vehicles in the test group? This might involve inducing typical faults. What are typical faults and what are typical failure rates on the assembly line?

6. Problems anticipated by the manufacturers caused by including the short tests in all tests performed on certification and/or assembly line vehicles—both at the EPA laboratory and at their facilities.

7. Should the short test cutpoints be based on a small number of broad groupings of vehicles (e.g., according to five engine displacement categories) rather than the engine/vehicle/technology groups proposed for use in determination of short test cutpoints?

8. Suggestions for a uniform report format and test card information. Assess the difficulty in ensuring that vehicles are tested under proper conditions, weights and shift points—running changes during year, etc.

9. Suggestions on labeling of vehicles to ensure that they are properly identified by the vehicle's inspection lane operators. Can this be incorporated into the Vehicle Identification Number (VIN) or should it be an under hood label?

10. What is reasonable short test variability and how should it be defined and incorporated?

A copy of all public comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library) 401 M Street SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

Notice is hereby given that Part 85 of Title 40 of the Code of Federal Regulations is proposed to be revised by the addition of new Subparts W and X as set forth below.

This Notice of Proposed Rulemaking is issued under authority of section 207(b) of the Clean Air Act, as amended (42 U.S.C. 1857f–5a).

NOTE.—The Environmental Protection Agency 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: May 6, 1977.

DOUGLAS M. COSTLE,
Administrator.

It is proposed to amend Part 85 of Chapter I, Title 40 of the Code of Federal Regulations by adding Subpart W and Subpart X as follows:

Subpart W—Section 207(b) Exhaust Emission Test Procedures

Sec.
85.2201 General Applicability.
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Subpart X—Section 207(b) Short Test Cutpoint Methodology

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85.2302 Definitions.
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85.2304 Vehicle grouping.
85.2305 Data collection.
85.2306 Short test cutpoint selection.
85.2307 Analytical technique.
85.2308 Cutpoint selection methodologies.

AUTHORITY: Sec. 207(b), Clean Air Act, as amended (42 U.S.C. 1857f–5a).

Subpart W—Section 207(b) Exhaust Emission Test Procedures

§ 85.2201 General applicability.

This subpart contains short test exhaust emission test methods to be used in implementing the emissions control system performance warranty regulations. The provisions of this subpart are applicable to 1979 and later model year light-duty vehicles and 1979 and later model year light-duty trucks.

§ 85.2202 Definitions.

The following definitions apply to this subpart beginning with the 1979 model year. Section 86.078–2 remains effective excepting those definitions which are hereby superseded and/or added.

"Car line" means a name denoting class of vehicles within a make or car division which has a degree of commonality in construction (e.g., body, chassis). Car line does not consider any level of decor or opulence and is not generally distinguished by such characteristics as roof line, number of doors, seats or windows except for station wagons. Station wagons are considered to be different car lines than passenger cars.

"Calibration" means the set of specifications, including tolerances, unique to a particular design, version, or application of a component or component assembly capable of functionally describing its operation over its working range.

"Clustering" means the tendency of data points, when plotted on cartesian coordinates, to appear together in distinct, compact groups.

"Discrimination" means the division of a batch of data points into 2 or more distinct groups, e.g. the division of vehicle emission data obtained by the FTP and short test(s) into groups of Ec, Eo, FF, and PP.

"Driver's Aid" means a device which graphically displays the speed-time requirements of a given test schedule and the actual vehicle test speed to assist the test technician in maintaining the proper vehicle speeds throughout the test.

"Group" means a classification of vehicles into classes having the same manufacturer, engine displacement, cylinder block configuration (e.g. V–8, I–6, etc.), number of cylinders, fuel injection or carburetion (number of carburetors, and number of carburetor venturies), emission control systems, inertia weight, and car line.

"Instrument-to-instrument variation" means variations in calibration (zero and span point) settings and/or test readings between two (or more) identical instruments produced by the same manufacturer when measuring samples from the same source (e.g. gas bottles or vehicle exhaust).

"Laboratory conditions" means a testing environment (e.g. test cell) in which as many test variables as possible are controlled (e.g. ambient temperature and humidity, on-the-job human errors) and laboratory grade instrumentation is used (when possible).

"Light-Duty Truck" means any motor vehicle, rated at 8,500 pounds GVW or less which has a vehicle curb weight of 6,000 pounds or under and which has a basic vehicle frontal area of 46 square feet or less, which is: (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle or (2) designed primarily for transportation of persons and having a capacity for more than 12 persons, or (3) available with special features enabling off-street or off-highway operation and use.

"Light-Duty Vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or less.

"Make" means the division or similar name within a manufacturing corporation which appears on the vehicle, e.g., Chevrolet, Mercury, Dodge etc.

"Manufacturer-to-manufacturer instrument variation" means variations in calibration (zero and span point) settings and/or test readings between two (or more) instruments intended for the same use (i.e., HC analyzers) but produced by different manufacturers when measuring samples from the same source (e.g. gas bottles or vehicle exhaust).

"Manufacturer" means the major financial entity whose divisions market vehicles, e.g. General Motors, Ford Motor Company etc.

"Overheating" means engine operating temperature in excess of the temperature for which the engine and engine systems were designed, as evidenced by temperature warning light on, temperature gauge reading in the hot region, stalling or rough idling.

"Owner" means the ultimate purchaser or subsequent purchaser in whose name the vehicle is titled at the time that the short test is performed.

"Precision" means the standard deviation of replicated measurements.

"Production tolerances stack-up" means each component of an assembly is manufactured within specified tolerances, and the system, when assembled, acquires a production tolerance stack-up that is the result of the cumulative effect of the interaction of the individual tolerances of the components.

"Repeatability" means the ability of an instrument to duplicate the same results each time measurement is made under conditions as close to being identical as possible.

"Road Load" means the loading imposed on a test vehicle, expressed as power measured at the point of contact between the vehicle and the road.

"Short test" means a hot exhaust emissions test of less than five minutes duration.

"Short test cutpoint" means the value as measured by appropriate instruments for each pollutant above which the vehicle fails the short test.

"Span" means adjust the gain of an instrument to a given reading while measuring a calibration parameter under conditions designed to yield that reading. Analyzers should be spanned using calibration gases with concentrations equal to 75 to 100 percent of full scale.

"State of tune" means carburetion, ignition, and emission control system parameter settings (e.g., idle CO, idle rpm, timing, and dwell settings).

"Steady state modal test" means a short test during which undiluted, raw exhaust emission levels are collected and measured continuously while the test vehicle is operated in one or more constant speed (or idle) modes.

"Tolerance" means the range of variation permitted in maintaining a specified dimension during the manufacturing of a product.

"Transient test" means an exhaust emissions test during which exhaust samples are collected under constant volume conditions (variable dilution) while the test vehicle is operated on a dynamometer over a driving schedule consisting of a series of constant rate accelerations, constant rate decelerations, and steady state cruises, with test results reported as mass emissions.

"Vehicle registration weight" means the vehicle weight indicated on the state vehicle registration records.

"Zero" means adjust the output signal on an instrument to obtain a reading of zero while measuring a calibration parameter under conditions designed to yield a zero reading.

§ 85.2203 Abbreviations.

The abbreviations used in this subpart have the following meanings, when used in both capital and lower case:

AC = Alternating Current.
Auto. = Automatic.
C = Celsius.
CEV = Catalyst equipped experimental vehicles.
cfh = Cubic feet per hour.
CFV = Critical flow venturi.
CI = Contingency table correlation index.
CID = Cubic inch displacement.
CO_2 = Carbon dioxide.
CO = Carbon monoxide.
Conc. = Concentration.
Cu. in. = Cubic inch(es).
CVS = Constant volume sampler.
E_c = Errors of commission.
E_o = Errors of omission.
EFP = Emission factors program.
EGR = Exhaust—gas recirculation.
F = Fahrenheit.
FF = Correctly failed vehicles.
FID = Flame ionization detector.
FS = Full scale.
ft. = Feet.
FTP = Federal Test Procedure.
FY = Fiscal year.
gm = Grams.
g/mi = Grams per mile.
HC = Hydrocarbon(s).
Hg = Mercury.
Hi. = High.
Hp = Horsepower.
Hr = Hour.
I/M = Inspection/maintenance.
in. = Inches.
km = Kilometers.
km/h = Kilometers per hour.
kPa = Kilopascal(s).
lb. = Pounds.
Lo. = Low.
Max. = Maximum.
in^3/hr = Cubic inches per hour.
Min. = Minute(s).
mph = Miles per hour.
MY = Model year.
NBS = National Bureau of Standards.
NDIR = Nondispersive infrared.
NJ/NY = New Jersey/New York.
NOx = Oxides of nitrogen.
No. = Number.
OMSAPC = Office of Mobile Source Air Pollution Control.
PCV = Positive Crankcase Ventilation.
PDP = Positive displacement pump.
P/F = Pass/fail.
PP = Correctly passed vehicles.
ppm = Parts per million by volume.
psi = Pounds per square inch.
r = Conventional (Pearson) correlation coefficient.
rpm = Revolutions per minute.
Sec. = Seconds.
ST = Short test.
Std. = Standard.
Trans. = Transmission.

§ 85.2204 Overview.

This subpart is divided into three categories:

(a) Test procedures, Emission calculation procedures, Equipment and Equipment Calibration procedures for Transient Tests.

(b) Test procedures, Emission calculation procedures, Equipment and Equipment Calibration procedures for Steady State Modal Tests.

(c) Test procedures, Emission calculation procedures, Equipment and Equipment Calibration procedures for the idle test.

§ 85.2205 Transient test specifications, review.

The transient short tests consist of vehicle operation on a chassis dynamometer over one of two specified driving schedules, during which hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions are measured. A proportional part of the diluted exhaust emissions is collected continuously for subsequent analysis, using a constant volume (variable dilution) sampler (CVS).

§ 85.2206 Transient test procedures, general requirements.

(a) Vehicles shall be tested in the state of adjustment in which they arrive at the test site, with no vehicle preparation or preconditioning of any sort. Vehicles shall be tested at the ambient conditions encountered at the test site. Vehicles shall be approximately level during all phases of the test sequence to prevent abnormal fuel distribution.

(b) Exhaust samples shall be taken from both tailpipes on vehicles having more than one tailpipe exhaust outlet. The samples shall be merged prior to the CVS unit so that a composite sample can be taken. The pollutant concentration levels shall be measured according to the procedures outlined in this subpart and shall be reported as the official test results.

(c) The transient tests follow closely the Federal Test Procedure used for vehicle certification, Subpart B of Part 86 of this chapter. There are several important differences to be noted, however.

(1) The test begins with the vehicle warmed up and idling.

(2) No evaporative emission measurements are made.

(3) Different driving schedules are used.

(4) Actual distance driven is not measured.

§ 85.2207 Federal short cycle test specifications.

(a) Road load power and inertia weight settings shall be determined in accordance with the procedures used for emission certification vehicles outlined in Part 86, Subpart B of this chapter. A compete listing of all possible vehicle/engine configurations must be available at each test site prior to initiation of testing for use in determining appropriate inertia weight and road load power

requirements for each vehicle to be tested.

(b) Transmissions:

(1) Transmissions, overdrives and free wheeling units shall be operated in accordance with the manufacturers' recommendations to the ultimate purchaser as indicated in the owners manual or as supplied by EPA.

(2) Idle modes shall be run with automatic transmissions in "Drive" with the wheels braked and manual transmissions shall be in gear with the clutch disengaged.

(3) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(4) Accelerations shall be driven smoothly according to the manufacturers' recommendations to the ultimate purchaser. For manual transmissions, the operator shall release the accelerator pedal during each shift and accomplish the shift with minimum time. If the vehicle cannot accelerate at the specified rate, the vehicle shall be operated with the accelerator pedal fully depressed until the vehicle speed reaches the value prescribed for that time in the driving schedule.

(5) The deceleration modes shall be run in gear using brakes or accelerator pedal as necessary to maintain the desired speed. Manual transmission vehicles shall have the clutch engaged and shall not change gears from the previous mode. For those modes which decelerate to zero, manual transmission clutches shall be depressed when the speed drops below 15 mph (24 km/h), when engine roughness is evident, or when engine stalling is imminent.

(6) Downshifting is allowed at the beginning of or during a power mode in accordance with the manufacturers' recommendations to the ultimate purchaser.

(c) Dynamometer procedure:

(1) The Federal Short Cycle dynamometer sequence consists of a 125 second long driving schedule consisting of a series of constant rate accelerations, constant rate decelerations, and steady speed cruises. The exhaust emissions are diluted with ambient air and a continuously proportional sample is collected for analysis. The composite samples, collected in bags, are analyzed for hydrocarbons carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen.

(2) The vehicle engine compartment hood shall remain open for the duration of the Federal Short Cycle. If vehicle overheating occurs (or is anticipated), a cooling fan(s) meeting the specifications in § 85.2212(e) may be used.

(3) The vehicle speed as measured from the dynamometer rolls shall be used. The speed vs. time characteristics of each test shall be checked against the specification to assure test validity.

(4) Practice runs over the prescribed driving schedule may be performed, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustments.

NOTE.—When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle on the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. This rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(5) The drive wheels shall be at the pressure prescribed for operation of the vehicle on the road by the tire manufacturer. If the tires are at normal operating temperature (not cold) at the time of testing, the pressure may be 2 to 3 psi above the manufacturers' recommended pressure. The vehicle shall not be tested with underinflated tires.

(6) If the dynamometer has not been operated during the 2-hour period immediately preceding the test it shall be warmed up for 15 minutes by operating at 30 mph (48km/h) using a non-test vehicle or as recommended by the dynamometer manufacturer.

(7) The inertia weight and road load power shall be set to the values determined from § 85.2207(a).

(8) If the engine stalls at any point during the dynamometer run, that test shall be voided. The engine shall then be restarted and run at 2500 rpm ± 200 rpm in neutral for 15 to 30 seconds preceding a retest. This procedure shall be followed until a complete, valid test is run.

(d) Test sequence:

(1) Adjust the dynamometer for the required road load and inertia.

(2) Drive or push test vehicle onto the dynamometer so that wheels are centered on rolls.

(3) Examine vehicle information label to determine group. Record information on test report.

(4) Attach restraining device to vehicle in such a fashion that the vehicle is not damaged. Release dynamometer brake.

(5) With the sample selector valves in the "standby" position connect evacuated sample collection bags to the dilute exhaust and dilution air sample collection systems.

(6) Start the Constant Volume Sampler (if not already on), the sample pumps and the temperature recorder. The heat exchanger of the constant volume sampler, if used, should be preheated to its operating temperature before the test begins.

(7) Adjust the sample flow rates to the desired flow rate (minimum of 10 cfh. (0.28 m^3/hr)) and set the gas flow measuring devices to zero.

NOTE.—CFV-CVS sample flow rate is fixed by the venturi design.

(8) Attach adaptor(s) and exhaust collection tube(s) to vehicle tailpipe(s).

(9) Attach engine speed pickup.

(10) Idle vehicle in neutral at 2500 ±200 rpm for 15 to 30 seconds within 1 minute of beginning of dynamometer run.

(11) Place transmission in "Drive" or in gear with clutch disengaged.

(12) Turn on driver's aid and begin the initial acceleration of the driving schedule.

(13) Simultaneous with (12), start the gas flow measuring device, position the sample selector valves to direct the sample flow into the exhaust sample bag and dilution air sample bag.

(14) Operate the vehicle according to the following dynamometer driving schedule:

Mode:	*Time in mode (seconds)*
1. 0 to 16 mph (0 to 26 km/h) acceleration	6.0
2. 16 to 29 mph (26 to 47 km/h) acceleration	23.0
3. 29 mph (47 km/h) cruise	10.0
4. 29 to 37 mph (47 to 60 km/h) acceleration	18.0
5. 37 to 42 mph (60 to 68 km/h) acceleration	4.5
6. 42 to 37 mph (68 to 60 km/h) deceleration	2.5
7. 37 to 20 mph (60 to 32 km/h) deceleration	32.0
8. 20 to 0 mph (32 to 0 km/h) deceleration	7.5
9. Idle	21.5
Total	125.0

The speed at any given time on the dynamometer driving schedule must be within the tolerances given in § 86.115-78. The speed tolerance at any given time on the dynamometer driving schedule prescribed above or as printed on a driver's aid chart approved by the Administrator, is defined by upper and lower limits. The upper limit is 2 mph (3.2 km/h) higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 mph (3.2 km/h) lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as may occur during gear changes) are acceptable provided they occur for less than 2 seconds on any occasion. Speeds lower than those prescribed are acceptable: *Provided*, The vehicle is operated at maximum available power during such occurrences.

(15) At the end of the driving schedule simultaneously turn off the gas flow measuring device and position the sample selector valve to the "standby" position. This ends the driving portion of the test.

(16) As soon as possible, transfer the exhaust and dilution air samples to the analytical system and process. A stabilized reading for the exhaust sample must be obtained within 20 minutes of the end of the sample collection phase of the test.

(17) Disconnect the engine speed pickup, adaptor(s), exhaust collection tube(s), and restraining device.

(18) Lock dynamometer rolls and drive vehicle off of dynamometer. This ends the test sequence.

(e) Measurement operations. The following sequence of operations shall be performed in conjunction with each series of measurements:

(1) Zero the analyzers and obtain a stable zero reading. Recheck after tests.

(2) Introduce span gases and set instrument gains. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test sample. Span gases should have concentrations equal to 75 to 100 percent of full scale. If gain has shifted significantly on the analyzers, check the calibrations. Show actual concentrations on chart.

(3) Check zeros; repeat the procedure in paragraphs (1) and (b) of this section if required.

(4) Check flowrates and pressures.

(5) Measure HC, CO, CO_2 and NO_x concentrations of samples.

(6) Check zero and span points. If difference is greater than 2 percent of full scale, repeat the procedure in paragraphs (e) (1) through (5) of this section.

(f) Records required: The following information shall be recorded with respect to each test:

(1) Test number.

(2) Date and time of day for each test.

(3) Instrument operator.

(4) Driver or operator.

(5) Vehicle: Make; Model; Vehicle identification Number; Vehicle registration number and year; Vehicle Model year; Transmission type; Odometer reading; Engine displacement; Idle rpm; Fuel system (fuel injection, number of carburetors, number of carburetor barrels); Inertia loading; Vehicle registration weight; Actual road load at 50 mph (80 km/h); drive wheel tire pressures, as applicable; emission control technology.

(6) All pertinent instrument information such as tuning-gain-serial number-detector number-range. As an alternative, a reference to a test lane number may be used, provided test lane calibration records show the pertinent instrument information.

(7) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(8) Test lane barometric pressure, ambient temperature and humidity.

NOTE: A central test site barometer may be used provided that individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(9) Pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

(10) The number or revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic feet metered by a critical flow of venturi during each test phase would be the equivalent record for a CFV-CVS.

(11) The humidity of the dilution air.

NOTE: If conditioning columns are not used (see § 86.122 and 86.144) this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(g) Test Report. A test report shall be completed in triplicate and shall contain the information given below. One copy shall be given to the vehicle owner or his agent.

(1) Test type and driving schedule.

(2) VIN/License No.

(3) Owner's name and address.

(4) Car make, model, MY, engine size.

(5) Date of test.

(6) Odometer reading.

(7) Date of previous test on vehicle, of retest.

(8) Inertia and road load if applicable.

(9) Test site location, lane identification.

(10) Test results (including emission measurement values).

(11) Certification by instrument operator and driver that test was correctly performed.

§ 85.2208 Federal short cycle test-calculations.

(a) For light duty vehicles and light duty trucks, the mass emissions for each pollutant shall be computed by the following formulae:

(1) Hydrocarbon mass emissions:
$HC_{mass} = V_{mix} \times Density_{HC} \times (HC_{conc.} \times 10^{-6})/L$

(2) Carbon monoxide mass emissions:
$CO_{mass} = V_{mix} \times Density_{CO} \times (CO_{conc.} \times 10^{-4})/L$

(3) Oxides of Nitrogen mass emissions:
$NO_{x_{mass}} = V_{mix} \times Density_{NO_2} \times K_H \times (NO_{x_{conc.}} \times 10^{-6})/L$

(4) Carbon dioxide mass emissions:
$CO_{2_{mass}} = V_{mix} \times Density_{CO_2} \times (CO_{2_{conc.}} \times 10^{-2})/L$

(b) Meaning of symbols

(1) HC_{mass} = Hydrocarbon emissions, in grams per mile.

H = Absolute humidity in grains (grams) of water per pound (kilogram) of dry air.

$H = [(43.478) R_a \times P_d]/[P_B - (P_a \times R_a/100)]$ for SI units, $H = [(6.211) R_a \times P_d 2/P_B - (P_d \times R_a/100)]$.

R_a = Relative humidity of the ambient air, in percent.

P_d = Saturated vapor pressure, in mm Hg (kPa) at the ambient dry bulb temperature.

P_B = Barometric pressure, in mm Hg (kPa).

V_{mix} = Total dilute exhaust volume in cubic feet per test corrected to standard conditions (538 R) (293 K) and 760 mm Hg (101.3 kPa)).

For PDP-CBS, V_{mix} is:

$$V_{mix} = V_o \times \frac{N(P_B - P_1)(528)\ R}{(760\text{ mm Hg})\ (T_p)}$$

for SI units,

$$V_{mix} = V_o \times \frac{N(P_B - P_1)(293.15\ K)}{(101.325\text{ kPa})(T_p)}$$

$Density_{HC}$ = Density of hydrocarbon is 16.33 g/ft³ (.5767 kg/m³), assuming an average carbon to hydrogen ratio of 1:1.85, at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

$HC_{conc.} = HC_e - HC_d\ (1-1/DF)$

Where:

HC_e = Hydrocarbon concentration of the dilute exhaust sample in ppm carbon equivalent.

HC_d = Hydrocarbon concentration of the dilution air as measured, in ppm carbon equivalent.

(2) $NO_{x_{mass}}$ = Oxides of nitrogen emissions, in grams per mile.

$Density_{NO_2}$ = Density of oxides of nitrogen is 54.16 g/ft³ (1.913 kg/m³), assuming they are in the form of nitrogen dioxide, at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

$NO_{conc.}$ = Oxides of nitrogen concentration of the dilution exhaust sample corrected for background, in ppm.

$NO_{x_{conc.}} = NO_{x_e} - NO_{x_d}(1-1/DF)$

Where:

NO_{x_e} = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in ppm.

NO_{x_d} = Oxides of nitrogen concentration of the dilution air as measured, in ppm.

(3) CO_{mass} = Carbon monoxide emissions, in grams per mile.

$Density_{co}$ = Density of carbon monoxide is 32.97 g/ft³, at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

$CO_{conc.}$ = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor, and CO_2 extraction, in ppm.

$CO_{conc.} = CO_e - CO_d(1-1/DF)$.

Where:

CO_e = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in ppm. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$CO_e = (1\text{-}0.01925\ CO_{2_e} - 0.000323\ R)\ CO_{em}$

Where:

CO_{em} = Carbon monoxide concentration of the dilute exhaust sample as measured, in ppm.

CO_{2_e} = Carbon dioxide concentration of the dilute exhaust sample, in percent.

R = Relative humidity of the dilution air, in percent (see § 86.142(n)).

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in ppm.

$CO_d = (1\text{-}0.000322\ R)\ CO_{dm}$

Where:

CO_{dm} = Carbon monoxide concentration of the dilution air sample as measured, in ppm.

NOTE.—If a CO instrument which meets the criteria specified in § 86.111 is used and the conditioning column has been deleted, CO_{em} can be substituted directly for CO_e and CO_{dm} can be substituted directly for CO_d.

(4) $CO_{2_{mass}}$ = Carbon dioxide emissions, in grams per mile.

Density co_2 = Density of carbon dioxide is 51.85 g/ft³ (1.843 kg/m³), at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

$CO_{2_{conc.}}$ = Carbon dioxide concentration of the dilute exhaust sample corrected for background, in percent.

$CO_{2_{conc.}} = CO_{2_e} - CO_{2_d}$ (1-1/DF).

Where:

CO_{2_d} = Carbon dioxide concentration of the dilution air as measured, in percent.

(5) L = Cycle length, in mi (km)

L = 0.75 mi (0.21 km)

$DF = 13.4/[CO_{2_e} + (HC_e + CO_e)\ 10^{-4}]$

KH = Humidity correction factor.

$KH = 1/[1-0.0047\ (H-75)]$

for SI units = $1/[1-0.0329\ (H-10.71)]$

Where:

V_o = Volume of gas pumped by the positive displacement pump, in cubic feet (ft³) per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

P_B = Barometric pressure, in mm Hg (kPa).

P_1 = Pressure depression below atmospheric measured at the inlet to the positive displacement pump, in mm Hg (kPa) (during an idle mode).

T_p = Average temperature of dilute exhaust entering positive displacement pump during test, R(K).

(c) Example calculation of mass values of exhaust emissions using positive displacement pump:

(1) Assume the following:

V_o = 0.29344 ft³/revolution; N = 1,048; R = 48.0 pct.; R_a = 48.2 pct.; P_B = 762 mm Hg; P_d = 22.225 mm Hg; P_1 = 70 mm Hg; T_p = 570 R; HC_e = 105.8 ppm, carbon equivalent; NOx_e = 11.2 ppm; CO_{em} = 306.6 ppm; CO_{2_e} = 1.43 pct.; HC_d = 12.1 ppm; NOx_d = 0.8 ppm; CO_{dm} = 15.3 ppm.

The basic procedures in § 86.144 are used to calculate mass emissions. Since the short test only has one phase the weighting formula in paragraph (a) of § 86.144 is not used. The mass emission values of paragraph (b) of § 86.144 are divided by the distance traveled, which, for the Federal Short Cycle, is 0.75 mi (1.2 km).

(2) The mass emission results for the Federal Short Cycle example are:

$HC_{mass} = [(259)(16.33)(95.03/1,000,000)]/(0.75)$.

HC_{mass} = 0.534 grams per vehicle mile.

$CO_{mass} = [(259)(32.97)(280/1,000,000]/(0.75)$.

CO_{mass} = 3.188 grams per vehicle mile.

$NOx_{mass} = [(259)(54.16)(10.49/1,000,000)\ [(0.75)$.

NOx_{mass} = 0.196 grams per vehicle mile.

Then:

$V_{mix} = (0.29344)(1,048)(762-70)(528)/(760)(570)$.

V_{mix} = 259.0 ft³.

$H = (43.478)(48.2)(22.225)/[762-(22.225 \times 48.2/100)]$.

H = 62 grams/lb.

$K_H = 1/[1-0.0047(62-75)] = 0.9424$.

$CO_e = [1-(0.01925)(1.43)-(0.000323)(48)](306.0)$

CO_e = 293.4 ppm.

$CO_d = [1-(0.000323)(48)]15.3 = 15.1$ ppm.

$DF = 13.4/[1.43 + (105.8 + 293.4) \times 10^{-4})]$

DF = 9.116.

$HC_{conc.} = 105.8 - 12(1-1/9.116) = 95.03$ ppm.

$CO_{conc.} = 293.4 - 15.1(1-1/9.116) = 280.0$ ppm.

$NOx_{conc.} = 11.2 - 0.8(1-1/9.116) = 10.49$ ppm.

§ 85.2209 New Jersey/New York Composite test specifications.

(a) *Road load power and inertia weight settings.* All vehicles shall be tested at 3000 lb. inertia weight and 3.5 ± 1 hp @ 30 mph.

(b) *Transmission.* (1) Transmissions, overdrives and free wheeling units shall be operated in accordance with the manufacturers' recommendations to the ultimate purchaser as indicated in the owners manual or as supplied by EPA.

(2) Idle modes shall be run with automatic transmissions in "Drive" with the wheels braked and manual transmissions shall be in gear with the clutch disengaged.

(3) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(4) Accelerations shall be driven smoothly according to the manufacturers' recommendation to the ultimate purchaser. For manual transmissions, the operator shall release the accelerator pedal during each shift and accomplish the shift with minimum time. If the vehicle cannot accelerate at the specified rate, the vehicle shall be operated with the accelerator pedal fully depressed until the vehicle speed reaches the value prescribed for that time in the driving schedule.

(5) The declaration modes shall be run in gear using brakes or accelerator pedal as necessary to maintain the desired speed. Manual transmission vehicles shall have the clutch engaged and shall not change gears from the previous mode. For those modes which decelerate to zero, manual transmission clutches shall be depressed when the speed drops below 15 mph (24 km/h), when engine roughness is evident, or when engine stalling is imminent.

(6) Downshifting is allowed at the beginning of or during a power mode in accordance with the manufacturers' recommendation to the ultimate purchaser.

(c) *Dynamometer procedure.* (1) The New Jersey/New York Composite test consists of a 75 second driving schedule composed of a series of constant rate accelerations, constant rate decelerations, and steady speed cruises. The exhaust emissions are diluted with ambient air and a continuously proportional sample is collected for analysis. The composite samples collected in bags are analyzed for hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen.

(2) The vehicle engine compartment hood shall remain open for the duration of the NJ/NY Composite test. If vehicle overheating occurs (or is anticipated), a cooling fan(s) meeting the specifications set forth in § 85.2212(e) may be used.

(3) The vehicle speed as measured from the dynamometer rolls shall be used. The speed vs. time characteristics of each test shall be checked against the specification to assure test validity.

(4) Practice runs over the prescribed driving schedule may be performed at test points: *Provided*, An emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustments.

NOTE.—When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. This rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(5) The drive wheels shall be at the pressure prescribed for operation of the vehicle on the road by the tire manufacturer. If the tires are at normal operating temperature (not cold) at the time of testing, the pressure may be 2 to 3 psi above the manufacturers' recommended pressure. The vehicle shall not be tested with underinflated tires.

(6) If the dynamometer has not been operated during the 2-hour period immediately preceding the test it shall be warmed up for 15 minutes by operating at 30 mph (48 km/h) using a non-test vehicle or as recommended by the dynamometer manufacturer.

(7) The inertia weight and road load power shall be set at 3000 lb. and 3.5±1 hp at 30 mph prior to testing.

(8) If the engine stalls at any point during the dynamometer run, that test shall be voided. The engine shall then be restarted and run at 2500 rpm ± 200 rpm in neutral for 15 to 30 seconds preceding a retest. This procedure shall be followed until a complete, valid test is run.

(d) *Test sequence.* (1) Adjust the dynamometer for the required road load and inertia.

(2) Drive or push test vehicle onto the dynamometer so that wheels are centered on rolls.

(3) Examine emission control information label to determine engine family and displacement. Record information on test report.

(4) Attach restraining device to vehicle in such a fashion that the vehicle is not damaged. Release dyno brake.

(5) With the sample selector valves in the "standby" position connect evacuated sample collection bags to the dilute exhaust and dilution air sample collection systems.

(6) Start the Constant Volume Sampler (if not already on), the sample pumps, the temperature recorder and the vehicle cooling fan. The heat exchanger of the constant volume sampler, if used, should be preheated to its operating temperature before the test begins.

(7) Adjust the sample flow rates to the desired flow rate (minimum of 10 cfh,

0.28 m³/hr) and set the gas flow measuring devices to zero.

NOTE.—CFV-CVS sampler flow rate is fixed by the venturi design.

(8) Attach adaptor(s) and exhaust collection tube(s) to vehicle tailpipe(s) (engine may be shutoff, if necessary).

(9) Attach engine speed pickup.

(10) Idle vehicle in neutral at 2,500 ±200 rpm for 15 to 30 seconds within 1 minute of beginning of dynamometer run.

(11) Place transmission in "Drive" or in gear with clutch disengaged.

(12) Start the gas flow measuring device, position the sample selector valves to direct the sample flow into the exhaust sample bag and the dilution air sample bag.

(13) Simultaneous with (12), turn on driver's aid and begin the initial acceleration of the driving schedule.

(14) Operate the vehicle according to the following dynamometer driving schedule:

Mode:	Times in mode (seconds)
1. Idle	22
2. 0-30 mph (0-48 km/hr) acceleration	15
3. 30 mph (48 km/hr) cruise	15
4. 30-10 mph (48-16 km/hr) deceleration	12
5. 10 mph (16 km/hr) cruise	7
6. 10-0 mph (16-0 km/hr) deceleration	4
Total	75

The speed at any given time on the dynamometer driving schedule must be within the tolerances given in § 86.115-78.

(15) At the end of the driving schedule, simultaneously turn off the gas flow measuring device and position the sample selector valve to the "standby" position. This ends the driving portion of the test.

(16) As soon as possible, tranfer the exhaust and dilution air samples to the analytical system and process them. A stabilized reading for the exhaust sample must be obtained within 20 minutes of the end of the sample collection phase of the test.

(17) Disconnect the engine speed pickup, adaptor(s), exhaust collection tube(s), and restraining device.

(18) Lock the dynamometer rolls and drive the vehicle off the dynamometer. This ends the test sequence.

(e) *Measurement operations.* The following sequence of operations shall be performed in conjunction with each service measurements:

(1) Zero the analyzers and obtain a stable zero reading. Recheck after tests.

(2) Introduce span gases and set instrument gains. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test sample. Span gases should have concentrations equal to 75 to 100 percent of full scale. If gain has shifted significantly on the analyzers, check the calibrations. Show actual concentrations on chart.

(3) Check zeros; repeat the procedure in paragraphs (e) (1) and (2) of this section if required.

(4) Check flow rates and pressures.

(5) Measure HC, CO, CO_2 and NOx concentrations of samples.

(6) Check zero and span points. If difference is greater than 2 percent of full scale, repeat the procedure in paragraphs (e) (1) through (5) of this section.

(f) *Records required.* The following information shall be recorded with respect to each test:

(1) Test number.

(2) Date and time of day for each test.

(3) Instrument operator.

(4) Driver or operator.

(5) Vehicle: Make; Model; Vehicle identification Number; Vehicle registration number and year; Vehicle Model year; Transmission type; Odometer reading; Engine displacement; Idle rpm; Fuel system (fuel injection, number of carburetors, number of carburetor barrels); Inertia loading; Vehicle registration weight; Actual road load at 50 mph (80 km/h); drive wheel tire pressures, as applicable; emission control technology.

(6) All pertinent instrument information such as tuning-gain-serial number-detector number-range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the EPA, provided test cell calibration records show the pertinent instrument information.

(7) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(8) Test cell barometric pressure, ambient temperature and humidity.

NOTE.—A central laboratory barometer may be used: *Provided*, That individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(9) Fuel temperatures, as prescribed.

(10) Pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

(11) The number of revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic feet metered by a critical flow venturi during each test phase would be the equivalent record for a CFV-CVS.

(12) The humidity of the dilution air.

NOTE.—If conditioning columns are not used (see § 86.111-78) this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(g) *Test report.* A test report shall be completed in triplicate on a form approved by EPA and shall contain the information given below. One copy of this report should be given to the vehicle owner or his agent.

(1) Test type and driving schedule.

(2) VIN/License No.

(3) Owner's name and address.

(4) Car make, model, MY, engine size.

(5) Date of test.

(6) Odometer reading.

(7) Date of previous test on vehicle, if retest.

(8) Inertia and road load if applicable.

(9) Test site location, lane identification.

(10) Test results (including emission measurement values).

(11) Certification by instrument operator and driver that test was correctly performed.

§ 85.2210 New Jersey/New York composite test—calculations.

(a) For light duty vehicles and light duty trucks the mass emissions for each pollutant shall be computed by the following formulae:

(1) Hydrocarbon mass emissions:

$$HC_{mass} = V_{mix} \times Density_{HC} \times (HC_{conc.} \times 10^{-6})/L.$$

(2) Carbon monoxide mass emissions:

$$CO_{mass} = V_{mix} \times Density_{CO} \times (CO_{conc.} \times 10^{-6})/L.$$

(3) Oxides of Nitrogen mass emissions:

$$NOx_{mass} = V_{mix} \times Density_{NO_2} \times K_H \times (NOx_{conc.} \times 10^{-6})/L.$$

(4) Carbon dioxide mass emissions:

$$CO_{2_{mass}} = V_{mix} \times Density_{CO_2} \times (CO_{2_{conc.}} \times 10^{-2})/L.$$

(b) Meaning of symbols

(1) HC_{mass} = Hydrocarbon emissions, in grams per mile.

$Density_{HC}$ = Density of hydrocarbon is 16.33 g/ft³ (.5767 kg/m³), assuming an average carbon to hydrogen ratio of 1:1.85, at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

$HC_{conc.} = HC_e - HC_d\ (1-1/DF)$.

Where:

HC_e = Hydrocarbon concentration of the dilute exhaust sample in ppm carbon equivalent.

HC_d = Hydrocarbon concentration of the dilution air as measured, in ppm carbon equivalent.

(2) NOx_{mass} = Oxides of nitrogen emissions, in grams per mile.

$Density_{NO_2}$ = Density of oxides of nitrogen is 54.16 g/ft³ (1.913 kg/m³), assuming they are in the form of nitrogen dioxide, at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

$NO_{conc.}$ = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in ppm.

$NOx_{conc.} = NOx_e - NOx_d(1-1/DF)$.

Where:

NOx_e = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in ppm.

NOx_d = Oxides of nitrogen concentration of the dilute air as measured, in ppm.

(3) CO_{mass} = Carbon monoxide emissions, in grams per mile.

$Density_{CO}$ = Density of carbon monoxide is 32.97 g/ft³), at 68°F (20°C) and 760 mm Hg (101.3 kPa) pressure.

$CO_{conc.}$ = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor, and CO_2 extraction, in ppm.

$CO_{conc.} = CO_e - CO_d\ (1-1/DF)$.

Where:

CO_e = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in ppm. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$CO_e = (1-0.01925\ CO_{2_e} - 0.000323\ R)\ CO_{em}$.

Where:

CO_{em} = Carbon monoxide concentration of the dilute exhaust sample as measured, in ppm.

CO_{2_e} = Carbon dioxide concentration of the dilute exhaust sample, in percent.

R = Relative humidity of the dilution air, in percent (see § 86.142(n)).

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in ppm.

$CO_d = (1-0.000322\ R)\ CO_{dm}$.

Where:

CO_{dm} = Carbon monoxide concentration of dilution air sample as measured, in ppm.

NOTE.—If a CO instrument which meets the criteria specified in § 86.111 is used and the conditioning column has been deleted, CO_{em} can be substituted directly for CO_e and CO_{dm} can be substituted directly for CO_d.

(4) $CO_{2_{mass}}$ = Carbon dioxide emissions, in grams per mile.

Density $_{co_2}$ = Density of carbon dioxide is 51.85 g/ft³ (1.843 kg/m³), at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure

$CO_{2_{conc.}}$ = Carbon dioxide concentration of the dilute exhaust sample corrected for background, in percent.

$CO_{2_{conc.}} = CO_{2_e} - CO_{2_d}(1-1/DF)$.

Where:

CO_{2_d} = Carbon dioxide concentration of the dilution air as measured, in percent.

(5) L = Cycle length, in mi (km).

L = 0.28 mi (0.45 km).

$DF = 13.4/[CO_{2_e} + (HC_e + CO_e)\ 10^{-4}]$.

KH = Humidity correction factor.

$KH = 1/[1-0.0047(H-75)]$ for *SI* units = $1/[1-0.0329(H-10.71)]$.

Where:

H = Absolute humidity in grains (grams) of water per pound (kilogram) of dry air.

$H = [(43.478)\ R_a \times P_d]/[P_B - (P_a \times R_a/100)]$ for *SI* units, $H = (6.211)\ R_a \times P_d 2/P_B - (P_d \times R_a/100)]$.

R_a = Relative humidity of the ambient air, in percent.

P_d = Saturated vapor pressure, in mm Hg (kPa) at the ambient dry bulb temperature.

P_B = Barometric pressure, in mm Hg (kPa).

V_{mix} = Total dilute exhaust volume in cubic feet per test corrected to standard conditions (538 *R*) (293 *K*) and 760 mm Hg (101.3 kPa)).

For PDP-CVS, V_{MIX} is:

$$V_{mix} = V_o \times \frac{N(P_B - P_A)(528R)}{(760\text{ mm Hg})(T_p)}$$

for *SI* units,

$$V_{mix} = V_o \times \frac{N(P_B - P_A)(293.15K)}{(101.325\text{ kPa})(T_p)}$$

Where:

V_o = Volume of gas pumped by the positive displacement pump, in cubic feet (m³) per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

P_B = Barometric pressure, in mm Hg (kPa).

P_A = Pressure depression below atmospheric measured at the inlet to the positive displacement pump, in mm Hg (kPa) (during an idle mode).

T_p = Average temperature of dilute exhaust entering positive displacement pump during test, *R(K)*.

(c) Example calculation of mass values of exhaust emissions using positive displacement pump:

(1) Assume the following:

V_o = 0.29344 ft³/revolution; N = 1,048; R = 48.0 pct.; R_a = 48.2 pct.; P_B = 762 mm Hg; P_d = 22.225 mm Hg; P^s = 70 mm Hg; T_p = 570 *R*; HC_e = 105.8 ppm, carbon equivalent; NOx_e = 11.2 ppm; CO_{em} = 306.6 ppm; CO_{2_e} = 1.43 pct. HC_d = 12.1 ppm; NOx_d = 0.8ppm; CO_{dm} = 15.3 ppm.

The basic procedures in § 86.144 are used to calculate mass emissions. Since the short test only has one phase the weighting formula in paragraph (a) of § 86.144 is not used. The mass emission values of paragraph (b) of § 86.144 are divided by the distance traveled, which, for the NJ/NY Composite test, is 0.28 mi (0.45 km).

Then:

$V_{mix} = (0.29344)(1,048)(762-70)(528)/(760)(570)$.

$V_{mix} = 259.0$ ft³.

$H = (43.478)(48.2)(22.225)/[762-(22.225 \times 48.2/100)]$.

$H = 62$ grams/lb.

$K_H = 1/[1-0.0047(62-75)] = 0.9424$.

$CO_e = [1-(0.01925)(1.43)-(0.000323)(48)](306.0)$.

$CO_e = 293.4$ ppm.

$CO_d = [1-(0.000323)(48)]15.3 = 15.1$ ppm.

$DF = 13.4/[1.43 + (105.8 + 293.4) \times 10^{-4})]$.

$DF = 9.116$.

$HC_{conc.} = 105.8-12(1-1/9.116) = 95.03$ ppm.

$CO_{conc.} = 293.4-15.1(1-1/9.116) = 280.0$ ppm.

$NOx_{conc.} = 11.2-0.8(1-1/9.116) = 10.49$ ppm.

(2) The mass emission results for the NJ/NY Composite test example are:

$HC_{mass} = [(259)(16.33)(95.03/1,000,000)]/(0.28)$.

$HC_{mass} = 1.435$ grams per vehicle mile.

$CO_{mass} = [(259)(32.97)(280/1,000,000)]/(0.28)$.

$CO_{mass} = 8.539$ grams per vehicle mile.

$NOx_{mass} = [(259)(54.16)(10.49/1,000,-000)](0.28)$.

$NOx_{mass} = 0.525$ grams per vehicle mile.

§ 85.2211 [Reserved]

§ 85.2212 Dynamometer systems.

(a) *Dynamometer for Federal Short Cycle test.* (1) The dynamometer used for the Federal Short Cycle test shall be equipped with preselectable loads and inertia weights for the vehicles to be tested.

(2) The chassis dynamometer for the Federal Short Cycle test shall be capable of a minimum of 50 horsepower load absorption at 50 MPH repeatable to ±0.25 horsepower without control adjustment. Torque measurement signals shall be accurate to ±0.25 percent of full scale. Instrumentation shall be readable from the vehicle drivers seat and shall have readout accuracies within 1 percent of full scale for vehicle speed, engine RPM, torque and horsepower.

(3) The dynamometer to be used for the Federal Short Cycle test shall require inertia simulation loading from 1750 to 6000 pounds with automatic road load selections (horsepower and inertia) at 12 settings (from 1750 to 6000 pounds) that are in agreement with the specifications of § 86.129. The controls for the road load system should be capable of being interfaced with those for the variable inertia or being separated for individual load and inertia controls. An additional remote control device should be provided for the driver to set the dynamometer load when operating under separate load and inertia controls.

(b) *Dynamometer for NJ/NY Composite test.* The dynamometer used for the composite NJ/NY test shall be capable of setting a 3.5 HP load setting @ 30 mph with a 3000 lb inertia weight.

(c) *Vehicle restrainnig.* A vehicle restraining device is necessary to hold the vehicle on the dynamometer rolls effectively for both rear and front wheel drive vehicles.

(d) *Driver's aid.* A drivers aid device relating vehicle speed in MPH to time of test shall be used for variable speed mode tests as in paragraphs (a) and (b) of this section. While it is preferable to use preprinted or computer-drawn charts approved by the administrator for purposes of record keeping and driver test validity, computer-controlled oscilloscopes or digital readout devices can be employed for directing drivers but should be provided with a test validity check so that the speed-time tolerances are met as specified in § 86.115-78(b).

(e) *Cooling fan.* Cooling fan(s) are not normally needed for the short tests but some vehicles, when the ambient temperature exceeds 95° F, tend to overheat. In these cases it is permissible to use an engine cooling fan normally rated at 5300 CFM. The fan must have been certified for its capacity by the fan manufacturers and positioned as outlined in § 86.135-78(b).

(f) *RPM meter.* The engine rpm meter shall be AC powered and provided with an induction type pickup so that no tools will be needed for attachment to the ignition system.

§ 85.2213 Exhaust gas sampling system.

(a) *General.* The exhaust gas sampling systems used in the Federal Short Cycle Test and the composite New Jer-

sey/New York Test are identical. The Federal Short Cycle Test and the composite New Jersey/New York Test employ Variable Speed Modes. Density of sampling systems to be used in these tests are designed to measure the true mass emissions of vehicles.

(b) *Mass Emission Exhaust Sampling Systems.* The requirements are identical to those described in § 86.109–78(a) and the component descriptions in § 86.109–78 (b) and (c).

§ 85.2214 Calibration procedures for transient mode tests.

(a) *Calibration of dynamometer.* The dynamometer system for transient mode tests shall be calibrated in accordance with the manufacturers basic instructions and then with the procedure outlined in § 86.118–78. The following conditions shall constitute an acceptable calibration of the system components.

(1) Four or more data points shall be measured that adequately span the horsepower range of the vehicles to be tested on the dynamometer.

(2) The minimum range covered by the data points shall be 20 horsepower.

(b) *Calibration of driver's aid.* The drivers aid device shall be calibrated for time and speed accuracy as follows:

(1) The calibration of the unit for time shall be performed using a timer with an accuracy of ±0.1 second in 60 minutes to measure the total time for the travel of the preprinted chart or computer actuated trace and the accuracy at any point shall be within ±0.2 second. The measurement shall be repeated with adjustments as needed until the accuracy is attained.

(2) The speed indication shall be calibrated by measuring the relationship between the RPM of the rolls and the readout in mph of the recorder. The relationship is expressed by the formula,

$$\text{mph} = \frac{\text{RPM} \times \Pi \times \text{D}}{1056}$$

where D equals roll diameter in inches and mph is determined to one significant decimal place.

(3) The calibration shall be performed with the use of a precision tachometer (accuracy=±1 percent F.S. or better) to determine the RPM of the roll normally connected to the system tachometer. One reading shall be taken at 1800 rpm roll speed and a second reading 900 RPM roll speed in order to establish linearity of the system. Perform any adjustments needed to make MPH indicator of system read accurately at zero and the two points represented above.

(4) After this calibration, the system MPH meter can be used to calibrate the speed (MPH) portion of the Driver's aid recorder.

(c) *Calibration of CVS.* The requirements are identical to those described in § 86.119–78.

(d) *Calibration of HC Analyzer.* The requirements are identical to those described in § 86.121–78.

(e) *Calibration of CO Analyzer.* The requirements are identical to those described in § 86.122–78.

(f) *Calibration of NO_x Analyzer.* The requirements are identical to those described in § 86.123–78.

(g) *Calibration of CO_2 Analyzer.* The requirements are identical to those described in § 86.124–78.

(h) *Calibration of Other Equipment.* The requirements are identical to those described in § 86:126–78.

(i) *Frequency of analyzer calibrations.* The requirements are identical to those described in § 86.116–78(c)(1)(3), (d)(1)(2), (e), (f).

(j) *Frequency of dynamometer calibration.* The frequency of dynamometer calibration and the associated equipment used for testing shall, in general, be performed as often as required by the individual manufacturers of the equipment. In order to insure good standards of performance, however, both vehicle conformance checks and quality control calibrations should be performed as follows:

(1) Cross checks shall be made weekly on dynamometer systems using a vehicle with uniform or repeatable emissions to find the correlation between dynamometers and establish an acceptable degree of uniformity. Of necessity, this final emission test involves individual calibrations of the CVS (§ 85.2214–(c)) and the analytical instruments (§ 85.2214–(d) through (g)) in addition to the chassis dynamometer calibration. A desirable alternative method is to use a vehicle with repeatable emissions that has been equipped with analytical instruments and calibration gases, thereby reducing the unknowns to the CVS and chassis dynamometer.

(2) The dynamometer system shall be calibrated at least monthly according to paragraph (a) of this section unless dynamometer maintenance has been performed which could alter the calibration. In that case, or if performance cross checks show deterioration, the calibration should be made as soon as possible.

(k) *Frequency of calibration of other equipment.* Other test equipment shall be calibrated as often as required by the manufacturer or as necessary according to good engineering practice.

§ 85.2215 [Reserved]

§ 85.2216 Steady state modal test specifications, overview.

The steady state modal exhaust emission short test consists of vehicle operation over 3 steady state modes during which undiluted exhaust samples are analyzed for hydrocarbon, carbon monoxide and oxides of nitrogen.

§ 85.2217 Steady state modal test procedures, general requirements.

(a) Vehicles shall be tested in the configuration in which they arrive at the test site, with no preconditioning or vehicle preparation. Vehicles shall be tested at the ambient temperatures encountered at the test sites. Vehicles shall be approximately level during the test sequence to prevent abnormal fuel distribution.

(b) Exhaust samples shall be taken from both tailpipes on vehicles having more than one tailpipe exhaust outlet. The pollutant concentration level shall be measured for exhaust samples from each tailpipe according to the procedures outlined in this subpart and then the average emission level of the two tailpipe exhaust samples shall be reported as the official test results.

§ 85.2218 Clayton Key Mode test specifications.[1]

(a) Transmission ranges, speed ranges, and road load power settings. Transmission ranges, speed ranges, and road load power settings shall be determined according to the following schedule:

Vehicle weight class (lb)	Transmission, range/gear	Dyno load hp at mph	High-speed cruise	Low-speed cruise	Idle [1]
Up to 2,800 lb	Drive for auto trans; high gear (3d) for manual trans.	15 at 35	36 to 38	22 to 25	Automatic transmission in drive.
2,801 to 3,800 lb	Drive for auto trans; high gear for manual trans.	24 at 46	44 to 46	29 to 32	Do.
3,801 lb and up	do	30 at 50	48 to 50	32 to 35	Do.

[1] Tests in which the idle speed is not within ±100 rpm of manufacturers specification shall be declared invalid.

(b) Test weights. A complete listing of all vehicle/engine displacement combinations and their respective inertia test weights must be available at each test site prior to initiation of testing.

(c) Dynamometer procedure: (1) During the steady state exhaust emission test, the raw exhaust is collected via a sample probe(s) (as described in § 85.2222(m)) inserted directly into the vehicle tailpipe(s). The undiluted exhaust is analyzed continuously while the vehicle is run on the dynamometer in three steady state modes, and the emission levels are monitored and recorded upon stabilization of readings. Pollutant emission levels are read and reported as volumetric concentrations, expressed in parts per million of hydrocarbons and oxide of nitrogen and in percent (by volume) for carbon monoxide.

(2) Under normal test conditions, and normal vehicle operation, no cooling fan shall be in use. The vehicle engine compartment hood shall remain open during the dynamometer run. However, if problems with vehicle overheating are encountered or anticipated, a cooling fan(s) meeting the requirements set forth in § 86.135–78(b) may be used.

(3) The vehicle speed as measured from the dynamometer rolls shall be

[1] Clayton Key Mode is a proprietary procedure for which a patent has been applied for by the Clayton Manufacturing Company, which company has stated that it will charge fees for the use of this test procedure.

used for speed determination during the high speed and low speed modes. The speed of each test shall be checked against the specification to assure test validity.

(4) Rocking of the test-vehicle on a two-roll dynamometer shall be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch restraining device.

(5) The drive wheels shall be at the pressure prescribed for operation of the vehicle on the road by the tire manufacturer. If the tires are at normal operating temperature (not cold) at the time of testing, the pressure may be 2 to 3 psi above the manufacturers' recommended pressure. The vehicle shall not be tested with underinflated tires.

(6) If the dynamometer has not been operated during the 2 hour period immediately preceding the test, it shall be warmed up for 15 minutes at 30 mph using a non-test vehicle or as recommended by the manufacturer.

(7) If the engine stalls at anytime during one of the steady-state tests, the engine shall be restarted and idled at 2,500±200 rpm for 15–30 seconds and the test resumed at the point of the stall.

(d) Test sequence: (1) Drive or push test vehicle onto the dynamometer so that drive wheels are centered on rolls.

(2) Attach restraining device to vehicle in such a fashion that the vehicle is not damaged.

(3) Open engine compartment and attach engine speed pickup.

(4) Insert sample probe(s) into tailpipe(s).

(5) Examine emission control information label to determine engine family and displacement. Record information on test report.

(6) Adjust dynamometer for the required road load.

(7) Calibrate analyzers according to § 85.2223(c) within 1 hour of the beginning of each test.

(8) Idle vehicle in neutral at 2500± 200 rpm for 15 to 30 seconds within 1 minute of start of each test.

(9) Run test vehicle in high speed mode until emission levels stabilize or for a maximum of 2 minutes.

(10) Record concentration of HC, CO, and NOx upon stabilization or record the highest reading obtained during the last 30 seconds of the 2 minute test period.

(11) Run vehicle in low speed mode until emission levels stabilize or for a maximum of 2 minutes.

(12) Record concentrations of HC, CO, and NOx upon stabilization or record the highest reading reached during the final 30 seconds of the 2 minute test period.

(13) Idle vehicle in drive until emission levels stabilize or for a maximum of 2 minutes.

(14) Record concentrations of HC, CO, and NOx upon stabilization or record the highest reading reached during the last 30 seconds of the 2 minute sampling periods.

(15) Remove sample probe(s).

(16) Remove engine speed pickup and close engine compartment.

(17) Release restraining device.

(18) Lock dynamometer rolls.

(19) Drive vehicle off of dynamometer.

(e) Record required: The following information shall be recorded with respect to each test:

(1) Test number.

(2) Date and time of day for each test.

(3) Instrument operator.

(4) Driver or operator.

(5) Vehicle: Make; Model; Vehicle identification number; Model year; vehicle registration number and year; Transmission type; Odometer reading; Engine displacement; Idle rpm; Fuel system (fuel injection, number of carburetors, number of carburetor barrels); Inertia loading; vehicle registration weight; Actual road load at 50 mph (80 km/h); drive wheel tire pressure, and applicable emission control technology.

(6) All pertinent instrument information such as tunning; gain; serial number; detector number; range. As an alternative, a reference to a vehicle test lane number may be used, with the advance approval of the Administrator, provided test lane calibration records show the pertinent instrument information.

(7) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(8) Test cell barometric pressure, ambient temperature and humidity.

NOTE: A central inspection station barometer may be used: *Provided*, That individual test lane barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(9) Readings obtained during each of the three test modes shall be the final reported emission levels, expressed in ppm for HC and NOx with CO expressed in percent by volume.

(f) Test report: A test report shall be completed in triplicate on a form approved by EPA and shall contain the following information. One copy shall be given to the vehicle owner or his agent.

(1) Test type and driving schedule.

(2) VIN/License No.

(3) Owner's name and address.

(4) Car make, model, MY, engine size, group.

(5) Date of test.

(6) Odometer reading.

(7) Date of previous test on vehicle, if retest.

(8) Inertia and road load if applicable.

(9) Test site location, lane identification.

(10) Test results (including emission measurement values).

(11) Certification by instrument operation and driver that test was correctly performed.

§ 85.2219 Federal Three Mode test specifications.

(a) Transmission ranges, speed ranges, and road load power settings. Transmission ranges, speed ranges, and road load power settings shall be determined according to the following schedule:

Vehicle weight class (lb)	Transmission range	High-speed mode		Low-speed mode		Idle mode[1]
		Speed (mph)	Load (hp)	Speed (mph)	Load (hp)	
Up to 2,500 lb	Drive for auto trans; high (3d) gear for manual trans.	50	21	30	9	Automatic transmission in neutral.
2,501 to 3,500 lb	Drive for auto trans; high gear for manual trans.	50	26	30	12	Do.
3,501 to 4,500 lb	do	50	31	30	15	Do.
Above 4,501 lb.	do	50	38	30	18	Do.

[1] Test in which the idle speed is not within ±100 rpm of manufacturer's specification shall be declared invalid.

(b) Test weights. A complete listing of all vehicle/engine displacement combinations and their respective inertia test weights shall be provided to each test site prior to initiation of testing.

(c) Dynamometer procedure:

(1) During the steady state exhaust emission test, the raw exhaust is collected via a sample probe(s) (as described in § 85.2222(m)) inserted directly into the vehicle tailpipe(s). The undiluted exhaust is analyzed continuously while the vehicle is run on the dynamometer in three steady state modes, and the emission levels are monitored and recorded upon stabilization of readings. Pollutant emission levels are read and reported as volumetric concentrations, expressed in parts per million of hydrocarbons and oxides of nitrogen and in percent (by volume) for carbon monoxide.

(2) Under normal test conditions, and normal vehicle operation, no cooling fan shall be in-use. The vehicle engine compartment hood shall remain open during the dynamometer run. However, if problems with vehicle overheating are encountered or anticipated, a cooling fan(s) meeting the requirements set forth in § 86.135–78(b) may be used.

(3) The vehicle speed as measured from the dynamometer rolls shall be used for speed determination during the high speed and low speed modes. The speed of each test shall be checked against the specification to assure test validity.

(4) Rocking of the test vehicle on a two-roll dynamometer shall be minimized by restraining the vehicle horizontally (or nearly so) by using cable and winch.

(5) The drive wheels shall be at the pressure prescribed for operation of the vehicle on the road by the tire manufacturer. If the tires are at normal operating temperature (not cold) at the time of testing, the pressure may be 2 to 3 psi

above the manufacturers' recommended pressure. The vehicle shall not be tested with underinflated tires.

(6) If the dynamometer has not been operated during the 2 hour period immediately preceding the test, it shall be warmed up for 15 minutes at 30 mph using a non-test vehicle or as recommended by the manufacturer.

(7) If the engine stalls at anytime during one of the steady state tests, the engine shall be restarted and idled at 2500 ± 200 rpm for 15–30 seconds and the test resumed at the point of the stall.

(d) Test sequence: (1) Drive or push test vehicle onto the dynamometer so that drive wheels are centered on rolls.

(2) Attach restraining device to vehicle in such a fashion that the vehicle is not damaged.

(3) Open engine compartment and attach engine speed pickup.

(4) Insert sample probe(s) into tailpipe(s).

(5) Examine emission control information label to determine engine family and displacement. Record information on test report.

(6) Adjust dynamometer for the required road load.

(7) Calibrate analyzers according to § 85.2223(c) within 1 hour of the beginning of each test.

(8) Idle vehicle in neutral at 2,500 ± 200 rpm for 15 to 30 seconds within 1 minute of start of each test.

(9) Run test vehicle in high speed mode until emission levels stabilize or for a maximum of 2 minutes.

(10) Record concentration of HC, CO, and NOx upon stabilization or record the highest reading obtained during the last 30 seconds of the 2 minute test period.

(11) Run vehicle in low speed mode until emissions levels stabilize or for a maximum of 2 minutes.

(12) Record concentrations of HC, CO, and NO_x upon stabilization or record the highest reading reached during the final 30 seconds of the 2 minute test period.

(13) Idle vehicle in neutral until emission levels stabilize or for a maximum of 2 minutes.

(14) Record concentrations of HC, CO, and NO_x upon stabilization or record the highest reading reached during the last 30 seconds of the 2 minutes sampling period.

(15) Remove sample probe(s).

(16) Remove engine speed pickup and close engine compartment.

(17) Release restraining device.

(18) Lock dynamometer rolls.

(19) Drive vehicle off of dynamometer.

(e) Records required: The following information shall be recorded with respect to each test:

(1) Test number.

(2) Date and time of day for each test.

(3) Instrument operator.

(4) Driver or operator.

(5) Vehicle: Make; model; vehicle identification number; model year; vehicle registration number and year; transmission type; odometer reading; engine displacement; idle rpm; fuel system (fuel injection, number of carburetors, number of carburetor barrels); inertia loading; vehicle registration weight; actual road load at 50 mph (80 km/h); drive wheel tire pressure, as applicable; emission control technology.

(6) All pertinent instrument information such as tuning; gain; serial number; detector number; range. As an alternative, a reference to a vehicle test lane number may be used, with the advance approval of the Administrator, provided test lane calibration records show the pertinent instrument information.

(7) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(8) Test cell barometric pressure, ambient temperature and humidity.

NOTE.—A central laboratory barometer may be used: *Provided*, That individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(9) Readings obtained during each of the three test modes shall be the final reported emission levels, expressed in ppm for HC and NOx with CO expressed in percent by volume.

(f) Test report: A test report shall be completed in triplicate on a form approved by EPA and shall contain the following information. One copy shall be given to the vehicle owner or his agent.

(1) Test type and driving schedule.

(2) VIN/License No.

(3) Owner's name and address.

(4) Car make, model, MY, engine size.

(5) Date of test.

(6) Odometer reading.

(7) Date of previous test on vehicle, if retest.

(8) Inertia and road load if applicable.

(9) Test site location, lane identification.

(10) Test results (including emission measurement values).

(11) Certification by instrument operation and driver that test was correctly performed.

§ 85.2220 Equipment specifications—steady state modal tests.

Equipment which is equivalent in all material respects to that described in §§ 85.2211 to 85.2214 may be used for steady state short tests. However, equipment described in §§ 85.2221 and 85.2222 may also be used.

§ 85.2221 Dynamometer System.

(a) *General requirements.* Steady state tests such as the Federal Three Mode and the Key Mode require a dynamometer with a power absorption unit but no inertia simulation. The same type of dynamometer specified in § 85.2212(a) can be used with the inertia assembly disengaged.

(b) *Road load power settings.* Road load power for the dynamometer shall be set according to the individual test requirements.

(c) *Dynamometer tolerance requirements.* The chassis dynamometer used for steady state tests shall be capable of a minimum of 50 HP load absorption at 50 MPH that is repeatable to ±0.25 HP without control readjustment. Torque measurement signals shall be accurate to ±0.25% of full scale. Instrumentation shall be readable from the vehicle drivers seat and shall have readout accuracies within 1% of full scale for vehicle speed, engine RPM, torque and horsepower.

(d) *Vehicle restraining device.* A vehicle restraining device is necessary to hold the vehicle on the dynamometer rolls effectively for both front and rear-wheel driven vehicles.

(e) *Driver's aid.* A drivers aid device is not required but verification of vehicle speed by recording is necessary.

(f) *Cooling fan.* External cooling fans are not normally needed for the short tests, but some vehicles, when the ambient temperature exceeds 95°F, tend to overheat. In these cases it is permissible to use an engine cooling fan normally rated at 5300 CFM. The fan must have been certified for its capacity by the fan manufacturer and positioned as outlined in § 86.135-78(b).

(g) *RPM meter.* The engine rpm meter shall be AC powered and be provided with an induction type pickup so that no tools will be needed for attachment to the ignition system.

§ 85.2222 Exhaust gas sampling system.

(a) *General.* The existing sampling systems available for use in short tests are designed to sample the raw engine exhaust and determine the concentration of the pollutants by volume. The sample handling system is an integral part of the exhaust gas analyzer package and includes the pumps, valves, filters, moisture separator, lines, detectors, meters and sample probes.

(b) *Analyzer operation, maintenance, and durability.* The analyzer shall be simple to operate and maintain by garage personnel. The analyzer shall have sufficient durability and ruggedness for frequent use and continuous analysis at various vehicle exhaust flow rates for long periods in a garage environment.

(c) *Continuous measurement.* The instruments shall be capable of continuously measuring the concentration of carbon monoxide, hydrocarbons, and/or oxides of nitrogen in vehicle exhaust emissions during a succession of "Idle Mode", "Key Mode" and/or other short inspection tests.

(d) *Instrument readout.* A direct meter readout is required for each pollutant measured and an automatic or semi-automatic digital emission indication is desirable, with a voltage output capable of continuously interfacing with a digital indicator or computer for recording vehicle exhaust emissions.

(e) *Analyzer ranges.* The analyzers shall have either a multiple range or expanded scale presentation that provides the following approximate capabilities:

Maximum Ranges = 0–10% CO, 0–2000 ppm HC, 0–2000 ppm NO. Minimum Graduations = 0.05% CO, 5 ppm HC, 10 ppm NO.

(f) *Accuracy.* The accuracy of the analyzer shall be closer than ±3% of the full scale reading for all ranges.

(g) *Response time.* The response time for an exhaust gas sample introduced at

the probe shall be less than 10 seconds for 90% of the reading.

(h) *Calibration check.* The system shall contain a convenient calibration check for performance testing. The calibration method may be a gas standard or other mechanical or electrical method. Air may be used for zero checking.

(i) *Warm-up time.* Warm-up time shall be as short as possible, but not greater than 30 minutes from a cold start.

(j) *Electronic circuitry.* All electronics circuitry should be solid state.

(k) *Zero and span procedures.* Zeroing and spanning of the individual instruments of the system shall be performed before and after each emission test using the instrument manufacturers recommended methods, or other method if shown to be more satisfactory.

(l) *Sample line.* The sampling probe and sample line shall be long enough to cool the exhaust gas to a temperature sufficient to condense the water of combustion, so that there is no possibility of moisture condensing in the infrared cell or sampling handling system outside of the moisture separator and water drain, and that the specific humidity of the exhaust sample gas remain relatively constant so as not to cause undue interference. The moisture separator should be of such design that it does not require cooling water.

(m) *Sample probe.* The sample probe shall be of a replaceable type and shall be made from stainless steel tubing (or other inert metal) that is not less than ¼" inner diameter (I.D.) and not greater than ⅜" outer diameter (O.D.). The probe shall be of rugged construction, especially in the area where the probe is connected to the sample line, and be equipped with an insulated handle of proper length for easy use. The insertion end of the probe tubing shall be closed and the exhaust gas sample shall be drawn through four ⅛" holes regularly spaced away from the closed end.

(n) *Repeatability.* Repeatability of the system shall be ±1% of full scale during five successive samples of the same gas source over a one hour period of continuous operation. The zero and drift of a warm-up system shall be less than ±1% of full scale during an 8 hour period of continuous operation.

§ 85.2223 Calibration procedures—steady state modal tests.

(a) *Dynamometer calibration.* The dynamometer system described in § 85.-2212(a) shall be calibrated in accordance with the manufacturer's basic instructions and then with the procedure specified in § 86.118-78 except that for use in these steady mode short tests, no inertia simulation is used (Item 3). The following conditions shall constitute an acceptable calibration of the system components:

(1) Four or more data points shall be measured that adequately span the horsepower range of the vehicles to be tested on the dynamometer.

(2) The minimum range covered by the data points shall be 20 horsepower.

(b) *Analyzer calibration.* Instruments shall be calibrated at least once during each testing day (usually just previous to the commencement of testing) in accordance with the manufacturer's instructions. Cross checks shall be made weekly using calibration gases of known accuracy that are related to N.B.S. standards. A desirable alternative method is to use a vehicle with repeatable emissions that has been equipped with analytical instruments and calibration gases, thereby reducing the unknowns.

(c) *Frequency of calibration.* The frequency of dynamometer calibration and the associated equipment used for testing shall, in general, be performed as often as required by the individual manufacturers of the equipment. In order to insure good standards of performance, however, both vehicle conformance checks and quality control calibrations should be performed as follows:

(1) Cross checks shall be made weekly on dynamometer systems using a vehicle with uniform or repeatable emissions to confirm the correlation between dynamometers and establish an acceptable degree of conformance. Of necessity this final emission test involves individual calibrations of the analytical instruments and gas correlation in addition to the chassis dynamometer calibration. A desirable alternative method is to use a vehicle with repeatable emissions that has been equipped with analytical instruments and calibration gases, thereby reducing the unknowns.

(2) The dynamometer system shall be calibrated at least monthly according to paragraph (a) of this section unless dynamometer maintenance has been performed which could alter the calibration. In that case, or if performance cross checks show deterioration, the calibration should be made as soon as possible.

§ 85.2224 [Reserved]

§ 85.2225 Idle test specifications.

(a) *General requirements.* Raw exhaust is collected via a sample probe(s) (as described in § 85.2222(m)) which is inserted into the vehicle tailpipe(s) while the vehicle idles in neutral at normal idle speed. The undiluted exhaust is analyzed continuously for the duration of the idle period, and the pollutant concentrations are read and recorded upon stabilization (or at the end of a 2 minute sample period). Emission concentrations are reported in ppm (by volume) for hydrocarbons and percent (by volume) for carbon monoxide.

(1) Vehicles shall be tested in the configuration in which they arrive at the test site, with no preconditioning or vehicle preparation. Vehicles shall be tested at the ambient temperatures encountered at the test sites. Vehicles shall be approximately level during the test sequence to prevent abnormal fuel distribution.

(2) Exhaust samples shall be taken from both tailpipes on vehicles which have more than one tailpipe exhaust outlet. The pollutant concentration levels shall be measured for exhaust samples from each tailpipe according to the procedures outlined in this subpart and then the average emission level of the two tailpipe exhaust samples shall be reported as the official test results.

(3) Under normal test condition, and normal vehicle operation, no cooling fan shall be used.

(4) If the engine stalls at any time during idle test, the engine shall be restarted and idled at 2500±200 rpm for 15–30 seconds and the test resumed.

(b) *Test sequence.* (1) Drive vehicle into test area.

(2) Attach engine speed pickup.

(3) Insert sample probe(s) into tailpipe(s).

(4) Calibrate analyzers according to § 85.2223(c) within 1 hour of the beginning of each test.

(5) Idle vehicle in neutral at 2500±200 rpm for 15 to 30 seconds within 1 minute of start at each test.

(6) Idle vehicle in neutral until emission levels stabilize or for a maximum of 2 minutes.

(7) Record concentrations of HC and CO upon stabilization or record the highest reading reached during the last 30 seconds of the 2 minute sampling period.

(8) Remove sample probe(s).

(9) Remove engine speed pickup.

(10) Drive vehicle out of test area.

(c) *Records required.* The following information shall be recorded with respect to each test:

(1) Test number.

(2) Date and time of day for each test.

(3) Instrument operator.

(4) Driver or operator.

(5) Vehicle: Make; model; vehicle identification number; model year; vehicle registration number and year; transmission type; odometer reading; engine displacement; idle rpm; fuel system (fuel injection, number of carburetors, number of carburetor barrels); inertia loading; vehicle registration weight; actual road load at 50 mph (80 km/h); drive wheel tire pressure, as applicable; emission control technology.

(6) All pertinent instrument information such as tuning; gain; serial number; detector number; range. As an alternative, a reference to a vehicle test lane number may be used, with the advance approval of EPA, provided test lane calibration records show the pertinent instrument information.

(7) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(8) Test cell barometric pressure, ambient temperature and humidity.

NOTE.—A central laboratory barometer may be used: *Provided,* That individual test lane barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(d) *Test report.* A test report shall be completed in triplicate on a form ap-

proved by EPA and shall contain the following information. One copy shall be given to the vehicle owner or his agent.

(1) Test type and driving schedule.
(2) VIN/License No.
(3) Owners name and address.
(4) Car make, model, MY, engine size.
(5) Date of test.
(6) Odometer reading.
(7) Date of previous test on vehicle, if retest.
(8) Inertia and road load if applicable.
(9) Test site location, lane identification.
(10) Test results (including emission measurement values).
(11) Certification by instrument operation and driver that test was correctly performed.

§ 85.2226 Equipment specifications—idle test.

The equipment described in §§ 85.2227 and 85.2228 shall be used in idle mode tests.

§ 85.2227 Dynamometer system.

None required.

§ 85.2528 Exhaust gas sampling system.

(a) *General.* The existing sampling systems available for use in short tests are designed to sample the raw engine exhaust and determine the concentration of the pollutants by volume. The sample handling system is an integral part of the exhaust gas analyzer package and includes the pumps, valves, filters, moisture separator, lines, detectors, meters, and sample probes.

(b) *Analyzer operation, maintenance, and durability.* The analyzer shall be simple to operate and maintain by garage personnel. The analyzer shall have sufficient durability and ruggedness for frequent use and continuous analysis at various vehicle exhaust flow rates for long periods in a garage environment.

(c) *Continuous measurement.* The instruments shall be capable of continuously measuring the concentration of carbon monoxide and hydrocarbons in vehicle exhaust emissions during an "Idle Mode".

(d) *Instrument readout.* A direct meter readout is required for each pollutant measured and an automatic or semi-automatic digital emission indication is desirable, with a voltage output capable of continuously interfacing with a digital indicator or computer for recording vehicle exhaust emissions.

(e) *Analyzer ranges.* The analyzers shall have either a multiple range or expanded scale presentation that provides the following approximate capabilities:

Maximum ranges—0—10 percent CO, 0–2000 ppm HS.
Minimum graduations—0.05 percent CO, 10 ppm HC.

(f) *Accuracy.* The accuracy of the analyzer shall be closer than ±3 percent of the full scale reading for all ranges.

(g) *Response time.* The response time for an exhaust gas sample introduced at the probe shall be less than 10 seconds for 90 percent of the reading.

(h) *Calibration check.* The system shall contain a convenient calibration check for performance testing. The calibration method may be a gas standard or other mechanical or electrical method. Air may be used for zero checking.

(i) *Warm-up time.* Warm-up time shall be short as possible, but not greater than 30 minutes from a cold start.

(j) *Electronic circuitry.* All electronics circuitry should be solid state.

(k) *Zero and span procedures.* Zeroing and spanning of the individual instruments of the system shall be performed before and after each emission test using the instrument manufacturers' recommended methods, or other method if shown to be more satisfactory.

(l) *Sample line.* The sampling probe and sample line shall be long enough to cool the exhaust gas to a temperature sufficient to condense the water of combustion. This is to assure that no moisture condenses in the infrared cell or sample handling system outside of the moisture separator and water drain, and to assure that the specific humidity of the exhaust sample gas remains relatively constant so as not to cause undue interference. The moisture separator should be of such design that it does not require cooling water.

(m) *Sample probe.* The sample probe shall be of a replaceable type and it shall be made from stainless steel tubing (or other inert metal) that is not less than ¼" I.D. and not greater than ⅜" O.D. The probe shall be of rugged construction, especially in the area where the probe is connected to the sample line, and be equipped with an insulated handle of proper length for easy use. The insertion end of the probe tubing shall be closed and the exhaust gas sample shall be drawn through four ⅛" holes regularly spaced away from the closed end.

(n) *Repeatability.* Repeatability of the system shall be ±1 percent of full scale during five successive samples of the same gas source over a one hour period of continuous operation. The zero and drift of a warmed-up system shall be less than ±1 percent of full scale during an 8-hour period of continuous operation.

§ 85.2229 Calibration procedures—idle test.

(a) Instruments shall be calibrated in accordance with the manufacturers' instructions. Cross checks shall be made weekly using calibration gases of known accuracy that are related to N.B.S. standards. A desirable alternative method is to use a vehicle with repeatable emissions that has been equipped with analytical instruments and calibration gases, thereby reducing the unknowns.

Subpart X—Section 207(b) Short Test Cutpoint Methodology

§ 85.2301 General applicability.

The provisions of this subpart are applicable to 1979 and later model year light-duty vehicles and 1979 and later model year light-duty trucks.

§ 85.2302 Definitions.

The following definitions apply to this subpart beginning with the 1979 model year. Section 86.078–2 remains effective excepting those definitions which are hereby superseded and/or added.

"Car line" means a name denoting a class of vehicles within a make or car division which has a degree of commonality in construction (e.g., body, chassis). Car line does not consider any level of decor or opulence and is not generally distinguished by such characteristics as roof line, number of doors, seats or windows except for station wagons. Station wagons are considered to be different car lines than passenger cars.

"Contingency table analysis" is based upon the assumption that cutpoints can be found for one or more independent variables which will discriminate on the groups of the dependent variable. The selection of the cutpoints results in the a contingency table analysis it is sufficient to identify the number of important ent to identify the number of important groups into which the dependent variable needs to be classified. For the purposes of 207(b) implementation, there are only two such groups: vehicles which pass the FTP and vehicles which fail the FTP. Thus, Figure 1 shows the 207(b) application of a contingency table.

Predicted variable

	(FTP) of—	
	Pass	Fail
Predictor variable (ST):		
Pass	Correctly passed vehicles. *PP*	Error of omission vehicles. E_o
Fail	Error of Commission vehicles. E_c	Correctly failed vehicles. *FF*

FIGURE 1

"E_c"=cars which are incorrectly failed by the ST (commission errors).
"E_o"=cars which are incorrectly passed by the ST (omission errors).
"*FF*"=cars which are correctly failed by the ST.
"*PP*"=cars which are correctly passed by the ST.

"Distribution Characteristics" means the curve which best fits the emissions data when plotted as emission levels vs the fraction of vehicles which exhibit each emission level. The curve fit is accomplished using standard statistical distributions such as the normal, log-normal, Weibull, etc.

"Engine size" means the displacement of the engine and is not dependent upon the "engine family" definition used in the vehicle certification process.

"Group" means a classification of vehicles into classes having the same manufacturer, engine displacement, cylinder block configuration (e.g. V–8, I–6, etc.), number of cylinders, fuel injection or carburetion (number of carburetors and number of carburetor venturies), emis-

sion control systems, inertia weight, and car line.

"Light-Duty Truck" means any motor vehicle, rated at 8,500 pounds GVW or less which has a vehicle curb weight of 6,000 pounds or under and which has a basic vehicle frontal area of 46 square feet or less, which is: (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle or (2) designed primarily for transportation of persons and having a capacity for more than 12 persons, or (3) available with special features enabling off-street or off-highway operation and use.

"Light-Duty Vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or less.

"Make" means the division or similar name within a manufacturing corporation which appears on the vehicle, e.g., Chevrolet, Mercury, Dodge etc.

"Manufacturer" means the major financial entity whose divisions market vehicles, e.g. General Motors, Ford Motor Company etc.

"Short Test Rejection Ratio" means the ratio of vehicles failing the short test to vehicles failing the FTP. Expressed as an equation: $STRR=(E_c+FF)/(E_o+FF)$.

"Short test variability" means the ratio of the standard deviation to the mean of the short test levels within a narrow range of FTP levels.

"Technology" is used to differentiate between diverse concepts used in meeting the emission standards, e.g. catalyst, "lean burn", thermal reactor, etc.

"Vehicle size and/or weight" uses the manufacturing corporation body coding to identify vehicles in a group, as this body coding is generally understood to differentiate between full size, intermediate size, compact, etc. vehicles.

§ 85.2303 Overview.

Short test cutpoints will be established on a yearly basis by the United States Environmental Protection Agency for the most recent model year light duty vehicles and light duty trucks for each of the approved short tests. These short test cutpoints will remain in effect for the useful life of each vehicle as defined in § 86.077–2.

§ 85.2304 Vehicle grouping.

(a) For the purposes of establishing short test cutpoints, vehicles will be grouped by make, engine size, vehicle size and/or weight, and the technology used to meet the emissions standards. Vehicles so classified will be defined as a "group."

(b) In order to reduce the number of groups, when two vehicles are the same except for make they will be classified into a single group. For example, Ford Granada and Mercury Monarch will be classified into the same group because they are built from the same manufacturer's body. However, more than one group will exist for this example of consolidation by body code because of the different engine options which are offered in this basic body.

(c) In order to facilitate the process of consolidation, manufacturers will be required to provide the Agency with the marketing model identifications which are derived from the same basic body type, the commonality of engines which are used across manufacturer brands, and the differences in technology that can exist within otherwise identical vehicles and can result in the establishment of a new group. This information is to be supplied to the Administrator by September 30 of the calendar year in which the new model year vehicles are introduced.

§ 85.2305 Data collection.

(a) Data which will be used in the establishment of the short test cutpoints will be collected from one or both of the following sources:

(1) Through the testing of consumer-owned production vehicles. The testing will be performed by the EPA or its contractors. Testing will occur at different locations throughout the country so that the data may be collected in a timely fashion. Additionally, the collection of data in several localities will account for the variations in weather which occur throughout the Nation, as these variations may impact the short test/FTP relationship.

(2) Through the extrapolation of assembly line test data acquired during production of representative samples of each vehicle group.

(b) Testing of these vehicles will consist of the FTP and each approved short test. The FTP will be performed as specified in the FEDERAL REGISTER for that model year vehicle, exclusive of evaporative emissions. The short test will be performed as specified under conditions which reflect real world vehicle inspection station conditions (i.e., ambient conditions, fuel used, etc).

(c) Approximately fifty vehicles will be tested in each group. This sample size is selected because it is the smallest size which is judged to be capable of producing statistically viable results on the effects of production variables as these variables impact on the short test and FTP results.

(d) If the Administrator determines that sufficient evidence of commonality exists, groups of vehicles may be combined in order to minimize the amount of testing required and the number of different cutpoints which must be established. Manufacturers of vehicle groups which have been combined may submit test data to the Administrator to support claims that particular groups of vehicles should not (or should no longer) be included in combined groups. Based upon available data the Administrator may combine or separate vehicles groups at any time subsequent to the establishment of the initial cutpoints.

§ 85.2306 Short test cutpoint selection.

(a) Short test cutpoints will be selected for each vehicle group based upon the analytical technique described in § 85.2307 and the cutpoint selection methodologies described in § 85.2308.

(b) Manufacturers will be given two weeks to review the selected cutpoints before they are promulgated. Unless the manufacturers can submit data indicating why the selected cutpoints are not appropriate for one or more of their car groups, the cutpoints will become effective.

(c) Cutpoint information will be on file at the U.S. Environmental Protection Agency, Public Information Reference Unit, Rm. 2922, 401 M Street, SW., Washington, D.C. 20460.

(d) Should the Administrator determine, through testing by EPA or by review of manufacturer submitted data, that the cutpoints for a given group need to be changed, such a change will become effective immediately.

(e) Should a manufacturer request a vehicle running change under § 86.077–33, Part 86, of this Title 40, CFR, which requires him to run further certification tests, the manufacturer will be required to submit to the Administrator, data which would indicate any changes in the short tests (as specified in Subpart W) to FTP relationships which occur because of the running change.

§ 85.2307 Analytical technique.

(a) The cutpoints for each pollutant for each short test will be established by the use of the contingency table analytical technique.

(b) The data used to establish each group's cutpoints will be generated from the sample of test data as follows:

(1) Establish the FTP and short test distribution characteristics per pollutant for each group and for each short test from the test data.

(2) Using these data, a distribution will be developed for a very large (e.g., 50,000 vehicle) fleet of vehicles in the group. This step smooths the data and prevents the distortion of the selected cutpoints by gaps which may exist in the test data.

(3) Using the prescribed methodology for short test cutpoint selection, an iterative procedure will be followed to select the short test cutpoints which meet the criteria for each pollutant, for each short test and for each group.

§ 85.2308 Cutpoint selection methodologies.

(a) Any of the following techniques can be used by the EPA to select cutpoints.

(1) *A fixed error of commission rate* for each pollutant for each group. The short test cutpoints are determined on the basis of the distribution characteristics of the vehicles tested in each group so that the error of commission rate meets a set value.

(2) A fixed *Short Test Rejection Ratio* for each pollutant for each group. The short test cutpoints are determined on the basis of the distribution characteristics of the vehicles' emissions as determined in each group so as to meet the prescribed short test rejection ratio value.

(3) A fixed level for $E_c/(E_c+FF)$; which expresses the percentage of improperly failed vehicles as a function of all vehicles failing the short test in a par-

ticular group. The short test cutpoints are determined from the test data as described above but to meet the prescribed value of $E_c/(E_c+FF)$.

(4) Set the short test cutpoints so that equivalent FTP pass/fail levels are enacted for each vehicle group. This option would work in conjunction with a fixed acceptable commission error rate. For all groups of vehicles with acceptable test variability, the fixed error of commission cutpoint would be computed using the contingency table technique. Then, the FTP levels equivalent to the short test cutpoints for each group would be computed using linear regression estimates with the FTP as the independent variable and the short test as the dependent variable. In order to treat each group of vehicles equally from an air quality standpoint, the highest computed FTP levels for each pollutant would be selected as the equivalent FTP levels for the short test cutpoints. Using regression techniques, the short test cutpoints equivalent to these FTP levels would be determined for each vehicle group and would become the 207(b) short test cutpoints.

(5) Set the error of commission rate or $E_c/(E_c+FF)$ rate as a function of short test variability. Allow a five percent error of commission rate when test variability is at the maximum acceptable level.

A functional relationship between errors of commission or $E_c/(E_c+FF)$ and variability will be developed using mathematical simulation techniques. This will be accomplished by taking a set of data and using probability distribution theory and introducing random numbers variability into the data base at different levels. Then, using fixed short test cutpoints, commission errors can be computed and plotted against variability.

(b) The above procedures of setting short test cutpoints are applicable where the vehicles in each group are divided between FTP passing and FTP failing characteristics. Cases can arise, however, when the vehicles in a group either all pass or all fail the FTP. Under these conditions, none of the above options are viable as means of setting the short test cutpoints. There are six options possible for handling this problem. Two are by mathematical means, two require additional testing and two rely on engineering judgment. Any of the following methods can be used to select short test cutpoints.

(1) This option would fit a linear regression equation to the available data and use it to project the short test/FTP relationship beyond the region of available data. The short test cutpoint would be selected to correspond with the FTP standard, allowing a margin of safety to account for correlation. Expressed in equation form, this approach says:

$$ST_{cutpoint} = ST_{value\ at\ regression\ line\ intercept\ with\ FTP} \times (f)\ \frac{1}{\text{correlation coefficient}}$$

where f is determined from analysis of data from groups including passing and failing vehicles.

(2) Option 2 would fit a statistical probability distribution to the available data. Then, data would be mathematically generated in the region where they do not exist. The chosen method of selecting the cutpoints would then be applied.

(3) A defect test program would be initiated to obtain data in the region where the population of vehicles is scarce. In cases where there is no data on FTP passing cars, the program would consist of tune-ups rather than incorporation of defects. Such a program would require a knowledge of what defects to introduce as well as a large number of vehicles and tests, so as to include vehicle to vehicle variability.

(4) An additional group of vehicles would be tested. If this second group of vehicles included vehicles dissimilar to those originally tested (i.e., not all either FTP passing or failing vehicles), the ST cutpoint would be set from the second group of vehicles. This option possesses the weakness that the second group could behave the same as the first group and nothing would have been accomplished.

(5) Standards from a similar group would be transferred. This option would apply within groups of vehicles produced by the same manufacturer. Provided the same vehicle size/engine size/technology is utilized in meeting emissions standards, it can be argued that the products manufactured by Division A of a corporation are sufficiently similar to the products from Division B for the ST cutpoints to be transferable in this eventuality. An example of this approach is the use of Chevrolet Division intermediate size vehicle short test cutpoints for Pontiac Division intermediate size vehicles: *Provided*, The same displacement engine (but not necessarily the same engine family) and emissions control technology (e.g., catalyst) were used in both groups.

(6) Use the manufacturers' HC and CO idle specifications for the idle test cutpoint. This option only applies to inspection programs where the idle test is utilized.

[FR Doc.77-14620 Filed 5-24-77;8:45 am]

[40 CFR Part 85]

[FRL-691-4]

EMISSION CONTROL SYSTEM PERFORMANCE

Warranty Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes regulations to implement section 207(b)(2) of the Clean Air Act—the emissions performance warranty. The warranty would require that a properly maintained and operated vehicle which fails an EPA-approved emissions short test during its useful life (5 years or 50,000 miles, whichever first occurs) will be remedied by the manufacturer should the owner face a penalty or sanction because of that failure. Emissions short tests are being proposed in a separate notice in today's FEDERAL REGISTER.

DATE: Deadline for submission of written comments: August 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Scibinico, Environmental Protection Agency, Mobile Source Enforcement Division (EN-340), 401 M Street, SW., Washington, D.C. 20460, 202-755-0298.

SUPPLEMENTARY INFORMATION:

I. EXPLANATORY STATEMENT

Section 207(b) of the Clean Air Act provides, in total:

If the Administrator determines that (i) there are available testing methods and procedures to ascertain whether, when in actual use throughout its useful life (as determined under section 202(d)), each vehicle and engine to which regulations under section 202 apply complies with the emission standards of such regulations, (ii) such methods and procedures are in accordance with good engineering practices and (iii) such methods and proceedures are reasonably capable of being correlated with tests conducted under section 206(a)(1), then—

[(b)(1)]

(1) he shall establish such methods and procedures by regulation, and

[(b)(2)]

(2) at such time as he determines that inspection facilities or equipment are available for purposes of carrying out testing methods and procedures established under paragraph (1), *he shall prescribe regulations which shall require manufacturers to warrant* the emission control device or system of each new motor vehicle or new motor vehicle engine to which a regulation under section 202 applies and which is manufactured in a model year beginning after the Administrator first prescribes warranty regulations under this paragraph (2). The warranty under such regulations shall run to the ultimate purchaser and each subsequent purchaser and shall provide that if—

(A) the vehicle or engine is maintained and operated in accordance with instructions under subsection (c)(3),

(B) it fails to conform at any time during its useful life (as determined under section 202(d)) to the regulations prescribed under section 202, and

(C) such nonconformity results in the ultimate purchaser (or any subsequent purchaser) of such vehicle or engine having to bear any penalty or other sanction (including the denial of the right to use such vehicle or engine) under State or Federal law,

then such manufacturer shall remedy such nonconformity under such warranty with the cost thereof to be borne by the manufacturer." (Emphasis added.)

Thus, full implementation of this section requires a number of findings by the Administrator leading to regulations under subsection (b)(1), and then a separate

finding leading to regulations under subsection (b)(2). The Agency is today proposing both sets of regulations under separate headings. This notice relates exclusively to subsection (b)(2), although some general background information is given below for the reader's convenience. The subsection (b)(1) proposal is entitled "Emission Control Performance Warranty Regulations—Short Test Establishment" and can be found in this volume of the FEDERAL REGISTER.

Section 207(b) requires a vehicle manufacturer, following implementation of subsection (b)(2), to warrant that a properly maintained and operated vehicle which fails a subsection (b)(1) test (hereinafter called a short test) during its useful life (5 years or 50,000 miles, whichever comes first, for all vehicles covered by this proposal) will be remedied by the manufacturer should the owner face a penalty or sanction because of that failure. This warranty (hereinafter called the Emissions Performance Warranty) is expected to become an important element in state and local emissions inspection programs, and an inducement towards improved maintenance on vehicles. These factors (often considered together as "Inspection/Maintenance" or "I/M") represent the Clean Air Act strategy which ultimately has the greatest potential for ensuring that in-use vehicles perform within emission standards.

The major obstacle which has delayed implementation to date of the Emissions Performance Warranty has been the technical difficulty in identifying short tests which "are reasonably capable of being correlated" (as the Act requires) with the sophisticated test used to define the Federal emission standards. That test, set out at 40 CFR Part 86, Subpart B, for 1977 and later model year light duty vehicles and light duty trucks, is too complex to be of use in a State or local inspection program.

The Agency believes that such short tests are now identifiable, and that the remaining criteria for publication of regulations under subsection (b)(1) are also satisfied. Consequently, those regulations are being proposed today, and form the basis for the proposal set out herein.

Under subsection (b)(2), the Administrator must "determine that inspection facilities or equipment are available for purposes of carrying out (the identified short tests)". This is interpreted to require a finding either that facilities exist which could be use to carry out the short tests, or that equipment needed to establish testing capability is available at a reasonable cost. The Administrator hereby finds that both of these circumstances presently exist. A number of emissions inspection facilities are already in operation in different States across the country. New Jersey has had a statewide program in operation for over four years. Active testing is ongoing in Portland, Oregon; Phoenix, and Tucson, Arizona; Riverside, California; Las Vegas, Nevada; Chicago, Illinois; and Cincinnati, Ohio. In all, millions of vehicles have been inspected to date using tests basically identical to those proposed today under subsection (b)(1), including both "idle" and "key mode" tests. It should be noted that the idle test may be performed without special facilities, and that the analyzers required for it are readily available and presently being sold to many service facilities for use as maintenance equipment. In sum, a State or local government which desires to engage in short test inspections is presently able to establish and equip a site capable of this type of testing.

II. GENERAL DESCRIPTION OF REGULATIONS.

The provisions of this notice cover all aspects of the Emissions Performance Warranty. They apply to light duty vehicles and light duty trucks; those being the categories covered by today's short test proposal. Further, as specifically required by the Act, the warranty will be applicable only to those vehicles manufactured in a model year beginning after the regulations are promulgated. (It is anticipated that 1979 and later model year vehicles will be covered.) The required warranty itself is taken directly from subsection 207(b)(2) of the Act. Under the proposal, it would have to be printed in the owner's manual for each vehicle.

Much of the proposal is devoted to the proper maintenance and operation condition of subsection 207(b)(2)(A) of the Act. Provisions cover the permissible content of maintenance and operation instructions, limits on brand name specifications, the types of evidence which will establish compliance with such instructions, Agency review and disapproval of them, and communication of these requirements to vehicle owners. Each is disscussed in detail below. The maintenance condition represents the most critical aspect of the Emission Performance Warranty. Given the fact that most vehicles do require periodic service in order to perform within emission standards for 5 years/50,000 miles, and that the owner is responsible for such work, the question becomes how this duty is to be fairly administered.

From the standpoint of the vehicle manufacturers, a simple solution might be to require that all maintenance be performed at dealer service centers or other authorized facilities. This would give the manufacturer control over the product which he must warrant. However, such an approach is unacceptable for a number of reasons. First, it is unlikely that there are enough authorized facilities in existence to handle the workload that could result. Second, this requirement would have a tremendous anticompetitive impact on the vast independent automotive service and parts industry presently in existence, in contradiction to the Agency's general policy to minimize any such impact from its regulations. Third, the right of an owner to personally maintain his own vehicle would be hindered. Lastly, there is no indication that this course of action would, in fact, ensure that vehicles would be significantly better maintained than they are today.

The Agency believes that the Emissions Performance Warranty may be implemented within the context of the traditional relationships among the affected parties, and that this should be a primary goal of the regulations. Consequently, the maintenance provisions are aimed at ensuring owners may continue to care for their vehicles as they presently do, without jeopardizing protection under the warranty.

The remainder of the proposal speaks of the remedy required by a manufacturer under the Emissions Performance Warranty, and the procedure by which a claim may be brought. Since communication to the warranty is crucial to the effectiveness of this or any other warranty, detailed requirements are set out for the inclusion of all provisions in vehicle owner's manuals.

III. BENEFITS OF THE EMISSIONS PERFORMANCE WARRANTY

By its nature, the Emissions Performance Warranty does not contain a direct, quantifiable air quality benefit. All warranties are in theory only cost-shifting mechanisms. That is, they determine who will pay to correct a problem; they do not attack the probem itself. In this case, the problem is poor emissions performance of in-use vehicles. The key to reducing it lies in State and local "Inspection/Maintenance" programs, as previously mentioned. Since, a local jurisdiction could enforce emissions standards by requiring the owner to bear any repair expense, and thus obtain emissions reductions without warranty coverage, the warranty may not be fairly credited with the major reduction expected from enforcement of "I/M" programs. However, some indirect air quality benefits may arise from the Warranty to the extent that it provides an incentive to establishment of "I/M" programs in areas which would otherwise not have them, causes programs to enforce stricter standards, encourages owners to better maintain their cars, and influences manufacturers to build more durable emissions control systems. The magnitude of these benefits is not quantifiable, and only experience will demonstrate the extent to which they will contribute to the overall benefits expected from "Inspection/Maintenance."

The Agency considers the Emissions Performance Warranty, coupled with the establishment of "I/M" programs, to be a major step in the Clean Air Act approch to reduction of vehicle emissions. Present Agency efforts include certification of vehicles and recall of classes which perform poorly in-use. Regulations for assembly line testing of vehicles (Selective Enforcement Auditing or SEA) where recently promulgated, and testing under them has begun. The establishment of a warranty to all individual owners that their vehicles will, if properly maintained and operated, continue to meet emissions standards is another substantial inducement to manufacturers to produce vehicles capable of meeting standards for their useful life.

IV. Specific Provisions

The major sections of the proposed regulations are discussed below.

A. Section 85.2103 Warranty

The proposed basic statement of the warranty is fashioned directly from section 207(b)(2) of the Clean Air Act. Some changes have been made as follows in an effort to make the provisions more easily understandable to vehicle owners.

First, in subsection (a)(1), the maintenance and operation requirement of section 207(b)(2)(A) of the Act is spelled out rather than referencing section 207(c)(3) as is done in the Act. Since the proposal requires the manufacturer to list all such instructions applicable to the Emissions Performance Warranty in the owner's manual, it is believed that the least confusing approach to informing the owner of his duty in this regard is simply to identify the requirement as consisting of those listed instructions.

Second, the words "applicable emissions standards of the U.S. Environmental Protection Agency" are substituted for the reference in section 207(b)(2)(B) to section 202 of the Act.

Third, the term "EPA-approved emission test" is used to signify a "correlateable short test" as required by section 207(b) for implementation of the Emissions Performance Warranty. This is intended to provide a non-technical label by which those tests which qualify for section 207(b) warranty purposes may be identified. Further, § 85.2103(a)(2) makes clear the fact that it is failure of such a test that initially triggers the possibility of manufacturer liability under the Emissions Performance Warranty.

No substantive effects are intended by any of the above modifications; any comments that such may occur are specifically requested.

An important issue under the Emissions Performance Warranty is the required scope of coverage. Section 207(b) of the Act states that manufacturers shall warrant "the emission control device or system of each new motor vehicle * * * manufactured in a model year beginning after (regulations are promulgated)." The phrase "emission control device or system" raises the question as to exactly what parts or systems of a vehicle are to be covered by the warranty. The proposal takes a broad interpretation here by defining coverage to include "any system, assembly, device, or component thereof which can affect emissions." An alternative approach would be to limit coverage to a specific list of those items constituting the emission control system, perhaps limited only to those components added solely for the purpose of controlling emissions. However, measures adopted for controlling emissions include important alterations to components and operating parameters of engines which are also vital to the non-emissions performance of those engines. To ignore such items would both excuse the manufacturer from responsibility for a substantial number of potential causes of emissions nonconformities within his ability to affect, and would leave the owner unprotected to the same extent. Hence, the Agency believes that the proposed option is most in keeping with the intent behind the Emissions Performance Warranty.

It has been postulated that the "list approach" would have the advantage of reducing the potential anticompetitive effect of the warranty simply because fewer components would be covered. However, given the possibility of warranty protection, it is presumed that any properly maintained and operated vehicle which fails an Agency-approved short-test will initially be taken to a dealer for repairs. Should the cause of the failure be investigated and found to be a part not on a given list, then the manufacturer would escape liability, but, the dealer would most likely still make the repair. Thus, little if any significant reduction in anticompetitive effect could be expected. In any case, a much larger potential for anticompetitive effect lies in the possible tying of preventative maintenance to the warranty, as opposed to actual repair of failed vehicles. This area, discussed in detail below, would not be affected by a restrictive definition of the scope of coverage of the warranty.

Comments on this aspect of the proposal are particularly requested. Those favoring a list approach are asked to give a sample list, if possible, of those parts which they believe should be included, or in the alternative, a list of those parts which are felt to be incorrectly encompassed by the proposal.

Subsection (b) specifies the time from which the 5 year protection of the Emissions Performance Warranty is to begin. In the vast majority of cases, this will coincide with delivery of the vehicle to its ultimate purchaser. However, for those vehicles used as "demonstrators" or "company cars" by a manufacturer or dealer, the period is begun at the point they are placed in this service. Although such a vehicle is not then in the hands of an ultimate purchaser, the Agency believes that it is reasonable to view it as having begun its useful life. There is little chance of consumer deception here since these cars are not sold as new, and thus purchasers generally realize that they have been used and that, consequently, their warranty protection may be less.

With regard to mileage, the warranty period is to be judged simply by a vehicle's odometer reading. That reading is protected today by numerous Federal and State consumer laws, and need not be further considered here. Any odometer which is adjusted in violation of applicable law will no longer be controlling as to the Emissions Performance Warranty.

Manufacturers should bear in mind that section 203(a)(4)(A) of the Act makes it a prohibited act to sell or lease a vehicle without warranting the emission control device or system pursuant to section 207(b). EPA will investigate any pattern of activity of a manufacturer which suggests that such warranty was not made in good faith.

B. Section 85.2104 Instructions for Maintenance and Proper Operation

This section sets out basic criteria for inclusion of instructions under the maintenance and operation condition of § 85.2103(a)(1), section 207(b)(A) of the Clean Air Act. Subsection (a) reiterates the language of section 207(c)(3) of the Act for maintenance instructions, with the clarifying provision that such instructions be likely to be performed on in-use vehicles. The additional language is included to set out what the Agency considers to be a basic element of the Act's requirement that such instructions be "reasonable."

Subsection (b) requires all maintenance instructions to be set out such that a person who regularly engages in the business of servicing automobiles will be able to satisfactorily comply with them. This is a further elaboration of the "reasonable" requirement of section 207(c)(3) of the Act. Recognizing the fact that many vehicles will be serviced at independent, non-dealer facilities, this provision can be viewed as simply part of the standard of "likely to be performed in-use." Further, it supports the prohibition of § 85.2105 against the tying of warranty coverage to dealer service.

Subsection (c) proposes a partial solution to the problem of owner maintenance. Given that many owners maintain their own vehicles, the question becomes how such individuals will be able to prove that the required instructions have been carried out. The proposed § 85.2107, which deals specifically with the issue of proof, expressly reserves the acknowledged right of an owner to perform all of the required maintenance. However, the standard of proof under such circumstances necessarily places a higher burden on the owner than he would have if he had taken his vehicle to a dealer or an independent service facility. This is due to the fact that not all owners will have the instruments and skills necessary to adequately maintain the emission control systems and devices in use today. Thus, an owner who claims the ability to totally maintain his vehicle needs to establish, essentially, that he is capable of doing so.

However, there are a substantial number of maintenance instructions which are capable of being performed by most owners (e.g., oil and filter changes, spark plug replacements, etc.). The Agency believes that these maintenance items should not be removed from the purview of owners out of their concern that they will risk loss of warranty protection by performing the instruction. One way to approach this problem would be for the Agency to define those instructions capable of owner completion, and to specify minimum requirements for proof of such. The different technologies among vehicle manufacturers would greatly complicate the effort, but the sustaining of owner's rights in this area is considered to be a necessary aspect of the regulations.

Subsection (c) proposes an alternative approach. Since a vehicle manufacturer

is in the best position to determine which maintenance instructions for his product are capable of being performed by an owner, the manufacturer is encouraged to specify such items, along with whatever evidence he would be willing to accept as proof of compliance. It is expected that manufacturers who do this will be able to gain from advertising that their vehicles are "owner serviceable", while at the same time reducing the potential for future disagreements with owners regarding proper maintenance. The approach also puts control of the question of proof in the hands of the manufacturer while protecting owners since, once specified, the manufacturer will be bound to accept the evidence called for. The Agency hopes that the owner's burden will be set at a minimal level such as, for example, retention of receipts or old parts. But, the most important factor is that advance notice will be given as to the required evidence, whatever it may be.

The Agency particularly requests comments on this proposed approach to the problem under the Emissions Performance Warranty of maintenance performed by owners. Manufacturers are encouraged to provide examples of what maintenance they would consider designating as "owner maintenance", and the evidence which would be accepted as proof of compliance.

Subsection (d) reiterates the criteria of section 207(c)(3) of the Clean Air Act for inclusion of operation instructions under § 85.2103(a)(1) of the proposal. Additional language is added to provide that all such instructions "be consistent with the normal use for which the vehicle is sold." As discussed above for subsection (a), this is again intended to elaborate on the Agency's view of how the term "reasonable" is to be interpreted in this specific context so as to give adequate notice to manufacturers regarding the standard for operation instructions required under the Emissions Performance Warranty.

C. SECTION 85.2105 PROHIBITION AGAINST BRAND NAME REQUIREMENTS

This section contains the proposal's basic prohibition against tying of the maintenance and operation condition of § 85.2103(a)(1) to the use of only parts and service provided by the vehicle manufacturer. It contains essentially the same restriction as that of section 102(c) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2302(c) (1975).

Section 207(b)(2)(A) of the Clean Air Act explicitly conditions manufacturer liability under the Performance Warranty on a vehicle being "maintained and operated in accordance with instructions issued under (207)(c)(3)." Since the passage of the Clean Air Act Amendments of 1970, this condition has been the focus of much attention from EPA and from Congress itself. No one disputes the basic concept involved; that is, that a car owner is responsible for reasonable and necessary periodic maintenance of his vehicle. However, some segments of the automotive industry have expressed concern that the provision is potentially anticompetitive in that it may shift maintenance work away from independent facilities and towards manufacturer authorized dealerships.

The actual danger of such a shift is difficult to evaluate given the present lack of experience with any similar type warranty. On December 18, 1974, the Subcommittee on Environmental Problems Affecting Small Business of the Permanent Select Committee on Small Business of the House of Representatives filed a report entitled "Monopolistic Tendencies of Auto Emission Warranty Provisions" (House Report No. 93-1628, 93d Congress, 2d Session). That report concluded that the Emissions Performance Warranty could prove to be anticompetitive in that car owners might feel compelled to use only dealer service and original equipment parts in order to ensure continued protection for the full 5 years/50,000 mile period. Accordingly, the Committee recommended, among other things, that EPA pursue all administrative remedies to minimize such an effect.

The proposal contains three sections aimed directly at this potential problem. Section 85.2105, as stated, represents the basic restriction. Sections 85.2106 and 85.2107 deal respectively with the issue as related to parts and service under the Emissions Performance Warranty, and are discussed in detail below.

D. SECTION 85.2106 REPLACEMENT PARTS

With regard to the replacement parts industry, the potential for anticompetitive effects from the Emissions Performance Warranty rests in the concern that owners will use only original equipment parts so as to ensure continued protection for the full 5 year/50,000 mile period, and that service facilities will also react in the same manner. Thus, the provisions of the proposal which address the issue of performance of maintenance at independent facilities do not encompass the parts issue. Section 85.2106 is intended to fill this gap.

The basic position of § 85.2106 is twofold. First, subsection (a) provides that unless a vehicle manufacturer affirmatively indicates otherwise, he must allow use of any part identified by its manufacturer as a replacement part for a specific vehicle in question. Second, subsection (b) provides that a manufacturer who desires to avoid subsection (a) may do so by providing information sufficient to determine whether a given part meets the standards which are required. In essence, a manufacturer may set up any standard of acceptability, consistent with section 85.2105, related to the emissions performance of parts required to be replaced under the warranty. For example, he may require that all replacements be "equivalent" to the original part, as most do under general warranties today. However, if this approach is taken, then the owner's manual must set out whatever specifications are needed to judge that equivalency. In other words, the owner must be provided with the information necessary to be able to distinguish between those parts which are, and those which are not equivalent. Without this information, an "equivalency" requirement becomes virtually identical to a specification of use of only original equipment parts.

In short, the proposal allows inclusion of a "standard" for acceptability of replacement parts only if that standard may actually be applied in practice against the numerous available aftermarket parts. Otherwise, use of any part sold as a replacement will be acceptable. This is not to say that the vehicle manufacturer will be held liable for the failure of a non original equipment part. Subsection (d) specifically reserves the ability of a manufacturer to deny a warranty claim if he can show that the vehicle's failure of a short test was due to such a part.

Subsection (c) is included in anticipation of the possibility of a future EPA program for certification of aftermarket automotive parts. No such program is presently in operation, although the Agency has published an advance notice of a voluntary program (39 FR 40192, Thursday, November 14, 1974), and Congress has debated making such an effort mandatory (Congressional Record, September 30, 1976, p. H11977). The basic thrust of such a certification will be to qualify a part for use in maintenance under the Emissions Performance Warranty. The provisions of subsection (c) will remain inoperative until such a program is established.

Subsection (e) deals with another parts issue; specifically, the question of warranty coverage for parts without a definite replacement interval. Current practice today illustrates that many parts are subjected in maintenance instructions to a check or inspection, with replacement only if the part is found defective. Such an instruction is not necessarily undesirable since it can lead to the discovery and correction of component failures. However, the instruction raises the question as to whether the part is warranted beyond its first check point, or whether protection ends there with any extra life of the part being simply a benefit to the owner. The regulations specify that, for purposes of the Emissions Performance Warranty, such a part is covered for the full 5 year/50,000 mile period. In other words, the manufacturer shall be liable for replacement of any part that does not have a definite replacement interval and which becomes the basis of a claim under the Emissions Performance Warranty.

The Agency realizes that this approach may cause the routine replacement of some parts which might otherwise, depending on the circumstances of the vehicles's usage, render adequate service for a substantially longer period of time. However, this approach might also cause the design of longer lived parts. In any event, to allow such an instruction to insulate a manufacturer from liability for a part failure could render the warranty totally ineffective since a manufacturer could provide such an instruc-

tion for every part which could possibly fail. Further, this type of instruction is clearly aimed at correcting a failure after it has occurred, which is a warranty question, and not prevention of the failure, which in the Agency's view is the purpose of required maintenance.

In conjunction with these requirements, the proposal also requires that a manufacturer submit to EPA an estimate of the typical cost of each item to be replaced during maintenance required under the Emissions Performance Warranty, and the labor charge to replace it. EPA intends to make this information available to the public to enable vehicle purchasers to make some minimal comparisons among manufacturers as to the cost of the maintenance required pursuant to the Emissions Performance Warranty.

E. SECTION 85.2107 PROOF OF MAINTENANCE AND PROPER OPERATION

Section 85.2107 proposes detailed requirements as to the amount and types of proof that may be required from an owner to show compliance with the §85.2103(a)(1) conditions to recovery under the Emissions Performance Warranty. Two major purposes are intended to be served here. First, such provisions are considered necessary to ensure a high degree of consistency with regard to interpretation of the "proper maintenance and operation" phrase. Without them, variations could be expected due to differing interpretations among those dealers and other agents of the manufacturer who are authorized to handle warranty claims, with little recourse for owners due to lack of bargaining power on their part. Some inconsistencies will still be inevitable, but the presence of detailed guidance in the owner's manual should considerably reduce the problem. Second, the provisions are intended to help reduce the anticompetitive potential of the warranty. Section 85.2105, as described, contains the basic prohibition of the proposal against tying of the warranty to "dealer service". However, in operation, problems related to the use of independent service facilities will most likely arise at the point at which proof of maintenance is required. Thus, the Agency believes that specific provisions on this issue are required.

The proposal is aimed, in essence, at preserving a car owner's present ability to have his vehicle maintained at any service facility, or to maintain it himself. This is sought to be balanced, however, against the ability of the manufacturer to avoid liability if the maintenance has not been correctly performed. Resolution of this conflict depends to a large extent on the interpretation given to the maintenance condition of the warranty.

One possible interpretation is that the Act requires the owner to be able to prove that each maintenance instruction was performed at the proper time and done correctly. This would place a large burden on those owners who have their vehicles serviced at independent facilities. The typical owner, in such an instance, is rarely in a position to make such a showing. He simply tenders his car to the shop, and returns when the work is completed. Thus, a question as to compliance with the maintenance condition would in all likelihood be resolved against him. The consequence of this interpretation is therefore to heavily favor protection of the manufacturer against improper maintenance, while discouraging use of independent facilities.

Another interpretation could be that the Act requires only that the owner make good faith efforts to obtain the requisite maintenance, with the manufacturer subsequently being held strictly liable for the emissions performance of the vehicle. In other words, the manufacturer would not be able to defend against a claim on the grounds that maintenance was not correctly performed. The requirement would be satisfied simply by tender of a vehicle to someone who held himself out as capable of following the manufacturer's instructions. The Agency believes that such an interpretation, although stringent, may be correct given the goals of the Act. Under it, manufacturers could be expected to react by reducing the amount and complexity of required maintenance, a procedure which could be expected to result in vehicles with lower emissions throughout their useful life and beyond.

A third alternative, and the one proposed in this notice, is to interpret the maintenance condition to require some initial showing by the owner, after which he will be presumed to have complied with the condition. The showing consists of evidence which the Agency believes will in most cases indicate that the work was correctly performed. However, the presumption is not made conclusive. The manufacturer may, with some exceptions, rebut the presumption by showing that the maintenance instructions have not been properly complied with. The burden of proof in this regard will be on the manufacturer, but, in most instances, he will be the party in the best position to meet such a burden. On the other hand, owners will be able to continue to have their vehicles maintained at competent independent facilities, rather than at dealerships, without risking loss of protection under the Emissions Performance Warranty simply because of that choice. The Agency believes that this approach best satisfies the intent behind the maintenance requirement of the Emission Performance Warranty; however, since this is a critical issue in the warranty, specific comments are requested. The actual provisions of the proposal are discussed below.

The basic element of the proposal is the subsection (a) provision that compliance with the maintenance requirement shall be presumed upon either of two showings, or a combination thereof, by an owner. First, presentation of a properly validated maintenance logbook shall be sufficient to raise the presumption. Second, a showing by the owner that he has submitted the vehicle to one who regularly engages in the business of servicing automobiles, and directed that person to perform the required maintenance in accordance with the manufacturer's published instructions, shall be sufficient to raise the presumption. The Agency hopes that the use of logbooks will eventually become the preferred method for proof of maintenance, and that it will result in a recognized, uniform procedure across the country for establishing compliance with the maintenance condition. However, a business receipt which contains the same information as would appear in the logbook shall be acceptable in lieu of a logbook entry. In either case, subsection (b) allows the manufacturer (with some exceptions discussed below) to rebut by proving that the required maintenance was not, in fact, correctly performed.

Subsection (c) preserves the right of an owner to establish, by means other than those of subsection (a), that his vehicle has been properly maintained; the distinction being the absence of any presumption here. Thus, an owner may have a more difficult task showing proper compliance with the maintenance condition under this subsection. For example, he may have to establish his own expertise to perform maintenance which is not specified as owner's maintenance by the manufacturer. The proposed standard is simply that of reasonable evidence. By its nature, this is something that will have to be determined on a case by case basis. Clearly, fair operation of the provision will require good faith on the part of owners, manufacturers, and dealers.

Subsection (d) proposes that a signed statement be accepted as proof of proper operation under the Emissions Performance Warranty. Due to the nature of the requirement of proper operation, the Agency believes that such a statement is all that can reasonably be demanded. No owner could disprove the negative, i.e., that he had not improperly operated his vehicle. The statement is not made conclusive since, if a vehicle exhibits obvious indications of improper operation, then a claim may be denied on that basis. However, in the absence of such a showing by the manufacturer, it is all that may be required. Subsection (e) establishes four exceptions to the ability of a manufacturer to escape liability on the basis of improper maintenance. The first is in the case of work performed by a dealer or other authorized agent of the manufacturer. Under general principles of Agency, the manufacturer must accept responsibility for such work.

The second exception is in the case of work performed on the vehicle to keep it in a safe operating condition. This is intended to allow for those instances where a vehicle will not function properly without adjustment causing it to exceed emission standards. The agency believes that such an adjustment may not affect protection under the Emissions Performance Warranty.

The third exception is intended to reach those instances where the manufacturer should have foreseen that the vehicle would not be properly main-

tained. This could be due to a number of reasons. For example, equipment necessary to adjust the engine may not be readily available in the field. The design of some emission related component may be such that it is too sensitive to be properly serviced by most mechanics. Instructions in the service manual may be incomplete, or too vague to ensure correct maintenance in most instances. If any of these conditions can be shown, or others which establish that the manufacturer should have foreseen that improper maintenance would result, then such improper maintenance may not be raised in defense of an Emissions Performance Warranty claim.

The fourth exception relates to maintenance and operation instructions not relevant to the particular failure of a vehicle to meet emission standards, and is intended to protect vehicle owners from unduly harsh application of the § 85.2103 (a)(1) conditions. If a vehicle fails due to a clearly defective component in one emission control system, the absence of maintenance to an unrelated component, or the existence of unrelated improper operation of the vehicle, should not relieve the manufacturer from liability.

Subsection (f) explicitly reserves the right of an owner to maintain his own vehicle. With regard to proof, such a person will have to, in general, meet the reasonable evidence criteria of subsection (c). An exception to this exists for those instructions listed as owner's maintenance under § 85.2104(c) of the proposal. For such maintenance, the manufacturer must set out the evidence which is desired as proof of compliance, presentation of which will then enable the owner to obtain the rebuttable presumption of subsection (a). The issue of owner maintenance is discussed in more detail in section IV.B. above.

Subsection (g) specifies requirements for proper validation of the maintenance logbook so as to satisfy subsection (a)(1). In general, this consists of the signature of the same individual who would otherwise sign a receipt sufficient to make the subsection (a)(2) showing. In the case of owner's maintenance, the owner himself shall be authorized to validate the logbook.

F. SECTION 85.2108 WARRANTY CLAIMS

A necessary element of effective operation of the Emissions Performance Warranty will be the existence of expeditious claim procedures. Section 85.2108, to this end, requires each manufacturer to establish such procedures. Given the typical manufacturer organization currently in effect, it is expected that they will involve a determination by a dealer, and perhaps subsequently by a zone representative, of the manufacturer. However, although it is expected that the vast majority of claims will be settled at these levels, the proposal does not contain any requirements related to them, except that the owner obtain an immediate decision at the point of first presentation of his vehicle for repair. The Agency is of the opinion that such details are best left to the discretion of each manufacturer.

The proposal does require that all procedures contain a designated final level of review, and that an owner be provided with a final decision on his claim within ten days of its receipt at that final level. This is deemed necessary to assure that owners whose vehicles do not pass a short test may obtain an expeditious determination as to the validity of their Emissions Performance Warranty. Owners facing sanctions due to a failed vehicle have a need to know, within a short period of time, whether a warranty claim will be honored, or whether they should seek repair at their own expense. In the case of a denied claim, an owner must also determine whether to pursue legal action against the manufacturer, and, for this reason, the proposal requires that a denial be accompanied by a written explanation.

The provision requiring review within ten days is supported by a proposal that the manufacturer be held liable for the cost of any repair work actually performed on a vehicle subsequent to the lapse of the notification period. An owner facing a penalty or sanction will be at an extreme disadvantage with regard to any time delay in the processing of his claim. This proposal, however, will ensure a fixed waiting time after which the owner will either know that his claim has been denied, or that his vehicle may be repaired at the manufacturer's expense. Hopefully, State and local jurisdictions will establish any inspection program deadlines in accordance with the warranty notification period.

A final question with regard to warranty claims is at what point in time a claim may be raised. Section 85.2108(a) specifically deals with this issue. Essentially, a cause of action under the Emissions Performance Warranty will exist upon satisfaction of all of the requirements of § 85.2103(a), subsection (3) of which states that an owner must bear a penalty or sanction as a result of a short test failure. Operation of this provision may be complicated by the fact that jurisdictions are not expected to impose any penalty at the first failure of an emissions test. Rather, the owner of a failed vehicle will probably simply be required to have the vehicle serviced, and then undergo a retest within a specified period of time. Even in the case of repeated failures, penalties or sanctions may not be imposed beyond a requirement that the owner demonstrate that a certain amount of corrective maintenance has been performed on the vehicle. Use of fines or suspensions in some jurisdictions is expected to be limited to those situations where the owner either refuses to undergo a test at all, or refuses to have corrective maintenance or repair performed on his vehicle after it fails a test.

The § 85.2103(a)(3) condition could be held to require an owner to either violate State or local law so as to incur a fine, or at the least be without the use of his vehicle, before an Emissions Performance Warranty claim could be raised. However, such an interpretation could hardly be ascribed to Congress in passing this provision (section 207(b)(2)(C) of the Act). The Agency believes that the purpose of this condition is simply to limit the warranty to those situations in which repair of the vehicle is mandatory. Consequently, the proposal specifically holds that a warranty cause of action arises immediately upon failure of a short test if the owner is required to take any corrective action as a result of that failure. The owner need not ignore a given grace period, and actually incur a penalty or sanction before the warranty becomes operational.

G. SECTION 85.2109 WARRANTY REMEDY

As stated in § 85.2103(a), the manufacturer's obligation under the Emissions Performance Warranty is to "remedy the nonconformity at no cost to the owner." The Agency's interpretation of this requirement is set out in § 85.2109. Subsection (a) deals with the precise remedy involved. It is, in essence, to place the vehicle in a conforming condition. A temporary fix, sufficient only to enable the vehicle to pass an emissions retest is unacceptable. Further, this liability is specifically clarified as being independent of any State or local limitation on the penalty or sanction required to trigger warranty protection under § 85.2103(a)(3). EPA anticipates that many jurisdictions will set a limit on repair expense after which an owner will be required to take no more action despite the fact that his vehicle continues to fail to conform to emission standards. Alternatively, owners may simply be fined if their vehicles fail I/M inspections. However, the Agency believes that such provisions should not act to limit protection under the Emissions Performance Warranty. The "penalty or sanction" paragraph of section 207(b) does restrict the applicability of the warranty to those areas with mandatory inspections, and most likely will further restrict the potential frequency of claims in those areas to annual or semi-annual periods. But, given a mandatory test with some penalty or sanction attached, the Act is clear that the warranty remedy, if obtainable, is for the manufacturer to "remedy the nonconformity". The decision by a State or locality to fix a maximum penalty or sanction for its citizens cannot affect this potential Federal liability of a manufacturer under the warranty.

Subsection (b) speaks to the cost of repair, and emphasizes the requirement that a manufacturer bear the entire cost regardless of a failed vehicle's proximity to its next scheduled maintenance point. Thus, for example, if the required remedy for a failed vehicle is a new set of spark plugs, the manufacturer must provide them without cost even though the vehicle would have been scheduled to receive a new set, at the owner's expense, within a short period of time. In sum, the cost of a repair may not be split pro rata based on the vehicle's position within the required maintenance schedule, or on any other criteria.

Under this provision, an owner may thus obtain a free tune-up when he would not have received one had his vehicle failed a week later at the maintenance interval. The Agency believes that this approach, although strict, is required by the Act. No problem arises if a vehicle fails due to a defect in a non-maintenance item since the time of such a failure is irrelevant to responsibility for repair. However, the Agency anticipates that many failures will be correctable simply by performance of routine maintenance, albeit at an earlier stage than that scheduled. In these cases, the time of failure will be determinative of responsibility, and, under the Emissions Performance Warranty, this can mean only complete responsibility. The purpose of the warranty is to ensure that a properly maintained and operated vehicle will perform within emissions standards at all times during its useful life. Although the need for routine maintenance implies that a vehicle will naturally vary in its emissions as maintenance items deteriorate, at no time should emissions exceed standards. Thus, failure of a short test indicates a problem outside of normal parameters. This, by the very nature of the warranty, must be corrected at the manufacturer's expense regardless of the point in time at which it is discovered.

Subsection (c) deals with a secondary problem related to the performance of routine maintenance as a repair under the Emissions Performance Warranty; that is, the fact that such work will affect the maintenance schedule. Clearly, parts replaced within a short time of their scheduled replacement need not be replaced again at the scheduled point, as it would only result in the needless waste of many parts. The proposal thus requires that a manufacturer adjust the maintenance schedule under these circumstances, and inform the owner of the new periods at the time of the warranty repair.

The issue of the effect of unscheduled maintenance, whether performed under the warranty or at an owner's request, is of general importance to this proposal. Experience shows that few vehicles can be expected to rigidly adhere to any maintenance schedule throughout a 5 year/50,000 mile period. Thus, particularly at later periods in a car's useful life, the question of compliance with the maintenance condition of § 85.2103(a)(1) may involve analysis of a record quite different from that envisioned by the applicable schedule. The Agency is concerned that this variable may confuse the determination of entitlement to protection under the Emissions Performance Warranty, especially in cases where the remedy is strictly maintenance oriented. Comments are particularly desired as to how this problem should be approached in any final regulations.

H. SECTION 85.2110 INCLUSION OF WARRANTY PROVISIONS IN OWNER'S MANUALS

The key to obtaining effective implementation of any warranty lies in full disclosure of its provisions to the warrantee. Accordingly, the proposal contains specific requirements intended to ensure that complete information regarding the Emissions Performance Warranty is supplied to vehicle owners. Section 85.2110 contains all of these requirements. Most are felt to be self explanatory, and are thus not discussed below.

In general, disclosure must be made in the vehicle owner's manual, which is intentionally defined broadly to allow flexibility in the presentation of the warranty information. Many manufacturers have separate warranty and/or maintenance booklets today for their own warranty or the Clean Air Act Section 207(a) warranty. This approach is at least equivalent to if not better than inclusion in the owner's manual proper, and the Agency hopes that similar type presentations will be adopted for the Emissions Performance Warranty.

The owner's manual need only contain a brief listing of the maintenance schedule, as is current practice today; provided that full descriptions of all procedures are set out in the service manual, those manuals are available, and the owner can obtain a copy of those procedures related to the Emissions Performance Warranty by mail, at nominal cost. This compromise to requiring that complete procedures be in all owner's manuals is proposed recognizing that few owners have a need for detailed instructions, and that presentation in the service manual is the established practice today. With regard to any maintenance designated as "owner's maintenance", this rationale may not be applicable, and the regulations thus require complete detailed instructions in the owner's manual for these procedures.

The owner's manual is also required to contain a logbook for the purpose of verifying compliance with the maintenance condition of the warranty. The Agency believes that this is a preferred approach to requiring that owners retain receipts for all maintenance services, although, as previously discussed, business receipts are acceptable under the proposal.

I. REVIEW OF MANUALS AND DISAPPROVAL OF MAINTENANCE AND OPERATION INSTRUCTIONS

Section 85.2111 of the proposal requires that all owner's and service manuals be submitted to the Agency for review pursuant to this subpart. In the case of maintenance and operation instructions which are determined to be out of compliance, either on their face or in actual practice, § 85.2112 provides for disapproval of such with the consequence being that they subsequently cease to be part of § 85.2103(a)(1) condition to recovery under the warranty.

No disapproval may be effected without notice to the manufacturer, an opportunity for him to present his views and evidence at an Agency hearing on the record, and publication in the FEDERAL REGISTER. Once an instruction is disapproved, however, the manufacturer will be required to send notification by mail to all owners, and the disapproval will be included in a compilation by the Agency for distribution to all interested parties.

Specific comments are requested as to the desired scope of any hearing held with regard to disapproval of a maintenance or operation instruction, including limits, if any, to be placed on discovery, intervention, cross-examination, and appeal.

V. COST OF IMPLEMENTATION

The major Agency cost involved in the implementation of the Emissions Performance Warranty will stem from whatever yearly testing is required in order to set cut-points (pass/fail points) for the various short tests identified in the subsection 207(b)(1) proposal being published today. Manufacturer costs will relate to administration of the warranty, and loss of sales due to price increases made to cover expected repair costs. An economic analysis of these factors has been prepared by the Agency and is available for inspection and copying at the U.S. Environmental protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460. Single copies may be obtained by writing to: Environmental Protection Agency, Mobile Source Enforcement Division, Warranty Project (EN-340), 401 "M" Street, S.W., Washington, D.C. 20460.

The Agency is particularly interested in obtaining information related to the potential economic impacts of the Emissions Performance Warranty, and specifically requests comments on this topic with supporting data if available.

VI. ENVIRONMENTAL IMPACT

No adverse environmental impacts are anticipated by these regulations. As previously discussed, the warranty is basically only a cost-shifting mechanism. It will indirectly lead to some air quality benefits to the extent that it encourages implementation of State and local "Inspection/Maintenance" programs in areas which would otherwise not have them, causes more stringent standards to be enforced, induces owners to devote more attention to properly maintaining their vehicles, and influences manufacturers to build more durable emission control systems. However, the warranty itself does not contain any such impact.

No voluntary environmental impact statement has been prepared pursuant to EPA guidelines set forth in 39 FR 37419. The Emissions Performance Warranty is primarily directed at light duty vehicles, whose emission standards are specifiacilly exempted from the EIS requirements.

VII. COMMENTS

Interested persons are encouraged to participate in this rulemaking proceeding by submitting written comments (ten copies are requested) to: Director, Mobile Source Enforcement Division (EN-340), Room 3220 (WSM), Environmental Protection Agency, 401 "M" Street, S.W., Washington, D.C. 20460.

All comments received before the close of business on the comment closing date

will be considered. All comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

Final regulations, modified as the Administrator deems appropriate after consideration of comments, will be promulgated as soon as practicable after such consideration and will be applicable to model year 1979 and later light duty vehicles and light duty trucks.

This notice of rulemaking is issued under authority of the following sections of the Clean Air Act as amended: 207 (42 U.S.C. 1857f-5(a)), 208 (42 U.S.C. 1857f-6) and 301(a) (42 U.S.C. 1857g). The regulations would implement section 207(b) of the Clean Air Act of 1970.

NOTE.—The Environmental Protection Agency 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: May 6, 1977.

DOUGLAS M. COSTLE,
Administrator.

Accordingly, notice is hereby given that Part 85 of Title 40 of the Code of Federal Regulations is proposed to be revised by the addition of a new Subpart V as set forth below.

Subpart V—Emissions Control System Performance Warranty Regulations

Sec.
85.2101 General applicability.
85.2102 Definitions.
85.2103 Warranty.
85.2104 Instructions for maintenance and proper operation.
85.2105 Prohibition against brand name requirements.
85.2106 Replacement parts.
85.2107 Proof of maintenance and proper operation.
85.2108 Warranty claims.
85.2109 Warranty remedy.
85.2110 Inclusion of warranty provisions in owner's manuals.
85.2111 Review of warranty statement, maintenance and operation instructions.
85.2112 Maintenance and operation instruction disapproval.

Subpart V—Emissions Control System Performance Warranty Regulations

§ 85.2101 General applicability.

The provisions of this subpart are applicable to all 1979 and later model year light duty vehicles and light duty trucks.

§ 85.2102 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part A of Title II of the Clean Air Act, 42 U.S.C. 1857 (f)-1 through (f)-7, as amended by Pub. L. 91-604 and 93-319.

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(3) "Emission control device or system" means any system, assembly, device, or component thereof which can affect emissions.

(4) "Emissions Performance Warranty" means that warranty given pursuant to this subpart.

(5) "EPA-approved emission tests" means a test prescribed under 40 CFR 85.2201 et seq.

(6) "Light duty truck" means any motor vehicle related at 8,500 pounds GVWR or less with a vehicle curb weight of 6,000 pounds or less, and a basic vehicle frontal area of 46 square feet or less, which is:

(i) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(ii) Designed primarily for transportation of persons, and having a capacity of more than 12 persons, or

(iii) Available with special features enabling off-street or off-highway operation and use.

(7) "Light duty vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or less.

(8) "Model year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year; however, if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(9) "Owner" means the ultimate purchaser or any subsequent purchaser of a vehicle.

(10) "Owner's Manual" means the instruction booklet normally provided to the purchased of a vehicle, and any other written information pertaining to the operation, maintenance, specifications, description or warranty of the vehicle provided with that booklet.

(11) "Service Manual" means that book provided by the manufacturer for use by vehicle service personnel in maintaining and repairing vehicles.

(12) "Useful Life" means a period of use of 5 years or 50,000 miles, whichever first occurs.

§ 85.2103 Warranty.

(a) The manufacturer of each vehicle to which this subpart applies shall warrant the emission control device or system of the vehicle such that if:

(1) The vehicle is maintained and operated in accordance with the manufacturer's instructions under the Emissions Performance Warranty, as set out in the owner's manual, and

(2) It fails to conform, for a period of 5 years or 50,000 miles, whichever first occurs, to the applicable emissions standards of the U.S. Environmental Protection Agency, as judged by an EPA-approved emission test, and

(3) Such nonconformity results or will result in the owner of the vehicle having to bear any penalty or other sanction (including the denial of the right to use the vehicle) under State or Federal law, then the manufacturer shall remedy the nonconformity at no cost to the owner.

(b) The warranty period shall begin on the date the vehicle is delivered to its ultimate purchaser, or if the vehicle is first placed in service as a demonstrator or company car prior to such delivery, on the date it is first placed in such service.

§ 85.2104 Instructions for maintenance and proper operation.

(a) Maintenance required under the Emissions Performance Warranty must be reasonable and necessary to assure the proper functioning of the emission control device or system of the vehicle, including that it be likely to be performed on in-use vehicles. Instructions shall be specific as to the exact procedures required, and the intervals at which they are to be performed.

(b) Maintenance instructions shall be set out such that one who regularly engages in the business of servicing automobiles will be able to satisfactorily comply with them.

(c) A manufacturer may specify those maintenance instructions which, in his opinion, are capable of being performed by a vehicle owner. Each instruction shall contain the complete procedure to be followed, and the documentation necessary to establish that it has been performed so as to qualify the owner to validate the maintenance logbook under § 85.2107(g)(2).

(d) Operation instructions applicable to the Emissions Performance Warranty must be reasonable and necessary to assure the proper functioning of the emission control devices or systems of the vehicle, including that they be consistent with the normal use for which the vehicle is sold.

§ 85.2105 Prohibition against brand name requirements.

(a) No maintenance or operation instruction issued pursuant to the Emissions Performance Warranty may include any condition on the use of any component or service (other than a component or service provided without charge under the terms of the purchase agreement) which is identified by brand, trade, or corporate name; or directly or indirectly distinguish between service performed by the franchised dealers of the manufacturer or any other service establishments with which the manufacturer has a commercial relationship, and service performed by independent automotive repair facilities with which the manufacturer has no commercial relationship, except that the prohibition of this section may be waived by the Administration if:

(1) The manufacturer satisfies the Administrator that the vehicle will function properly only if the component or service so identified is used in connection with the vehicle, and

(2) The Administrator finds that such a waiver is in the public interest.

§ 85.2106 Replacement parts.

(a) Unless specified otherwise by the vehicle manufacturer, compliance with instructions to replace parts during maintenance under the Emissions Performance Warranty shall require only the use of parts identified by their manufacturer as replacement parts for the specific vehicle in question.

(b) A vehicle manufacturer may specify that all parts replaced during maintenance under the Emissions Performance Warranty be equivalent, from an emissions standpoint, to the original equipment parts of the vehicle, or set out some other criteria for acceptability (from an emissions standpoint) not in conflict with § 85.2105: *Provided*, that the owner's manual contains complete information necessary to determine whether a given part is so equivalent or meets the acceptability criteria.

(c) In all cases, a part certified, in accordance with criteria and procedures sanctioned by the Administrator, to be an equivalent replacement part for a specific vehicle in question shall be acceptable for use during maintenance under the Emissions Performance Warranty.

(d) Notwithstanding the above, a manufacturer may avoid liability under the Emissions Performance Warranty if he can show that a particular failure of an Agency-approved emission test is caused by a non-original equipment replacement part. For purposes of this section, any part authorized by the vehicle manufacturer to be sold as a replacement part for a vehicle in question shall be considered an original equipment replacement part.

(e) A part not required to be replaced at a definite interval shall be considered as warranted for the full term of the Emissions Performance Warranty. Diagnostic maintenance instructions, that is, instructions to replace a component only if checked and found to be operating below specification, shall have no bearing on warranty coverage. The manufacturer shall be liable for any such part which becomes the basis of a claim under the Emissions Performance Warranty.

§ 85.2107 Proof of maintenance and proper operation.

(a) Upon presentation of a vehicle for repair under the Emissions Performance Warranty, an owner shall be entitled to a rebuttable presumption that the requirement of § 85.2103(a)(1) that a vehicle be maintained in accordance with the manufacturer's instructions has been met upon:

(1) Presentation of a properly validated maintenance logbook for that vehicle, or

(2) A showing that he has submitted the vehicle, at the specified intervals, to someone who regularly engages in the business of servicing automobiles, and directed that person to perform the specified maintenance in accordance with the manufacturer's instructions for that vehicle, or

(3) Any combination of the above, which, taken together, covers all of the required maintenance for the vehicle.

(b) A manufacturer may rebut the presumption of paragraph (a) of this section by showing that the maintenance instructions required under the Emissions Performance Warranty have not been properly complied with.

(c) In the absence of a showing as set out in paragraph (a) of this section, a manufacturer shall nevertheless consider the § 85.2103(a)(1) maintenance condition satisfied upon receipt of reasonable evidence that the required maintenance was performed at the proper intervals and likely to have been done correctly, unless the manufacturer can show that such is not the case.

(d) The requirement of § 85.2103(a)(1) that a vehicle be operated in accordance with the manufacturer's instructions shall be considered satisfied upon receipt of a signed statement by the owner that he has properly operated the vehicle, unless the manufacturer can show that such is not the case.

(e) Despite inability of an owner to meet any of the above requirements, a manufacturer may in no case deny a warranty claim on the basis of:

(1) Work improperly performed by a dealer or other authorized service agent of the manufacturer,

(2) Work performed on the vehicle to rectify an unsafe condition, including a driveability condition that is unsafe, attributable to the manufacturers.

(3) Work improperly performed or not performed due to the design of the vehicle, an impractical maintenance procedure, unavailability of necessary tools or instruments, or other cause which the manufacturer should have foreseen would result in such improper maintenance or lack of maintenance, or

(4) Noncompliance with any maintenance or operation instruction which the owner can show is not relevant to his vehicle's particular failure of an EPA-approved emission test.

(f) Nothing in this subpart shall be construed to prevent an owner from personally performing all of the required maintenance for his vehicle under the Emissions Performance Warranty.

(g) Proper validation of the maintenance logbook, as specified in paragraph (a)(1) of this section, shall consist of completed entries for only those items required by § 85.2110(b)(2), and the signature of either:

(1) Someone who regularly engages in the business of servicing automobiles, or

(2) The owner, in the case of items classified as owner's maintenance pursuant to § 85.2104(c) and for which the owner possesses the required documentation under that paragraph.

§ 85.2108 Warranty claims.

(a) A claim under the Emissions Performance Warranty may be raised immediately upon failure of an EPA-approved emission test if, as a result of that failure, an owner is required to take action of any kind in order to avoid imposition of a penalty or sanction. An owner need not suffer the loss of the right to use his vehicle, be fined, incur repair expenses, or actually bear any such penalty or sanction to satisfy the requirement of § 85.2103(a)(3). That requirement shall be met if a test failure sets a procedure in motion under which the owner will bear such a penalty or sanction if his vehicle is not brought into conformity, or repaired to some specified extent.

(b) Each manufacturer shall establish procedures as to the manner in which a claim under the Emissions Performance Warranty may be raised. The procedures shall require an immediate decision by the dealer, or other person to whom a vehicle is initially presented for repair, as to the validity of the claim, and shall designate a final person or office to which vehicle owners may appeal a refusal by a dealer or other agent of the manufacturer to honor a claim.

(c) Within 10 days of the receipt of an appeal by such person or office, the manufacturer shall either honor the claim or provide the owner, in writing, an explanation of the basis upon which the claim is being denied. Failure to so notify shall result in the manufacturer being liable for the cost of any subsequent work actually performed on the vehicle in order to bring it into compliance with applicable emission standards.

§ 85.2109 Warranty remedy.

(a) The manufacturer's obligation under the Emissions Performance Warranty shall be to make such adjustments or repairs as are necessary to assure that the vehicle complies with applicable emission standards of the U.S. Environmental Protection Agency, that it will continue to comply for the remainder of its useful life (if proper maintenance and operation is continued), and that it will operate in a safe manner. State or local limitations as to the extent of the penalty or sanction imposed upon an owner of a failed vehicle shall have no bearing on this liability.

(b) Under the Emissions Performance Warranty, the manufacturer shall be liable for the total cost of the remedy of any vehicle validly presented for repair, to any authorized service facility of the manufacturer.

(c) If, in the course of remedying a nonconformity under the Emissions Performance Warranty, parts are replaced or work is performed which would otherwise have been scheduled at some future time under the maintenance instructions, then the manufacturer must adjust those instructions to reflect new periods for the particular vehicle in question based on the time of the warranty repair. The owner shall be informed of the new schedule at the time of the repair under the Emissions Performance Warranty.

§ 85.2110 Inclusion of warranty provisions in owner's manuals.

The owner's manual for each vehicle to which the regulations of this subpart are applicable shall contain, at a minimum, the following information:

(a) *Warranty statement.* A basic statement of the coverage of the Emissions Performance Warranty as set out in § 85.2103. This shall be separated from any other warranty given by the manufacturer, and be prefaced by the title "Emissions Performance Warranty" set in bold face type.

(b) *Maintenance and operation instructions.* All maintenance and operation instructions intended by the manufacturer to be included in the § 85.2103

(a)(1) condition to recovery under the Emissions Performance Warranty.

(1) Maintenance instructions shall be separated from any general maintenance requirements or suggestions of the manufacturer, and shall be prefaced by the title "Required Instructions for Maintenance Under the Emissions Performance Warranty" set in bold face type. This requirement may be satisfied by a short statement of services to be performed if:

(i) The service manual for the vehicle contains a full description of all required maintenance,

(ii) Such manuals are readily available to the general public at the beginning of the model year for the vehicle, and

(iii) The ultimate purchaser of the vehicle is provided with an opportunity to obtain a copy of those instructions relevant to the warranty, by mail, at a nominal cost.

(2) In all cases, the owner's manual shall contain a "maintenance logbook" consisting of an abbreviated listing of the required maintenance in a format to facilitate the collection and storage of all information pertaining to the question of compliance with the maintenance condition. This shall include space for recording of the date and vehicle mileage at which point each instruction or group of instructions is performed, and the signature of the individual performing such, certifying that the manufacturer's procedures have been followed. In the case of maintenance pursuant to § 85.2104(c), space shall also be provided for the owner to certify that he can meet all of the documentation requirements of the manufacturer for such maintenance.

(3) Operation instructions shall be set out in full, separated from any general operation requirements or suggestions of the manufacturer, and shall be prefaced by the title "Required Instructions For Operation Under the Emissions Performance Warranty" set in bold face type.

(c) *Owner's maintenance.* Maintenance instructions, if any, provided pursuant to § 85.2104(c). All such instructions, with required documentation, shall be set out, in full, and shall be prefaced by the title "Owner's Maintenance" set in bold face type. Any procedures listed under this heading must also appear in the maintenance listing required under § 85.2110(b)(1).

(d) *Proof of compliance with required maintenance and operation instructions.* The provisions of § 85.2107 shall be set out under the heading "Proof of Compliance With Required Instructions Under the Emissions Performance Warranty" set in bold face type.

(e) *Replacement parts statement.* A statement as to acceptability of replacement parts for use in maintenance under the Emissions Performance Warranty which comports with the requirements of § 85.2106. The statement shall appear under the title "Replacement Parts for Maintenance Under the Emissions Performance Warranty" set in bold face type, and shall contain:

(1) An explanation of the manufacturer's criteria for choice of acceptable replacement parts along with complete specifications sufficient to determine that acceptability for any given part, or

(2) In lieu of paragraph (e)(1) of this section, a statement that use of any part identified by its manufacturer as a replacement part for the specific vehicle in question will be acceptable, and

(3) In all cases, a statement that use of any part certified under the authority of the U.S. Environmental Protection Agency to be an equivalent replacement part for the specific vehicle in question will be acceptable.

(f) *Warranty claims.* Complete instructions as to when and how an owner may bring a claim under the Emissions Performance Warranty, as governed by § 85.2108. Instructions shall appear under the title "Emissions Performance Warranty Claims" set in bold face type, and shall include:

(1) An explanation of the point in time at which a claim may be raised,

(2) Step-by-step procedures as to the manner in which a claim may be raised,

(3) A clear designation and address of the final claim review person or office of the manufacturer, and

(4) The provision regarding failure of the manufacturer to respond within 10 days of an appeal to that person or office.

§ 85.2111 Review of warranty statement, maintenance and operation instructions.

(a) EPA will review owner's manuals and service manuals to ensure that the Emissions Performance Warranty and its accompanying maintenance and operation instructions have been included in accordance with the requirements of this subpart.

(b) For purposes of such review, the manufacturer of each vehicle to which this subpart applies shall submit two copies to EPA of the owner's manual and service manual for each such vehicle, in the final printed format in which they are to be distributed. The manuals should be received by EPA prior to the introduction of the vehicle for sale.

(c) At the same time, the manufacturer shall submit an estimate of the cost of each item to be replaced during maintenance required under the Emissions Performance Warranty, and the labor charge to replace it, for each vehicle to which this subpart applies. Such submission need not be made to the extent that it would duplicate information already being provided to EPA pursuant to existing regulations or guidelines.

(d) All materials should be sent to: Director, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 "M" Street SW., Washington, D.C. 20460.

§ 85.2112 Maintenance and operation instruction disapproval.

(a) Any maintenance or operation instruction may be disapproved upon a determination by EPA that it does not, in practice, satisfy the criteria set out in § 85.2104 for inclusion of such instructions.

(b) No disapproval shall be effected without affording the manufacturer reasonable notice in writing, and an opportunity to present his views or evidence at an Agency hearing on the record.

(c) A disapproval shall become effective upon publication of such in the FEDERAL REGISTER.

(d) Upon disapproval, an instruction shall cease to be a condition to manufacture liability under § 85.2103(a)(1). No warranty claim may be denied on the basis of non-compliance with such an instruction, or on the basis of emissions degradation due to attempts to comply.

(e) The manufacturer shall be required to mail notification of any disapproval to the owners of all affected vehicles, with an explanation of the implication of such with regard to protection under the Emissions Performance Warranty. Manufacturers shall ascertain the current addresses of owners in a manner to be approved by the Administrator.

(f) EPA may periodically publish a list of all disapproved instructions for distribution to emissions inspection facilities, and any other interested persons. Copies may be obtained by writing to: Public Information Office, Environmental Protection Agency, 401 "M" Street SW., Washington, D.C. 20460.

(g) Failure of EPA to disapprove any intruction shall have no bearing on the propriety of such instruction when considered in light of § 85.2107(e)(3).

[FR Doc.77-14619 Filed 5-24-77;8:45 am]

federal register

WEDNESDAY, MAY 25, 1977

PART III

INTERSTATE COMMERCE COMMISSION

■

VARIOUS RAILROAD COMPANIES

System Diagram Maps

INTERSTATE COMMERCE COMMISSION

[AB 88 (SDM)]

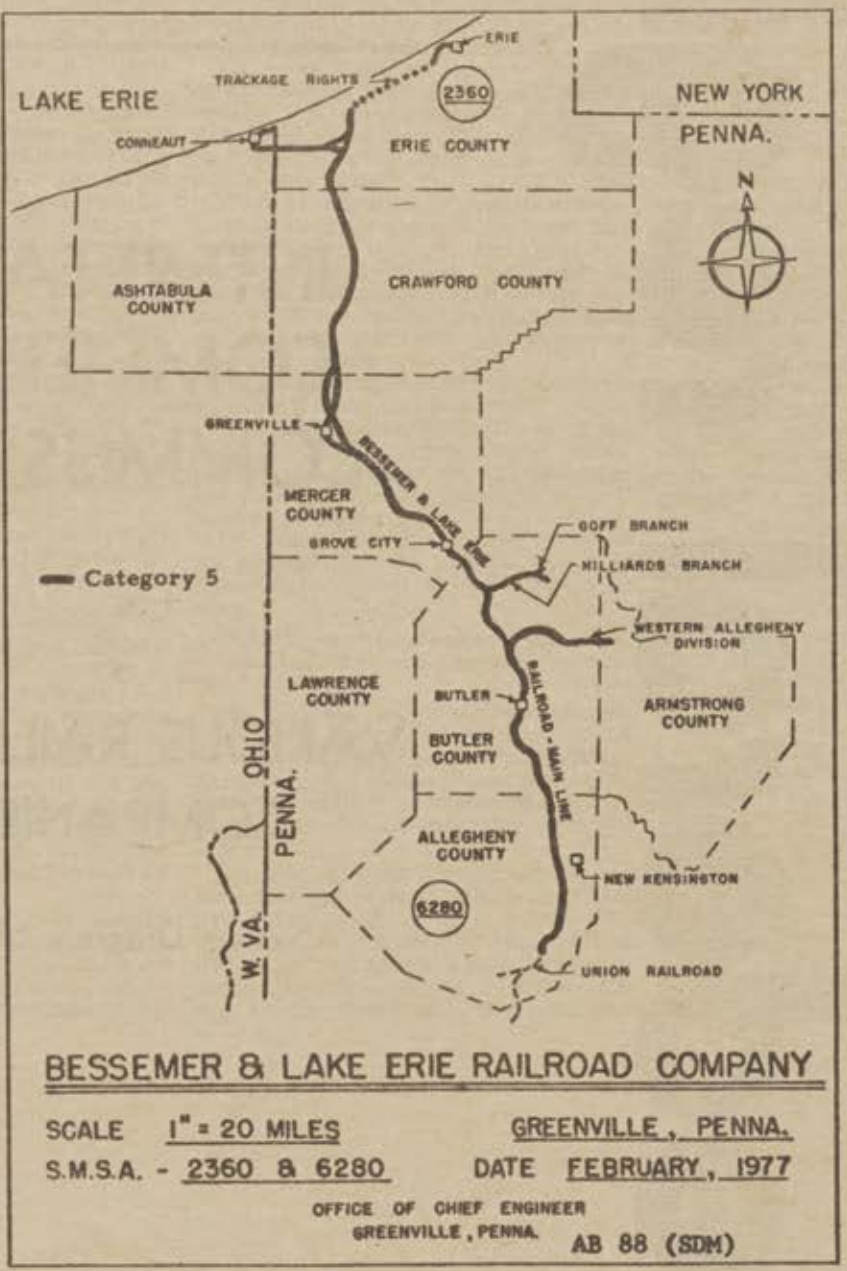
BESSEMER & LAKE ERIE RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Bessemer & Lake Erie Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 88 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 88 (SDM).

ROBERT L. OSWALD,
Secretary.



[FR Doc.77-14611 Filed 5-24-77;8:45 am]

[AB 192 (SDM)]

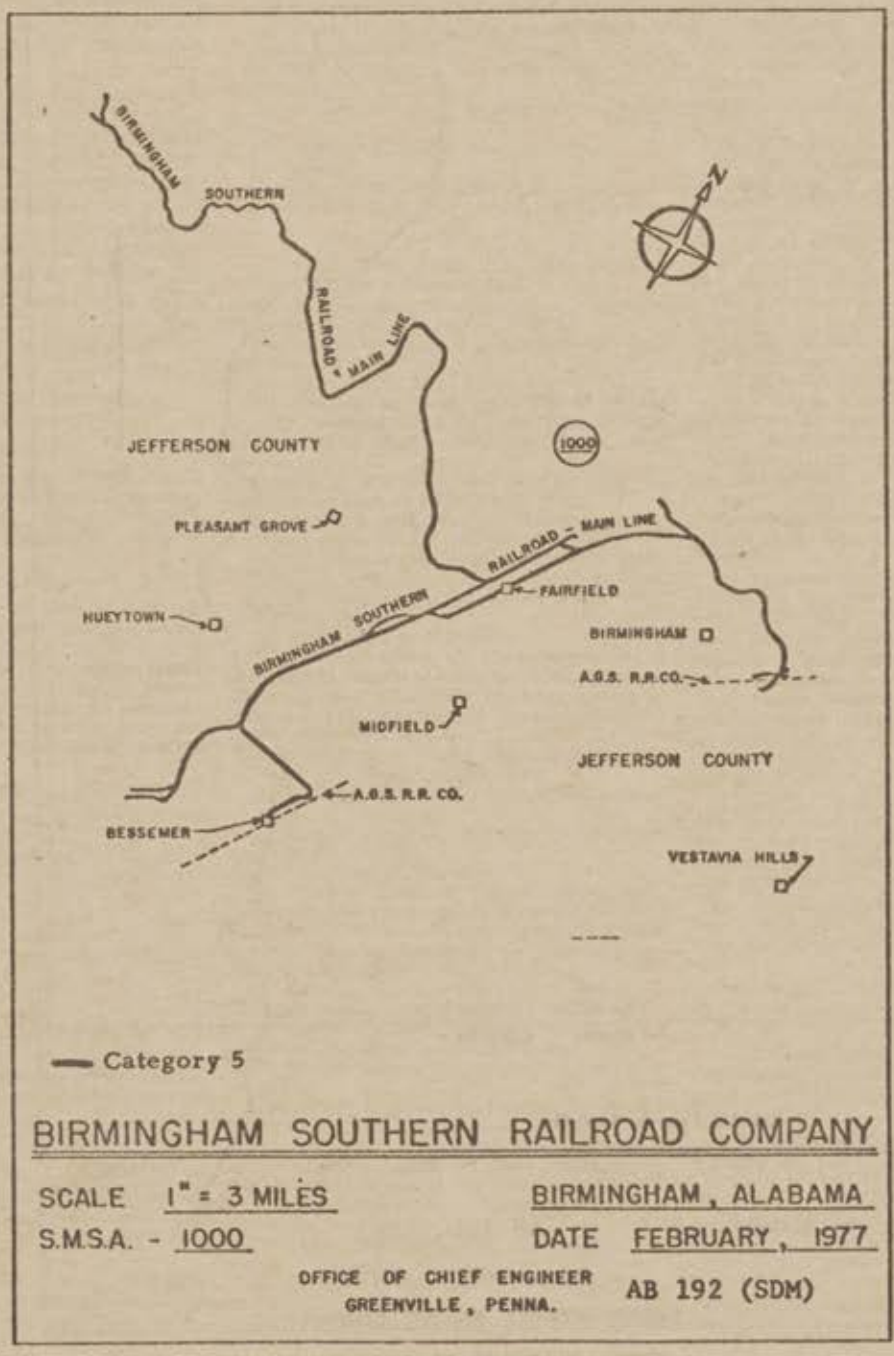
BIRMINGHAM SOUTHERN RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Birmingham Southern Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 192 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 192 (SDM).

ROBERT L. OSWALD,
Secretary.



[FR Doc.77-14599 Filed 5-24-77;8:45 am]

[AB 190 (SDM)]

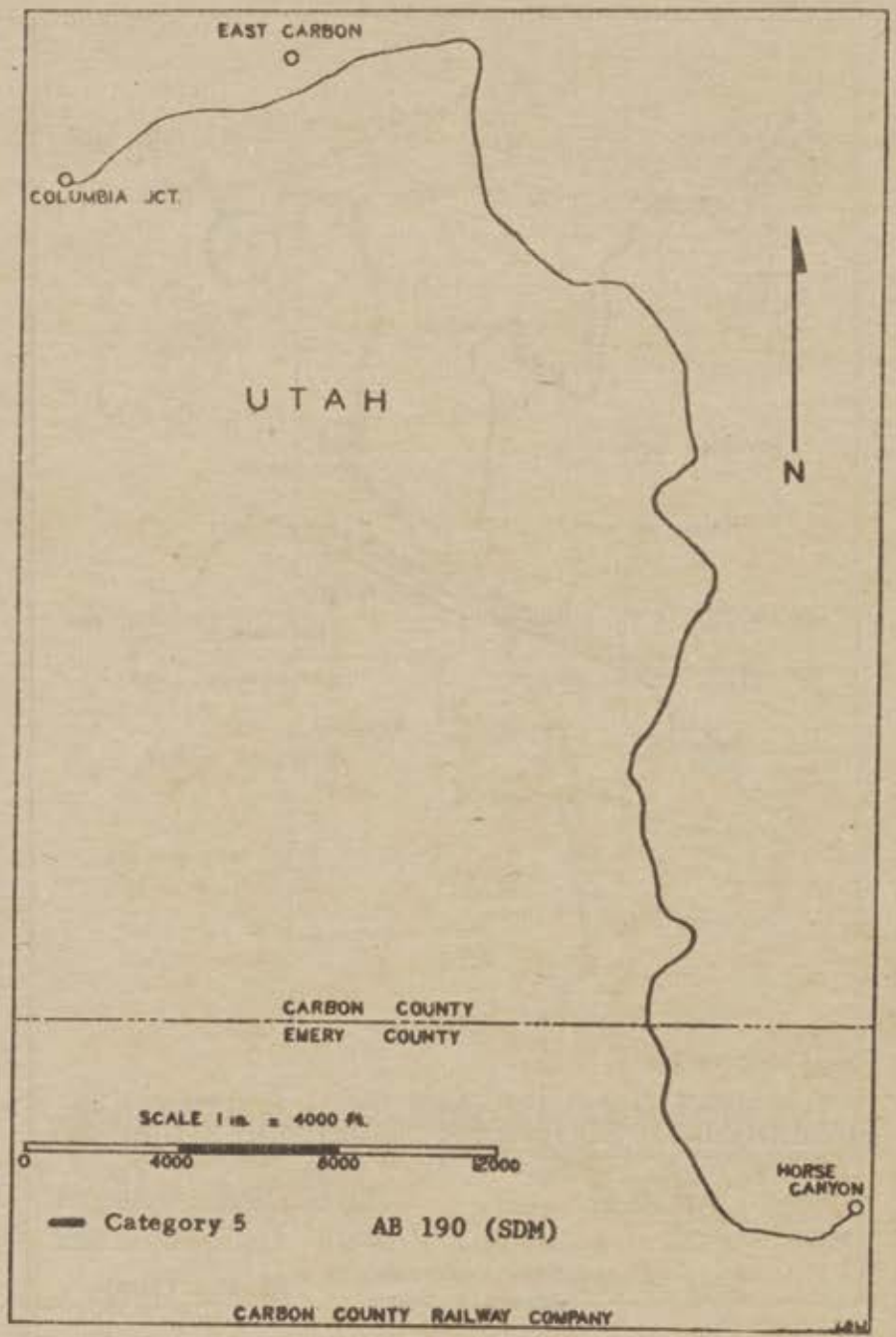
CARBON COUNTY RAILWAY CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Carbon County Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 190 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Docu ts, by requesting docket No. AB 190 (SDM).

ROBERT L. OSWALD,
Secretary.



[FR Doc.77-14598 Filed 5-24-77;8:45 am]

[AB-1 (SDM) [1]]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Chicago and North Western Transportation Company, has filed with the Commission its color-coded system diagram map in docket No. AB-1 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 22, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB-1 (SDM).

ROBERT L. OSWALD,
Secretary.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

AB-1

Description of all lines or portions of lines identified on the Chicago and North Western Transportation Company System Diagram Map as falling within Categories 1 thru 3. 49 CFR 1121.21.

CATEGORY

All lines or portions of lines which the Chicago and North Western Transportation Company anticipates will be the subject of an abandonment or discontinuance application to be filed within the 3-year period following the date upon which the diagram, or any amended diagram, is filed with the Interstate Commerce Commission. 49 CFR 1121.20(b)(1).

ILLINOIS

(a) Rockford to Winnebago (Westerly 6.9 miles of Belvidere Subdivision).
(b) Entire segment is located in Illinois.
(c) Entire segment is located in Winnebago County.
(d) M.P. 93.5 to M.P. 100.4.
(e) No agency station located on this segment. Closed station of Winnebago served by central agency at Rockford.
Comment: Proposal does not include any industries located at Rockford.

(a) Sycamore to Byron (Westerly 30.8 miles of Ingalton Subdivision and portion of former C.G.W. Ry. Chicago to Omaha Line).
(b) Entire segment is located in State of Illinois.
(c) Entire segment is located in DeKalb and Ogle Counties.
(d) M.P. 57.5 to M.P. 88.3.
(e) Central agent at Byron responsible for associate station of Esmond and closed stations of Clare, Lindenwood, and Holcomb. Central agent at Sycamore (unaffected) served closed station at Five Points.
Comment: Proposal does not include industries located at Sycamore.

(a) Ringwood, Illinois to Lake Geneva, Wisconsin (Westerly 17.4 miles of Lake Geneva Subdivision).
(b) Segment is located in the States of Illinois and Wisconsin.
(c) The entire segment is located in McHenry County, Illinois and Walworth County, Wisconsin.
(d) M.P. 69.2 to M.P. 86.6.
(e) Agents located at Lake Geneva and Genoa City. Agent at Lake Geneva served closed station of Pell Lake. Agent at McHenry (unaffected) is responsible for associate station of Richmond.
Comment: Proposal does not include industries located at Ringwood.

(a) Elgin to Dundee (3.0 mile portion of Dundee Subdivision).
(b) Entire segment is located in the State of Illinois.
(c) Entire segment is located in Kane County.
(d) M.P. 43.8 to M.P. 46.8
(e) None.
Comment: Proposal does not include industries located at Elgin and Dundee.

IOWA

(a) Lake View to Holstein (Westerly 41.1 miles of Holstein Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Sac and Ida Counties.
(d) M.P. 4.5 to M.P. 45.6
(e) Central agent at Wall Lake (unaffected) is responsible for associate stations of Sac City, Early, Schaller, Galva, and Holstein.
Comment: Proposal does not include industries located at Lake View.

(a) Minerva Junction to Zearing (Easterly 19.1 miles of Roland Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Marshall and Story Counties.
(d) M.P. 240.0 to M.P. 259.1
(e) Central agent at Clemons Grove is responsible for closed stations of St. Anthony, Zearing, and Minerva. Central agent at Marshalltown (unaffected) is responsible for closed station of Keller.

(a) Ellsworth to Lawn Hill (Easterly 21.0 miles of Ellsworth Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Hamilton and Hardin Counties.
(d) M.P. 65.4 to M.P. 44.4
(e) Central agent at Jewell (unaffected) is responsible for associate stations to Radcliffe and Hubbard. Central agent at Eldora (unaffected) is responsible for associate station of Lawn Hill.
Comment: Proposal does not include industries located at Ellsworth.

(a) Hicks to Buckingham (Southern 9.3 miles of Parkersburg Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Blackhawk and Tama Counties.
(d) M.P. 38.1 to M.P. 28.8
(e) Central agent at Reinbeck (unaffected) is responsible for associate station of Buckingham and closed station of Voorhies.
Comment: Proposal does not include industries located at Hicks.

(a) Garwin to Gladbrook (6.4 mile portion of Alden Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Tama County.
(d) M.P. 12.1 to M.P. 18.5
(e) None.
Comment: Proposal does not include industries located at Garwin or Gladbrook.

(a) Marathon to Alton (59.2 mile portion of Sioux Rapids Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Buena Vista, Clay, O'Brien and Sioux Counties.
(d) M.P. 157.3 to M.P. 216.5
(e) Central agent at Sioux Rapids is responsible for associate stations of Linn Grove and Peterson. Central agent at Alton (unaffected) is responsible for associate stations of Sutherland, Paullina, and Granville.
Comment: Proposal does not include industries located at Marathon or Alton.

(a) Humboldt to LuVerne (13.7 mile portion of Forest City Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Humboldt County.
(d) M.P. 201.5 to M.P. 187.8
(e) Central agent at LuVerne (unaffected) is responsible for associate station of Livermore and closed station of Arnold.
Comment: Proposal does not include industries at Humboldt or LuVerne.

(a) Corwith to Lake Mills (Northerly 38.7 miles of Forest City Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Hancock and Winnebago Counties.
(d) M.P. 178.0 to M.P. 139.3.
(e) Central agent at Forest City is responsible for associate station of Leland. Central agent located at Britt.
Comment: Proposal does not include industries located at Corwith and Lake Mills.

(a) Olewein to Dubuque (69.3 mile portion of Dubuque Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Fayette, Buchanan, Delaware and Dubuque Counties.
(d) M.P. 245.0 to M.P. 175.7
(e) Central agent at Dubuque (unaffected) is responsible for associate station of Dyersville and closed stations of Durango, Graf, Farley, Petersburg, and Almoral. Central agent at Oelwein (unaffected) is responsible for associate station of Aurora and closed stations of Thorpe, Dundee, Lamont, and Stanley.
Comment: Proposal is contingent on agreement with C.M.St.P.&P. RR. for trackage rights between Clinton, Iowa and Dubuque. Proposal does not include industries located at Dubuque or Oelwein.

(a) Grand Junction to Minburn (Northerly 21.6 miles of Perry Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Greene, Boone and Dallas Counties.
(d) M.P. 260.8 to M.P. 282.4
(e) Central agency at Grand Junction (unaffected) is responsible for associate stations of Rippey and Perry and closed station of Angus.
Comments: Proposal does not include industries at Grand Junction or Minburn. Proposal is contingent on C.R.I.&P. RR. abandoning operations over this trackage.

(a) Ayrshire to Terril (Northerly 34.0 miles of Tara subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Palo Alto, Clay, and Dickinson Counties.
(d) M.P. 217.3 to M.P. 182.5

[1] AB 1 (SDM) includes Des Moines and Central Iowa Railway Company and Central Iowa Railway Company and Fort Dodge, Des Moines & Southern Railway Company.

(e) Central agent at Spencer is responsible for associate station of Terril and closed stations of Ruthven and Langdon.

Comment: Proposal does not include industries located at Ayrshire.

(a) Gypsum to Flugstad (Westerly 11.9 miles of Flugstad Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Webster and Hamilton Counties.

(d) M.P. 1.8 to M.P. 13.7

(e) Central agent at Ford Dodge (unaffected) is responsible for closed stations of Evanston, Brushy, and Flugstad.

Comment: Proposal does not include industries at Gypsum.

(a) Jewell to Stratford (Easterly 14.6 miles of Dayton Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Hamilton and Webster Counties.

(d) M.P. 69.4 to M.P. 84.0

(e) Central agent at Gowrie (unaffected) is responsible for associate stations of Stanhope and Stratford.

Comment: Proposal does not include industries located at Jewell.

(a) Harcourt to Dayton (Westerly 5.1 miles of Dayton Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Webster County.

(d) M.P. 98.0 to M.P. 92.9

(e) Central agent at Gowrie (unaffected) is responsible for associate station of Dayton.

Comment: Proposal does not include industries at Harcourt.

(a) Trimount, Minnesota to Estherville, Iowa (southerly 26.5 miles of Estherville Subdivision).

(b) Entire segment is located in the States of Minnesota and Iowa.

(c) Entire segment is located in Martin County, Minnesota and Emmet County, Iowa.

(d) M.P. 142.4 to M.P. 168.9

(e) Central agent at Spencer (unaffected) is responsible for associate stations of Dunnell, Estherville and closed station of Huntington. Central Agent at St. James (unaffected) is responsible for associate station of Sherburn.

Comment: Proposal does not include industries located at Trimount.

(a) Camp Dodge to Granger (northerly 7.2 miles of Des Moines and Central Iowa Railway).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Dallas and Polk Counties.

(d) M.P. 11.4 to M.P. 18.6.

(e) Central agent at Des Moines (unaffected) is responsible for associate stations of Granger and Herrold.

Comment: Proposal does not include industries at Camp Dodge.

MICHIGAN

(a) Ishpeming to Martin's Landing (Westerly 15.1 miles of Martin's Landing Spur).

(b) Entire segment is located in the State of Michigan.

(c) Entire segment is located in Marquette County.

(d) M.P. 74.5 (L.S.&I. RR.) to M.P. 196.6.

(e) Central agent at Ishpeming (unaffected) is responsible for closed stations of Clowry, Martin's Landing, and Blueberry Mine.

Comments: Proposal does not include industries located at Ishpeming Proposal is for discontinuance of operations only.

MINNESOTA

(a) Lake Crystal to Winnebago (24.6 miles—entire Winnebago Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Blue Earth and Faribault Counties.

(d) M.P. 0.0 to M.P. 24.6

(e) Central agent at Mankato (unaffected) is responsible for associate stations of Garden City, Vernon Center, Amboy, and Winnebago.

Comment: Proposal does not include industries located at Lake Crystal.

(a) Heron Lake to Lake Wilson (36.6 miles—entire Slayton Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Jackson, Nobles, and Murray Counties.

(d) M.P. 0.0 to M.P. 36.6

(e) Central agent at Worthington (unaffected) is responsible for associate stations of Dundee, Lime Creek, Avoca, Slayton, Hadley, and Lake Wilson.

Comment: Proposal does not include industries located at Heron Lake.

(a) Bingham Lake to Currie (38.3 miles—entire Currie Subdivision).

(b) Entire segment located in the State of Minnesota.

(c) Entire segment located in Cottonwood and Murray Counties.

(d) M.P. 0.0 to M.P. 38.3.

(e) Central agent at Windom (unaffected) is responsible for associate stations of Delft, Jeffers, Storden, Westbrook, Dovray, and Currie.

Comment: Proposal does not include industries located at Bingham Lake.

(a) St. James to Hanska (Northerly 13.4 miles of Hanska Spur).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Watonwan and Brown Counties.

(d) M.P. 125.2 to M.P. 111.8.

(e) Central agent at St. James (unaffected) is responsible for associate stations of LaSalle and Hanska.

Comment: Proposal does not include industries located at St. James.

(a) Trimount to Ormsby (Northerly 4.7 miles of Estherville Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Martin and Watonwan Counties.

(d) M.P. 140.7 to M.P. 136.0.

(e) Central agent at St. James (unaffected) is responsible for associate station of Ormsby.

Comment: Proposal does not include industries located at Trimount.

(a) Trimount, Minnesota to Estherville, Iowa. Line description is on Page 11 (Iowa).

(a) Rochester to Stewartville (12.6 mile portion of Rochester Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Olmsted County.

(d) M.P. 146.0 to M.P. 158.6.

(e) Central agent at Rochester (unaffected) is responsible for associate stations of Simpson and Stewartville.

Comment: Proposal does not include industries located at Rochester.

(a) Hopkins to Norwood (Easterly 31.4 miles of Morton Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Hennepin and Carver Counties.

(d) M.P. 19.6 to M.P. 51.3.

(e) Central agent at Hopkins (unaffected) is responsible for associate stations of Deephaven, Excelsior, Manitou, Victoria, Waconia, and Young America.

Comments: Proposal does not include industries located at Hopkins or Norwood. Proposal is contingent on agreement with C.M.St.P.&P. RR. for trackage rights between Minneapolis and Norwood.

(a) Northfield to Faribault (12.3 mile portion of Red Wing Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Rice County.

(d) M.P. 58.1 to M.P. 45.8

(e) Central agent at Randolph (unaffected) is responsible for associate station of Dundas and closed station of Bridgewater.

Comments: Proposal does not include industries located at Northfield or Faribault. Proposal is contingent on agreement with C.M.St.P.&P. RR. for trackage rights between Northfield to Faribault.

NEBRASKA

(a) Blair to Tekamah (Southerly 17.4 miles of Lyons Subdivision).

(b) Entire segment is located in the State of Nebraska.

(c) Entire segment is located in Washington and Burt Counties.

(d) M.P. 98.1 to M.P. 80.7.

(e) Central agent at Blair (unaffected) is responsible for associate stations of Herman and Tekamah, and closed station of Ranch Spur.

Comment: Proposal does not include industries located at Blair.

(a) Fremont to Lincoln (48.3 mile portion of Lincoln Subdivision).

(b) Entire segment is located in the State of Nebraska.

(c) Entire segment is located in Dodge, Saunders, and Lancaster Counties.

(d) M.P. 39.2 (UP RR) to M.P. 48.5

(e) Central agent at Fremont (unaffected) is responsible for associate station of Cedar Bluffs. Central agent at Lincoln (unaffected) is responsible for associate stations of Wahoo and Coresco, and closed stations of Colon and Davey.

Comments: Proposal is contingent on agreements with U.P. RR. and M.P. RR. for trackage rights between Fremont and Lincoln. Proposal does not include industries located at Fremont or Lincoln.

(a) Elkhorn Jct. to Blair (22.4 mile portion of Sioux City Subdivision).

(b) Entire segment is located in the State of Nebraska.

(c) Entire segment is located in Douglas and Washington Counties.

(d) M.P. 121.6 to M.P. 99.2

(e) Central agent at Omoha (unaffected) is responsible for associate station of Florence and closed station of Ft. Calhoun.

Comment: Proposal does not include industries located at Blair or Omaha (Elkhorn Jct. is a junction point in Omaha).

SOUTH DAKOTA

(a) Jolly to Jolly Dump (3.7 miles—entire Jolly Dump Spur).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Butte County.

(d) M.P. 0.0 to M.P. 3.7.

(e) Central agent at Belle Fourche (unaffected) is responsible for associate station of Jolly Dump.

(a) Redfield to Frankfort (Easterly 9.7 miles of Frankfort Spur).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Spink County.

(d) M.P. 388.9 to M.P. 379.2.

(e) Central agent at Redfield (unaffected) is responsible for associate station of Frankfort.

Comment: Proposal does not include industries located at Redfield.

(a) James Valley Jct. to Redfield (Easterly 33.8 miles of Oakes Subdivision).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Beadle and Spink Counties.

(d) M.P. 4.0 to M.P. 37.8

(e) Central agent at Huron (unaffected) is responsible for associate station of Hitchcock.

Comments: Proposal is contingent on agreement with C.M.St.P.&P.RR. for trackage rights between Wolsey, South Dakota and Redfield. Proposal does not include industries located at James Valley Junction or Redfield.

WISCONSIN

(a) Ripon to Bancroft (Westerly 58.9 miles of Marshline Subdivision).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Fond du Lac, Green Lake, Marquette, Waushara and Portage Counties.

(d) M.P. 20.5 to M.P. 124.4

(e) Central agent at Ripon (unaffected) is responsible for associate stations of Green Lake, Chler St. Marie Sand Co. Pit, Princeton, and Neshkoro. Central agent at Almond is responsible for associate stations of Bannerman, Wautoma, Wild Rose and closed station of Bancroft.

Comment: Proposal does not include industries located at Ripon.

(a) Merrillan to Marshfield (Westerly 37.5 miles of Merrillan Subdivision).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Jackson, Clark, and Wood Counties.

(d) M.P. 0.0 to M.P. 37.5

(e) Central agent at Merrillan (unaffected) is responsible for associate stations of Neillsville, Granton, Chili, and closed station of Kurth.

Comment: Proposal does not include industries located at Merrillan or Marshfield.

(a) Edgar to Marshfield (22.0 mile portion of Marshfield Subdivision).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Marathon and Wood Counties.

(d) M.P. 40.8 to M.P. 62.8

(e) Central agent at Wausau (unaffected) is responsible for associate station of Stratford and closed stations of Fenwood and Opal.

Comment: Proposal does not include industries located at Edgar or Marshfield.

(a) Conover to Phelps (9.2 miles entire Phelps Spur).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Villas County.

(d) M.P. 0.0 to M.P. 9.2.

(e) Central agent at Watersmeet (unaffected) is responsibble for associate station of Phelps.

Comment: Proposal does not include industries located at Conover.

(a) Beloit to Evansville (23.0 miles portion of Beloit and Footville Subdivisions).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Rock County.

(d) M.P. 92.5 to M.P. 115.5.

(e) Central agent at Beloit (unaffected) is responsible for closed station of Afton. Central agent at Madison (unaffected) is responsible for associate station of Footville and closed station of Magnolia.

Comment: Proposal does not include industries located at Beloit or Evansville.

(a) Ringwood, Illinois to Lake Geneva, Wisconsin. Line description is on Pages 2 and 3 (Illinois).

(a) Medary Jct. to Galesville (23.2 miles—a portion of the Adams Subdivision and the entire Galesville Spur).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in LaCrosse and Trempealeau Counties.

(d) M.P. 268.3 to M.P. 284.5 and M.P. 284.0 to M.P. 2910.

(e) Central agent at LaCrosse (unaffected) is responsible for associate stations of Onalaska, Midway, Trempealeau, Galesville and closed station of Lytles.

Comment: Proposal does not include industries located at Medary.

(a) Shawano to Eland (Westerly 29.3 miles of Shawano Subdivision).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Shawano County.

(d) M.P. 38.7 to M.P. 68.0.

(e) Central agent at Shawano (unaffected) is responsible for associate station of Bowler and closed station of Thornton.

Comment: Proposal does not include industries located at Shawano or Eland.

CATEGORY 2

All lines or portions of lines potentially subject to abandonment which the Chicago and North Western Transportation Company has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues. 49 CFR 1121.20 (b)(2).

IOWA

(a) Burt to Bancroft (3.0 mile portion of Burt Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Kossuth County.

(d) M.P. 145.5 to M.P. 148.5.

(e) Central agent at Burt (unaffected) is responsible for associate station of Bancroft.

Comment: Proposal does not include industries located at Burt.

(a) LuVerne to Corwith (8.6 mile portion of Forest City Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Kossuth and Hancock Counties.

(d) M.P. 186.6 to M.P. 178.0

(e) Central agent at Britt (unaffected) is responsible for associate station of Corwith and closed station of Hanna.

Comment: Proposal does not include industries located at LuVerne.

(a) Rolfe to Ayrshire (22.2 mile portion of Tara Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Pocahontas and Palo Alto Counties.

(d) M.P. 239.5 to M.P. 217.3.

(e) Central agent at Rolfe (unaffected) is responsible for associate stations of Curlew and Ayrshire, and closed stations of Plover and Mallard.

Comment: Proposal does not involve industries located at Rolfe.

(a) Carroll to Harlan (Southerly 40.2 miles of Harland Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Carroll, Crawford, and Shelby Counties.

(d) M.P. 421.7 to M.P. 461.9

(e) Agent located at Harlan and central agent located at Carroll (unaffected) is responsible for associate stations of Manning and Irwin, and closed station of Halbur.

Comment: Proposal does not include industries located at Carroll.

(a) Belmond to Alexander (Easterly 7.7 miles of Belmond Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Wright and Franklin Counties.

(d) M.P. 206.3 to M.P. 198.6

(e) Central agent at Belmond (unaffected) is responsible for associate station of Alexander.

Comment: Proposal does not include industries located at Belmond.

(a) Mason City to Kesley (Northerly 34.8 miles of Parkersburg Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Cerro Gordo, Franklin, and Butler Counties.

(d) M.P. 104.3 to M.P. 68.7 excluding M.P. 75.9 to M.P. 75.1 at Dumont.

(e) Central agent at Mason City (unaffected) is responsible for associate stations of Dougherty and Aredale and closed stations of Cartersville and Kesley.

Comment: Proposal does not include industries located at Mason City or Dumont.

(a) Manly, Iowa to Austin, Minnesota (30.5 mile portion of Mason City Subdivision).

(b) Entire segment is located in the States of Iowa and Minnesota.

(c) Entire segment is located in Worth and Mitchell Counties, Iowa and Mower County, Minnesota.

(d) M.P. 48.0 to M.P. 17.5.

(e) Central agent at Austin (unaffected) is responsible for associate station of Lyle and closed stations of Bolan and Meltonville.

Comments: Proposal is contingent on agreement with C.M.St.P.&P. RR. for trackage rights between Mason City, Iowa and Austin, Minnesota. Proposal does not include industries located at Manly or Austin.

MINNESOTA

(a) Tracy, Minnesota to Gary, South Dakota (Northerly 57.3 miles of Marshall Subdivision).

(b) Entire segment is located in the States of Minnesota and South Dakota.

(c) Entire segment is located in Lyon, Lincoln, and Yellow Medicine Counties, Minnesota and Deuel County, South Dakota.

(d) M.P. 227.6 to M.P. 284.9

(e) Central agent at Marshall is responsible for associate stations of Amiret, Ghent, Minnesota, Taunton, Porter, Camby, Burr and Gary.

Comment: Proposal does not include industries located at Tracy.

(a) Cannon Falls to Red Wing (16.8 mile portion of Red Wing Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Goodhue County.

(d) M.P. 74.3 to M.P. 91.1

(e) Agent at Red Wing (unaffected) is responsible for closed Station of Welch.

Comments: Proposal is contingent on agreements with C.M.St.P.&P. RR. and B.N. for trackage rights between St. Paul, Minnesota and Red Wing, Minnesota. Proposal does not include industries located at Cannon Falls or Red Wing.

(a) Manly, Iowa to Austin, Minnesota. Line description is on Pages 28 and 29 (Iowa).

NEBRASKA

(a) Oakdale to Elgin (10.4 miles entire Elgin Spur).

(b) Entire segment is located in the State of Nebraska.
(c) Entire segment is located in Antelope County.
(d) M.P. 115.0 to M.P. 104.6.
(e) Central agent at Neligh (unaffected) is responsible for associate station of Elgin.
Comment: Proposal does not include industries located at Oakdale.

SOUTH DAKOTA

(a) Ellis to Mitchell (Westerly 65.2 miles of Sioux Falls Subdivision).
(b) Entire segment is located in the State of South Dakota.
(c) Entire segment is located in Minnehaha, McCook, Hanson and Davison Counties.
(d) M.P. 65.5 to M.P. 130.7.
(e) Central agent at Salem is responsible for associate stations of Hartford, Humboldt, Montrose, Spencer, and Farmer. Central agent at Mitchell is responsible for associate station of Fulton and closed station of Riverside.

Comment: Proposal does not include industries located at Ellis.
(a) Tracy, Minnesota to Gary, South Dakota. Line description is on Page 29 (Minnesota).

WISCONSIN

(a) Pulaski to Gillett (Easterly 16.2 miles of Laona Subdivision).
(b) Entire segment is located in the State of Wisconsin.
(c) Entire segment is located in Oconto and Shawano Counties.
(d) M.P. 17.1 to M.P. 33.3.
(e) Central agent at Green Bay (unaffected) is responsible for closed station of Krakow. Central agent at Oconto Falls (unaffected) is responsible for associate stations of Green Valley and Gillett.
Comment: Proposal does not include industries located at Pulaski.

CATEGORY 3

All lines or portions of lines for which an abandonment or discontinuance application is pending before the Interstate Commerce Commission on the date upon which the diagram, or any amended diagram, is filed with the Interstate Commerce Commission. 49 CFR Section 1121.20(b)(3).

IOWA

(a) Zearing to Roland (Westerly 10.5 miles of Roland Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Story County.
(d) M.P. 259.1 to M.P. 269.6.
(e) Central agent at Clemons Grove (unaffected) is responsible for associate station of Roland and closed station of McCallsburg.
Comment: Docket Number AB-1 (Sub. No. 45). Proposal does not include industries located at Zearing.
(a) Somers to Carroll (30.9 mile portion of Harlem Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Calhoun and Carroll Counties.
(d) M.P. 389.1 to M.P. 420.0
(e) Central agent at Somers (unaffected) is responsible for associate station of Lanesboro and closed stations of Rinard, Lohrville, Wightman and Lidderdale.
Comments: Docket Number AB-1 (Sub. No. 27). Proposal does not include industries located at Somers or Carroll.
(a) Bancroft to Ledyard (Northerly 9.4 miles of Burt Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Kossuth County.
(d) M.P. 148.5 to M.P. 157.9
(e) Central agent at Burt (unaffected) is responsible for associate station for Ledyard.
Comments: Docket Number AB-1 (Sub. No. 53). Proposal does not include industries located at Bancroft.
(a) Wren, Iowa to Iroquois, South Dakota (155.7 miles of Hawarden Subdivision).
(b) Entire segment is located in the States of Iowa and South Dakota.
(c) Entire segment is located in Plymouth and Sioux Counties, Iowa and Union, Lincoln, Turner, McCook, Miner and Kingsbury Counties, South Dakota.
(d) M.P. 0.0 to M.P. 126.0.
(e) Central agent at Sioux City (unaffected) is responsible for associate station of Craig and closed stations of Merrill and Brunsville. Agent at Hawarden is responsible for closed station of McNally. Central agent at Beresford is responsible for associate stations of Alcester, Centerville, Hurley, Parker, and Monroe. Central agent at Salem (unaffected) is responsible for associate stations of Canistota and Canova, and closed station of Unityville. Central agent at Huron (unaffected) is responsible for associate station of Carthage and closed stations of Vilas, Argonne and Esmond.
Comments: Docket Number AB-1 (Sub. No. 9). Proposal does not include industries located at Wren, Salem or Iroquois.
(a) Stewartville, Minnesota to McIntire, Iowa (33.7 mile portion of Rochester Subdivision).
(b) Entire segment is located in the States of Minnesota and Iowa.
(c) Entire segment is located in Olmsted, Mower and Fillmore Counties, Minnesota and Howard and Mitchell Counties, Iowa.
(d) M.P. 158.6 to M.P. 192.3.
(e) Central agent at Rochester (unaffected) is responsible for associate stations of Racine, Spring Valley, Ostrander, and LeRoy.
Comments: Docket Number AB-1 (Sub. No. 19). Proposal does not include industries located at Stewartville or McIntire.
(a) Stratfort to Dayton (8.9 miles of Dayton Subdivision).
(b) Entire segment is located in the State of Iowa.
(c) Entire segment is located in Webster County.
(d) M.P. 84.0 to M.P. 92.9.
(e) None.
Comments: Docket Number AB-1 (Sub. No. 46). Proposal does not include industries located at Stratford or Dayton.

MICHIGAN

(a) Gillett, Wisconsin to Scott Lake, Michigan (Westerly 89.4 miles of Laona Subdivision).
(b) Entire segment is located in the States of Wisconsin and Michigan.
(c) Entire segment is located in Oconto, Forest and Florence Counties, Wisconsin and Iron County, Michigan.
(d) M.P. 33.3 to M.P. 122.7.
(e) Central agent at Oconto Falls (unaffected) is responsible for associate station of Suring. Central agent at Laona is responsible for associate stations of Wabeno and Newald, and closed stations of Breed, Mountain, Lakewood, Townsend, Long Lake, and Tipler.
Comments: Docket Number AB-1 (Sub. No. 40). Proposal does not include industries located at Gillett or Scott Lake.

MINNESOTA

(a) Sanborn to Wanda (Westerly 8.2 miles of Wanda Spur.
(b) Entire segment is located in the State of Minnesota.
(c) Entire segment is located in Redwood County.
(d) M.P. 0.6 to M.P. 8.8.
(e) Central agent at Tracy (unaffected) is responsible for closed station of Wanda.
Comments: Docket Number AB-1 (Sub No. 48). Proposal does not include industries located at Sanborn.
(a) Sleepy Eye to Redwood Falls (24.8 miles—entire Redwood Falls Subdivision).
(b) Entire segment is located in the State of Minnesota.
(c) Entire segment is located in Brown and Redwood Counties.
(d) M.P. 1.4 to M.P. 26.2.
(e) Central agent at Sleepy Eye (unaffected) is responsible for associate stations of Evan, Morgan, Gilfillan, and Redwood Falls.
Comments: Docket Number AB-1 (Sub No. 50). Proposal does not include industries located at Sleepy Eye.
(a) Marshall Jct. to Wabasso and Wabasso to Vesta (37.3 miles—entire Wabasso Subdivision).
(b) Entire segment is located in the State of Minnesota.
(c) Entire segment is located in Lyon and Redwood Counties.
(d) M.P. 54.2 to M.P. 28.8 and M.P. 14.5 to M.P. 26.4.
(e) Central agent at Marshall (unaffected) is responsible for associate stations of Dudley, Milroy, Lucan, Wabasso, Seaforth, and Vesta.
Comment: Docket Number AB-1 (Sub. No. 56).
(a) Stewartville, Minnesota to McIntire, Iowa. Line description is on Pages 35 and 36 (Iowa).
(a) Tunnel City, Wisconsin to Medary Jct., Wisconsin and Trempealeau, Wisconsin to Winona, Minnesota (41.3 mile portion of Adams Subdivision).
(b) Entire segment is located in the States of Wisconsin and Minnesota.
(c) Entire segment is located in Monroe, LaCrosse and Trempealeau Counties, Wisconsin and Winona County, Minnesota.
(d) M.P. 163.2 to M.P. 267.8 (excluding M.P. 168.0 to 169.5 at Camp McCoy, M.P. 176.0 to M.P. 248.0 at Sparta and M.P. 260.0 to M.P. 261.9 at West Salem) and M.P. 284.5 to M.P. 296.6
(e) Central agent at LaCrosse (unaffected) is responsible for associate station of Bangor and closed stations of Rockland and Pine Creek.
Comments: Docket Number AB-1 (Sub. No. 54). Proposal does not include industries located at Tunnel City, Camp McCoy, Sparta, West Salem, Medary, Trempealeau and Winona.

NEBRASKA

(a) Norfolk, Nebraska to Winner, South Dakota (Westerly 172.4 miles of Winner Subdivision).
(b) Entire segment is located in the States of Nebraska and South Dakota.
(c) Entire segment is located in Madison, Pierce, Antelope, Knox and Boyd Counties, Nebraska and Gregory, Tripp, and Mellette Counties, South Dakota.
(d) M.P. 2.9 to M.P. 175.3.
(e) Central agent at Norfolk (unaffected) is responsible for closed station of Hadar. Central agent at Creighton is responsible for associate stations of Pierce, Foster, Plainview, Winnetoon, Verdigre, Niobrara, Lynch, Bristow, Spencer, Anoka, and closed stations of Verdel and Monowi. Central agent at Winner is responsible for associate stations of Fairfax, Bonesteel, Herrick, Burke, Gregory, Dallas, Colome, and closed station of St. Charles.
Comments: Docket Number AB-1 (Sub. No. 34). Proposal does not include industries located at Norfolk.

(a) Elkhorn Jct. to Irvington (5.3 mile portion of Omaha Subdivision).

(b) Entire segment is located in the State of Nebraska.

(c) Entire segment is located in Douglas County.

(d) M.P. 1.7 to M.P. 7.0.

(e) None.

Comment: Docket Number AB–1 (Sub. No. 49).

SOUTH DAKOTA

(a) Watertown to Stratford (Northerly 71.4 miles of Stratford Subdivision).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Codington, Clark, Day, Spink, and Brown Counties.

(d) M.P. 234.9 to M.P. 306.3.

(e) Central agent at Watertown (unaffected) is responsibe for associate stations of Florence, Wallace, Bradley, and closed station of Crocker. Central agent at Aberdeen (unaffected) is responsible for associate stations of Conde and Stratford, and closed stations of Crandall and Randolph.

Comments: Docket Number AB–1 (Sub. No. 33). Proposal does not include industries located at Watertown.

(a) Watertown to Doland (Westerly 48.2 miles of Watertown Subdivision).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Codington, Clark and Spink Counties.

(d) M.P. 321.5 to M.P. 369.7.

(e) Central agent at Watertown (unaffected) is responsible for associate stations of Henry and Clark, and closed stations of Kampeska and Elrod. Central agent at Redfield (unaffected) is responsible for associate stations of Raymond and Doland.

Comments: Docket Number AB–1 (Sub. No. 32). Proposal does not include industries located at Watertown.

(a) Wren, Iowa to Iroquois, South Dakota. Line description is on Pages 34 and 35 (Iowa).

(a) Norfolk, Nebraska to Winner, South Dakota. Line description is on Pages 40 and 41 (Nebraska).

WISCONSIN

(a) Gillett, Wisconsin to Scott Lake, Michigan. Line description is on page 37 (Michigan).

(a) Tunnel City, Wisconsin to Medary Jct., Wisconsin and Trempealeau, Wisconsin to Winona, Minnesota. Line description is on Pages 39 and 40 (Minnesota).

(a) Hortonville to Larsen (10.1 miles entire Larsen spur).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Outagamie and Winnebago Counties.

(d) M.P. 0.2 to M.P. 10.3

(e) Central agent at New London (unaffected) is responsible for associate station of Larsen and closed station of Medina.

Comments: Docket Number AB–1 (Sub No. 21). Proposal does not include industries located at Hortonville.

(a) Rosemere to Forest Junction (Westerly 26.3 miles of Brillion Subdivision).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Manitowoc and Calumet Counties.

(d) M.P. 78.9 to M.P. 105.2.

(e) Central agent at Manitowoc (unaffected) is responsible for associate stations of Reedsville, Brillion, Forest Junction, and closed stations of Branch, Whitelaw, and Cato.

Comments: Docket Number AB–1 (Sub No. 52). Proposal does not include industries located at Manitowoc (Rosemere is a junction point near the station of Manitowoc).

(a) Klevenville to Fennimore including Lancaster Jct. to Lancaster, Montfort Jct. to Cuba City and Ipswich to Platteville (101.2 miles—Westerly portion of Lancaster Subdivision including the Fennimore Spur and entire Platteville Subdivision including the Platteville Spur).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Dane, Iowa, Grant and Lafayette Counties.

(d) M.P. 101.5 to M.P. 158.4 including M.P. 155.8 to M.P. 167.8, M.P. 145.0 to M.P. 173.5 and M.P. 165.9 to M.P. 169.7.

(e) Central agent at Madison (unaffected) is responsible for associate station of Mt. Horeb and closed station of Blue Mounds. Central agent at Dodgeville is responsible for associate stations of Barneveld, Ridgeway, Cobb, Montfort, Fennimore, Stitzer, Lancaster, Livingston, Platteville, Cuba City and closed stations of Edmund, Preston, Liberty, Rewey, and Ipswich.

Comments: Docket Number AB–1 (Sub. No. 41). Proposal does not include industries located at Klevenville.

(a) Hayward to Bayfield and Ashland Jct. to Ashland (Westerly 77.3 miles of Ashland Subdivision including Westerly portion of Ashland Spur).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Sawyer, Bayfield, and Ashland Counties.

(d) M.P. 104.0 to M.P. 178.3 and M.P. 0.0 to M.P. 3.0.

(e) Central agent at Hayward (unaffected) is responsible for closed station of Seeley. Central agent at Cable is responsible for associate stations of Drummond, Granview, Mason and closed station of Benoit. Agent at Ashland (unaffected) is responsible for closed station of Ashland Jct. Central agent at Washburn is responsible for associate station of Bayfield and closed stations of Barksdale, Sioux, and Pureair.

Comments: Docket Number AB–1 (Sub. No. 29). Proposal does not include industries located at Hayward or Ashland.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

AB-I

SYSTEM DIAGRAM MAP

49-CFR SEC. 1121.20

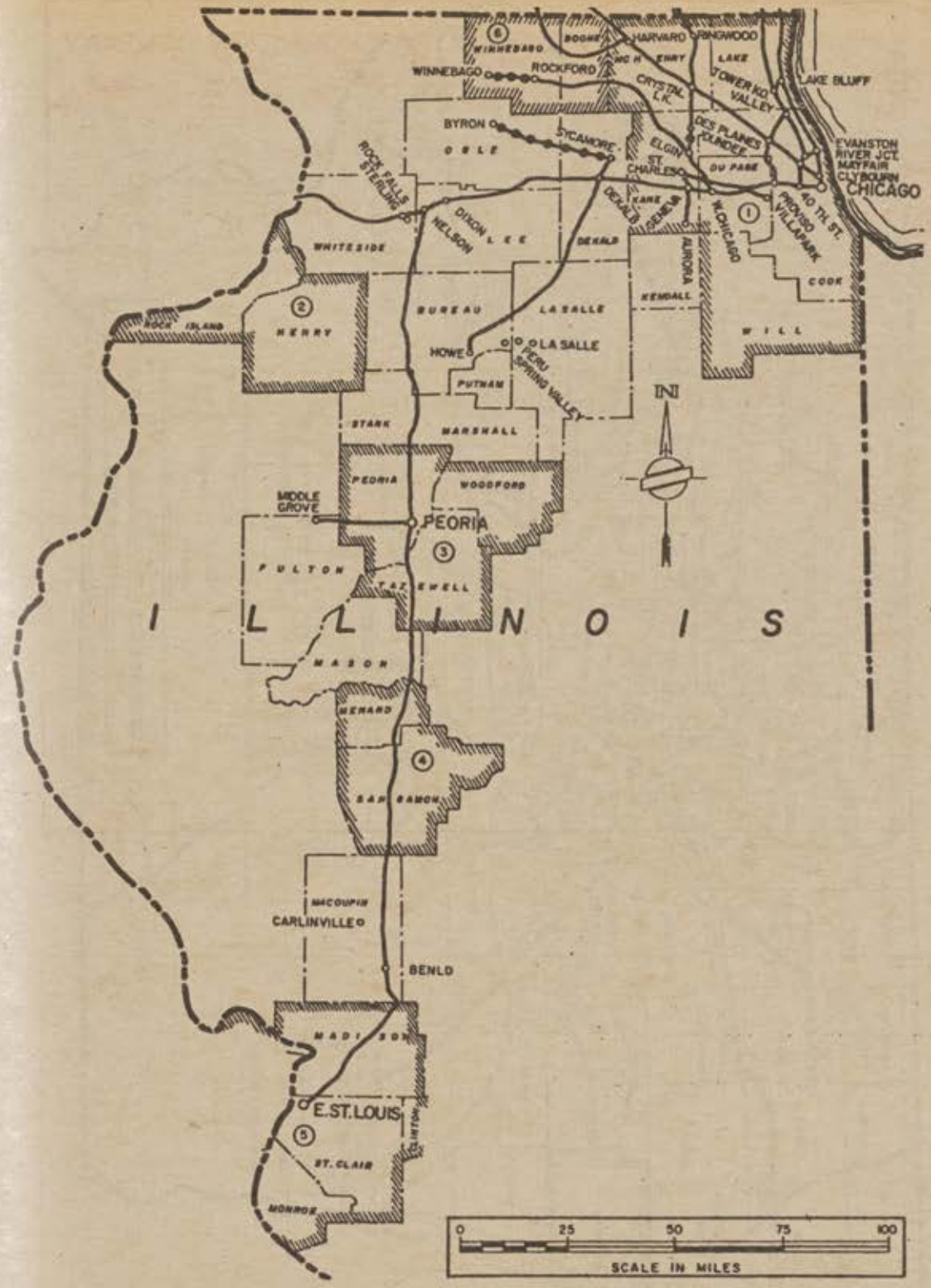
DATE APRIL 6, 1977

STANDARD METROPOLITAN STATISTICAL AREAS

① CHICAGO	⑮ DULUTH-SUPERIOR
② DAVENPORT-ROCK ISLAND	⑯ MINNEAPOLIS-ST. PAUL
③ PEORIA	⑰ ROCHESTER
④ SPRINGFIELD	⑱ SIOUX FALLS
⑤ ST. LOUIS	⑲ DUBUQUE
⑥ ROCKFORD	⑳ WATERLOO-CEDAR FALLS
⑦ KENOSHA	㉑ CEDAR RAPIDS
⑧ RACINE	㉒ SIOUX CITY
⑨ MILWAUKEE	㉓ LINCOLN
⑩ MADISON	㉔ OMAHA
⑪ LA CROSSE	㉕ DES MOINES
⑫ GREEN BAY	㉖ ST. JOSEPH
⑬ APPLETON	㉗ KANSAS CITY
⑭ EAU CLAIRE	

LEGEND

RED	CATEGORY 1. ANTICIPATED SUBJECT OF ABANDONMENT APPLICATION WITHIN 3 YEARS. 49 CFR SEC. 1121.20 (b)(1)
GREEN	CATEGORY 2. POTENTIALLY SUBJECT TO ABANDONMENT. 49 CFR SEC. 1121.20 (b)(2)
YELLOW	CATEGORY 3. APPLICATION PRESENTLY PENDING BEFORE COMMISSION. 49 CFR SEC. 1121.20 (b)(3)
BROWN	CATEGORY 4. OPERATED UNDER SUBSIDY 49 USC SEC. 1a (6)(a) 49 CFR SEC. 1121.20 (b)(4)
BLACK	CATEGORY 5. OTHER LINES OWNED OPERATED. 49 CFR SEC. 1121.20 (b)(5)
BLACK	STATE BOUNDARY LINES
BLACK	COUNTY BOUNDARY LINES
BLACK	SMSA BOUNDARY LINES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BYRON
OGLE
SYCAMORE
ELGIN
ST. CHARLES
DES PLAINES
DU PAGE
EVANSTON
RIVER JCT.
MAYFAIR
CLYBOURN
CHICAGO
ROCK FALLS
STERLING
DIXON
NELSON
LEE
DEKALB
KANE
GENEVA
W. CHICAGO
AURORA
PROVISO
VILLA PARK
40 TH ST.
WHITESIDE
KENDALL
COOK
ROCK ISLAND
HENRY
BUREAU
LA SALLE
WILL
HOWE
LA SALLE
PERU
SPRING VALLEY
PUTNAM
STARK
MARSHALL
N
PEORIA
WOODFORD
MIDDLE GROVE
PEORIA
FULTON
TAZEWELL
ILLINOIS
MASON
MENARD
SANGAMON
MACOUPIN
CARLINVILLE
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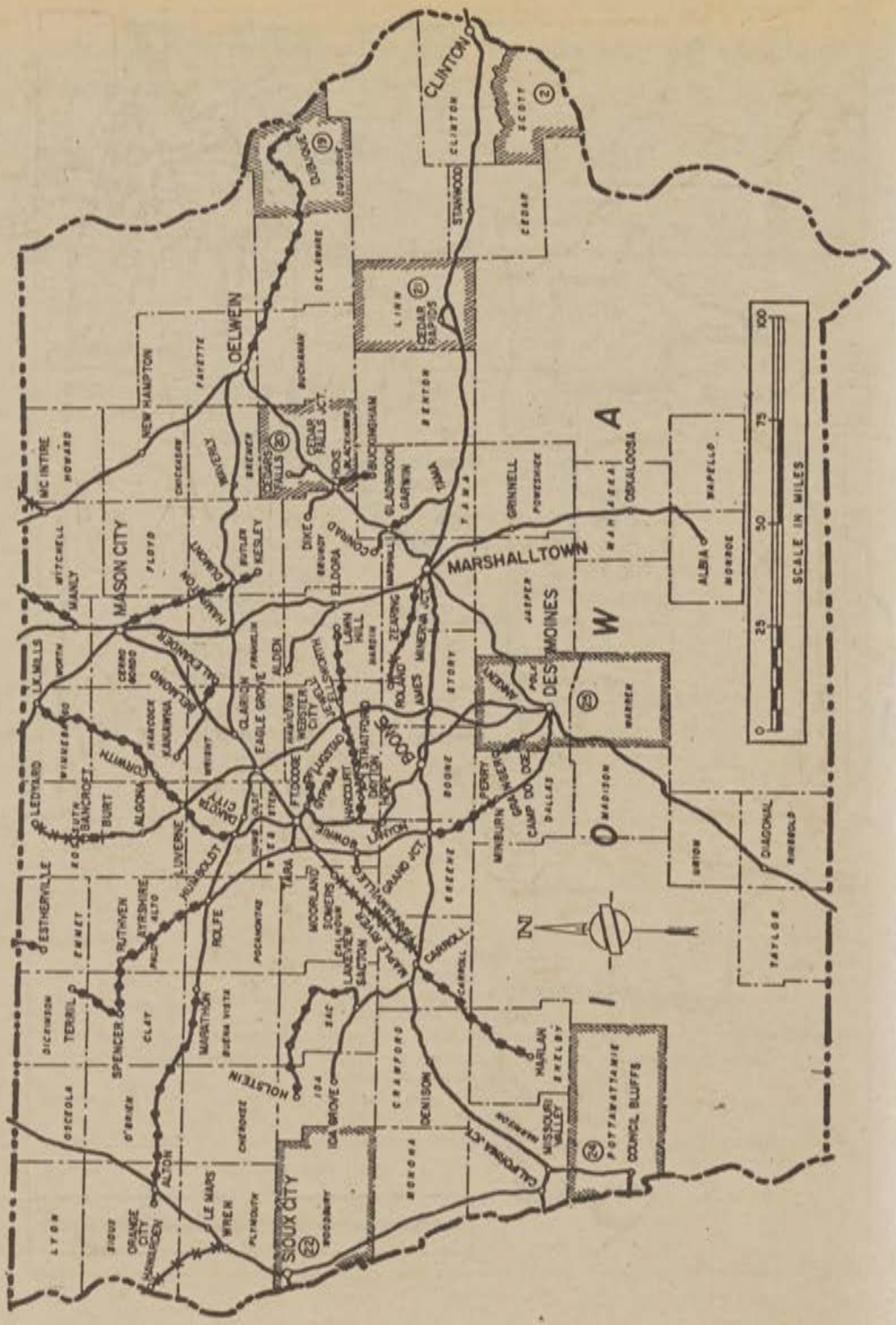
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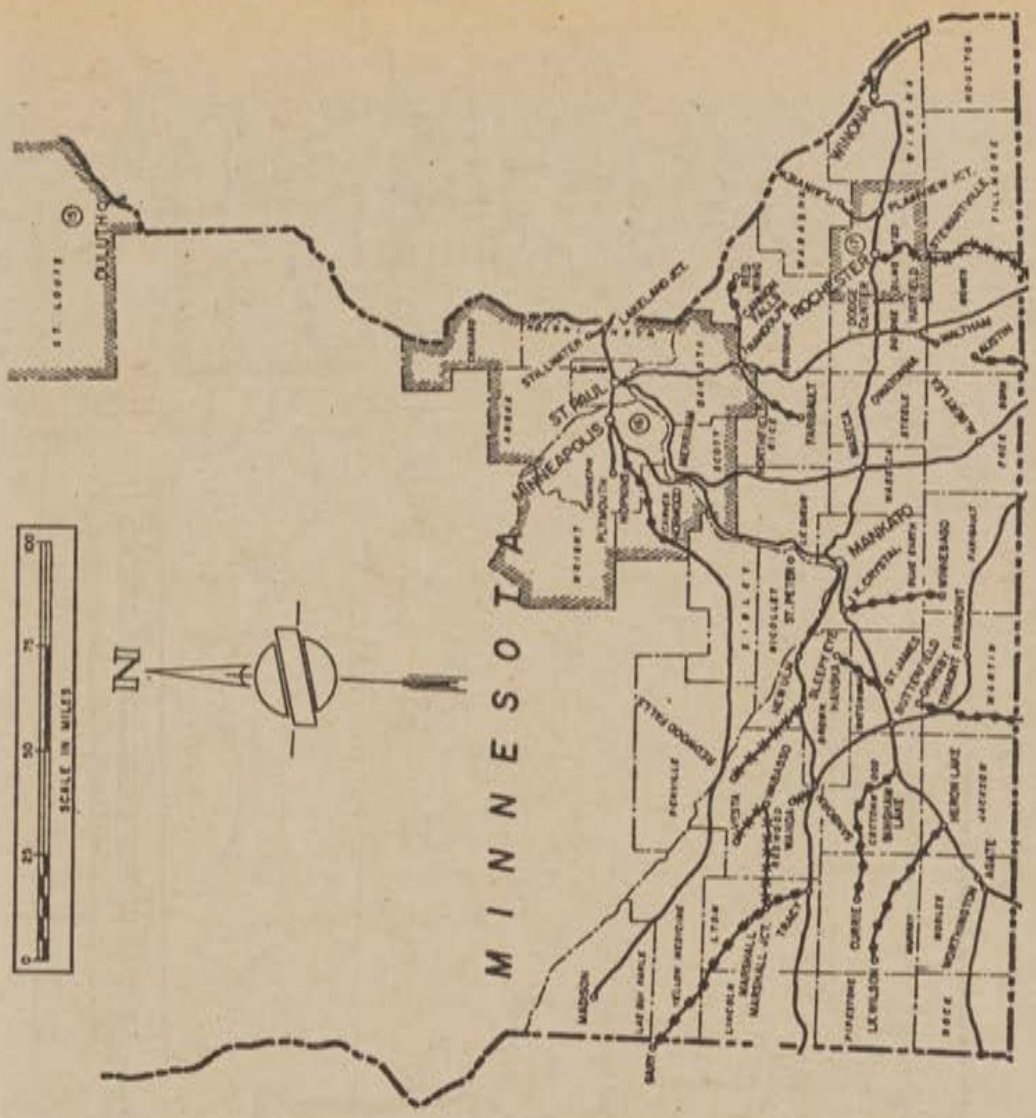
COUNCIL BLUFFS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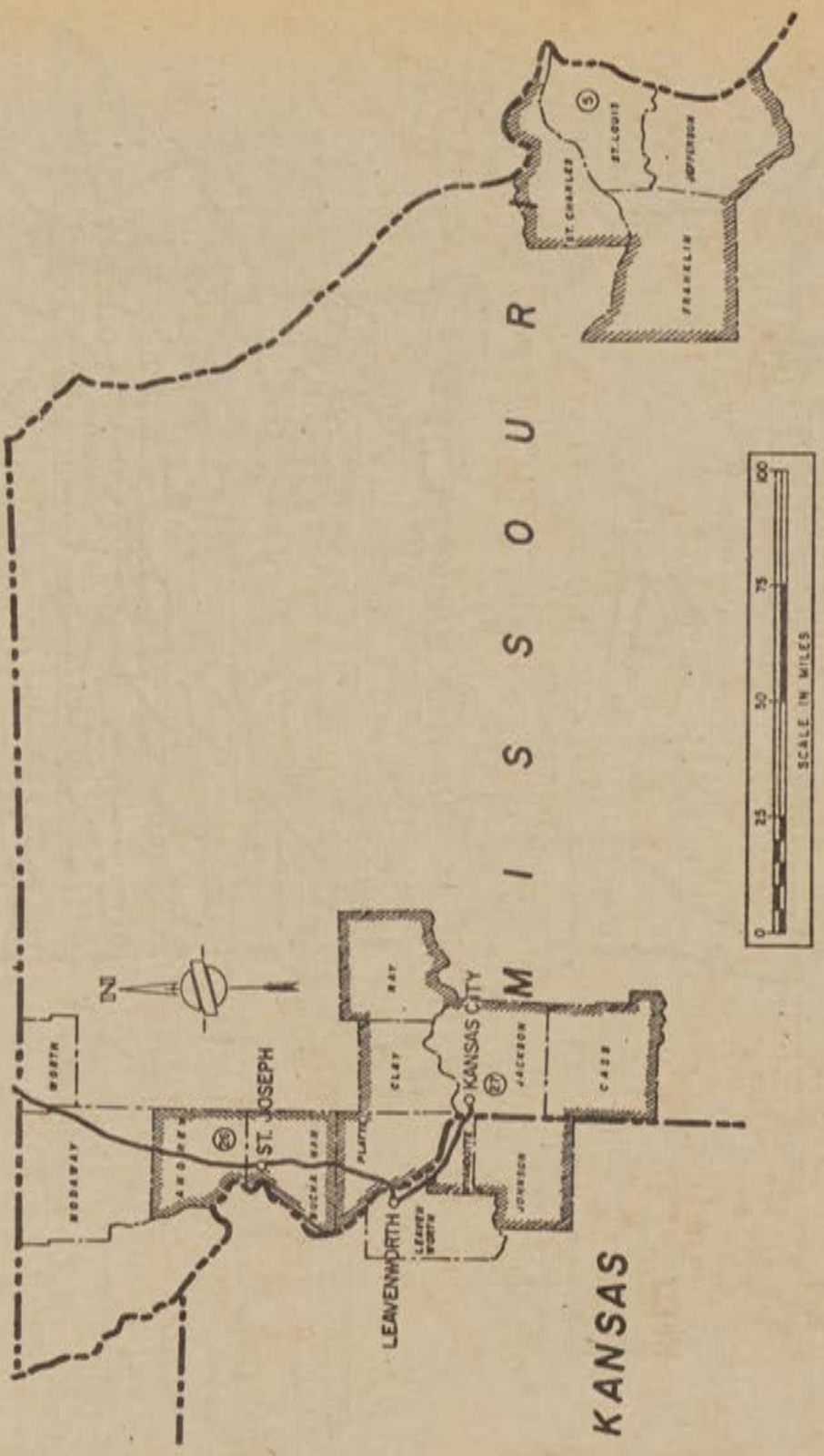
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KANSAS CITY
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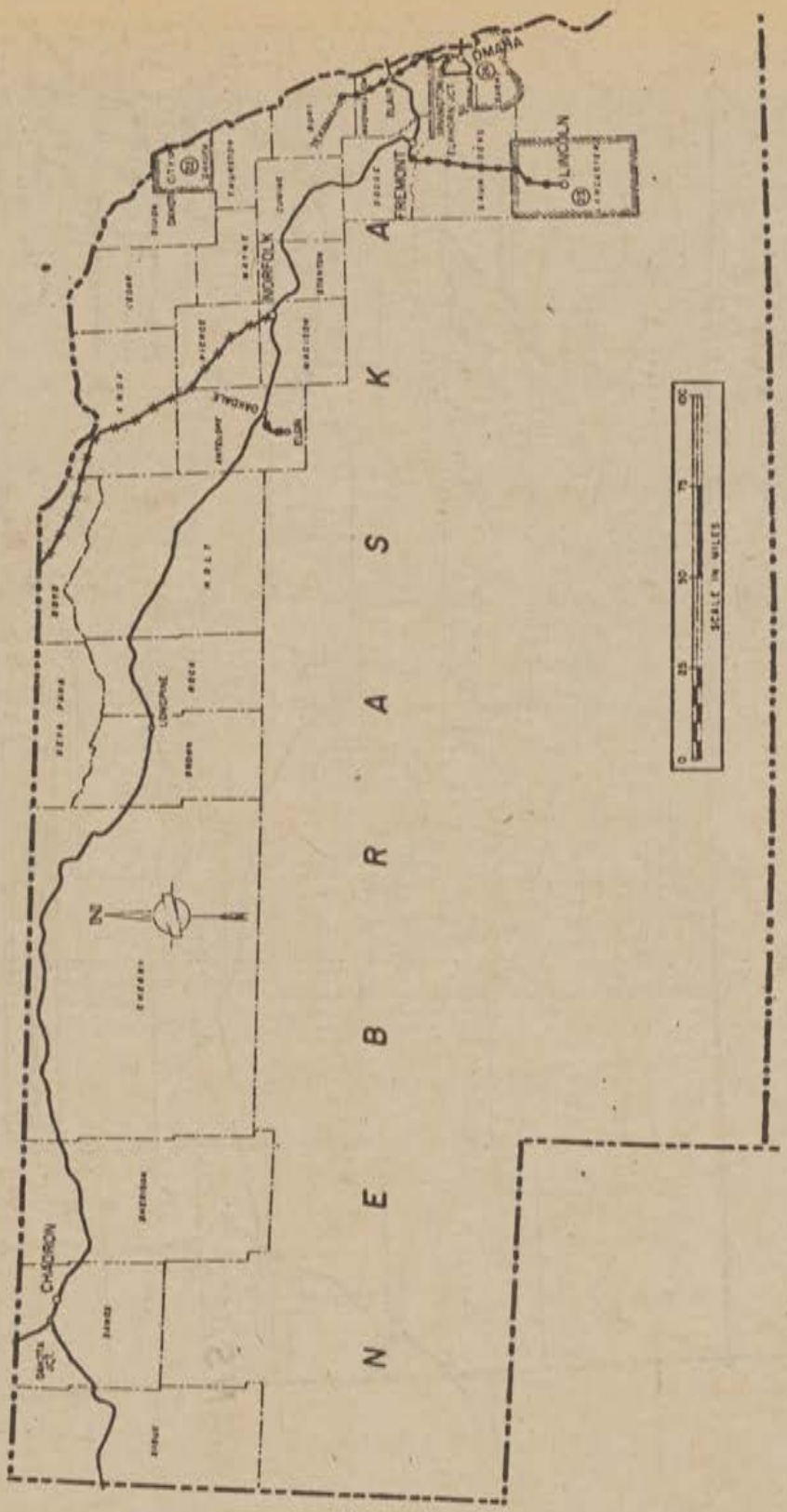
NEBRASKA
OMAHA
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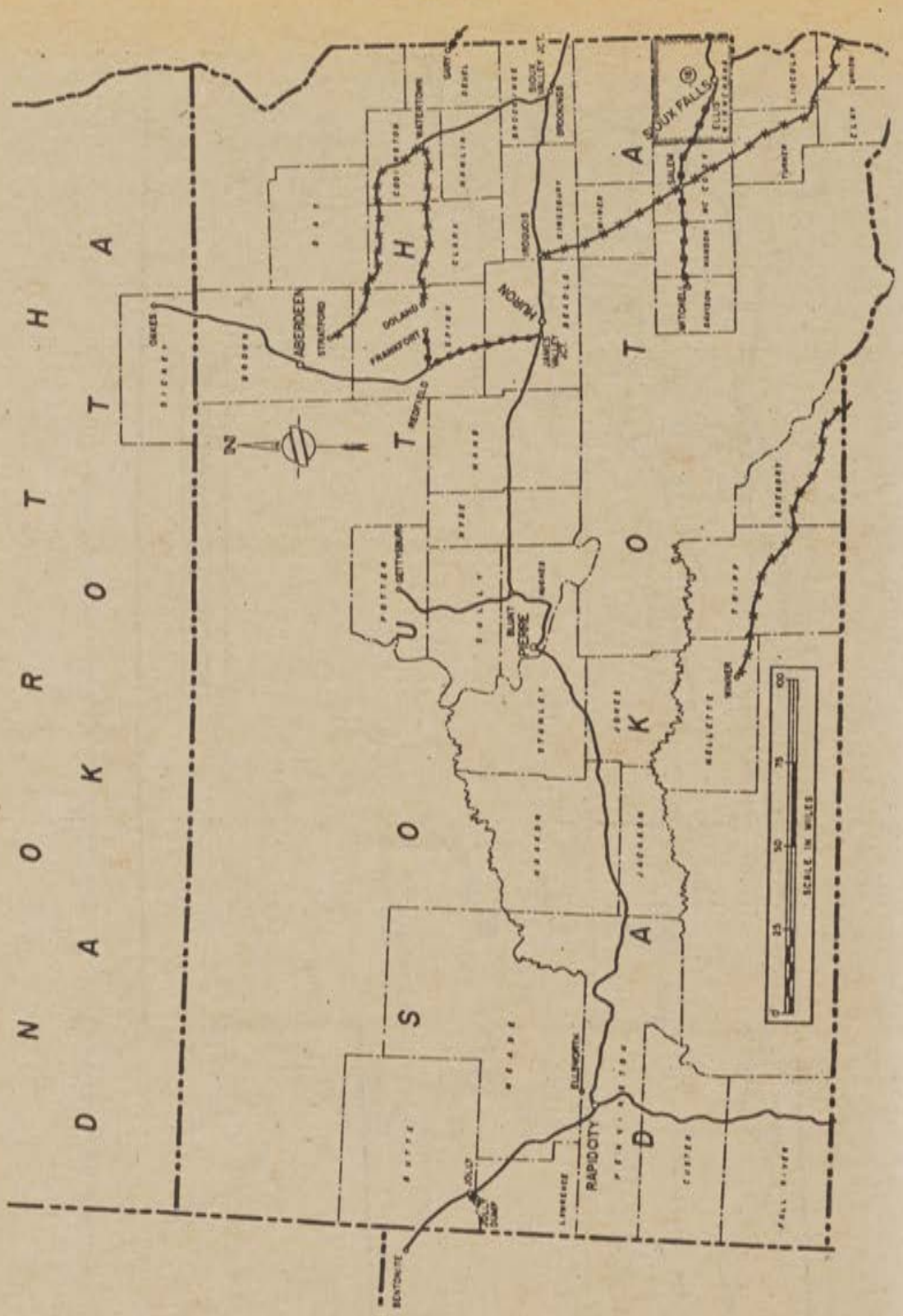
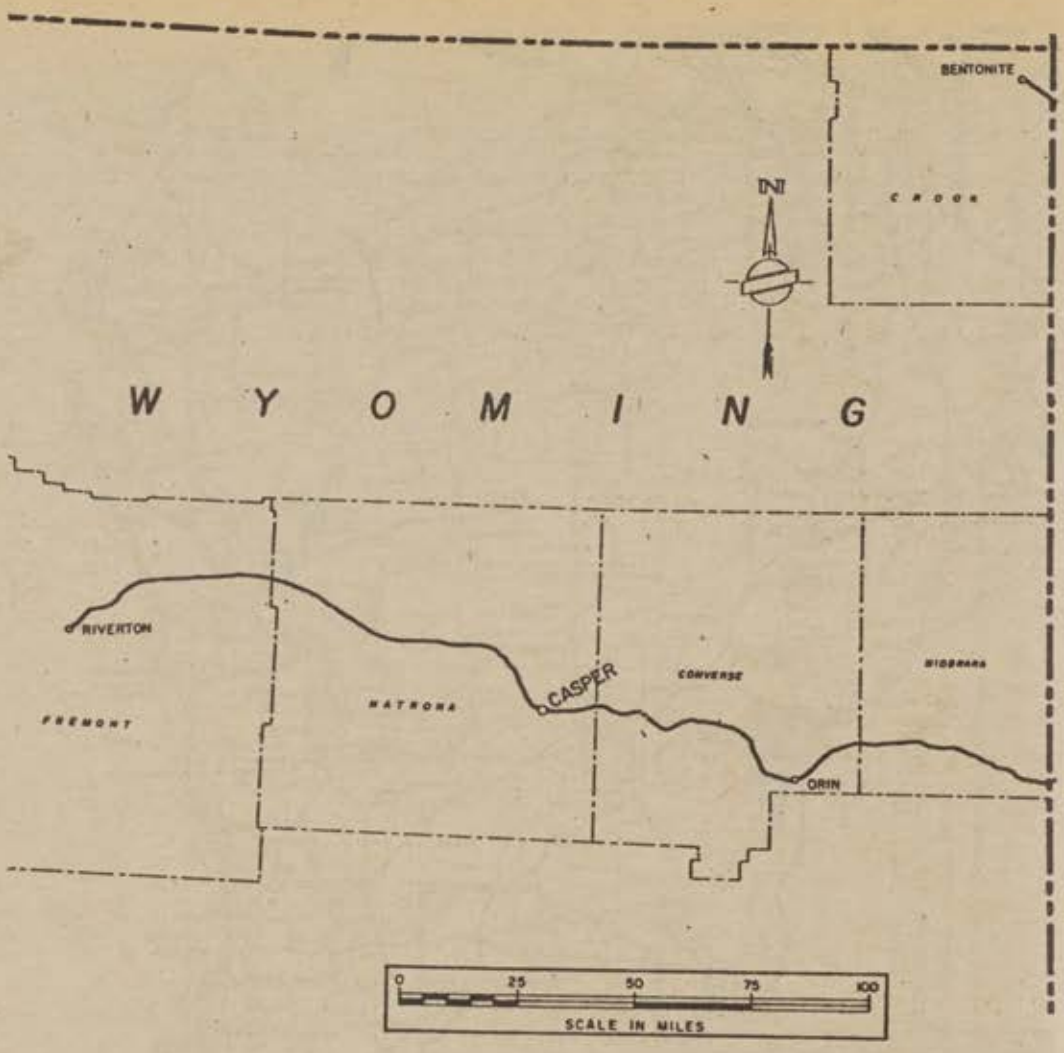
CHADRON
N
SCALE IN MILES


NORTH DAKOTA
SOUTH DAKOTA
ABERDEEN
MOBRIDGE
PIERRE
SIOUX FALLS
RAPID CITY
N
SCALE IN MILES

DULUTH
ASHLAND
WISCONSIN
MICH.
ESCANABA
MARINETTE
GREEN BAY
OSHKOSH
FOND DU LAC
LA CROSSE
MADISON
MILWAUKEE
WEST ALLIS
WAUSAU
MARSHFIELD
EAU CLAIRE
RHINELANDER
PLATTEVILLE
BELOIT
SCALE IN MILES



[FR Doc.77-14608 Filed 5-24-77;8:45 am]

[AB 117 (SDM)]

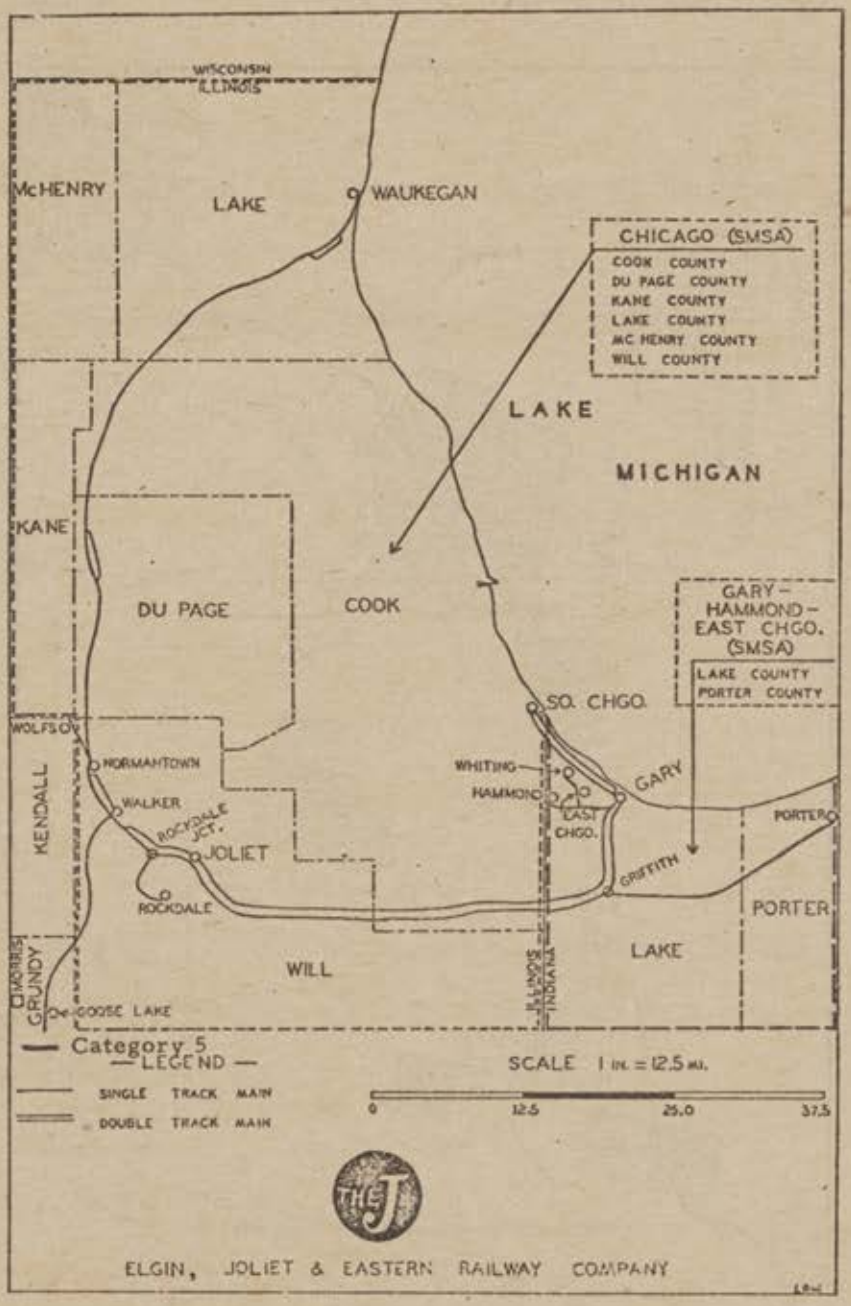
ELGIN, JOLIET AND EASTERN RAILWAY CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Elgin, Joliet and Eastern Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 117 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 117 (SDM).

ROBERT L. OSWALD,
Secretary.



[FR Doc.77-14589 Filed 5-24-77;8:45 am]

[AB 119 (SDM)]

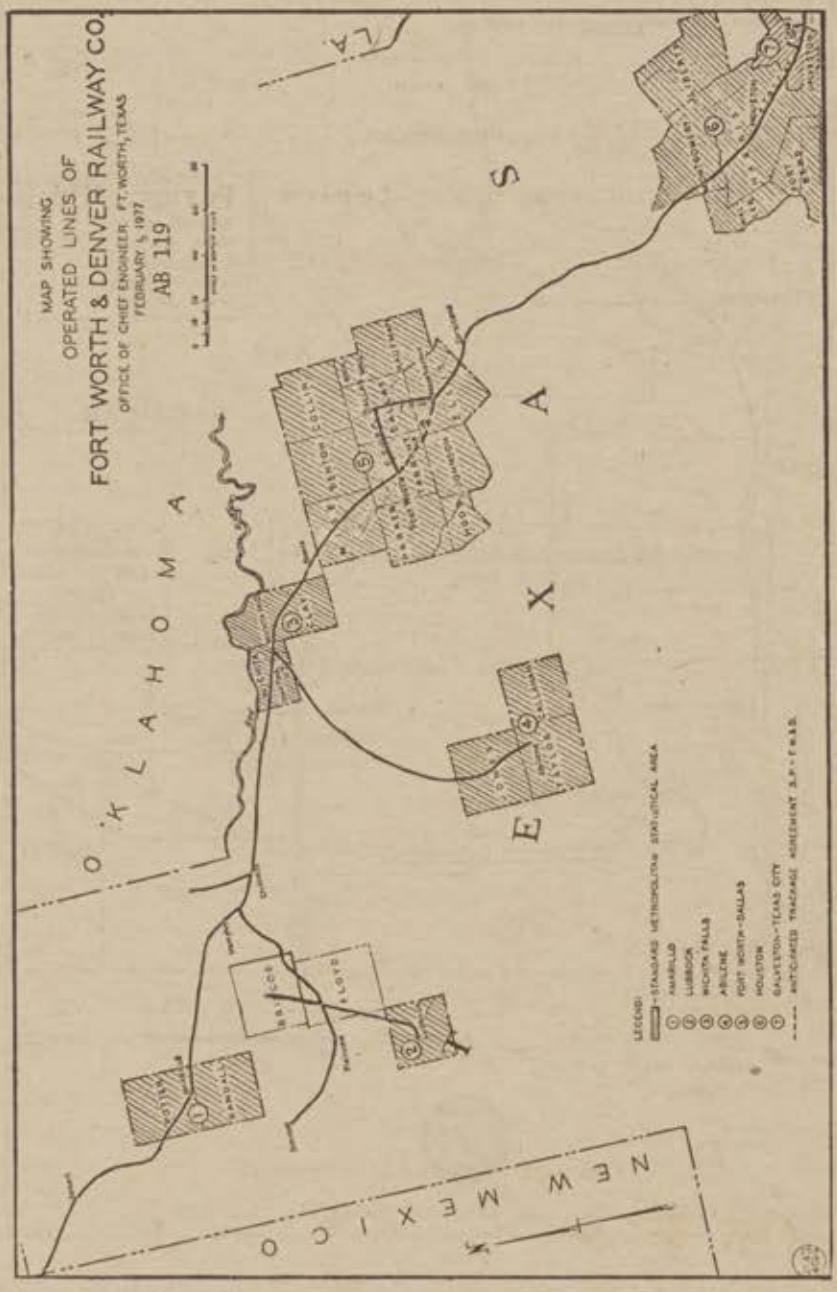
FORT WORTH & DENVER RAILWAY CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Fort Worth & Denver Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 119 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on May 5, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 119 (SDM).

ROBERT L. OSWALD,
Secretary.



FORT WORTH AND DENVER RAILWAY COMPANY
LINE DESCRIPTION
AB 119

Interstate Commerce Commisssion
Ex Parte 274 (Sub-No. 2)
Section 1121.20 (b) (3)

Silverton Line

A 19.71 mile line in Texas, extending through Floyd and Briscoe Counties from Sterley, Texas, Milepost 306.4, to Silverton, Texas, Milepost 326.11.

[FR Doc.77-14600 Filed 5-24-77;8:45 am]

[AB 188 (SDM)]

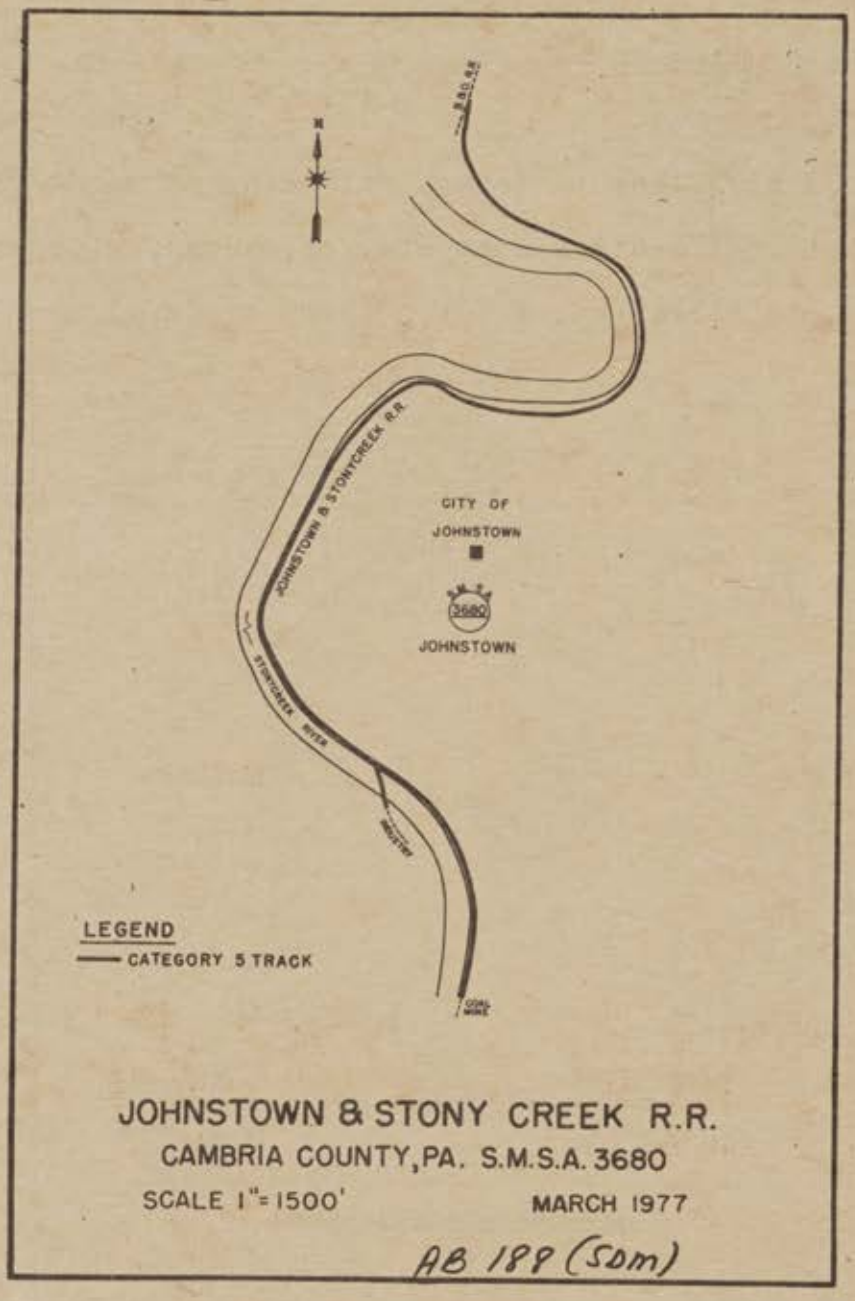
JOHNSTOWN & STONY CREEK RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Johnstown & Stony Creek Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 188 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 188 (SDM).

ROBERT L. OSWALD,
Secretary.



[FR Doc.77-14610 Filed 5-24-77;8:45 am]

[AB 185 (SDM)]

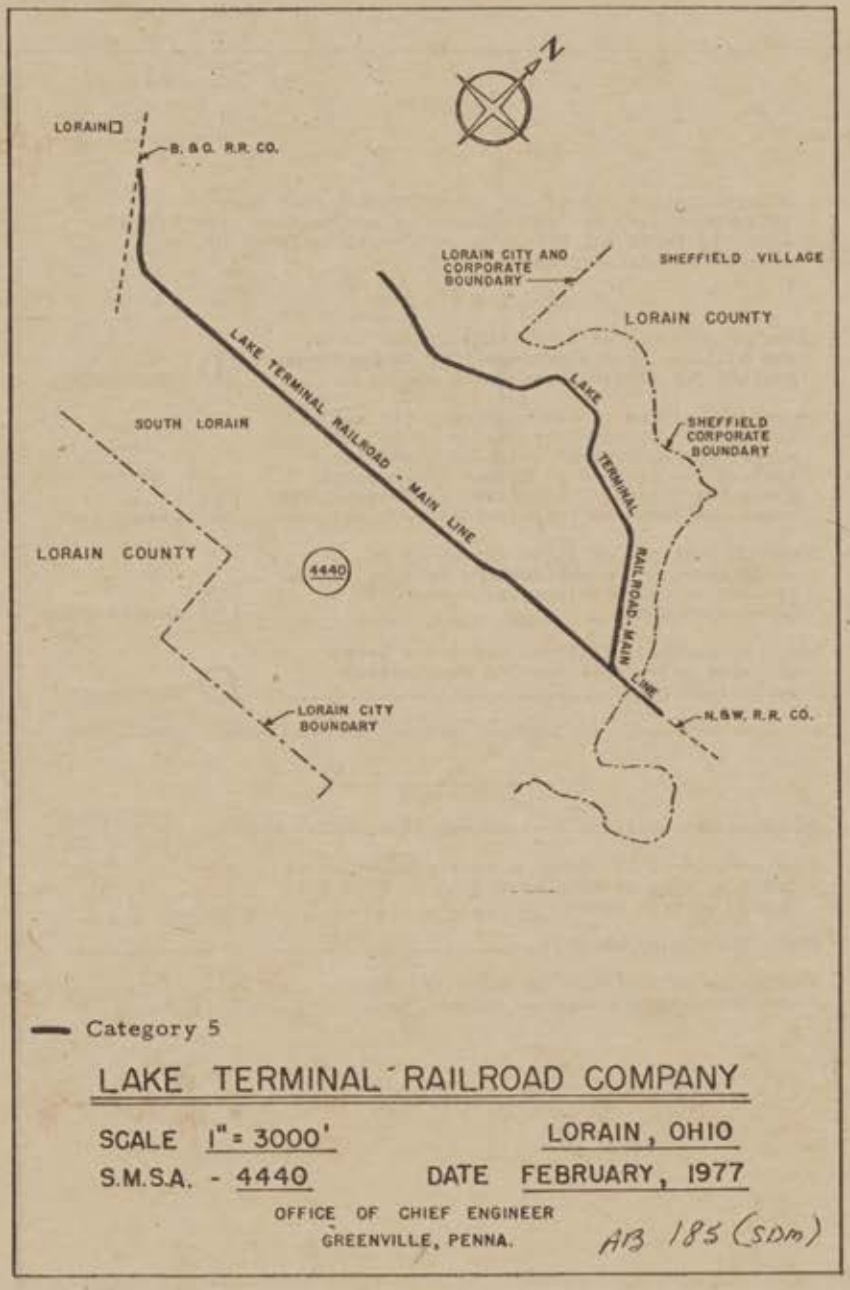
LAKE TERMINAL RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Lake Terminal Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 185 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 185 (SDM).

ROBERT L. OSWALD,
Secretary.



[FR Doc.77-14606 Filed 5-24-77;8:45 am]

[AB 35(SDM)]

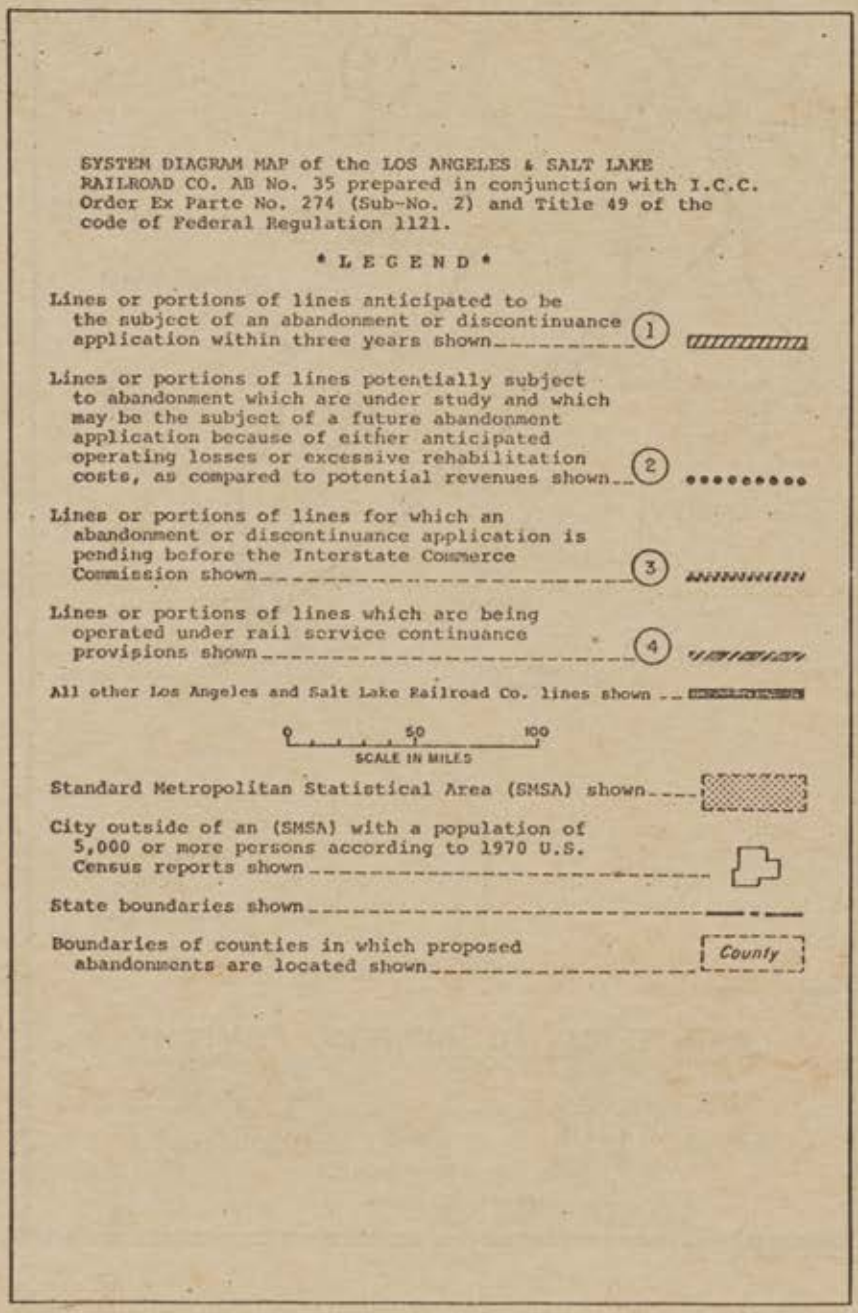
LOS ANGELES & SALT LAKE RAILROAD CO.

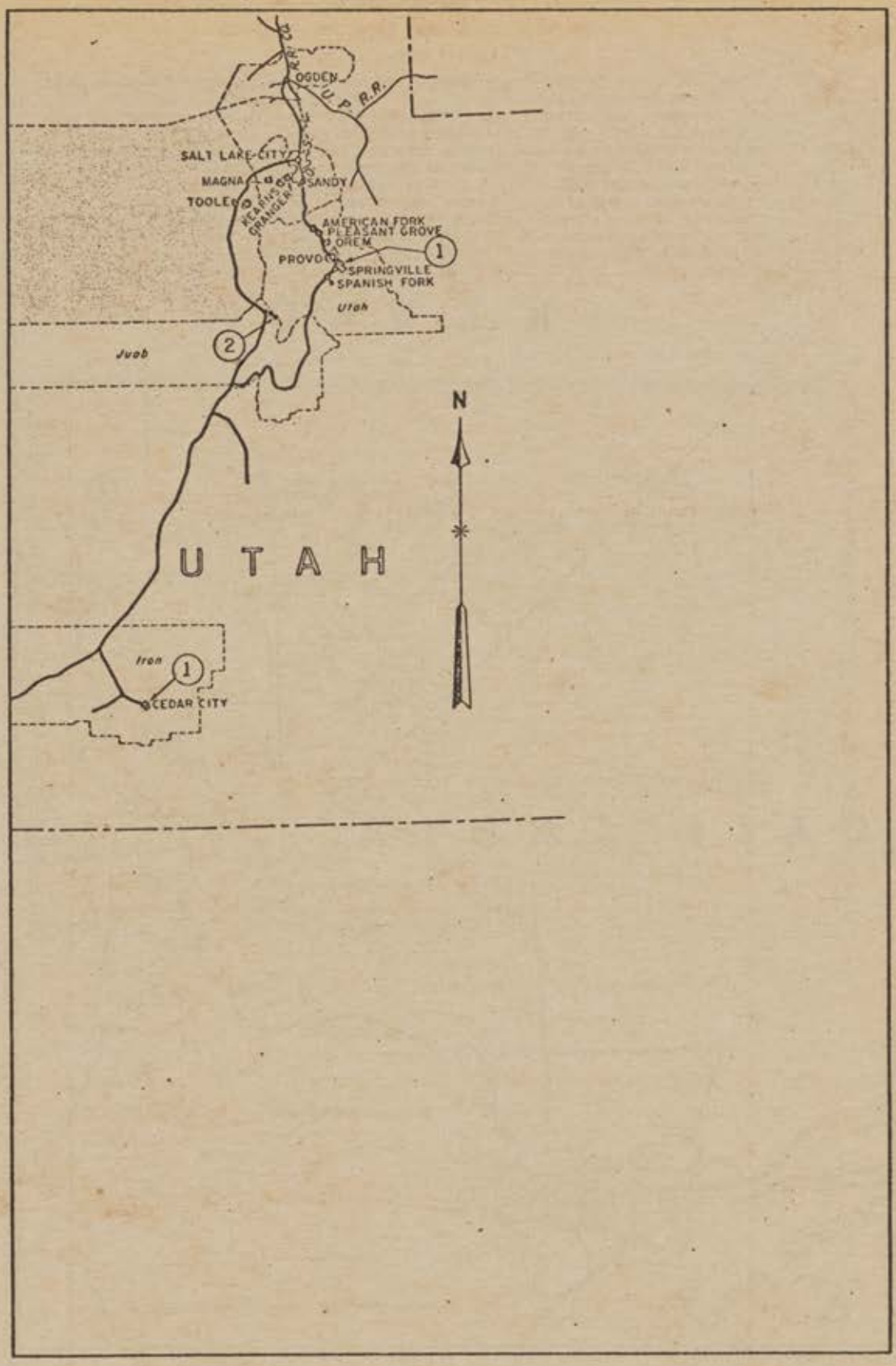
System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Los Angeles & Salt Lake Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 35 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

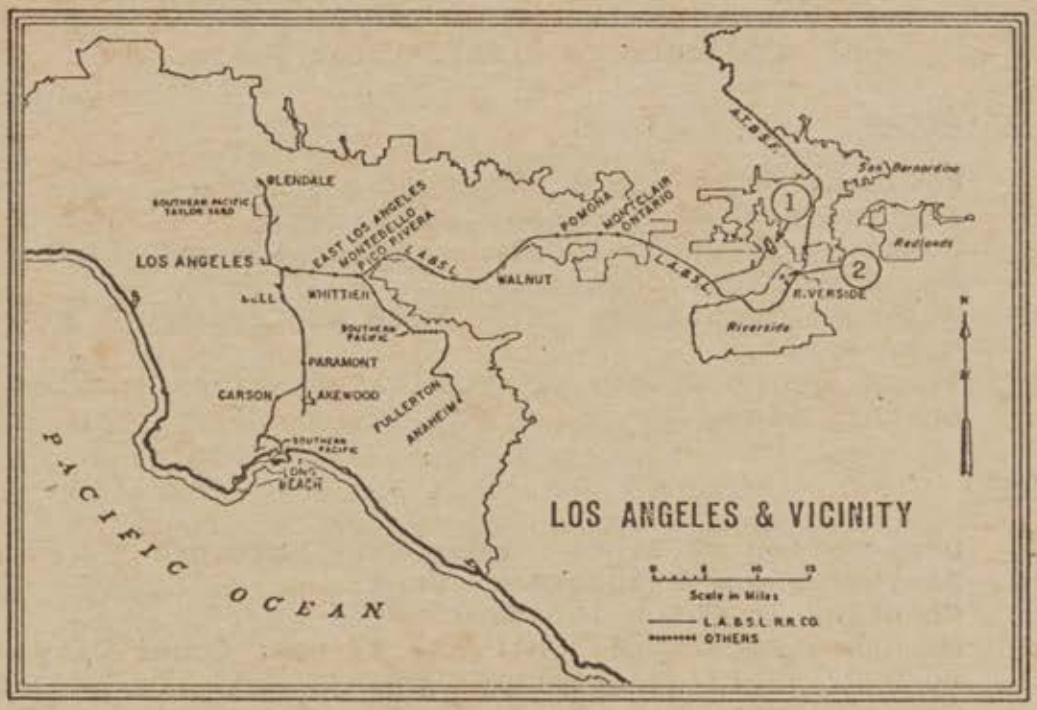
Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 35 (SDM).

ROBERT L. OSWALD,
Secretary.




OGDEN
U P R.R.
SALT LAKE CITY
MAGNA
SANDY
TOOELE
KEARNS
BINGHAM
AMERICAN FORK
PLEASANT GROVE
OREM
PROVO
SPRINGVILLE
SPANISH FORK
Utah
Juab
N
U T A H
Iron
CEDAR CITY
1
2

NEVADA
CALIFORNIA
Lincoln
Clark
LAS VEGAS
BOULDER CITY
San Bernardino
Riverside
RIVERSIDE
GLENDALE
LOS ANGELES
BELL
WHITTIER
FULLERTON
ANAHEIM
PACIFIC OCEAN
1
2
2
2


GLENDALE
SOUTHERN PACIFIC TAYLOR YARD
LOS ANGELES
EAST LOS ANGELES
MONTEBELLO
RIO HONDO
L.A.B.S.L.
WHITTIER
WALNUT
POMONA
MONTCLAIR
ONTARIO
L.A.B.S.L.
A.T.&S.F.
San Bernardino
Redlands
R. VERSIDE
Riverside
SOUTHERN PACIFIC
PARAMOUNT
CARSON
LAKEWOOD
FULLERTON
ANAHEIM
SOUTHERN PACIFIC
LONG BEACH
PACIFIC OCEAN
LOS ANGELES & VICINITY
Scale in Miles
L.A.B.S.L. R.R. CO.
OTHERS

LOS ANGELES & SALT LAKE
RAILROAD COMPANY
SYSTEM DIAGRAM (AB-35)

Description of Lines

Pursuant to the regulations of the Interstate Commerce Commission (49 C.F.R. 1121.21), following is a description of lines of Los Angeles & Salt Lake Railroad Company as shown on the System Diagram Map.

Category 1 - Lines anticipated to be the subject of abandonment applications within three years.

California

(a) Designation of line: Crestmore Branch
(b) States in which located: California
(c) Counties in which located: Riverside and San Bernadino, Counties
(d) Milepost locations: M.P. 3.00 at Crestmore, to M.P. 4.24.
(e) There are no agency or terminal stations located on this line.

Utah

(a) Designation of line: Cedar City Branch
(b) States in which located: Utah
(c) Counties in which located: Iron
(d) Milepost locations: M.P. 31.83 near Cedar City, to M.P. 33.17 near Cedar City
(e) Cedar City at M.P. 32.52 is an agency station located on this line.

(a) Designation of line: Ironton Branch
(b) States in which located: Utah
(c) Counties in which located: Utah
(d) Milepost locations: M.P. 0.00 at Ironton, to M.P. 1.87.
(e) There are no agency or terminal stations located on this line.

Category 2 - Lines which are potentially subject to abandonment and which the carrier has under study and believes may be the subject of a future abandonment

application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues.

California

(a) Designation of line: Crestmore Branch
(b) States in which located: California
(c) Counties in which located: Riverside
(d) Milepost locations: M.P. 0.00 near Riverside Junction, to M.P. 0.86.
(e) There are no agency or terminal stations located on this line.

Nevada

(a) Designation of line: Boulder City Branch
(b) States in which located: Nevada
(c) Counties in which located: Clark
(d) Milepost locations: M.P. 9.8 near Henderson, to M.P. 22.67 near Boulder City
(e) Henderson at M.P. 9.87 is an agency station located on this line.

(a) Designation of line: Pioche Branch
(b) States in which located: Nevada
(c) Counties in which located: Lincoln
(d) Milepost locations: M.P. 14.78 near Panaca, to M.P. 32.96 near Pioche
(e) There are no agency or terminal stations located on this line.

(a) Designation of line: Prince Branch
(b) States in which located: Nevada
(c) Counties in which located: Lincoln
(d) Milepost locations: M.P. 0.10 near Prince Junction, to M.P. 8.81 near Prince.
(e) There are no agency or terminal stations located on this line.

Utah

(a) Designation of line: Silver City Branch
(b) States in which located: Utah
(c) Counties in which located: Juab
(d) Milepost locations: M.P. 0.48 near Silver City, to M.P. 2.42.
(e) There are no agency or terminal stations located on this line.

[FR Doc.77-14591 Filed 5-24-77;8:45 am]

[AB 186 (SDM)]

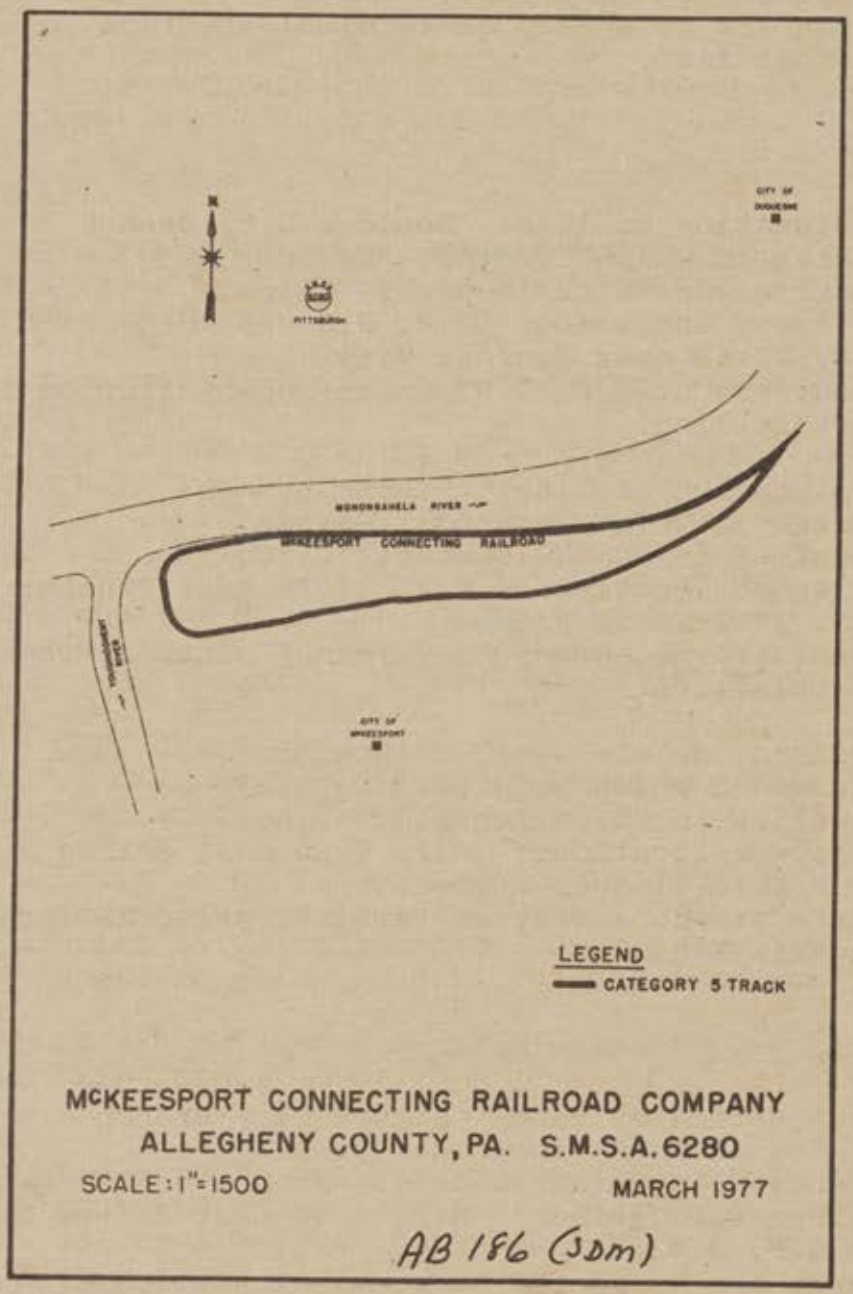
McKEESPORT CONNECTING RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the McKeesport Connecting Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 186 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 186 (SDM).

ROBERT L. OSWALD,
Secretary.



[FR Doc.77-14607 Filed 5-24-77;8:45 am]

[AB 153 (SDM)]

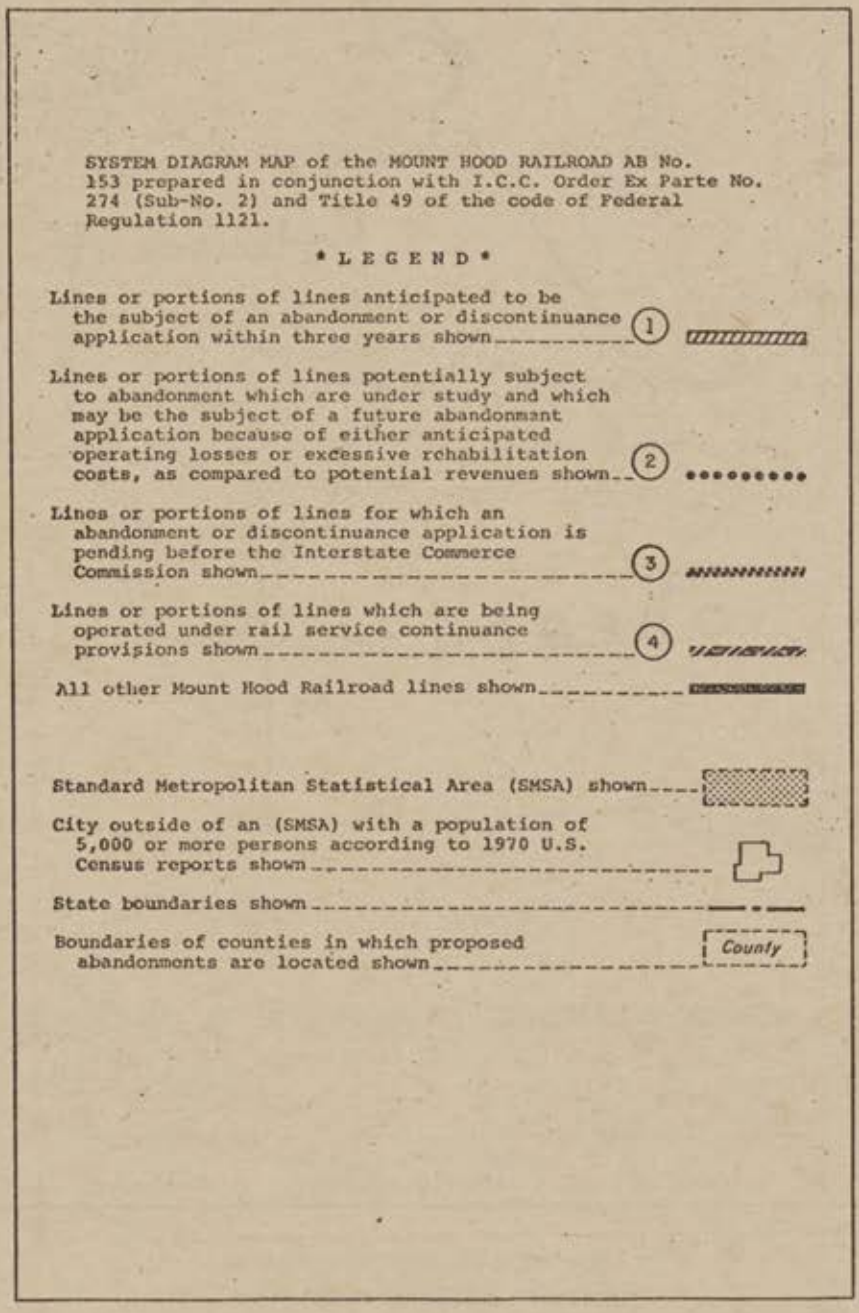
MOUNT HOOD RAILROAD CO.

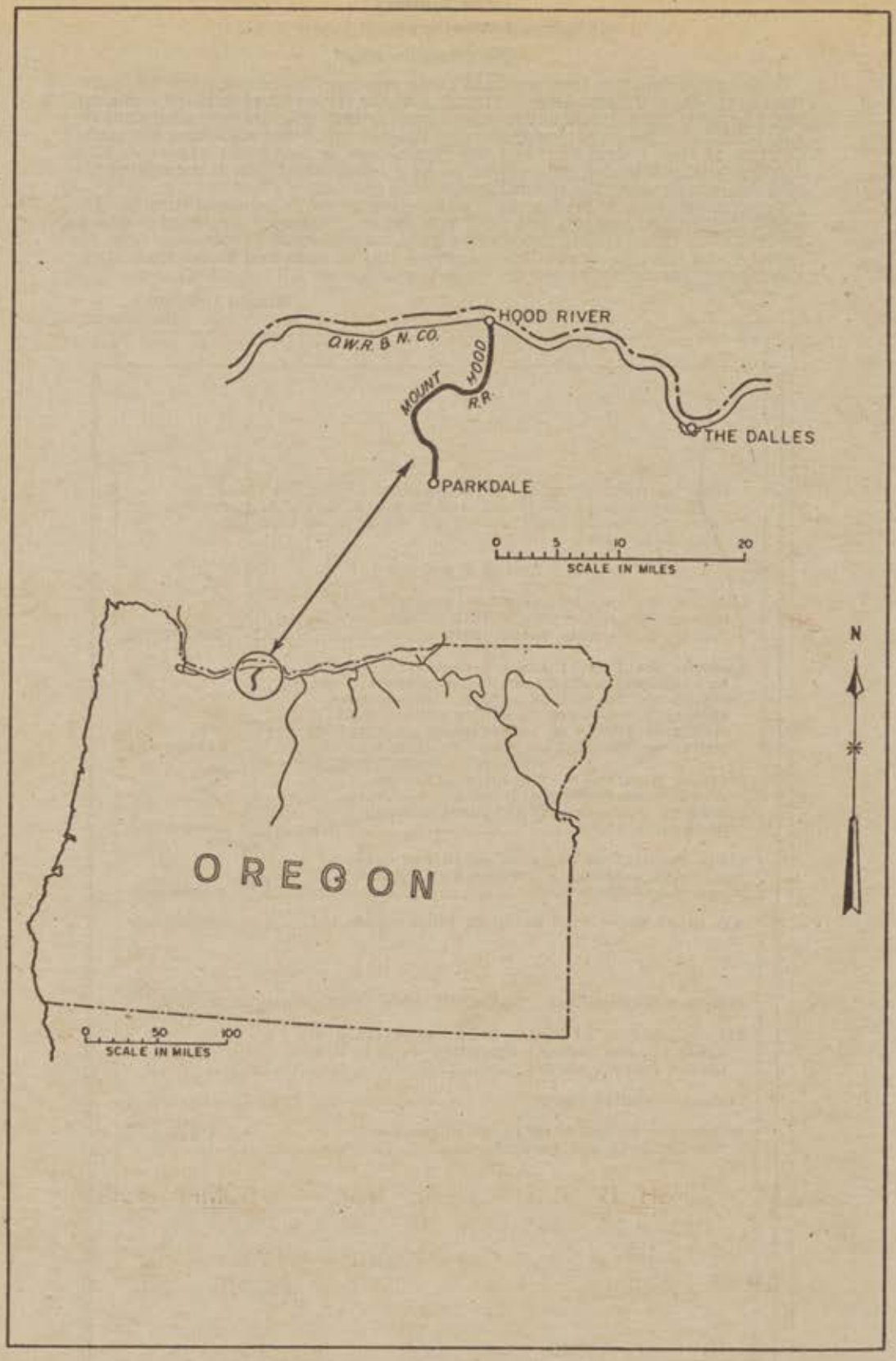
System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Mount Hood Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 153 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 153 (SDM).

ROBERT L. OSWALD,
Secretary.





[FR Doc.77-14588 Filed 5-24-77;8:45 am]

[AB 184 (SDM)]

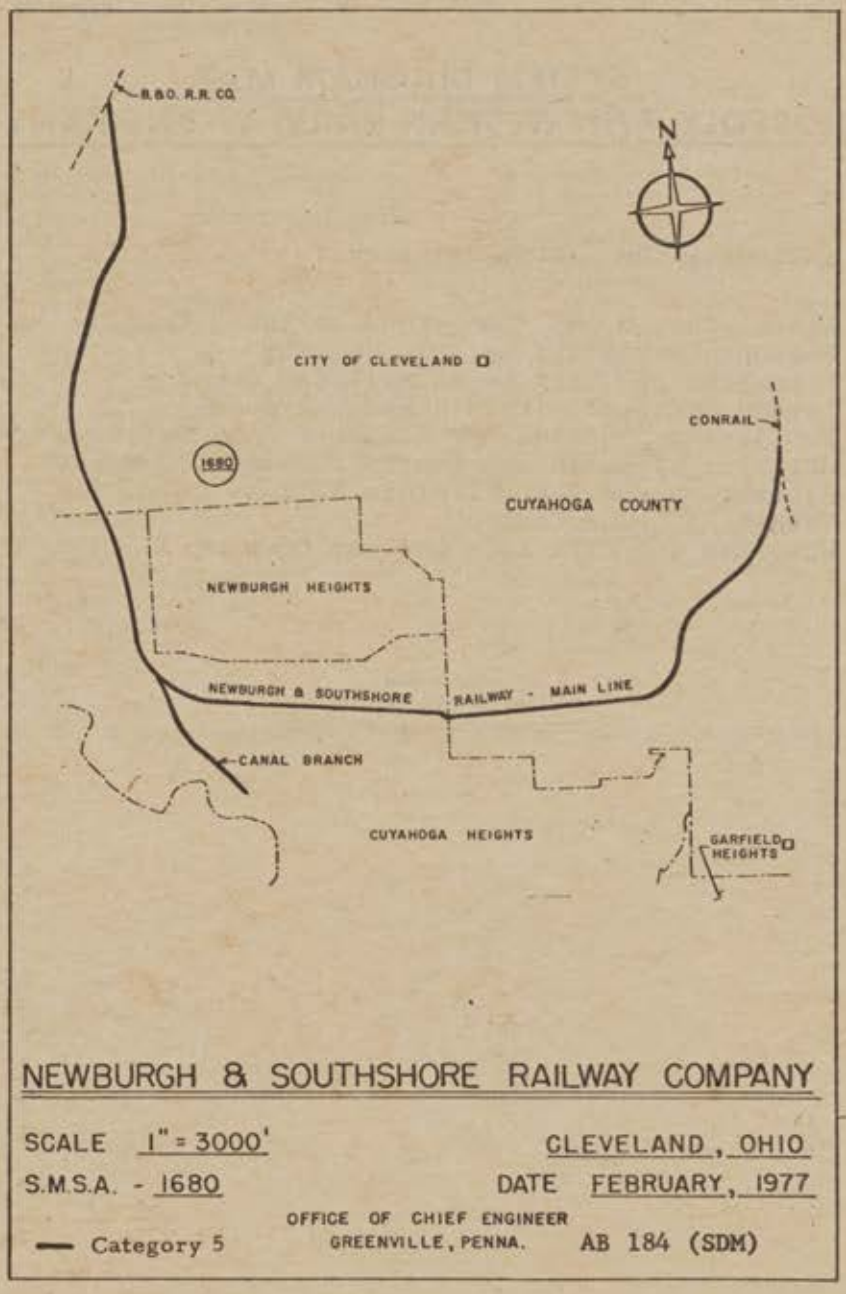
NEWBURGH & SOUTH SHORE RAILWAY CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Newburgh & South Shore Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 184 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 184 (SDM).

ROBERT L. OSWALD,
Secretary.



[FR Doc.77-14605 Filed 5-24-77;8:45 am]

[AB 10 (SDM)]

NORFOLK AND WESTERN RAILWAY CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Norfolk and Western Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 10 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

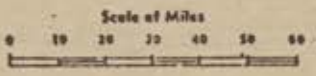
Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 10 (SDM).

ROBERT L. OSWALD,
Secretary.

SYSTEM DIAGRAM MAP
NORFOLK AND WESTERN RAILWAY COMPANY

including the following lines:

Akron, Canton and Youngstown Railroad Company
Chesapeake Western Railway Company
Lake Erie and Fort Wayne Railroad Company
Lorain and West Virginia Railway Company
New Jersey, Indiana and Illinois Railroad Company
Norfolk, Franklin and Danville Railway Company
Pittsburgh and West Virginia Railway Company
Wabash Railroad Company
Wheeling and Lake Erie Railway Company



LEGEND

(1) Lines anticipated will be subject of abandonment application within 3 years.

(2) Lines potentially subject to abandonment.

(3) Abandonment applications pending before Commission.

(4) Lines which are being operated under the Rail Service continuation provisions of Section 1a(6) (a) of the Act or of Section 304(c) (2) of the Regional Rail Reorganization Act of 1973.

(5) All other lines or portions of lines which the carrier owns, and operates, directly or indirectly.

(6) Trackage Rights.

(7) STANDARD METROPOLITAN STATISTICAL AREAS

1	Norfolk, Virginia Beach, Portsmouth, VA-NC
2	Petersburg, Colonial Heights, Hopewell, VA
3	Lynchburg, VA
4	Roanoke, VA
5	Raleigh, Durham, NC
6	Greensboro, Winston-Salem, High Point, NC
7	Kingsport, Bristol, TN-VA
8	Huntington-Ashland, WV-KY-OH
9	Pittsburgh, PA
10	Wheeling, WV-OH
11	Steubenville-Weirton, OH-WV
12	Buffalo, NY
13	Erie, PA
14	Cleveland, OH
15	Canton, OH
16	Akron, OH
17	Lorain-Elyria, OH
18	Columbus, OH
19	Toledo, OH-MI
20	Detroit, MI
21	Lima, OH
22	Cincinnati, OH-KY-IN
23	Hamilton-Middleton, OH
24	Muncie, IN
25	Fort Wayne, IN
26	Indianapolis, IN
27	Anderson, IN
28	Lafayette-West Lafayette, IN
29	South Bend, IN
30	Chicago, IL
31	Gary-Hammond-East Chicago, IN
32	Champaign-Urbana-Rantoul, IL
33	Decatur, IL
34	Bloomington-Normal, IL
35	Peoria, IL
36	Springfield, IL
37	St. Louis, MO-IL
38	Columbia, MO
39	Kansas City, MO-KS
40	Des Moines, IA
41	Omaha, NB-IA

Note 1 Numbers designating SMSA's on maps enclosed in hexagon.

Numerical identification of lines in Categories 1 thru 4 (in accordance with 49 CFR 1121.20(b)) on NW system diagram map, interrelated state maps, and as listed and described on separate statement accompanying the maps and marked for identification as Appendix A.

CATEGORY 1

1-1 Lorain & West Virginia Railway Company
1-2 Connersville Branch
1-3 Rushville Branch
1-4 Easterly Portion of Gary District
1-5 Westerly Portion of Gary District
1-6 Carey to Delphos (AC&Y)
1-7 Kokomo to Frankfort
1-8 Ottumwa Branch
1-9 Pittsfield Branch
1-10 Portion of Champaign Branch
1-11 Portion of Steubenville Branch

CATEGORY 2

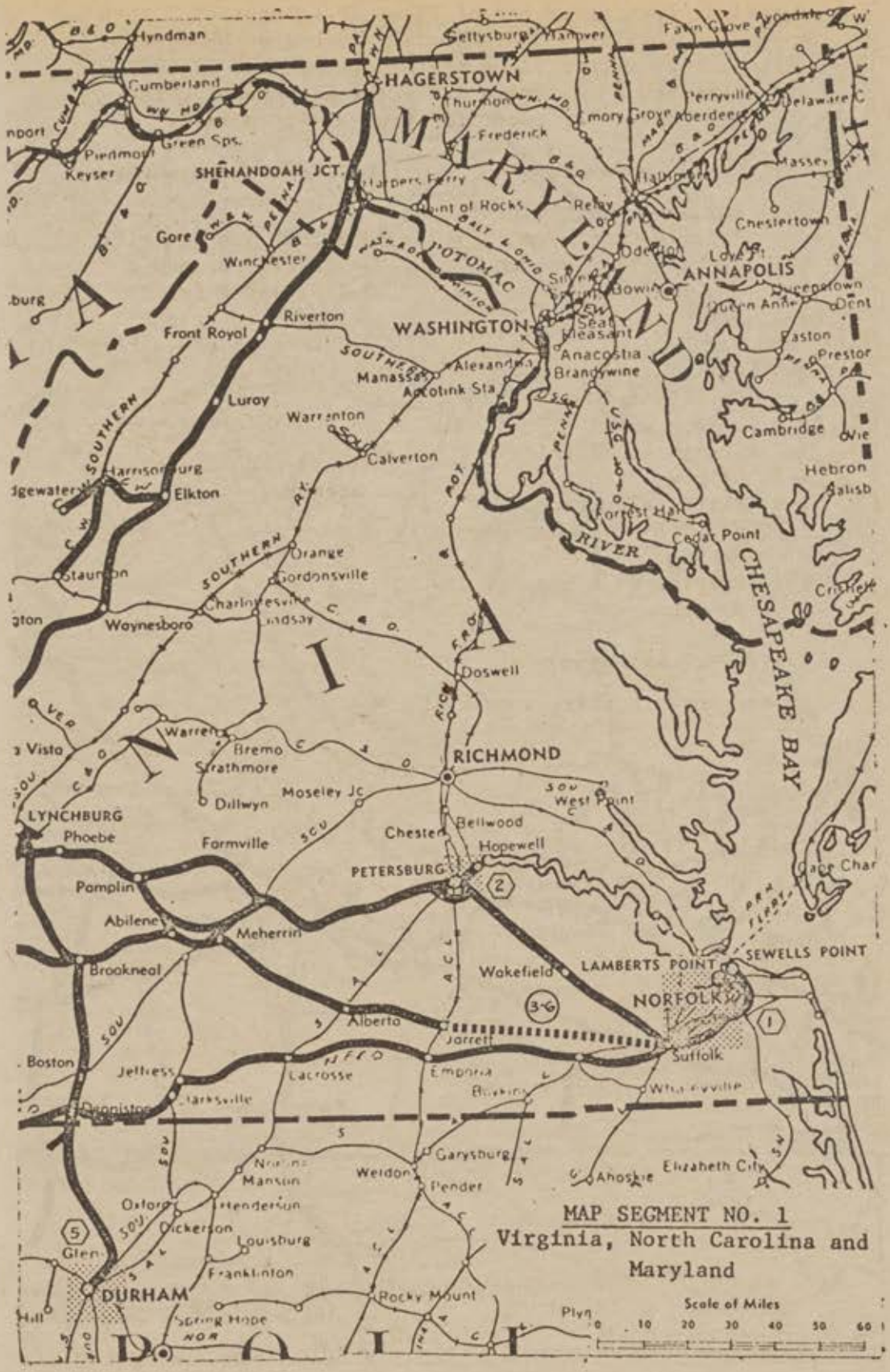
NW has none in this category.

CATEGORY 3

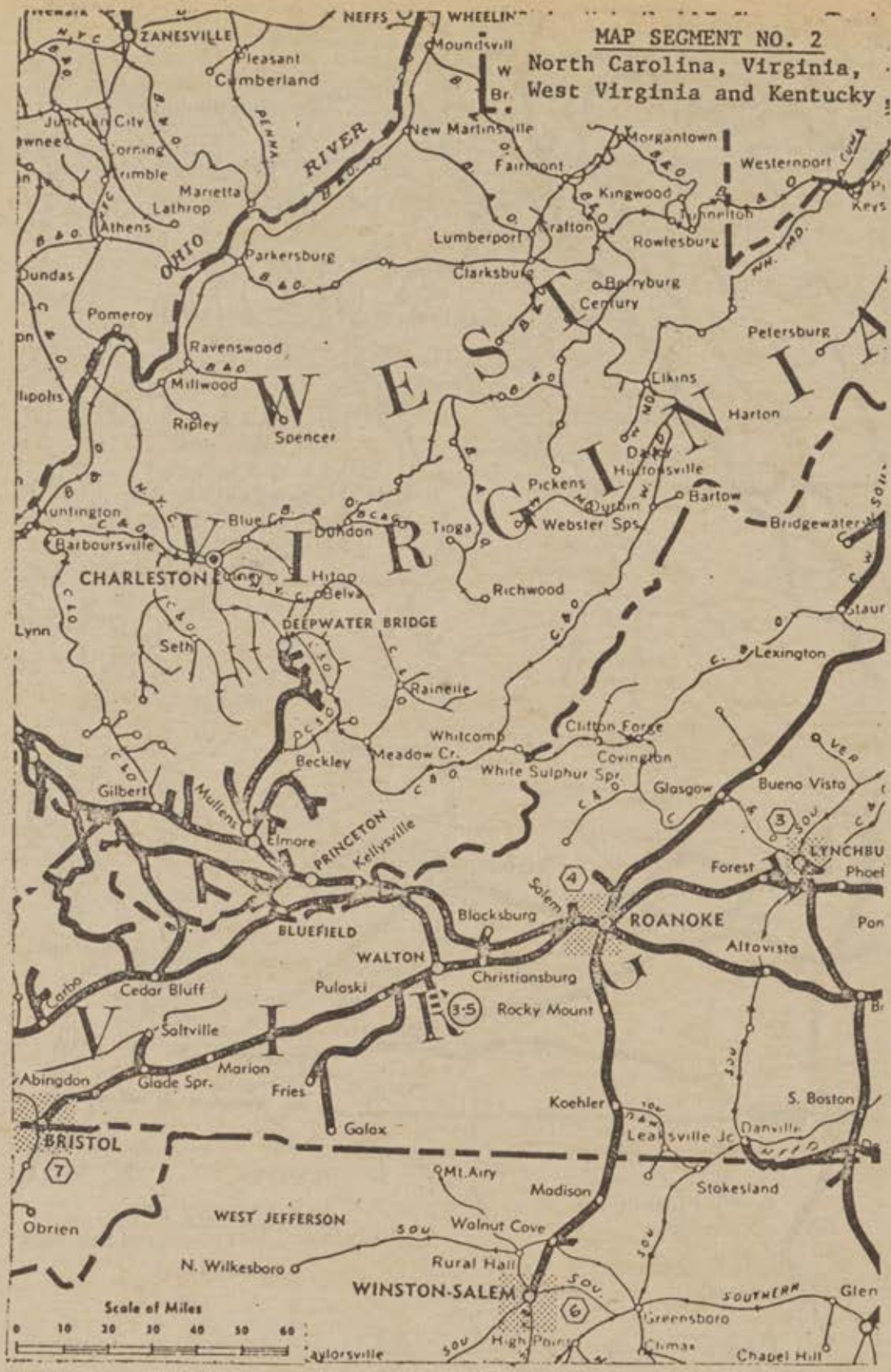
3-2 Sullivan District
3-3 Keokuk Branch
3-4 Streator Branch
3-5 Radford Branch
3-6 Portion of Jarratt District

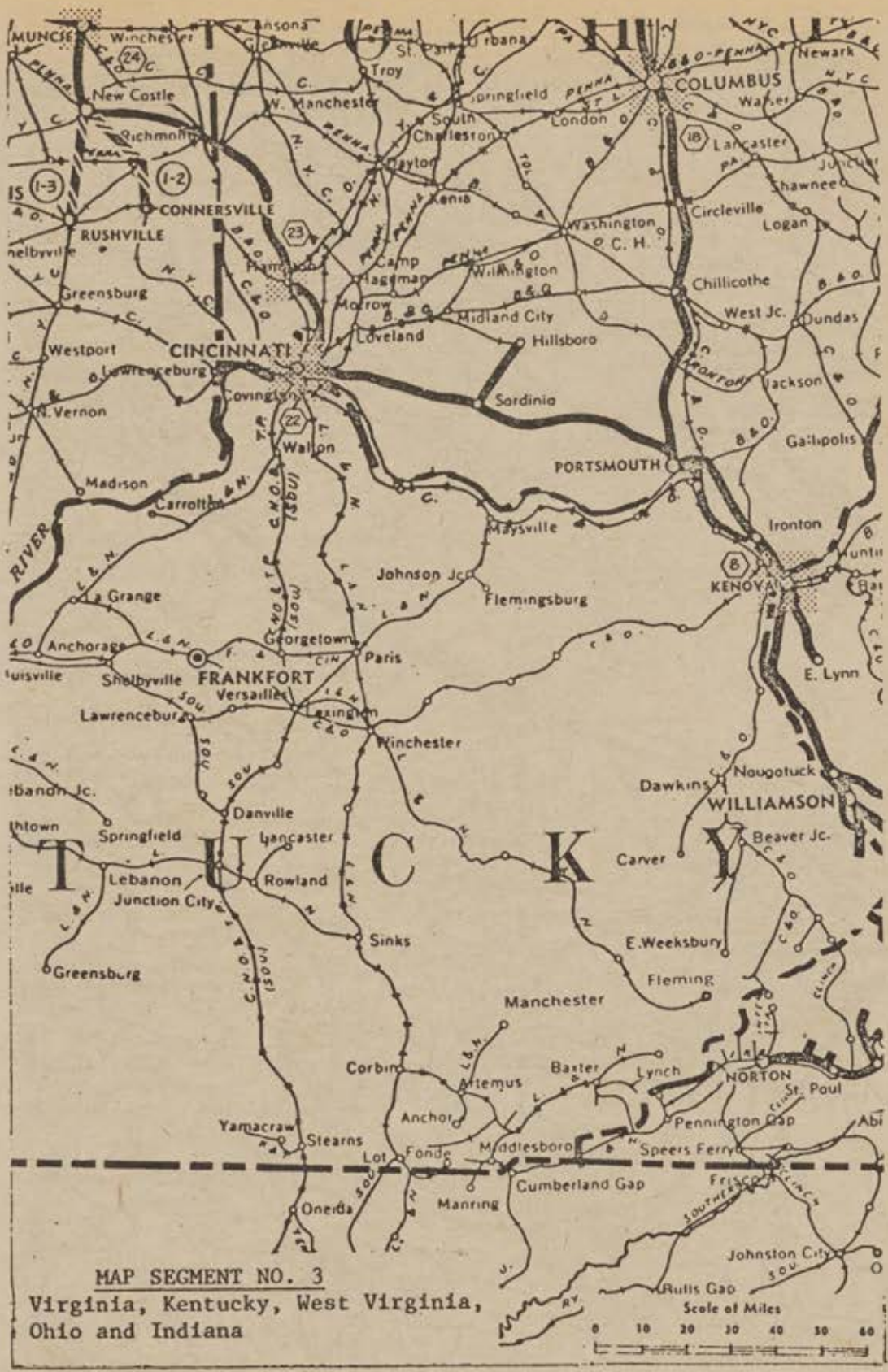
CATEGORY 4

NW has none in this category.



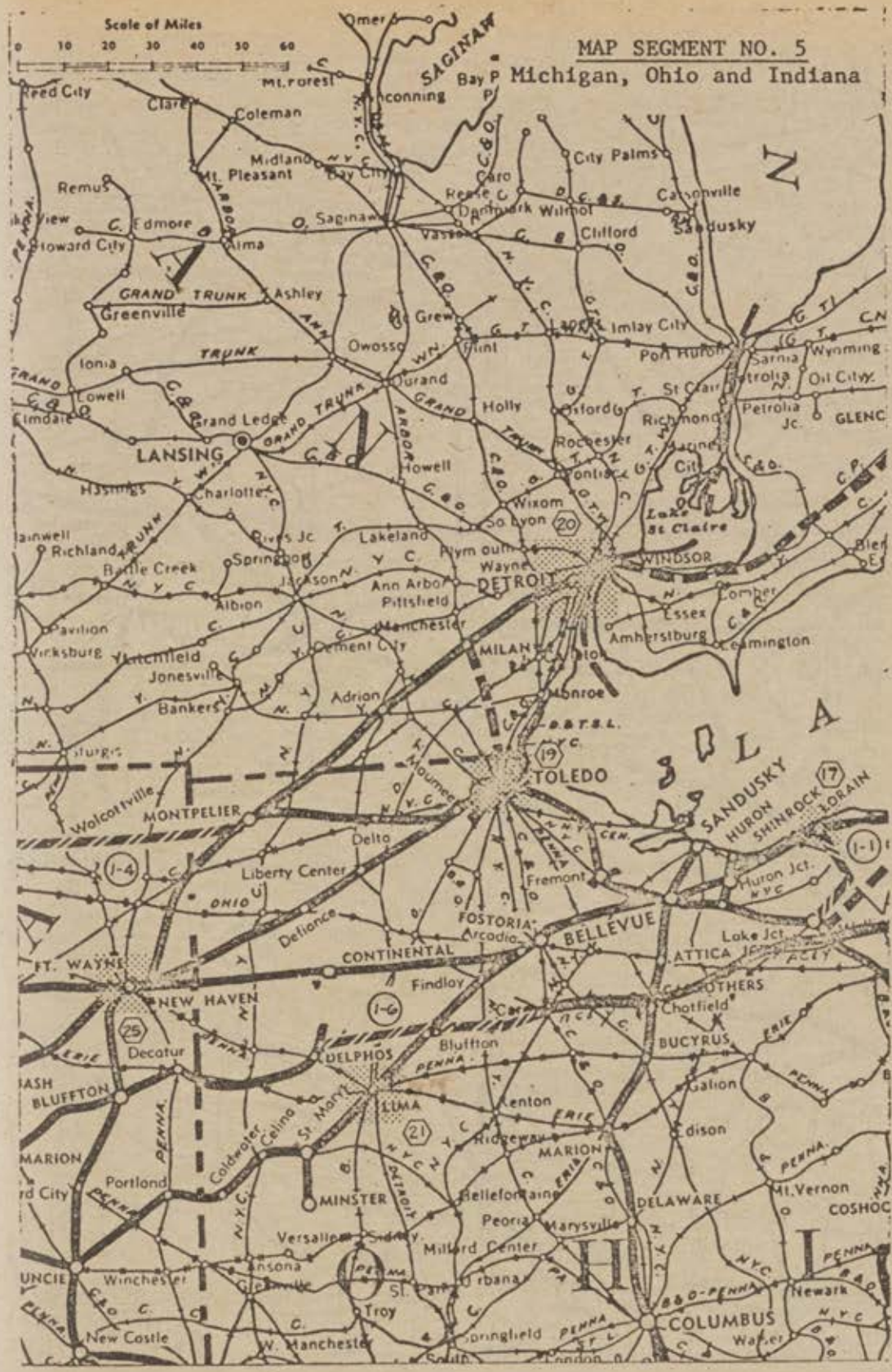
MAP SEGMENT NO. 1
Virginia, North Carolina and Maryland

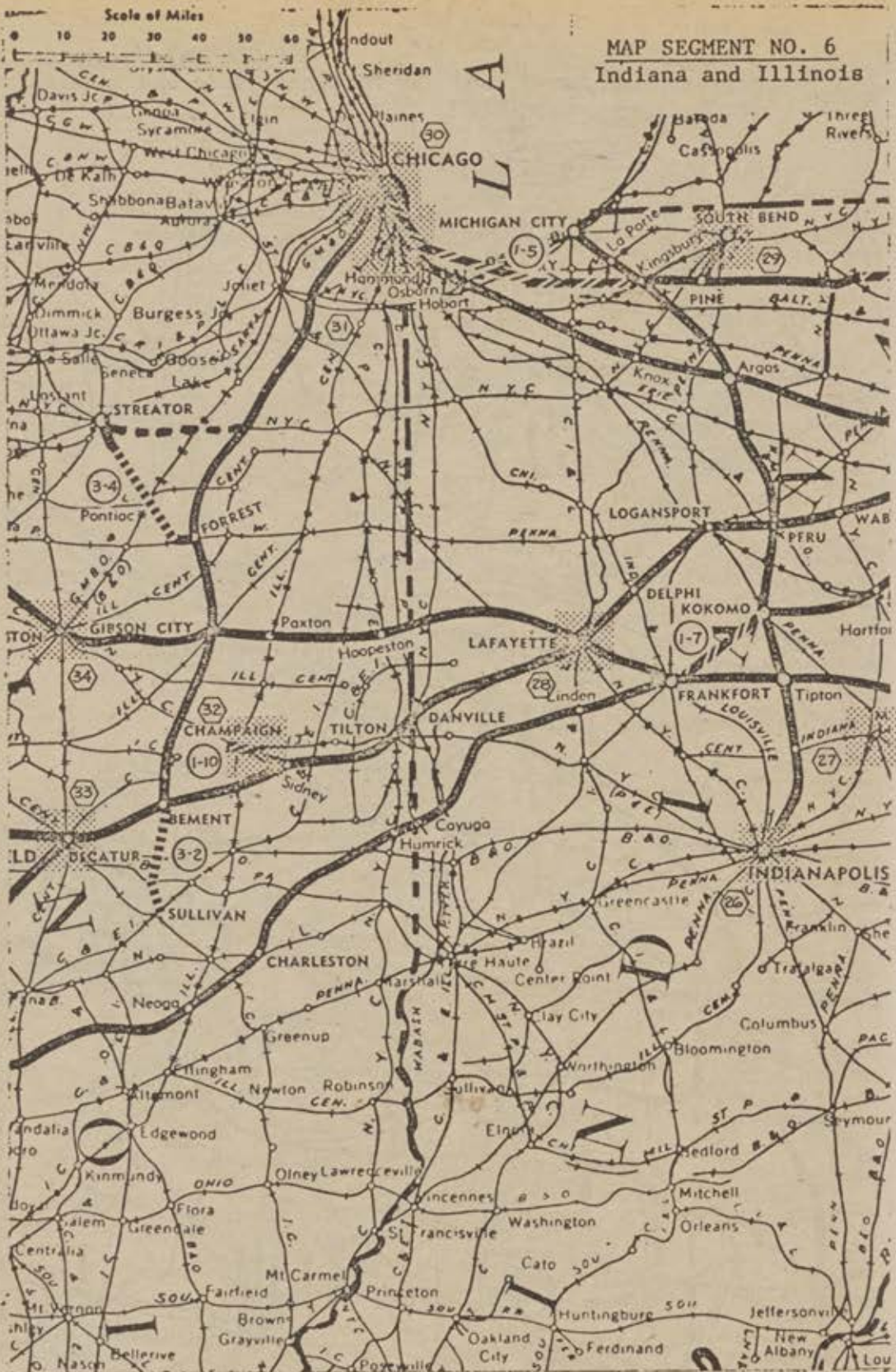

MAP SEGMENT NO. 2
North Carolina, Virginia,
West Virginia and Kentucky
WEST VIRGINIA
VIRGINIA
ZANESVILLE
Pleasant
Cumberland
NEFFS
WHEELING
Moundsville
New Martinsville
Morgantown
Westernport
Fairmont
Kingwood
Grafton
Rowlesburg
Lumberport
Clarksburg
Parkersburg
Marietta
Lathrop
Athens
Dundas
Pomeroy
Ravenswood
Millwood
Ripley
Spencer
Petersburg
Harton
Elkins
Pickens
Webster Spgs.
Bartow
Bridgewater
Huntington
Barboursville
CHARLESTON
Blue
Duncan
Tioga
Richwood
Lynn
Seth
DEEPWATER BRIDGE
Raineile
Lexington
Beckley
Meadow Cr.
Whitcomb
Clifton Forge
Covington
White Sulphur Spr.
Glasgow
Bueno Vista
Gilbert
Mullens
Elmore
PRINCETON
Kellysville
Forest
LYNCHBU
BLUEFIELD
Blacksburg
ROANOKE
Salem
WALTON
Christiansburg
Altavista
Cedar Bluff
Pulaski
Rocky Mount
Saltville
Abingdon
Glade Spr.
Marion
Fries
Galax
Koehler
S. Boston
Leaksville Jc
Danville
BRISTOL
Mt. Airy
Madison
Stokesland
Obrien
WEST JEFFERSON
Walnut Cove
N. Wilkesboro
Rural Hall
WINSTON-SALEM
Greensboro
Glen
Taylorsville
High Point
Climax
Chapel Hill
Scale of Miles
0 10 20 30 40 50 60



MAP SEGMENT NO. 3
Virginia, Kentucky, West Virginia, Ohio and Indiana

Scale of Miles
0 10 20 30 40 50 60
MAP SEGMENT NO. 4
New York, Pennsylvania, West Virginia and Ohio
LAKE ERIE
KE
PENNS
O
St. Marys
Lucan
London
Ingersoll
Hamilton
Stamford
Smithville
NIAGARA FALLS
FORT ERIE
BUFFALO
WELLAND JCT.
Wyoming
Delaware
Komoka
Oil City
GLENCOE
ST. THOMAS
Port Stanley
Port Dover
Port Rowan
Port Burwell
Dunkirk
Dayton
Blenheim
Erieau
Westfield
North East
ERIE
Jamestown
Ashtabula
CONNEAUT
Kinzua
Bradford
CLEVELAND
Painesville
Euclid
Chagrin Falls
Meadville Jc.
Meadville
Titusville
Oil City
Franklin
St. Marys
Shelfield Jc
Johnsonburg
Brockway
Clarion
Sligo
Summerville
Punxsutawney
Shippenville
Houston Jc
Warren
Youngstown
New Castle
Leetonia
Darlington
CANTON
MASSILLON
BREWSTER
MINERVA
Homewood
Calliope
Bessemer
CARROLLTON
PITTSBURGH
STEUBENVILLE
Vintondale
Latrobe
Johnstown
Ashtola
Pittsburgh Jct.
Adena
Georgetown
Yorkville
Washington
Jones Mills
Acosta
Conellsville
Bedford
Somerset
Rockwood
Marianna
Uniontown
WHEELING
NEFFS
ZANESVILLE
Pleasant
OCTON


MAP SEGMENT NO. 5
Michigan, Ohio and Indiana
Scale of Miles
0 10 20 30 40 50 60
Mt. Forest
Reed City
Clare
Coleman
Midland
Mt. Pleasant
Bay City
Remus
Edmore
Alma
Saginaw
Owosso
Flint
Imlay City
Port Huron
Sarnia
Wyoming
Petrolia
Oil City
Ionia
Lowell
Grand Ledge
LANSING
Howell
Holly
Rochester
Pontiac
Richmond
St Clair
Greenville
Ashley
Greenville
Charlotte
Hastings
Battle Creek
Albion
Jackson
Ann Arbor
Pittsfield
Lakeland
Plymouth
Wayne
DETROIT
WINDSOR
Lake St Clair
Essex
Amherstburg
Leamington
Wixom
So Lyon
Milan
Monroe
Adrian
Bankers
Jonesville
Coldwater
Manchester
Clement City
Wolcottville
MONTPELIER
TOLEDO
SANDUSKY
HURON
SHINROCK
LORAIN
Delta
Liberty Center
Fremont
Huron Jct.
Defiance
FOSTORIA
Arcadia
BELLEVUE
Lake Jct.
ATTICA
CONTINENTAL
FT. WAYNE
NEW HAVEN
Findlay
OTHERS
Chatfield
BUCYRUS
Decatur
DELPHOS
Bluffton
LIMA
Kenton
Galion
Edison
MARION
Portland
MINSTER
Belleforntaine
Peoria
Marysville
DELAWARE
Mt. Vernon
COSHOC
Versailles
Sidney
Millard Center
Anna
Urbana
Winchester
Troy
New Castle
W. Manchester
Springfield
COLUMBUS
Newark
Walker
Celina
St Marys
Ridgeway
Orrville
Ashland
Mansfield
Norwalk
Willard
Tiffin
Fostoria
Findlay
Bowling Green
Napoleon
Wauseon
Archbold
Hicksville
Bryan
Edgerton
Van Wert
Paulding
Antwerp
Oakwood
Payne
Convoy
Ottawa
Leipsic
Kalida
Ft. Jennings
Ft. Recovery
Rockford
Celina
Coldwater
Union City
Portland
Winchester
New Castle
Muncie
Anderson
Alexandria
Elwood
Tipton
Kokomo
Peru
Logansport
Rochester
Plymouth
Knox
Winamac
Monterey
Culver
Argos
Bremen
Mishawaka
South Bend
Elkhart
Goshen
Nappanee
Middlebury
Shipshewana
LaGrange
Angola
Fremont
Orland
Hamilton
Pleasant Lake
Metamora
Wolcottville
Kendallville
Ligonier
Albion
Avilla
Auburn
Garrett
Butler
Waterloo
Hudson
Pleasant Lake
Orland
Fremont
Angola
Hamilton


MAP SEGMENT NO. 6
Indiana and Illinois
Scale of Miles
0 10 20 30 40 50 60
CHICAGO
MICHIGAN CITY
SOUTH BEND
LAFAYETTE
LOGANSPORT
FRANKFORT
DANVILLE
CHAMPAIGN
TILTON
GIBSON CITY
STREATOR
DECATUR
SULLIVAN
CHARLESTON
INDIANAPOLIS
Terre Haute
Greencastle
Bloomington
Columbus
Seymour
Mitchell
Orleans
Washington
Vincennes
Olney
Flora
Greenup
Effingham
Mt Carmel
Fairfield
Princeton
Huntingburg
Jasper
Jeffersonville
New Albany
Ferdinand
Oakland City
Cato
Sullivan
Linden
Tipton
Hartford
Peru
Argos
Knox
Kingsbury
La Porte
Hammond
Osborn
Hobart
Gary
Harvey
Thayer
Rensselaer
Lowell
Crown Point
Valparaiso
Wanatah
Kouts
Sheridan
Plaines
Davis Jct
Elgin
Aurora
Batavia
Geneva
Burgess Jct
Ottawa Jct
Meredosia
Dimmick
Pontiac
Forrest
Paxton
Hoopeston
Sidney
Bement
Neoga
Mattoon
Edgewood
Kinmundy
Centralia
Salem
Greendale
Mt Vernon
Brownsville
Grayville
Bellerive
Mt Nason
Coyuga
Humrick
Hazel
Center Point
Clay City
Worthington
Linton
Seelyville
Shelburn
Patoka
Princeton
Poseyville
Oakland City
Ferdinand
Huntingburg
Jasper
Jeffersonville
New Albany
Louisville
Delphi
Kokomo
Peru
Wabash
Tipton
Frankfort
Lafayette
Champaign
Danville
Decatur
Sullivan
Charleston
Terre Haute
Indianapolis

MAP SEGMENT NO. 7
Illinois, Missouri and Iowa
Scale of Miles
0 10 20 30 40 50 60
Worthington
Monticello
Oxford Jct.
Farreston
Cedar Rapids
Tama
Elberon
Belle Plaine
Grinnell
Tipton
Clinton
Sterling
Rochelle
Carnforth
Iowa City
Wilton Jct.
Davenport
Montezuma
Thornburg
Webster City
Washington
Sigourney
Columbus Jct.
Hedrick
Winfield
New Boston
Alpha
Galva
Bureau
Fairfield
Morning Sun
Mediapolis
Monmouth
Princeville
Wyoming
Ottumwa
Houghton
Madison
Gladstone
Yates City
Farmington
PEORIA
Moulton
La Harpe
Bushnell
Canton
Cuba
Medill
Keokuk
CARTHAGE
Alexandria
Vermont
Lewistown
BLOOMINGTON
Golden
Rushville
QUINCY
VERSAILLES
Meredosia
HANNIBAL
E. Hannibal
SPRINGFIELD
BLUFFS
PITTSFIELD
TAYLORVILLE
Louisiana
Roodhouse
Whitehall
MOBERLY
CENTRALIA
MEXICO
Litchfield
Jerseyville
Wellsville
COLUMBIA
Fulton
Glafton
St. Charles
Edwardsville
JEFFERSON CITY
ST. LOUIS
EAST ST. LOUIS
Nashville
Coulterville
Bagnell
MISSOURI RIVER
ILLINOIS RIVER
MISSISSIPPI RIVER

MAP SEGMENT NO. 8
Missouri, Iowa,
Kansas and Nebraska
Scale of Miles
0 10 20 30 40 50 60
OMAHA
COUNCIL BLUFFS
DES MOINES
KANSAS CITY
TOPEKA
ST JOSEPH
Missouri River
Maple River
Manilla
Avoca
Atlantic
Menlo
Winterset
Cumberland
Griswold
Red Oak
Creston
Osceola
Truro
Summerset
Shenandoah
Hamburg
Clearmont
Maryville
Conception
Stanberry
Albia
Humeston
Allerton
Seymour
Bethany
Kirksville
Cobyon
Chillicothe
Falls City
Seneca
Hiawatha
Horton
Whiting
Hawthorne
Leavenworth
Lawrence
Burlingame
Osage City
Lomax
Ottawa
Osawatomie
Paola
Harrisonville
Belton
Pleasant Hill
Holden
Lathrop
Polo
Cameron Jct.
Carrollton
BRUNSWICK
Higginsville
Marshall
Boonville
Sedalia
Tipton
Bryson
Windsor
Clinton
Versailles
Monteith Jct.
Worland
Rich Hill
Lorna
Beverly
Atchison
Pierce Jct.
Ushville
Falmage
Table Rock
Pawnee
Sabetha
Corning
Bigelow
Payne
Union
Weeping Water
Plattsmouth
Missouri Valley
Blair
Arlington
Valley
Mondamin
Onawa
Ute
Marion
Manning
Carroll
Grand Jct.
N. Jefferson
Ogden
Boone
Ames
Story
Newell
Gilford
McCallsburg
Grassbrook
Cambridge
Nevada
Melbourne
Madrid
Herndon
Perry
Audubon
Camp Dodge
Waukee
Harlan
Missouri Valley
Minden
Neola
Menlo
Allerton
Seymour
Bethany
Albia
Osceola
Truro
Summerset
Winterset
Cumberland
Griswold
Red Oak
Creston
Shenandoah
Hamburg
Payne
Clearmont
Maryville
Conception
Stanberry

[AB 57 (SDM)]

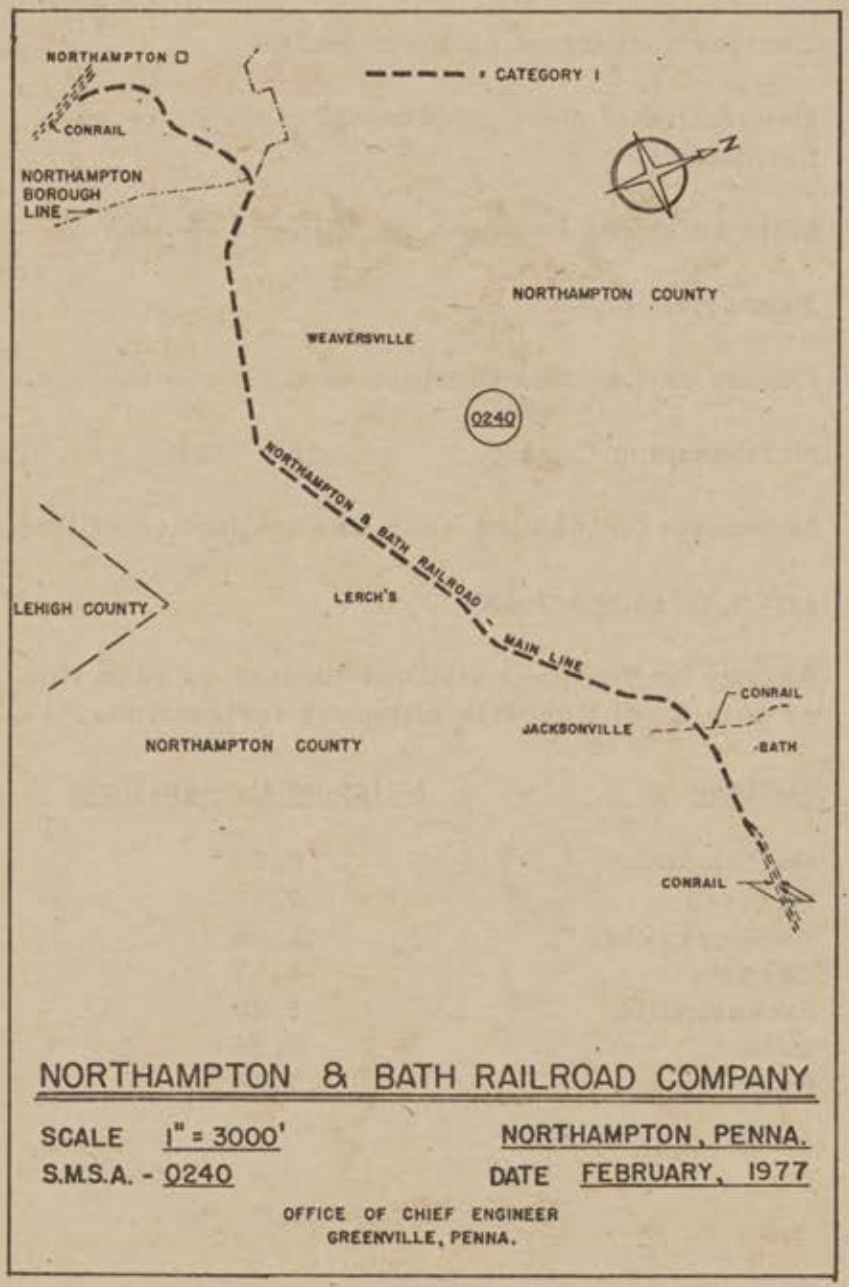
NORTHAMPTON & BATH RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Northampton & Bath Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 187 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 187 (SDM).

ROBERT L. OSWALD,
Secretary.



AB ___ (SDM)

Northampton and Bath Railroad Company

Description of Lines to Accompany the System Diagram Map

Category 1 - All lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within the three-year period following the date upon which the diagram, or any amended diagram, is filed with the Commission.

(a) Carrier's designation for each line.

Entire line of Northampton and Bath Railroad Company.

(b) State or states in which each line is located.

Pennsylvania.

(c) County or counties in which each line is located.

Northampton County.

(d) Mileposts delineating each line or portion of line.

MP 0.00 to MP 7.28

(e) Agency or terminal stations located on each line or portion of line with milepost designations.

Stations	Milepost Designations
Northampton	0.00
Navarro	0.66
Weaversville	2.68
Lerch's	4.57
Jacksonville	5.20
Bath	6.56
Bath Jct.	7.28

Category 2 - All lines or portions of lines potentially subject to abandonment which the carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues.

None.

Category 3 - All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission on the date upon which the diagram, or any amended diagram, is filed with the Commission.

None.

[FR Doc.77-14597 Filed 5-24-77;8:45 am]

[AB 36 (SDM)]

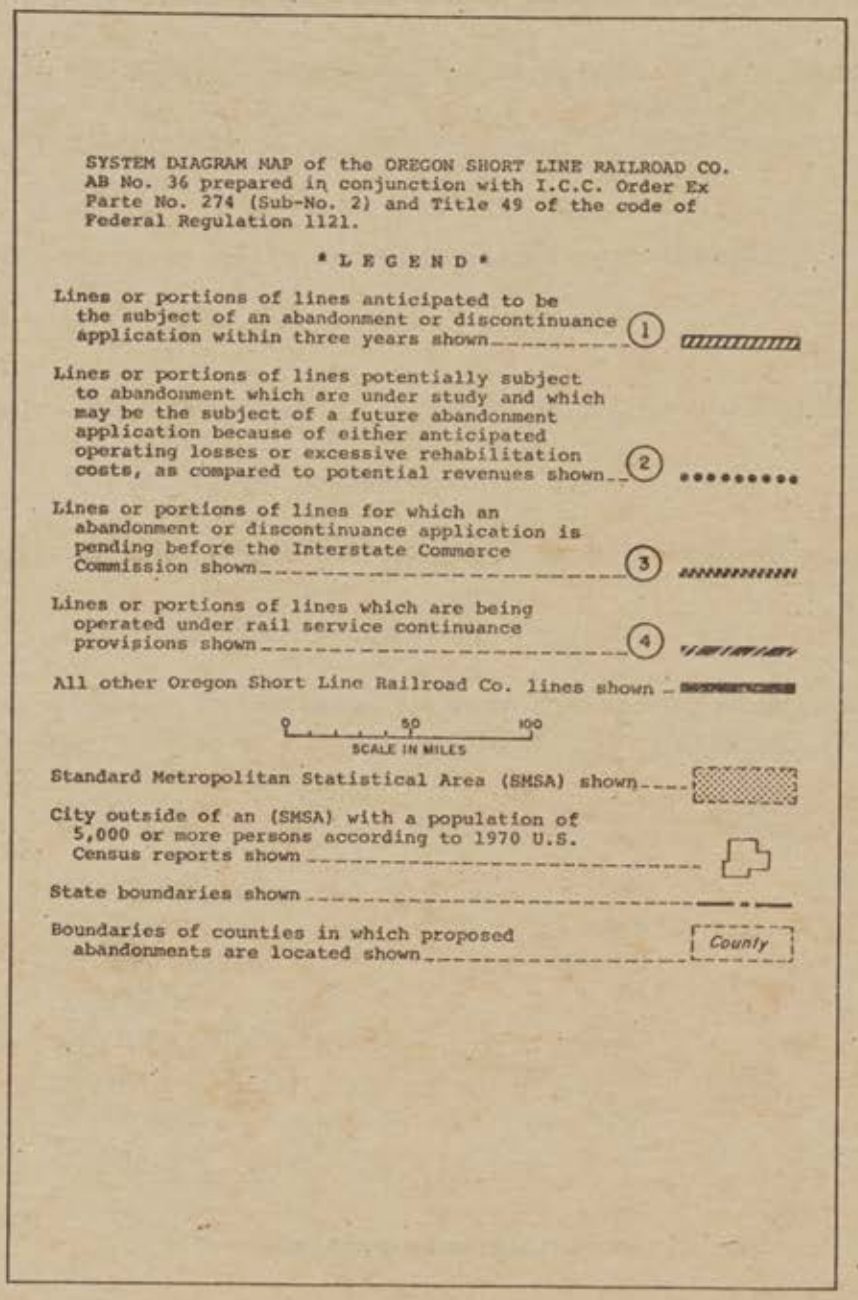
OREGON SHORT LINE RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Oregon Short Line Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 36 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 36 (SDM).

ROBERT L. OSWALD,
Secretary.



BN
BUTTE
Gallatin
MONTANA
N
Fremont
Jefferson
Madison
REXBURG
IDAHO FALLS
Bingham
BLACKFOOT
POCATELLO
Caribou
WYOMING
IDAHO
LOGAN
BRIGHAM CITY
UPRR
OGDEN
ROY
CLEARFIELD
LAYTON
KAYSVILLE
SALT LAKE CITY
MURRAY
SANDY
UTAH
D&RGW
D&RGW
1
2
3
3
3

OREGON
IDAHO
NEVADA
OWYHEE
ONTARIO
Adams
CALDWELL
NAMPA
BOISE
Ada
MOUNTAIN HOME
Camas
Blaine
Lincoln
TWIN FALLS
Twin Falls
BURLEY
Elko
1
2
3

OREGON SHORT LINE RAILROAD COMPANY
SYSTEM DIAGRAM (AB-36)

Description of Lines

Pursuant to the regulations of the Interstate Commerce Commission (49 C.F.R. 1121.21), following is a description of lines of Oregon Short Line Railroad Company as shown on the System Diagram Map.

Category 1 - Lines anticipated to be the subject of abandonment applications within three years.

Idaho

(a) Designation of line: Ketchum Branch
(b) States in which located: Idaho
(c) Counties in which located: Blaine and Lincoln Counties
(d) Milepost locations: M.P. 15.65 near Richfield, to M.P. 69.84 near Ketchum
(e) There are no agency or terminal stations located on this line.

(a) Designation of line: East Belt Branch
(b) States in which located: Idaho
(c) Counties in which located: Fremont County
(d) Milepost locations: M.P. 38.56 near Newdale, to M.P. 44.28 near Belt
(e) Newdale at M.P. 38.08 is an agency station.

(a) Designation of line: Yellowstone Branch
(b) States in which located: Idaho
(c) Counties in which located: Fremont County
(d) Milepost locations: M.P. 51.0 near Ashton, to M.P. 90.7 near Big Springs
(e) Ashton at M.P. 50.99 is an agency station

Idaho and Montana

(a) Designation of line: Yellowstone Branch
(b) States in which located: Idaho and Montana
(c) Counties in which located: Fremont County, Idaho, and Gallatin County, Montana
(d) Milepost locations: M.P. 90.7 near Big Springs, to M.P. 107.2 near West Yellowstone
(e) There are no agency or terminal stations located on this line.

Idaho and Nevada

(a) Designation of line: Wells Branch
(b) States in which located: Idaho and Nevada
(c) Counties in which located: Twin Falls County, Idaho, and Elko County, Nevada
(d) Milepost locations: M.P. 29.35 near Rogerson, to M.P. 123.46 near Wells.
(e) There are no agency or terminal stations located on this line.

Category 2 - Lines which are potentially subject to abandonment and which the carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues.

Idaho

(a) Designation of line: Ketchum Branch
(b) States in which located: Idaho
(c) Counties in which located: Lincoln County
(d) Milepost locations: M.P. 0.00 near Shoshone, to M.P. 15.65 near Richfield
(e) There are no agency or terminal stations located on this line.

(a) Designation of line: Hill City Branch
(b) States in which located: Idaho
(c) Counties in which located: Camas, Lincoln, and Blaine Counties
(d) Milepost locations: M.P. 0.00 near Richfield, to M.P. 58.34 near Hill City
(e) There are no agency or terminal stations on this line.

(a) Designation of line: New Meadows Branch
(b) States in which located: Idaho
(c) Counties in which located: Adams County
(d) Milepost locations: M.P. 84.52 near Rubicon, to M.P. 90.17 near New Meadows
(e) There are no agency or terminal stations on this line.

(a) Designation of line: Grace Branch
(b) States in which located: Idaho
(c) Counties in which located: Caribou County
(d) Milepost locations: M.P. 0.00 near Alexander, to M.P. 5.58 near Grace
(e) There are no agency or terminal stations located on this line.

(a) Designation of line: Wells Branch
(b) States in which located: Idaho
(c) Counties in which located: Twin Falls County
(d) Milepost locations: M.P. 0.00 near Twin Falls, to M.P. 29.35 near Rogerson
(e) Twin Falls at M.P. 0.00 is an agency station.

Category 3 - Applications pending before the Interstate Commerce Commission.

Idaho

(a) Designation of line: West Belt Branch
(b) States in which located: Idaho
(c) Counties in which located: Madison and Jefferson Counties
(d) Milepost locations: M.P. 10.8 near Menan, to M.P. 26.48 near Edmonds
(e) Menan at M.P. 10.41 is an agency station.

(a) Designation of line: Boise Cut-Off
(b) States in which located: Idaho
(c) Counties in which located: Ada County
(d) Milepost locations: M.P. 423.5 near Orchard, to M.P. 442.0 near Boise
(e) There are no agency or terminal stations located on this line.

(a) Designation of line: Goshen Branch
(b) States in which located: Idaho
(c) Counties in which located: Bingham and Bonnevile Counties
(d) Milepost locations: M.P. -0.06 near Firth, to M.P. 17.53 near Ammon
(e) There are no agency or terminal stations located on this line.

(a) Designation of line: Grace Branch
(b) States in which located: Idaho
(c) Counties in which located: Caribou County
(d) Milepost locations: M.P. 5.58 near Grace, to M.P. 6.91 near Grace.
(e) There are no agency or terminal stations located on this line.

[AB 37 (SDM)]

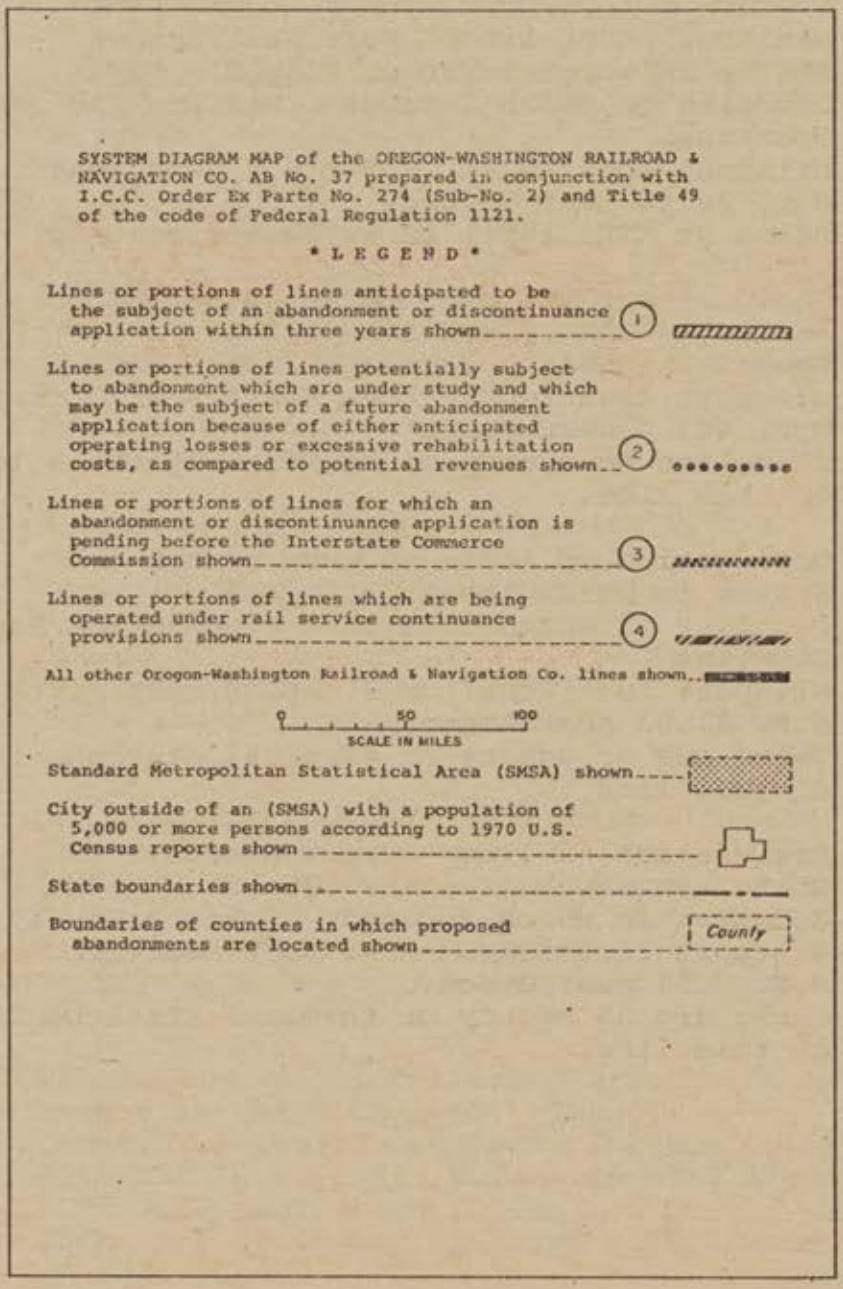
OREGON-WASHINGTON RAILROAD & NAVIGATION CO.

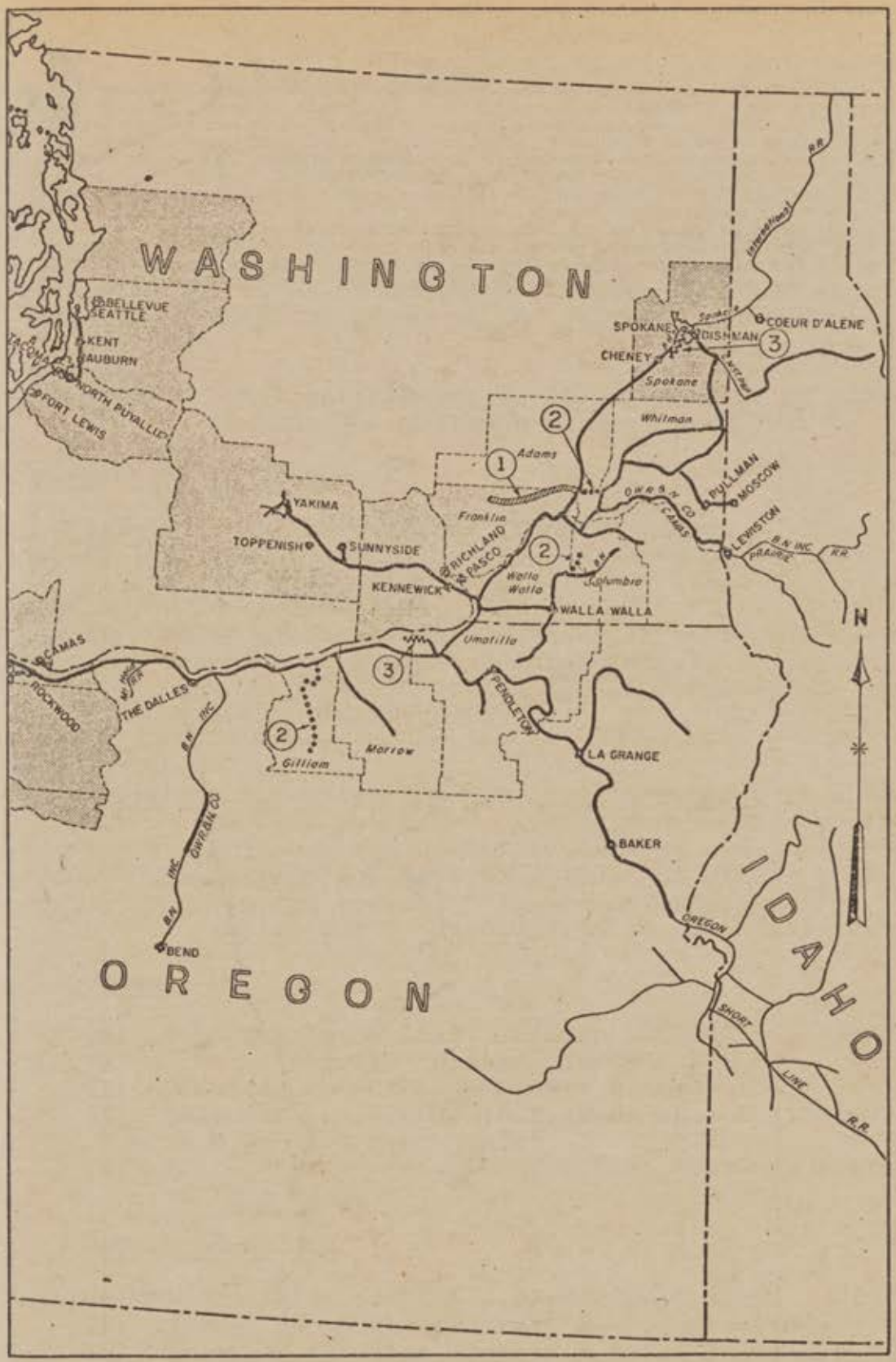
System Diagram Map

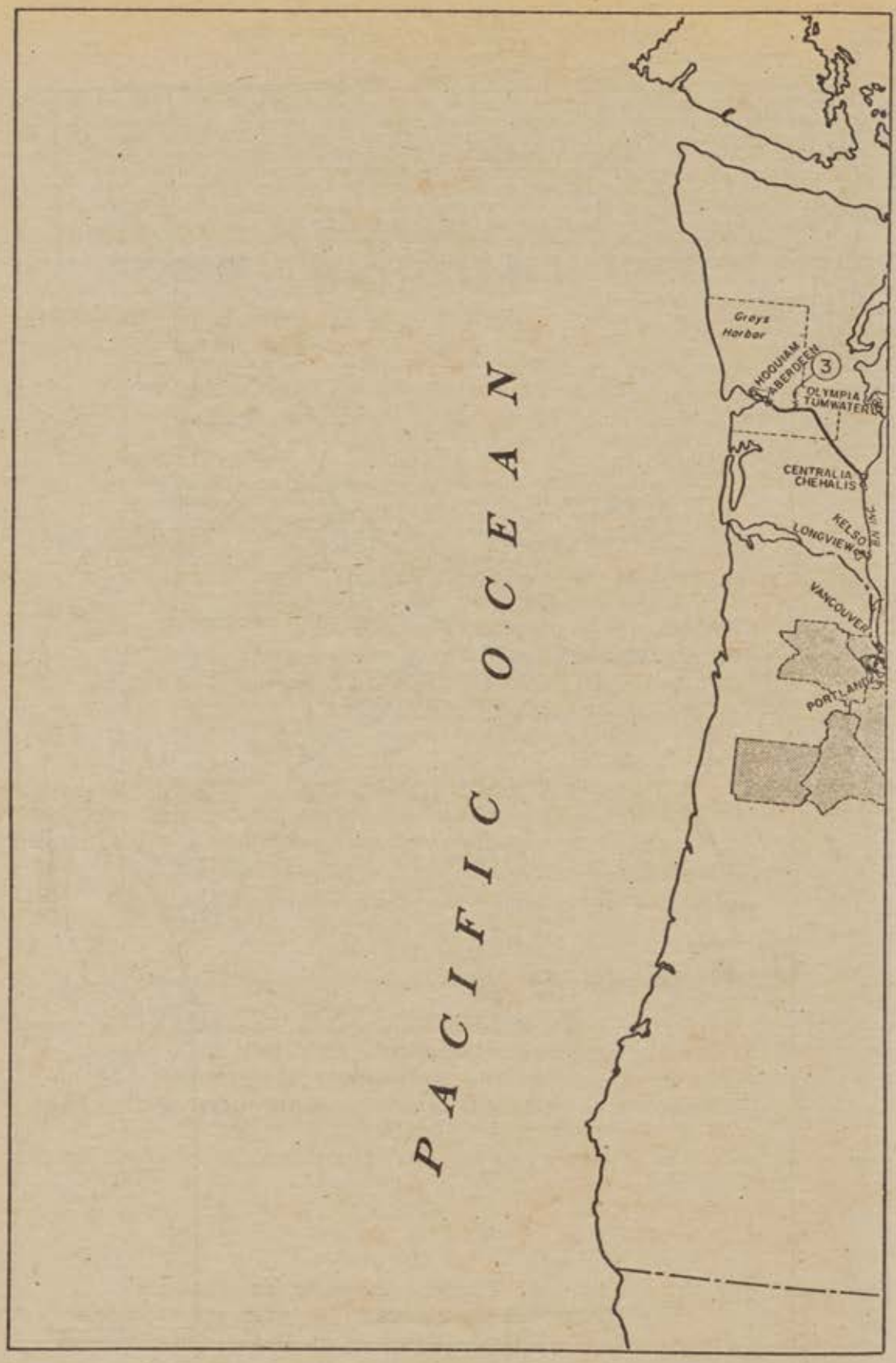
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Oregon-Washington Railroad & Navigation Co., has filed with the Commission its color-coded system diagram map in docket No. AB 37 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commisison on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 37 (SDM).

ROBERT L. OSWALD,
Secretary.




WASHINGTON
OREGON
IDAHO
BELLEVUE
SEATTLE
KENT
AUBURN
TACOMA
NORTH PUYALLUP
FORT LEWIS
YAKIMA
TOPPENISH
SUNNYSIDE
KENNEWICK
RICHLAND
PASCO
Franklin
Adams
Whitman
Spokane
SPOKANE
CHENEY
COEUR D'ALENE
PULLMAN
MOSCOW
LEWISTON
WALLA WALLA
Walla Walla
Columbia
Umatilla
PENDLETON
LA GRANGE
BAKER
Morrow
Gilliam
THE DALLES
ROCKWOOD
SCAMAS
BEND
OREGON
SHORT LINE R.R.
N


PACIFIC OCEAN
Grays Harbor
HOQUIAM
ABERDEEN
3
OLYMPIA
TUMWATER
CENTRALIA
CHEHALIS
KELSO
LONGVIEW
VANCOUVER
PORT

OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY SYSTEM DIAGRAM (AB-37)

Description of Lines

Pursuant to the regulations of the Interstate Commerce Commission (49 C.F.R. 1121.21), following is a description of lines of Oregon-Washington Railroad & Navigation Company as shown on the System Diagram Map.

Category 1 - Lines anticipated to be the subject of abandonment applications within three years.

Washington State

(a) Designation of line: Connell Branch
(b) States in which located: Washington State
(c) Counties in which located: Adams and Franklin counties
(d) Milepost locations: M.P. 15.81 near Hooper Junction to M.P. 53.06 near Connell
(e) Connell at M.P. 52.9 is an agency station located on this line.

Category 2 - Lines which are potentially subject to abandonment which the carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues.

Oregon

(a) Designation of line: Condon Branch
(b) States in which located: Oregon
(c) Counties in which located: Gilliam
(d) Milepost locations: M.P. 0.00 near Arlington, to M.P. 44.5 near Condon
(e) There are no agency or terminal stations located on this line.

Washington State

(a) Designation of line: Pendleton Branch
(b) States in which located: Washington State
(c) Counties in which located: Walla Walla and Columbia Counties.

(d) Milepost locations: M.P. 71.3 near Bolles to M.P. 78.83 near McKay
(e) There are no agency or terminal stations located on this line.

(a) Designation of line: Connell Branch
(b) States in which located: Washington State
(c) Counties in which located: Whitman and Adams Counties
(d) Milepost locations: M.P. 0.00 near LaCrosse to M.P. 15.81 near Hooper Junction
(e) LaCrosse at M.P. 0.11 is an agency station located on this line.

Category 3 - Abandonment applications pending before the Interstate Commerce Commission.

Washington State

(a) Designation of line: Hinkle-Spokane Main Line
(b) States in which located: Washington State
(c) Counties in which located: Spokane
(d) Milepost locations: M.P. 354.71 near Fish Lake, to M.P. 367.19 near Spokane
(e) There are no agency or terminal stations located on this line

(a) Designation of line: Montesano Branch
(b) States in which located: Washington State
(c) Counties in which located: Grays Harbor
(d) Milepost locations: M.P. 0.00 near Montesano, to M.P. 1.60 near South Montesano
(e) There are no agency or terminal stations located on this line.

Oregon

(a) Designation of line: Umatilla Branch
(b) States in which located: Oregon
(c) Counties in which located: Umatilla and Morrow Counties
(d) Milepost locations: M.P. 10.1 near Umatilla, to M.P. 18.15 near Irrigon
(e) There are no agency or terminal stations located on this line.

[FR Doc.77-14604 Filed 5-24-77;8:45 am]

[AB 72 (SDM)]

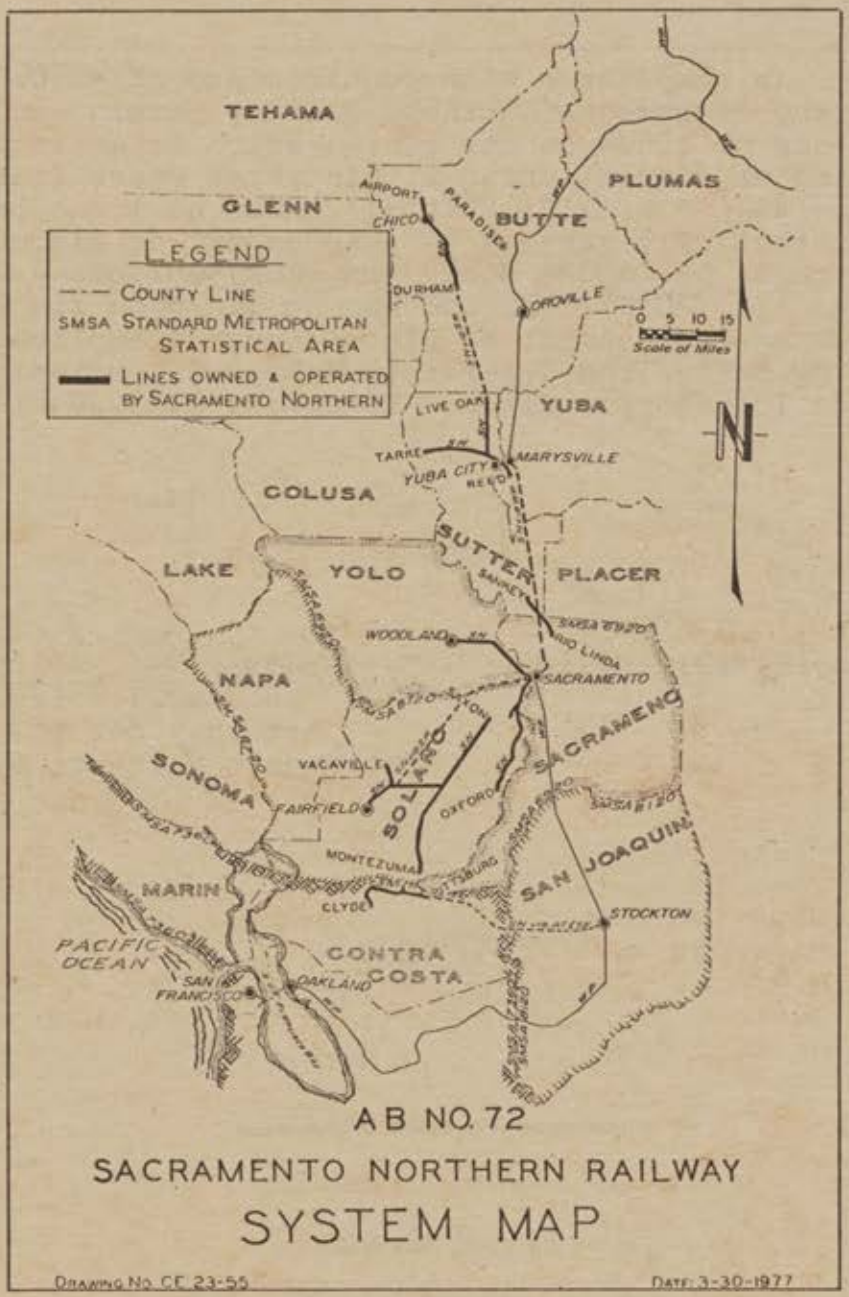
SACRAMENTO NORTHERN RAILWAY

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Sacramento Northern Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 72 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 72 (SDM).

ROBERT L. OSWALD,
Secretary.



AB-72

SACRAMENTO NORTHERN RAILWAY
SYSTEM MAP

DESCRIPTION OF LINES IN CATEGORIES 1-3
49 C.F.R. 1121.21

In compliance with requirements of 49 C.F.R. 1121.21 the Sacramento Northern Railway herein declares that it has no lines on its system which it anticipates abandoning or discontinuing within three years [category 1 lines - 49 C.F.R. 1121.20(b)(1)]; has no lines on its system potentially subject to abandonment or discontinuance which it has under study [category 2 lines - 49 C.F.R. 1121.20(b)(2)]; and has no lines on its system for which an abandonment or discontinuance application is pending before the Interstate Commerce Commission on this date [category 3 lines - 49 C.F.R. 1121.20(b)(3)].

Dated: April 22, 1977.

By Eugene J. Toler
Eugene J. Toler
Attorney for the
Sacramento Northern Railway

[FR Doc.77-14609 Filed 5-24-77;8:45 am]

[AB 57 (SDM)]

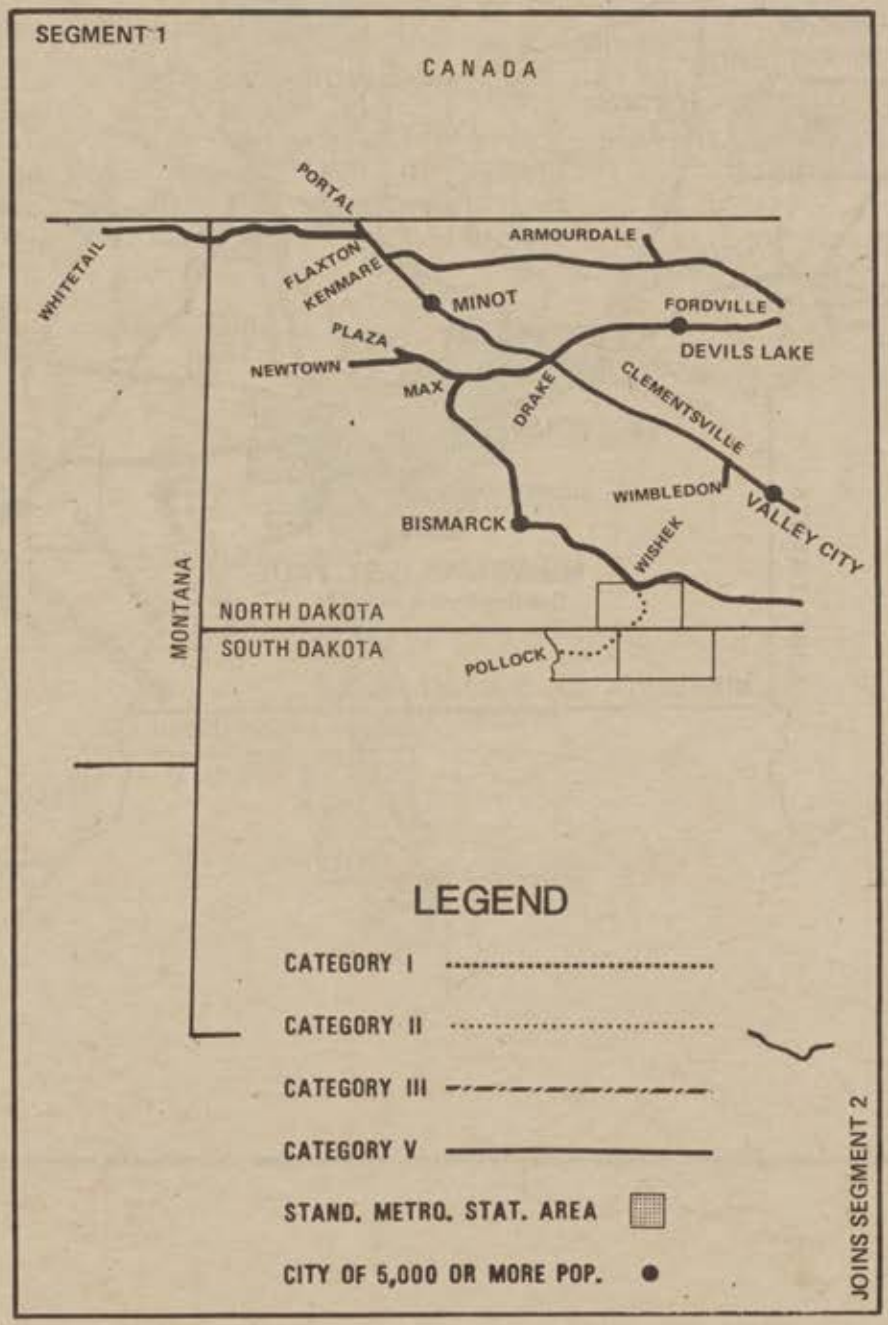
SOO LINE RAILROAD CO.

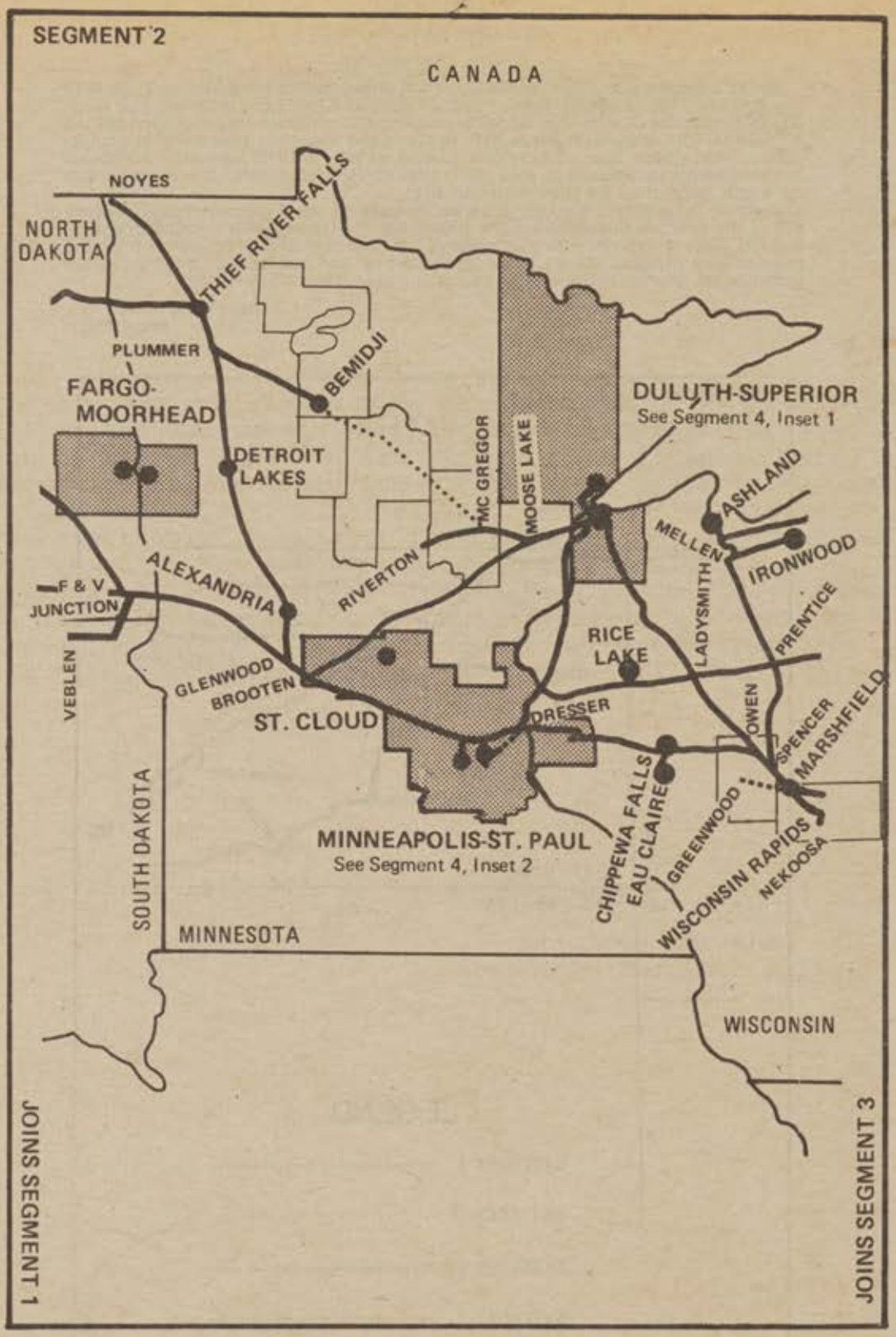
System Diagram Map

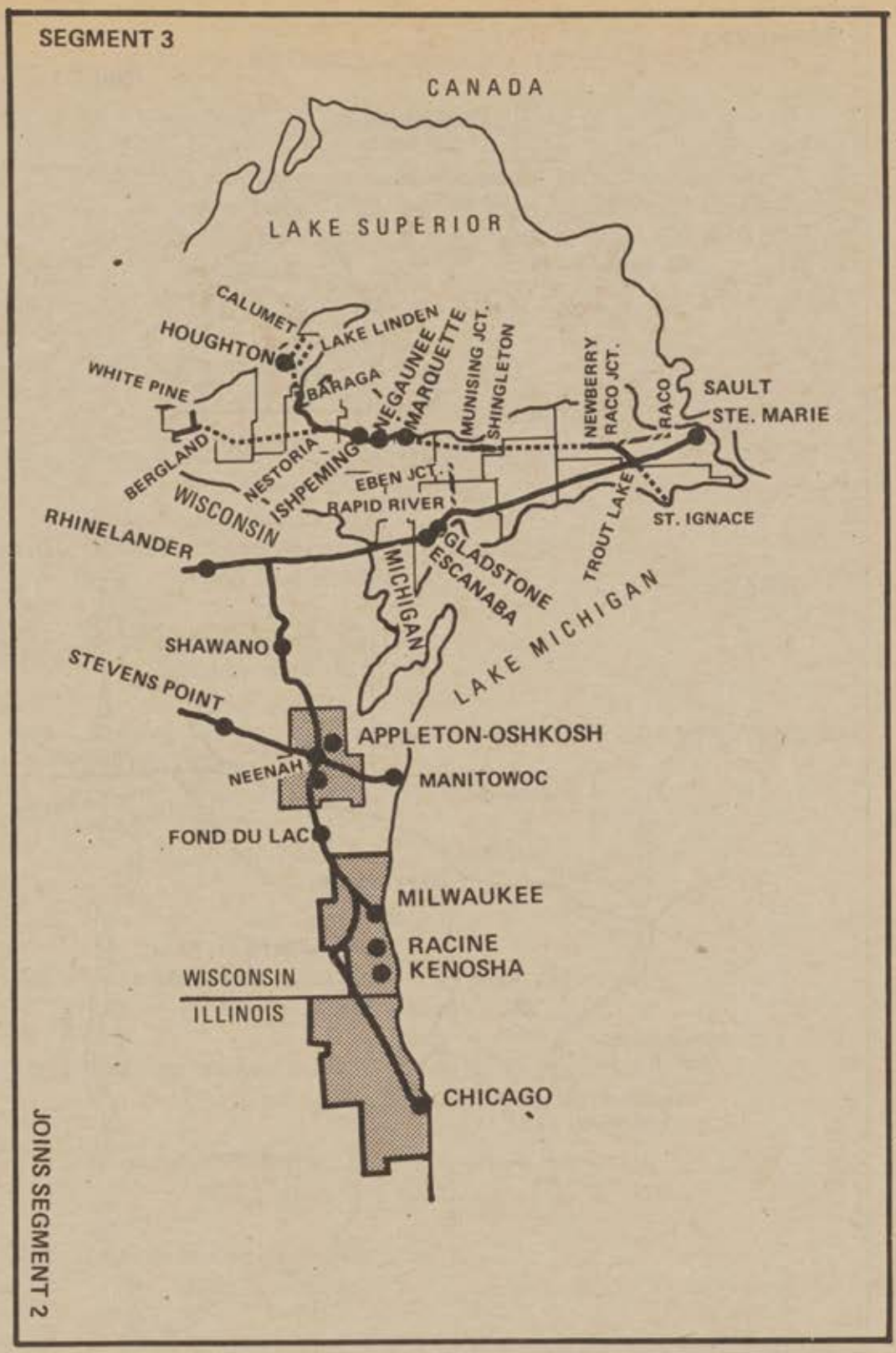
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Soo Line Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 57 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on May 2, 1977, received a certificate of publications as required by said regulation which is considered the effective date on which the system diagram map was filed.

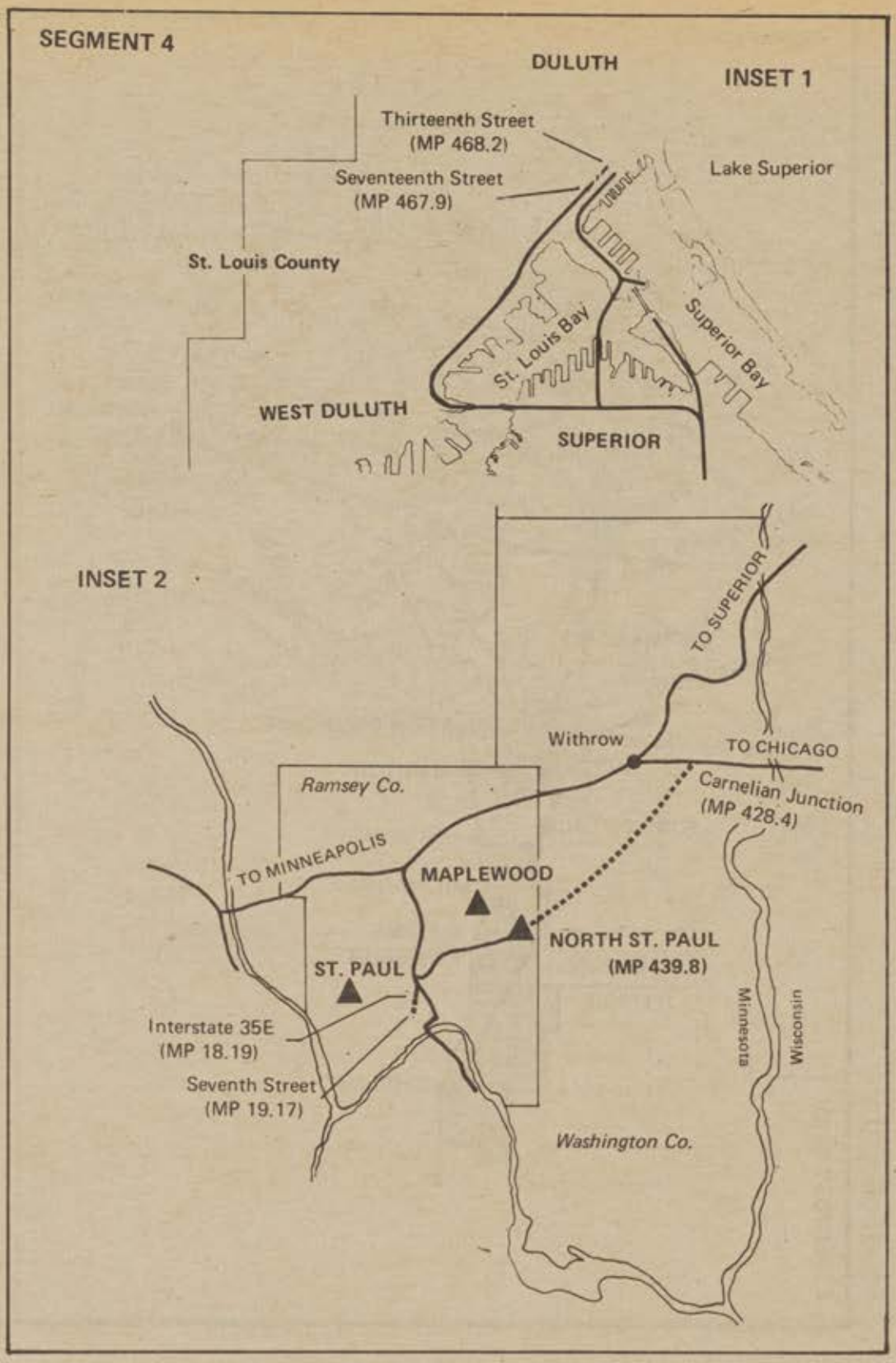
Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 57 (SDM).

ROBERT L. OSWALD,
Secretary.




SEGMENT 2
CANADA
NOYES
NORTH DAKOTA
THIEF RIVER FALLS
PLUMMER
BEMIDJI
FARGO-MOORHEAD
DETROIT LAKES
MC GREGOR
MOOSE LAKE
DULUTH-SUPERIOR
See Segment 4, Inset 1
ASHLAND
MELLEN
IRONWOOD
LADYSMITH
PRENTICE
F & V JUNCTION
ALEXANDRIA
RIVERTON
RICE LAKE
VEBLEN
GLENWOOD
BROOTEN
ST. CLOUD
DRESSER
OWEN
SPENCER
MARSHFIELD
CHIPPEWA FALLS
EAU CLAIRE
GREENWOOD
WISCONSIN RAPIDS
NEKOOSA
MINNEAPOLIS-ST. PAUL
See Segment 4, Inset 2
SOUTH DAKOTA
MINNESOTA
WISCONSIN
JOINS SEGMENT 1
JOINS SEGMENT 3


SEGMENT 3
CANADA
LAKE SUPERIOR
CALUMET
LAKE LINDEN
HOUGHTON
WHITE PINE
BARAGA
NEGAUNEE
MARQUETTE
MUNISING JCT.
SHINGLETON
NEWBERRY
RACO JCT.
RACO
SAULT
STE. MARIE
BERGLAND
NESTORIA
ISHPEMING
EBEN JCT.
RAPID RIVER
WISCONSIN
TROUT LAKE
ST. IGNACE
RHINELANDER
GLADSTONE
ESCANABA
MICHIGAN
LAKE MICHIGAN
SHAWANO
STEVENS POINT
APPLETON-OSHKOSH
NEENAH
MANITOWOC
FOND DU LAC
MILWAUKEE
RACINE
KENOSHA
WISCONSIN
ILLINOIS
CHICAGO
JOINS SEGMENT 2


SEGMENT 4
DULUTH
INSET 1
Thirteenth Street
(MP 468.2)
Seventeenth Street
(MP 467.9)
Lake Superior
St. Louis County
St. Louis Bay
Superior Bay
WEST DULUTH
SUPERIOR
INSET 2
TO SUPERIOR
Withrow
TO CHICAGO
Ramsey Co.
Carnelian Junction
(MP 428.4)
TO MINNEAPOLIS
MAPLEWOOD
NORTH ST. PAUL
(MP 439.8)
ST. PAUL
Interstate 35E
(MP 18.19)
Seventh Street
(MP 19.17)
Minnesota
Wisconsin
Washington Co.

Descriptions of Lines to Accompany
Soo Line Railroad Company System Diagram Map

Category I

Lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within three years.

1. (a) Carrier's designation
Greenwood Line

(b) State or states in which line is located
Wisconsin

(c) County or counties in which line is located
Wood and Clark

(d) Mileposts delineating line
281.5 to 304.1

(e) Agency or terminal stations located on line with milepost designation

Spokeville	294.6
Loyal	297.9
Greenwood	303.5

2. (a) Carrier's designation
North St. Paul Line

(b) State or states in which line is located
Minnesota

(c) County or counties in which line is located
Washington and Ramsey

(d) Mileposts delineating line
428.4 to 439.77

(e) Agency or terminal stations located on line with milepost designation

Carnelian Jct.	428.5
Duluth Jct.	433.67

3. (a) Carrier's designation
St. Paul

(b) State or states in which line is located
Minnesota

(c) County or counties in which line is located
Ramsey

(d) Mileposts delineating line
18.19 to 19.17

(e) Agency or terminal stations located on line with milepost designation
None

4. (a) Carrier's designation
Newberry to Shingleton

(b) State or states in which line is located
Michigan

(c) County or counties in which line is located
Luce, Schoolcraft and Alger

(d) Mileposts delineating line
59.0 to 104.38

(e) Agency or terminal stations located on line with milepost designation

McMillan	67.26
Seney	79.54
Creighton	95.10

(NOTE: Abandonment of this line will be contingent upon coordination of certain operations with other railroads to continue service west of Marquette and between Munising Junction and Shingleton.)

5. (a) Carrier's designation
Munising Jct. to Marquette

(b) State or states in which line is located
Michigan

(c) County or counties in which line is located
Alger and Marquette

(d) Mileposts delineating line
116.83 to 152.50

(e) Agency or terminal stations located on line with milepost designation

Ridge	119.36
AuTrain	125.03
Deerton	135.71
Siding 145	145.1

(NOTE: Abandonment of this line will be contingent upon coordination of certain operations with other railroads to continue service west of Marquette and between Munising Junction and Shingleton.)

6. (a) Carrier's designation
St. Ignace to Trout Lake

(b) State or states in which line is located
Michigan

(c) County or counties in which line is located
Mackinac and Chippewa

(d) Mileposts delineating line
0 to 27.12

(e) Agency or terminal stations located on line with milepost designation

St. Ignace	0.13
Moran	11.06

7. (a) Carrier's designation
Nestoria to Bergland

(b) State or states in which line is located
Michigan

(c) County or counties in which line is located
Baraga, Houghton and Ontonagon

(d) Mileposts delineating line
201.68 to 268.89

(e) Agency or terminal stations located on line with milepost designation

Vermilac	211.40
Covington	215.04
Sidnaw	224.00
Kenton	233.42
Trout Creek	239.12
Bruce Crossing	250.61
Ewen	255.34

(NOTE: Abandonment of this line will be contingent upon coordination of certain operations with other railroads to continue service west of Marquette, Michigan.)

8. (a) Carrier's designation
Calumet Line (AB-57 (Sub. 5))

(b) State or states in which line is located
Michigan

(c) County or counties in which line is located
Houghton

(d) Mileposts delineating line
0 to 14.28

(e) Agency or terminal stations located on line with milepost designation

Hancock	1.72
Calumet	14.28

9. (a) Carrier's designation
Lake Linden Line (AB-57 (Sub. 5))

(b) State or states in which line is located
Michigan

(c) County or counties in which line is located
Houghton

(d) Mileposts delineating line
0 to 9.53

(e) Agency or terminal stations located on line with milepost designation

Dollar Bay	3.4
Lake Linden	9.53

10. (a) Carrier's designation
Baraga to Houghton (AB-57 (Sub. 5))

(b) State or states in which line is located
Michigan

(c) County or counties in which line is located
Baraga and Houghton

(d) Mileposts delineating line
23.0 to 48.21

(e) Agency or terminal stations located on line with milepost designation

Keweenaw Bay	28.2
Chassell	40.5
East Houghton	48.0
Houghton	48.21

Category II

Lines or portions of lines potentially subject to abandonment.

1. (a) Carrier's designation
Plummer Line

(b) State or states in which line is located
Minnesota

(c) County or counties in which line is located
Aitkin and Cass

(d) Mileposts delineating line
270.26 to 369.27

(e) Agency or terminal stations located on line with milepost designation

Palisade	281.3
Swatara	296.7
Remer	312.9
Boy River	325.6
Federal Dam	332.1
Portage Lake	339.1
Schley	344.2
Soo Jct.	345.72

2. (a) Carrier's designation
Pollock Line

(b) State or states in which line is located
North Dakota and South Dakota

(c) County or counties in which line is located
McIntosh, N. D. and McPherson and Campbell, S. D.

(d) Mileposts delineating line
341.87 to 411.11

(e) Agency or terminal stations located on line with milepost designation

Danzig	351.4
Ashley	359.3
Venturia	368.2
Madra	377.8
Artas	383.8
Herreid	397.1
Pollock	409.7

Category III

Lines or portions of lines for which an abandonment or discontinuance application is currently pending before the Interstate Commerce Commission.

1. (a) Carrier's designation
Duluth Trackage (AB-57 (Sub. 4))

(b) State or states in which line is located
Minnesota

(c) County or counties in which line is located
St. Louis

(d) Mileposts delineating line
467.93 to 468.20

(e) Agency or terminal stations located on line with milepost designation
None

2. (a) Carrier's designation
Raco Line (AB-57 (Sub. 2))

(b) State or states in which line is located
Michigan

(c) County or counties in which line is located
Chippewa and Luce

(d) Mileposts delineating line
19.69 to 46.69

(e) Agency or terminal stations located on line with milepost designation

Raco	20.03
Rexford	25.18
Strongs	31.87
Eckerman	35.25
Hulbert	40.97

3. (a) Carrier's designation
Rapid River Line (AB-57 (Sub. 1))

(b) State or states in which line is located
Michigan

(c) County or counties in which line is located
Delta and Alger

(d) Mileposts delineating line
348.69 to 379.23

(e) Agency or terminal stations located on line with milepost designation

Trenary	368.0
Traunik	372.8
Eben Jct.	379.0

(NOTE: A final order authorizing abandonment of this line was issued by the Commission on October 13, 1976. However, that order has not been implemented.)

[FR Doc.77-14601 Filed 5-24-77;8:45 am]

[AB 121 (SDM)]

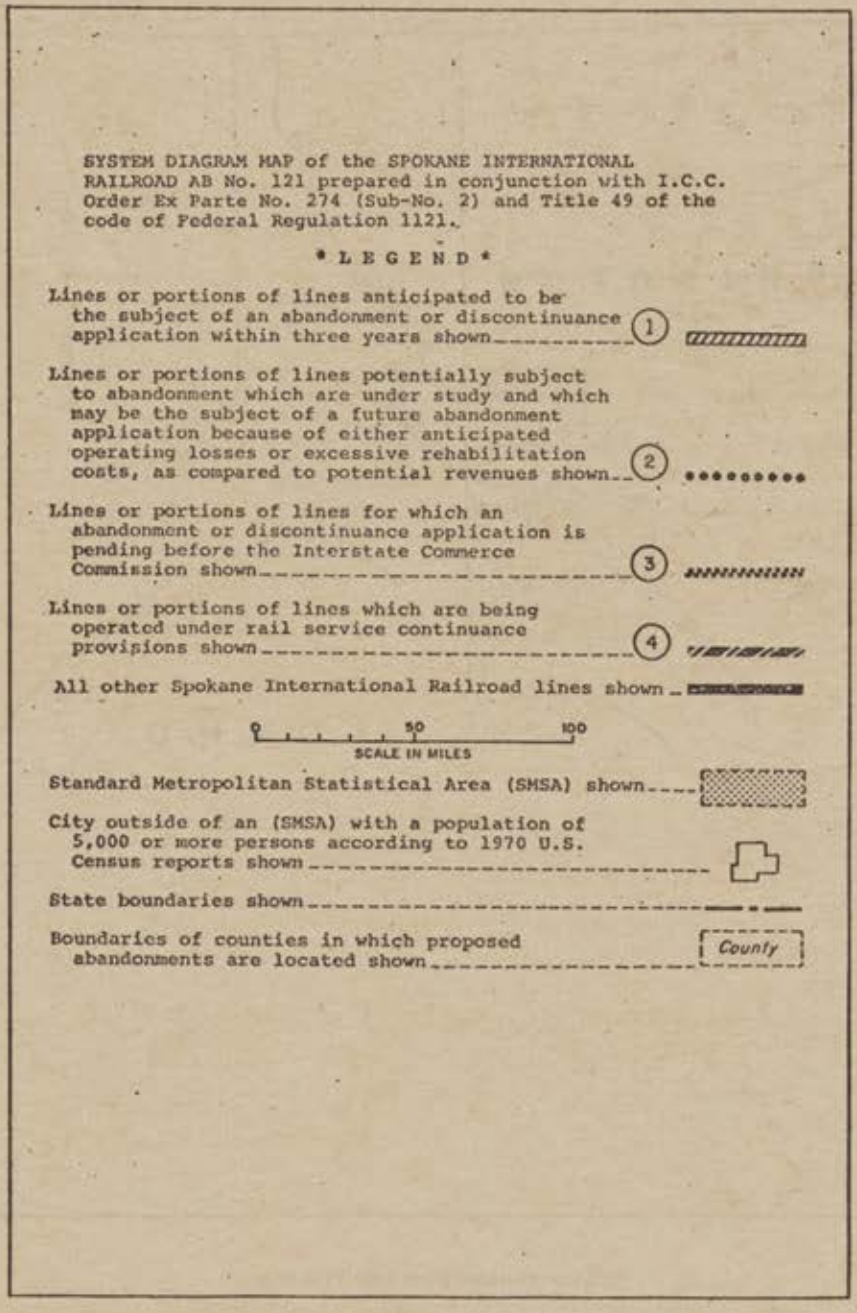
SPOKANE INTERNATIONAL RAILROAD CO.

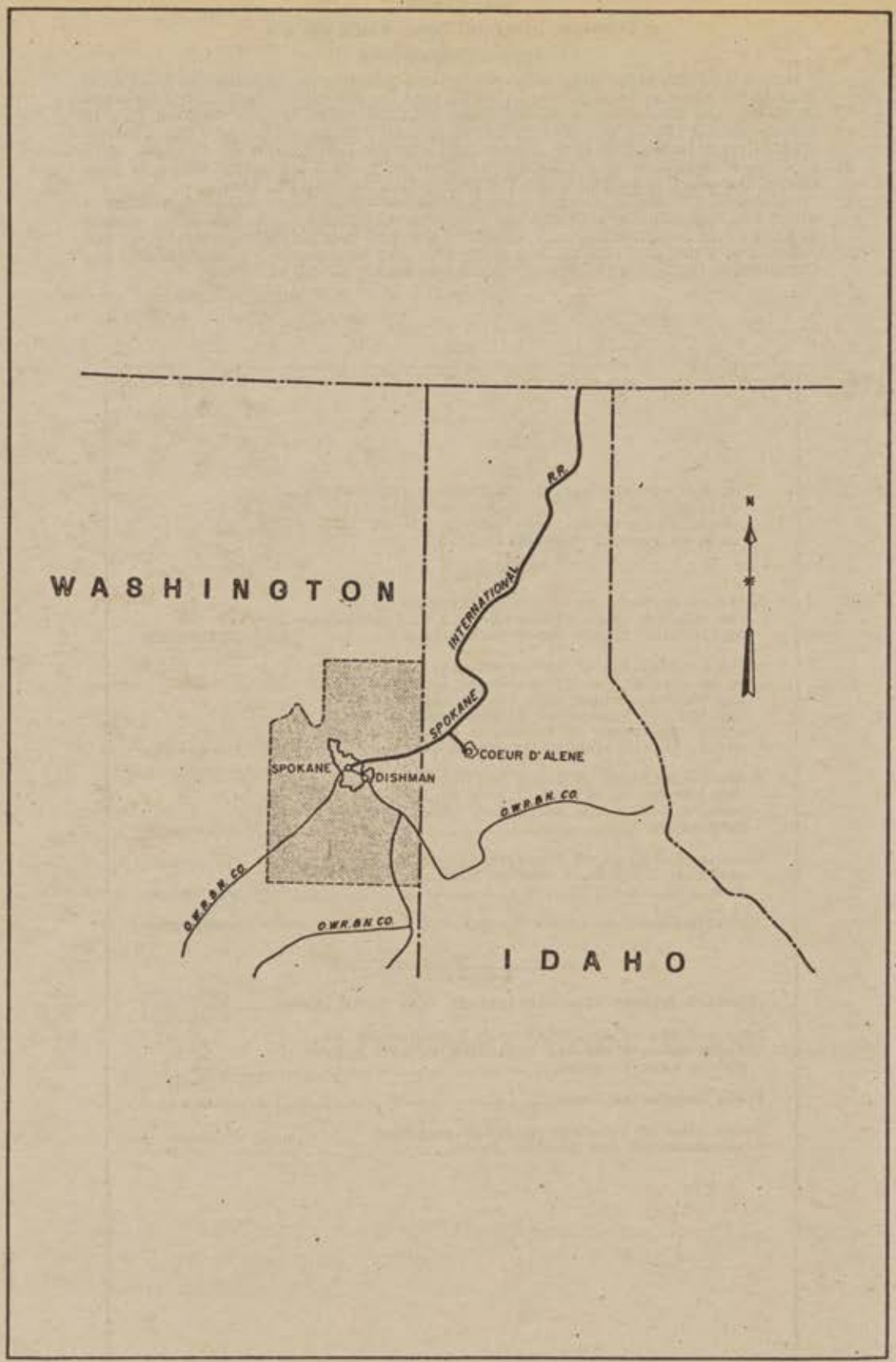
System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Spokane International Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 121 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 121 (SDM).

ROBERT L. OSWALD,
Secretary.





[FR Doc.77-14594 Filed 5-24-77;8:45 am]

[AB 34 (SDM)]

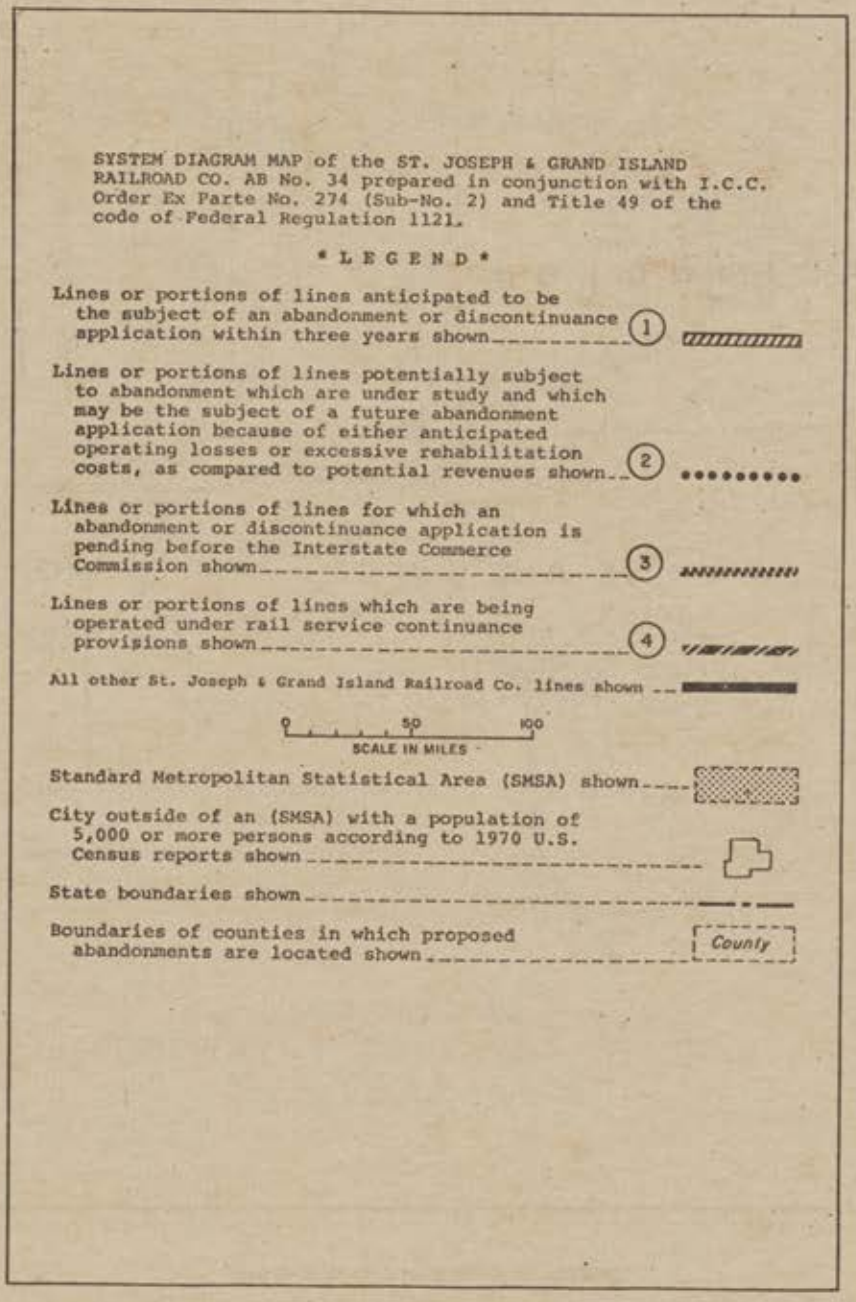
ST. JOSEPH & GRAND ISLAND RAILROAD CO.

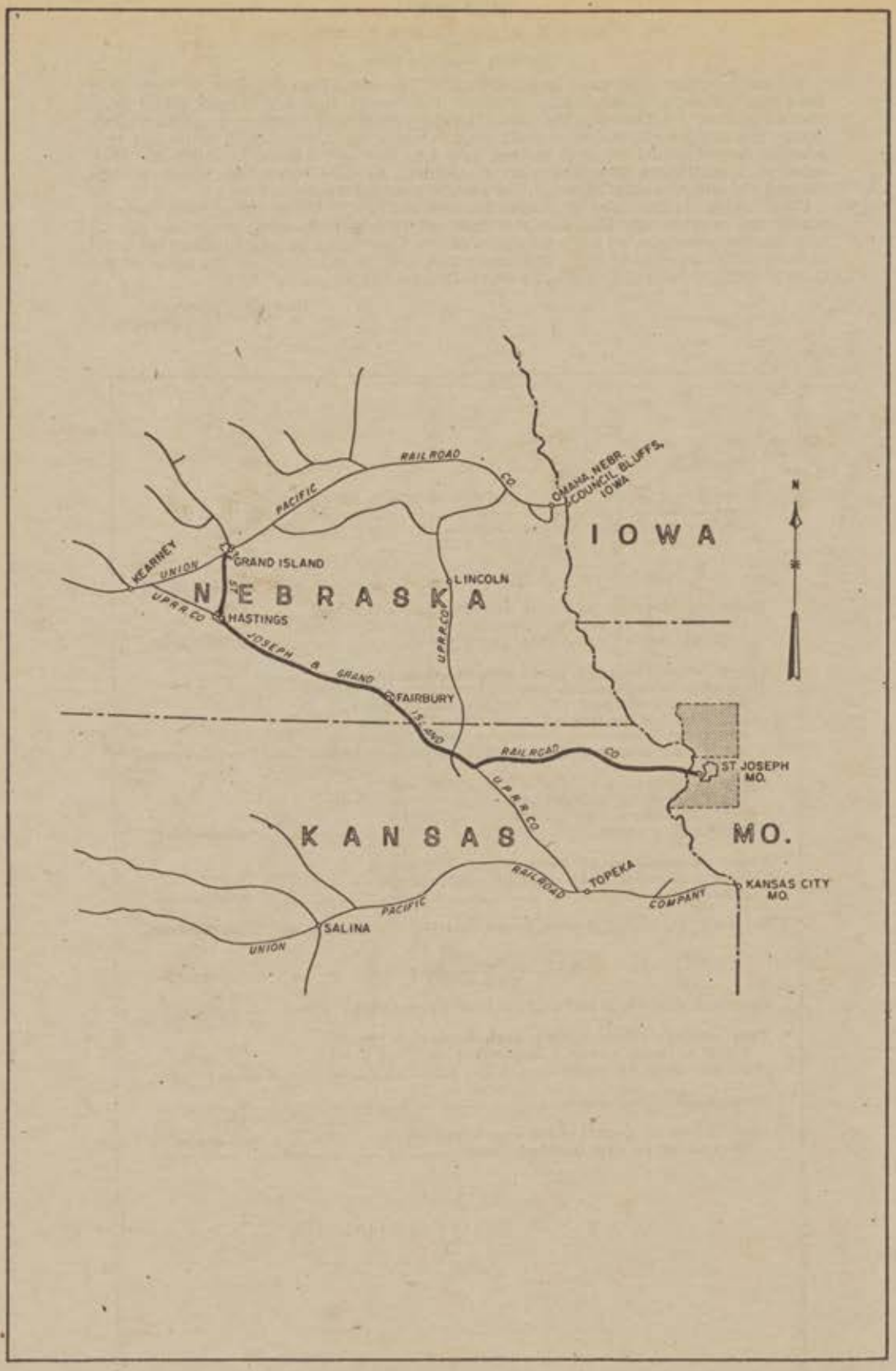
System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the St. Joseph & Grand Island Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 34 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system d'agram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 34 (SDM).

ROBERT L. OSWALD,
Secretary.





[FR Doc.77-14593 Filed 5-24-77;8:45 am]

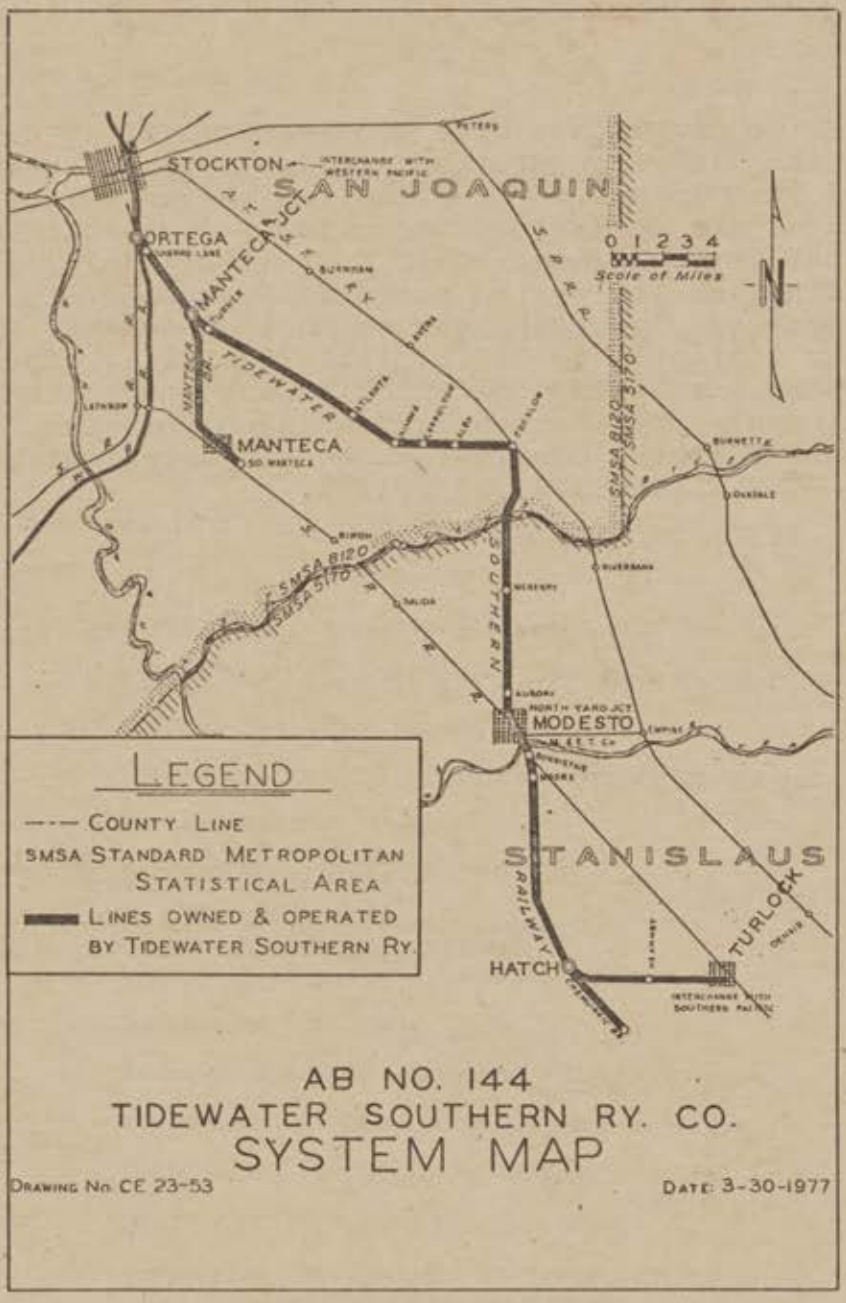
TIDEWATER SOUTHERN RAILWAY CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Tidewater Southern Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 144 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 144 (SDM).

ROBERT L. OSWALD,
Secretary.



AB-144

TIDEWATER SOUTHERN RAILWAY COMPANY
SYSTEM MAP

DESCRIPTION OF LINES IN CATEGORIES 1-3
49 C.F.R. 1121.21

In compliance with requirements of 49 C.F.R. 1121.21 the Tidewater Southern Railway Company herein declares that it has no lines on its system which it anticipates abandoning or discontinuing within three years [category 1 lines - 49 C.F.R. 1121.20(b)(1)]; has no lines on its system potentially subject to abandonment or discontinuance which it has under study [category 2 lines - 49 C.F.R. 1121.20(b)(2)]; and has no lines on its system for which an abandonment or discontinuance application is pending before the Interstate Commerce Commission on this date [category 3 lines - 49 C.F.R. 1121.20(b)(3)].

Dated: April 22, 1977.

By Eugene J. Toler
Eugene J. Toler
Attorney for the
Tidewater Southern Railway Company

[FR Doc.77-14602 Filed 5-24-77;8:45 am]

[AB 169 (SDM)]

TOLEDO, ANGOLA AND WESTERN RAILWAY CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Toledo, Angola and Western Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB–169 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on May 16, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB–169 (SDM).

ROBERT L. OSWALD,
Secretary.

All operations are in:

Lucas County, Ohio

Toledo, Ohio Standard Metropolitan Statistical Area

Legend

Lines anticipated will be subject to abandonment application within 3 years

State Lines

Sidetracks on the line

Description of Lines to Accompany the System Diagram Map

Lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within three years:

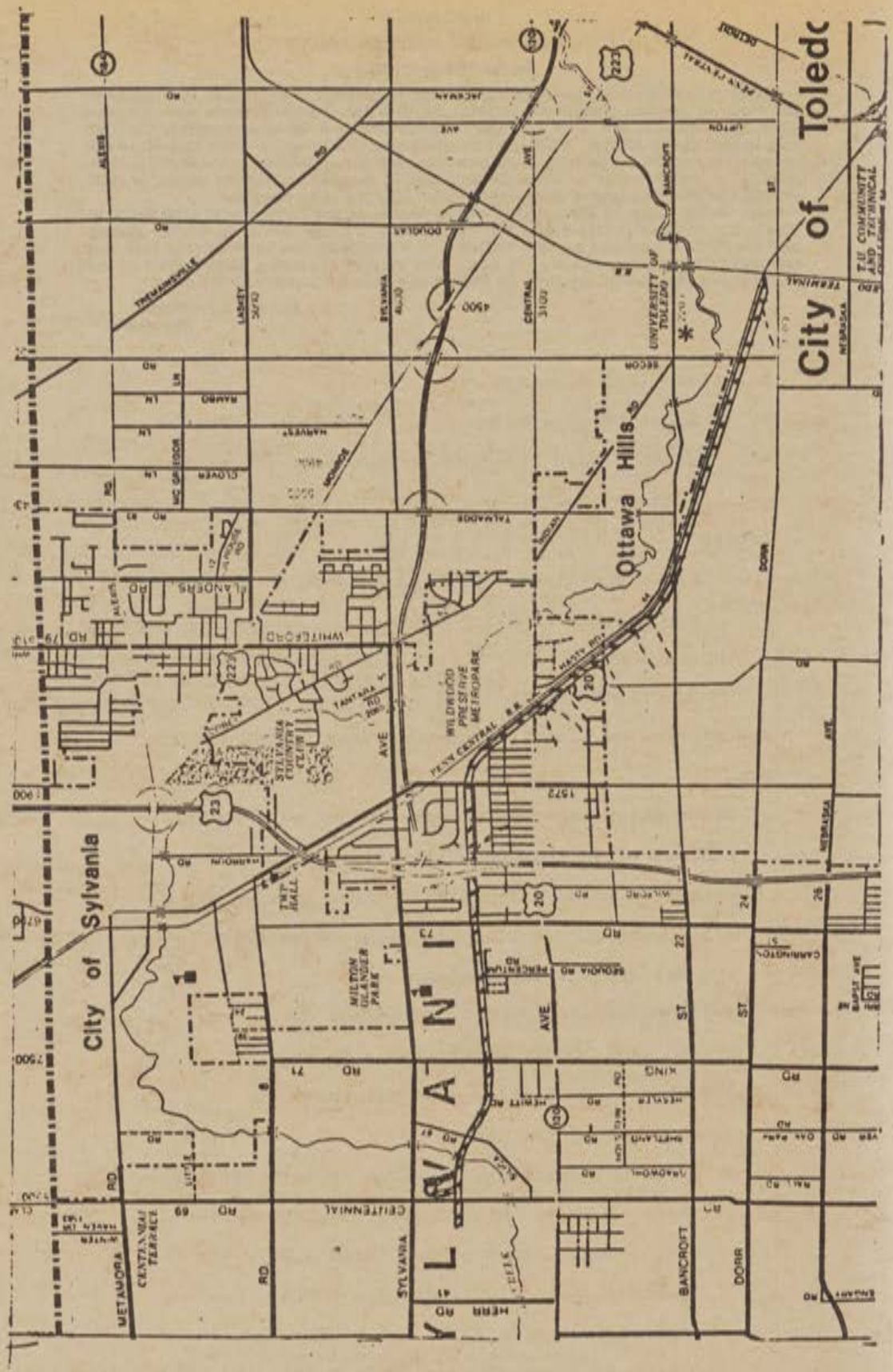
a) Covers entire line of Toledo, Angola and Western Railway Company

b) Located wholly within State of Ohio

c) Located wholly within Lucas County

d) Line is 8.25 miles - no mileposts are located on the line.

e) Terminal Stations at Vulcan (Mile 0.00), at Kuhlman No. 6 (Mile 0.25), at Langenderfer (Mile 2.60), at Entenman (Mile 3.00), at Cashway (Mile 4.00), at Lake Shore Industries (Mile 4.50), at Kuhlman No. 7 (Mile 4.75), at Texaco (Mile 5.75), and at Silica (Mile 8.25).



[FR Doc.77-14595 Filed 5-24-77;8:45 am]

[AB 33 (SDM)]

UNION PACIFIC RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Union Pacific Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 33 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 33 (SDM).

ROBERT L. OSWALD,
Secretary.

AB 33 (SDM)

SYSTEM DIAGRAM MAP of the UNION PACIFIC RAILROAD AB No. 33 prepared in conjunction with I.C.C. Order Ex Parte No. 274 (Sub-No. 2) and Title 49 of the code of Federal Regulation 1121.

* L E G E N D *

Lines or portions of lines anticipated to be the subject of an abandonment or discontinuance application within three years shown ..... (1)

Lines or portions of lines potentially subject to abandonment which are under study and which may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues shown .. (2)

Lines or portions of lines for which an abandonment or discontinuance application is pending before the Interstate Commerce Commission shown ..... (3)

Lines or portions of lines which are being operated under rail service continuance provisions shown ..... (4)

All other Union Pacific Railroad Company lines shown ..

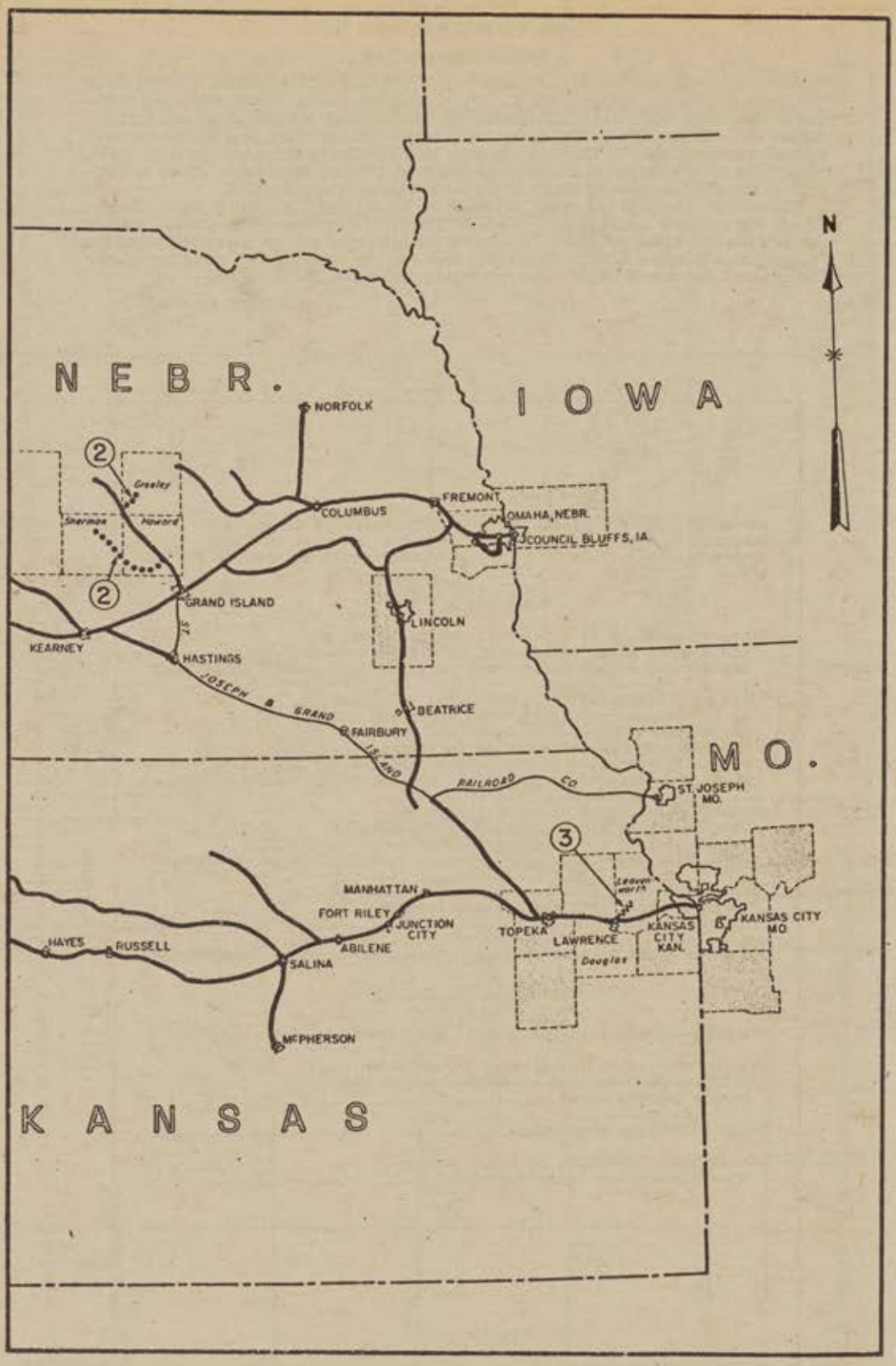
0 50 100
SCALE IN MILES

Standard Metropolitan Statistical Area (SMSA) shown ....

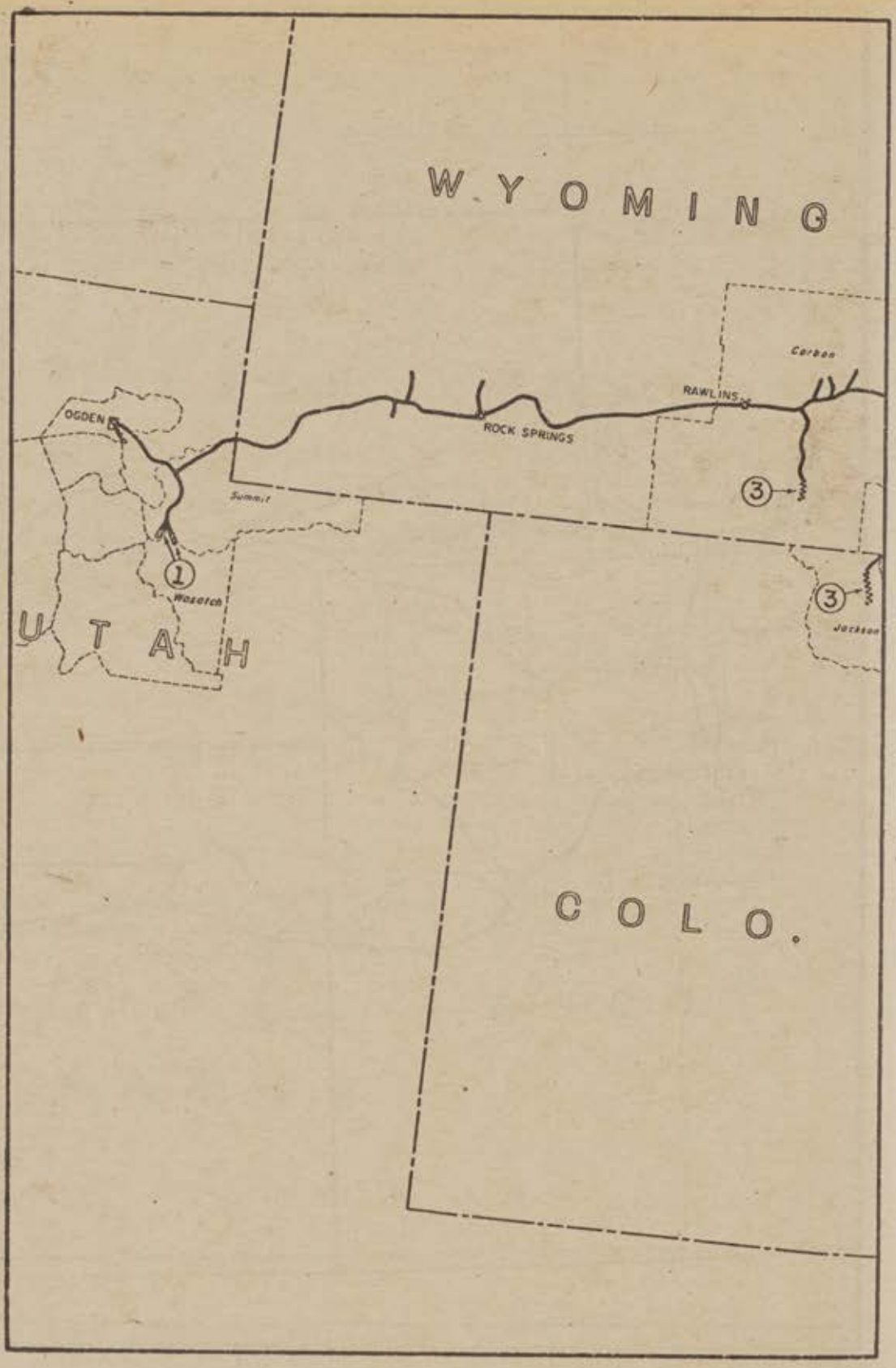
City outside of an (SMSA) with a population of 5,000 or more persons according to 1970 U.S. Census reports shown .....

State boundaries shown .....

Boundaries of counties in which proposed abandonments are located shown ..... County


NEBR.
IOWA
MO.
KANSAS
N
NORFOLK
COLUMBUS
FREMONT
OMAHA, NEBR.
COUNCIL BLUFFS, IA.
GRAND ISLAND
LINCOLN
KEARNEY
HASTINGS
BEATRICE
FAIRBURY
ST. JOSEPH MO.
MANHATTAN
FORT RILEY
JUNCTION CITY
ABILENE
SALINA
HAYES
RUSSELL
McPHERSON
TOPEKA
LAWRENCE
KANSAS CITY KAN.
KANSAS CITY MO.
Greeley
Sherman
Howard
Douglas
Leavenworth
JOSEPH & GRAND ISLAND RAILROAD CO

WYO.
NEBR.
COLO.
KAN.
Scottsbluff
SCOTTSBLUFF
GERING
3
LARAMIE
CHEYENNE
SIDNEY
Logan
3
Custer
NORTH PLATTE
LEXINGTON
2
Weld
FORT COLLINS
GREELEY
STERLING
FORT MORGAN
BOULDER
BRIGHTON
DENVER


WYOMING
Carbon
RAWLINS
ROCK SPRINGS
OGDEN
Summit
1
Wasatch
3
3
Jackson
UTAH
COLO.

UNION PACIFIC RAILROAD COMPANY
SYSTEM DIAGRAM (AB-33)

Description of Lines

Pursuant to the regulations of the Interstate Commerce Commission (49 C.F.R. 1121.21), following is a description of lines of Union Pacific Railroad Company as shown on the System Diagram Map.

Category 1 - Lines anticipated to be the subject of abandonment applications within three years.

Utah

(a) Designation of line: Park City Branch
(b) States in which located: Utah
(c) Counties in which located: Summit County
(d) Milepost locations: M.P. 27.39 near Freight Yard Junction to M.P. 28.43 near Park City
(e) The Park City Agency Station is located on this line at M.P. 28.41.

(a) Designation of line: Ontario Branch
(b) States in which located: Utah
(c) Counties in which located: Wasatch County
(d) Milepost locations: M.P. 2.45 at Keetley, to M.P. 5.43
(e) There are no agency or terminal stations located on this line.

Category 2 - Lines which are potentially subject to abandonment and which the carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues.

Colorado

(a) Designation of line: Greeley Branch
(b) States in which located: Colorado
(c) Counties in which located: Weld County
(d) Milepost locations: M.P. 0.00 near Greeley Junction, to M.P. 10.86 near Gill
(e) There are no agency or terminal stations located on this line.

Nebraska

(a) Designation of line: Loup City Branch
(b) States in which located: Nebraska
(c) Counties in which located: Sherman and Howard Counties
(d) Milepost locations: M.P. 0.20 near St. Paul, to M.P. 39.60 near Loup City
(e) There are no agency or terminal stations located on this line.

(a) Designation of line: Scotia Branch
(b) States in which located: Nebraska
(c) Counties in which located: Greeley County
(d) Milepost locations: M.P. 44.57 near Scotia Junction, to M.P. 45.94 near Scotia
(e) There are no agency or terminal stations located on this line.

Category 3 - Applications pending before the Interstate Commerce Commission.

Nebraska

(a) Designation of line: Kearney Branch
(b) States in which located: Nebraska
(c) Counties in which located: Custer and Logan Counties
(d) Milepost locations: M.P. 83.11 at Arnold, to M.P. 102.47 at Stapleton
(e) There are no agency or terminal stations located on this line.

(a) Designation of line: Lyman Branch
(b) States in which located: Nebraska
(c) Counties in which located: Scotts Bluff County
(d) Milepost locations: M.P. 5.0 near Hartman, to M.P. 6.4 at Stegall
(e) There are no agency or terminal stations located on this line.

(a) Designation of line: Sears Branch
(b) States in which located: Nebraska
(c) Counties in which located: Scotts Bluff County
(d) Milepost locations: M.P. 0.00 near Sears, to M.P. 2.8 near Janise
(e) There are no agency or terminal stations located on this line.

Kansas

(a) Designation of line: Leavenworth Branch
(b) States in which located: Kansas
(c) Counties in which located: Leavenworth and Douglas Counties
(d) Milepost locations: M.P. 20.72 near Tonganoxie, to M.P. 34.49 near Lawrence
(e) Lawrence at M.P. 34.34 is an agency station.

Colorado

(a) Designation of line: Coalmont Branch
(b) States in which located: Colorado
(c) Counties in which located: Jackson County
(d) Milepost locations: M.P. 93.0 near Walden, to M.P. 108.0 near Hebron
(e) Walden at M.P. 92.21 is an agency station.

Wyoming

(a) Designation of line: Encampment Branch
(b) States in which located: Wyoming
(c) Counties in which located: Carbon County
(d) Milepost locations: M.P. 24.29 near Saratoga, to 33.40 near Cow Creek
(e) Saratoga at M.P. 24.02 is an agency station.

[FR Doc.77-14590 Filed 5-24-77;8:45 am]

[AB 131 (SDM)]

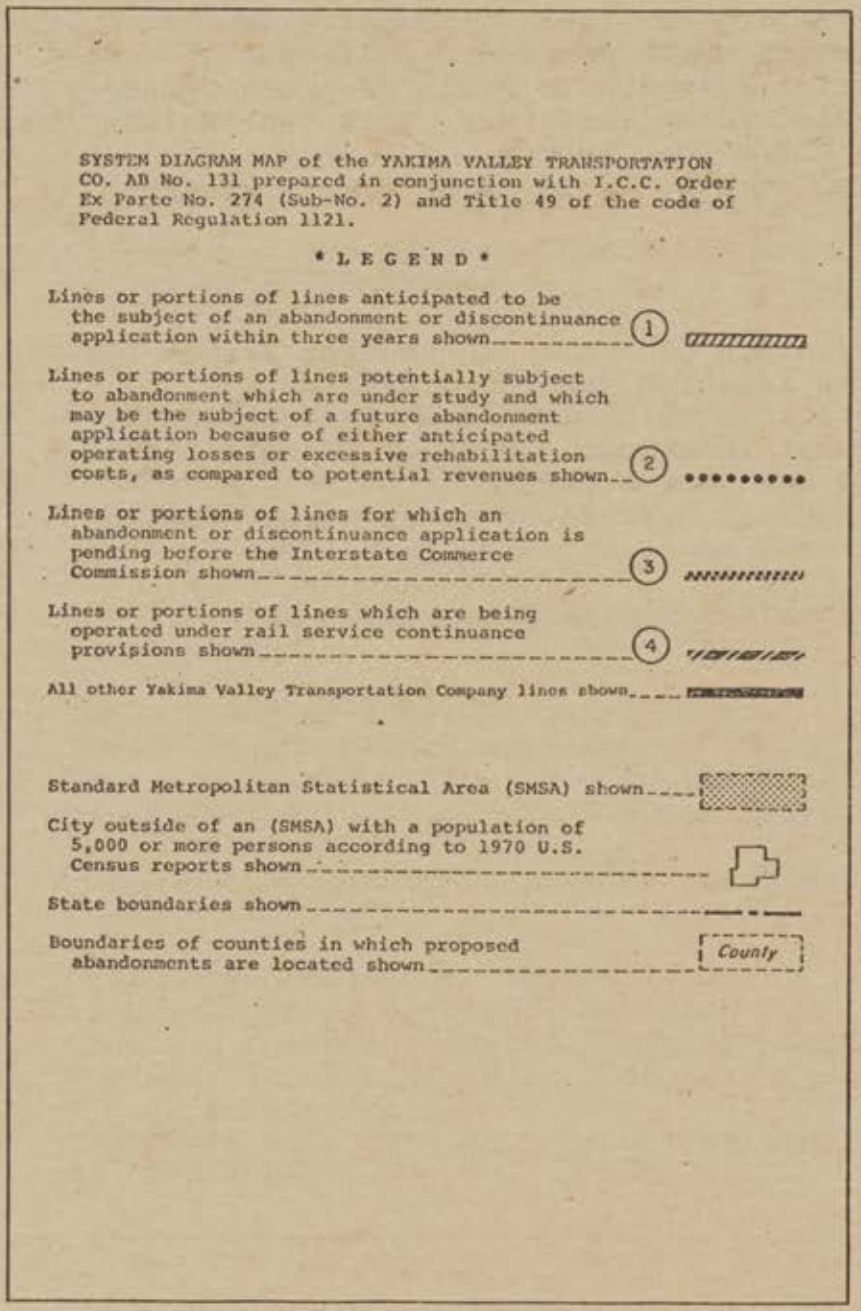
YAKIMA VALLEY TRANSPORTATION CO.

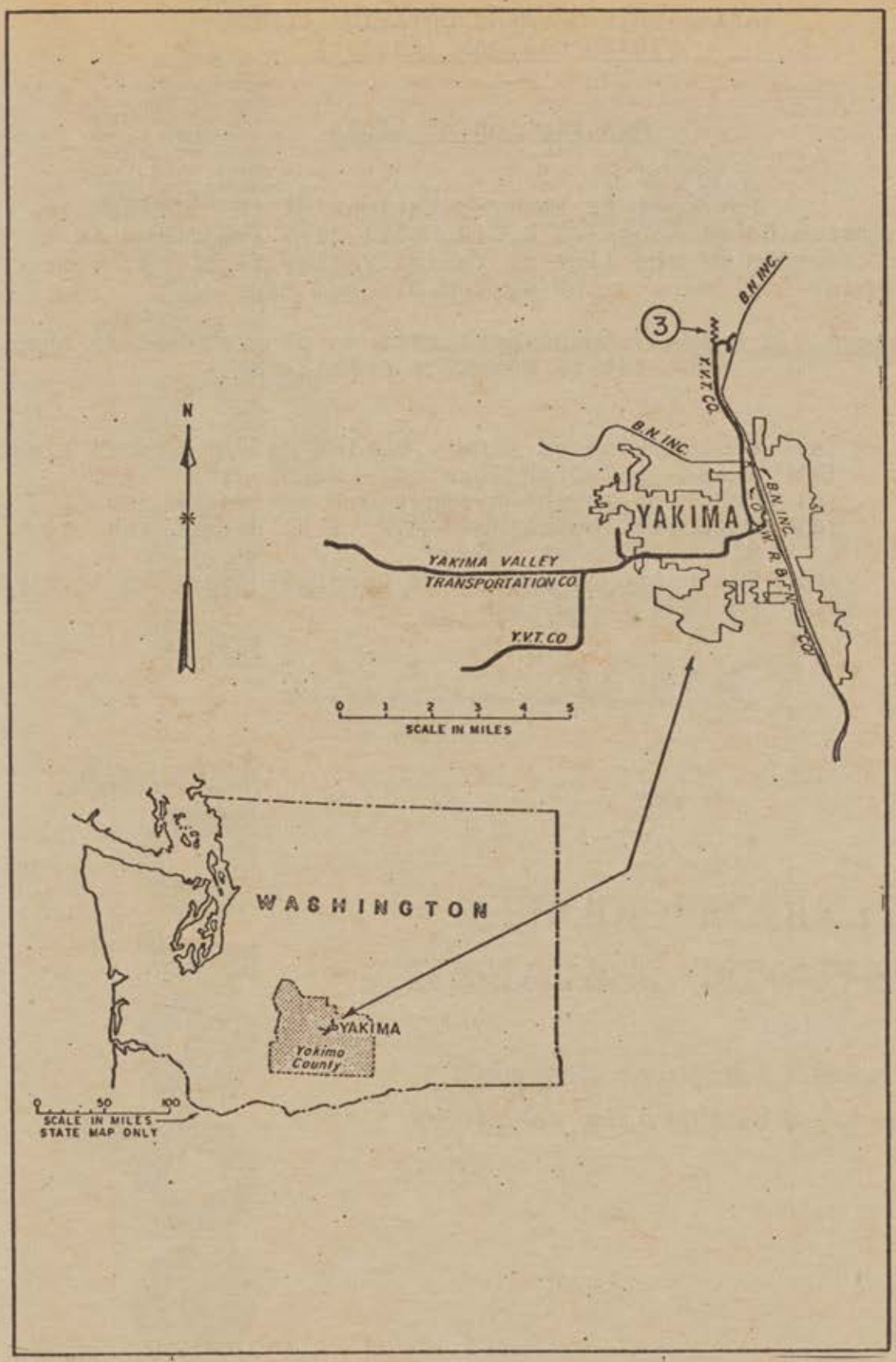
System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.22, that the Yakima Valley Transportation Company, has filed with the Commission its color-coded system diagram map in docket No. AB 131 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 131 (SDM).

ROBERT L. OSWALD,
Secretary.

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STATE MAP ONLY

YAKIMA VALLEY TRANSPORTATION COMPANY SYSTEM DIAGRAM (AB-131)

Description of Lines

Pursuant to the regulations of the Interstate Commerce Commission (49 C.F.R. 1121.21), following is a description of the line of Yakima Valley Transportation Company as shown on the System Diagram Map.

Category 3 - Abandonment applications pending before the Interstate Commerce Commission.

(a) Designation of line: Yakima Valley Branch Line
(b) States in which located: Washington State
(c) Counties in which located: Yakima County
(d) Milepost locations: M.P. 3.01 near Selah, to M.P. 3.47 near Selah
(e) There are no agency or terminal stations located on this line.

[FR Doc.77-14592 Filed 5-24-77;8:45 am]

federal register

WEDNESDAY, MAY 25, 1977

PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

PESTICIDE PRODUCTS CONTAINING TOXAPHENE

Rebuttable Presumption Against Registration and Continued Registration

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000/13; FRL 731-2]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Toxaphene

The Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing toxaphene.[1]

I. Regulatory Provisions

A. General

EPA promulgated regulations (40 CFR 162) for the registration, reregistration, and classification of pesticides on July 3, 1975 (40 FR 28242). Section 162.11 of the regulations provides that a rebuttable presumption against registration shall arise if it is determined that a pesticide meets or exceeds any of the criteria for risk set forth in § 162.11(a)(3). If it is determined that such a presumption against continued registration of a pesticide has arisen, the regulations require that the registrant be notified by certified mail and that the registrant be provided with an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determinded that the public should be provided with notice of the presumption in order to solicit comments from interested parties and obtain any additional information relevant to the presumption.

A notice of rebuttable presumption against registration or continued registration of a pesticide is not to be confused with a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of rebuttable presumption is issued when the evidence related to risk meets the Agency's criteria. The notice of intent to cancel is issued only after the risks and benefits of a pesticide are carefully considered and it is determined that the pesticide may generally cause unreasonable adverse effects to the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions listed in Part II of this notice and, in the case of oncogenicity, to submit information which relates to the assessment of oncogenic risks as set forth in a Federal Register notice concerning the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (41 FR 21402). Registrants and other interested parties may submit data on benefits which they believe would justify registration or continued registration in the event that the Agency determines that the risk presumpions have not been completely rebutted. In addition, any registrant may petition the Agency to voluntarily cancel any current registration pursuant to Section 6(a)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136 et seq.).

This notice of rebuttable presumption against toxaphene also describes scientific studies which suggest that toxaphene may adversely affect or cause mutagenesis, endocrine effects, enzymatic effects, reproductive effects, and population reductions in avian species including the rare and endangered species, the Brown Pelican. The Agency is soliciting information and comment on these questions, but is not now presuming against toxaphene on the basis of these studies.

B. Rebuttal Criteria

Section 162.11(a)(4) provides that a registrant seeking continued registration may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity criteria of § 162.11(a)(3)(i) or pursuant to the lack of emergency treatment criteria of § 162.11(a)(3)(iii), "that when considered with the formulation, packaging, method of use, and proposed restrictions on the directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional, or national populations of nontarget organisms is not likely to result in any significant acute adverse effects";

(2) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria of § 162.11(a)(3)(ii), "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects"; or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error."

C. Benefits Information

In addition to submitting evidence to rebut the presumption of risk, § 162.11(a)(5)(iii) provides that a registrant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the risk presumptions are not rebutted, the benefit evidence submitted by the registrant[2] and any preliminary EPA staff recommendations may be considered by the Administrator in determining the appropriate regulatory action. Specifically § 162.11(a)(5)(iii) provides that if the "benefits appear to outweigh risks," the Administrator may issue a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA rather than a notice of intent to cancel or deny registration pursuant to section 6(b)(1) of FIFRA. Alternatively, if the "benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to section 3(c)(6) or section 6(b)(1) of the Act, as appropriate." Moreover, if at any time the Administrator, determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to section 6(c) of the Act.

II. Presumptions

40 CFR 162.11(a)(3) provides that a rebuttable presumption shall arise if a pesticide's ingredient(s), metabolite(s) or degradation product(s) meet or exceed (i) acute toxicity risk criteria relating to hazards to humans, domestic animals, or wildlife, or (ii) chronic toxicity risk criteria relating to oncogenic, mutagenic, and delayed toxic effects in man and/or test animals, or relating to population reductions in nontarget organisms or fatality to members of endangered species.

The preamble to the document which promulgated 40 CFR Part 162 (FR 28262) discussed those pesticide's which meet or exceed the acute toxicity criteria of § 162.11(a)(3)(i)(B) and stated they must be closely scrutinized to determine if the hazard which the pesticide's acute toxicity presents to these life forms necessitates restrictions on use or denial or cancellation of the registrations.

A. Risk Criteria—Hazard to Wildlife: Aquatic Organisms

Section 162.11(a)(3)(i)(B)(3) provides that a rebuttable presumption shall

[1] A position document prepared by the Agency Working Group on toxaphene is available for public inspection in the Office of Special Pesticide Reviews (WH-566), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Room 447, 401 M Street SW., Washington, D.C. 20460. This position document contains an appendix of references, background information, and other material pertinent to the issuance of this notice of rebuttable presumption. The supporting materials con tained in the position document are referenced in this notice where appropriate.

[2] Registrants or other interested persons who desire to submit benefit information should consider submitting information on the following subjects, along with any other relevant information they desire to submit:

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.
2. Identification of the minor uses of the pesticide, including estimated quantities used by category such as lawn and garden uses and household uses.
3. Identification of registered alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.
4. Determination of the change in costs to the user of providing equivalent pesticide treatment with any available substitute products.
5. Assessment of regulation impact upon user productivity (e.g., yield per acre and/or total output) from using available substitute pesticides or from using no other pesticides.
6. If the impacts upon either user costs or productivity are significant, a qualitative assessment of the regulation's impact on production of major agricultural commodities and retail food prices of such commodities.

arise against a pesticide use if it "(r)esults in a maximum calculated concentration following direct application to a 6-inch layer of water more than ½ the acute LC_{50} for aquatic organisms representative of the organisms likely to be exposed as measured on test animals specified in the Registration Guidelines."[3] Data reviewed during the assessment of hazards, as a result of the use of toxaphene products, indicate that resulting water concentrations from the use on rice and cranberries do exceed the level, ½ the acute LC_{50} for representative fresh water fish and crustacean species as set forth in this section (Sanders, H. O. 1969. Bur. Sport Fish. Wildl. Tech. Papers #25; Sanders & Cope. 1966. Trans. Am. Fish. Soc. 95 #2; Macek & McAllister 1970: Trans. Am. Fish. Soc. 99#1).

Organisms	Species	LC_{50} value
Water flea or Daphnia.	(*Daphnia pulex*).....	15 p/b (48 hr).
Largemouth bass.	(*Micropterus salmoides*).	2 p/b (48 hr).
Rainbow trout..	(*Salmo gardneri*).....	4 p/b (48 hr).
Scud.....	(*Gammarus lacustris*)...	26 p/b (96 hr).
Channel catfish..	(*Ictalurus punctatus*)..	13 p/b (96 hr).
Bluegill sunfish...	(*Lepomis macrochirus*).	18 p/b (96 hr).

The above LC_{50} values were used as determinative values to confirm whether toxaphene products applied to a fresh water environment met or exceeded the criteria for rebuttable presumption. Calculations based on representative label rates indicate that the lowest recommended dosage for use on either rice or cranberries results in a 6-inch layer of water concentration of 1104 ppb (1.104 ppm).

Since a great deal of rice is grown in coastal areas where it is released into estuarine or marine environments, it was decided to examine LC_{50} values for representative aquatic organisms that would be exposed to effluent from rice field drainages (Schimmel et al. EPA contribution #268. Prepub. Copy).

Organism	Species	LC_{50} (96 hr)
Pink shrimp.....	(*Penaeus duorarum*)....	1.4 p/b.
Grass shrimp.....	(*Palaemonetes pugio*)...	4.4 p/b.
Sheepshead minnow.	(*Cyprinodon variegatus*).	1.1 p/b.
Pinfish.....	(*Lagodon rhomboides*)...	0.5 p/b.

Bearing in mind the calculated values for the resulting water concentration of toxaphene, 1104 ppb (1.104 ppm), when applied to cranberries and/or rice at the lowest recommended dosage of 2 pounds per acre, it is clear that the criteria of § 162.11(a)(3)(i)(B)(3) are exceeded.

B. CHRONIC TOXICITY

(1) *Oncogenic effects in test animals.* 40 CFR 162.11(a)(3)(ii)(A) provides, "A rebuttable presumption shall arise if a pesticide's ingredient(s) * * * (induces) oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure * * *." As a further clarification of the provision, the preamble to the Intereim Guidelinesstates that "a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals."

A limited number of truly "oncogenic" studies were found in the literature. The most recent, a study by the National Cancer Institute of the National Institutes of Health (1976. Experimental Design Status Report: Carcinogenesis bioassay), reveals that a significant increase in the incidence of cancerous growths did in fact develop in male and female mice fed toxaphene for a period of 1 year, 10 months. An increase in tumors in female rats was also seen. Dr. Melvin Reuber, a specialist in the field of carcinogenesis, also stated that toxaphene "may be tumorigenic in male rats." Several other long-term feeding studies to rats and other test animals suggest that histological changes did occur in various organs of the animals tested, principally the liver.

(2) *Other chronic and/or delayed toxic effects.* To assess the true effects of pesticides to man and the environment, it has been customary to use common yet sensitive organisms as test subjects in various registration testing protocols. In this manner it is possible t learn of hazards or other harmful effects resulting from pesticide exposure. Some of these organisms serve as indicators of possible effects that can and sometimes do occur in higher life forms. In other instances they provide a means of extrapolating noted effects to man.

Regardless of how the noted effects are interpreted or used, they are true indicators of a change from the norm which can be harmful or even fatal to the life forms tested and should be heeded.

40 CFR 162.11(a)(3)(ii)(B) provides that "A rebuttable presumption shall arise if a pesticide's ingredient(s) * * * [p]roduces any other chronic or delayed toxic effect in test-animals * * *."

In three tests by Merhle and Mayer, fathead minnows, brook trout, and channel catfish have been used in various registration testing protocols. These same fish species, when exposed to nanogram levels of toxaphene, gave evidence of serious changes in collagen and calcium levels in their bone structure. These changes were serious enough to cause backbones to fracture with slight electrical stimulation (Undated. Bone development & growth of fish as affected by toxaphene. Prepub. Copy; 1975. J. Fish Res. Brd. Can. 32#5, 2 articles).

Although not followed to the same end result, tests by Chernoff and Carver on rats gave indications of certain ossification centers (sternal and caudal) that failed to develop in the fetal stages (1976. Bull. Environ. Contam. Tox. 15#6). Recent work done on black ducks by Finley and Ludke has indicated significant decreases in collagen levels and increases in calcium levels in the sternal areas of young ducks (1976. USDI Prog Rpt. Study Plan P-D-508-15).

C. POPULATION REDUCTION IN NONTARGET ORGANISMS

Many of the above changes, as well as changes in normal animal behavior patterns, result in reduced survivability of the animal species affected; in some instances, the ultimate results were serious kills or "reductions in natural populations." Agency Pesticide Episode Reports (PERS) data show that toxaphene has been the known causative agent in 94 fish kills since 1966. There are indications in the literature that it has played a major part in many others.

III. OTHER ADVERSE EFFECTS WITH RESPECT TO WHICH THE AGENCY SEEKS ADDITIONAL INFORMATION

A review of the scientific literature suggests several other adverse effects that may be caused by toxaphene, which are listed and discussed briefly below. The Agency is not presuming against toxaphene based upon these effects at this time. However, the Agency Working Group will continue to investigate these effects and may issue a supplementary Position Document discussing them in greater detail. If appropriate, the Agency will presume against toxaphene based upon these effects. The Agency requests comments on the information listed below, and requests submission of any additional studies or relevant information on toxaphene related adverse effects, including but not limited to mutagenesis, endocrine effects, reproductive effects, enzymatic effects, population reductions in nontarget organisms, and fatalities in endangered species. The studies referenced below are available for public inspection in the Office of Special Pesticide Reviews (WH-566), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Room 446, 401 M Street SW., Washington, D.C. 20460.

A. CHRONIC EFFECTS: MUTAGENESIS

40 CFR 162.11(a)(3)(ii)(A) provides that a rebuttable presumption shall arise, "if a pesticide's ingredient(s) * * * [i]nduces mutagenic effects, as determined by multitest evidence."

A study by Samosh, examined during the course of review, revealed some chromosomal damage to peripheral luekocytes in Russian women workers exposed to polychlorocamphene and two other halogenated chlorocamphene compounds used as insecticides (1974. Cytol. Gen. 8(1):24-27).

B. OTHER CHRONIC OR DELAYED TOXIC EFFECTS

(1) *Endocrine effects.* 40 CFR § 162.11(a)(3)(ii)(B) provides that a rebuttable presumption shall arise, "if a pesticide's ingredients(s) * * * [p]roduces any other chronic or delayed toxic effect * * *"

One such "other chronic" effect was noted in bobwhite quail treated with toxaphene. It stimulated thyroid growth and iodine uptake. It also caused adrenal hypertrophy (Hurst et al. 1974. Poultry Sci. 53:125-133).

Another study by Makovskaya et al. related changes that took place in the

[3] The Guidelines for Registering Pesticides in the United States appeared in the FEDERAL REGISTER June 25, 1975 (40 FR 26802).

endocrine glands of mice, rats, and rabbits after prolonged low-level exposure to toxaphene. It producted changes in the adrenals, in the island cells of the pancreas, and in the seminiferous epithelium of the testes. It also caused hyperfunction in the thyroid and atrophic changes in the hypophysis (1971. Med. Prac. 2:128–131).

Another Russian study also related changes that occurred in workers exposed to polychlorocamphene, the Russian equivalent of toxaphene (Blekherman & Il'ina. Undated. All-Union Sci Res. Inst. of Hyg. & Tox. of Pesticides, Polymers, and Plastics).

(2) *Reproductive effects.* A fish study by Mayer et. al., using extremely low levels (ppt) of toxaphene to treat brook trout, resulted in reduced egg viability. Those that did hatch had reduced survivability (1975. Ecol. Res. Series, EPA 600/3–75–013).

A study by Samosh relates changes in the menstrual cycle and estrogen metabolism in female agricultural workers exposed to several halogenated organchlorines, one of which was polychlorocamphene (1974. Cytl. Gen. 8(1):24–27).

A third study by Welch et al. discusses the effect of toxaphene on rats relative to utilization of esterone and reduced uterotropic activity (1971. Tox. App. Pharm. 19:234–246).

(3) *Enzymatic effects.* A study by Desaiah and Koch, using channel catfish tissues as the test medium and toxaphene as the test chemical, resulted in significant changes in several enzyme systems (1975. Bull. Environ. Contam. Tox. 13#2).

Yet another study on rats by Kuz'minskaya and Alekhina using toxaphene as the test compound resulted in reduction in overall lactate dehydrogenase activity in the liver and serum (1976. Environ. Health Rpt. 13:127–132).

(4) *Population reduction in nontarget organisms.* 40 CFR 162.11(a)(3)(ii)(C) provides that a rebuttable presumption shall arise, "if a pesticide's ingredient(s) * * * can reasonably be anticipated to result in significant local, regional, or national population reductions in nontarget organisms, or fatality to members of endangered species."

Large kills of waterfowl have occurred in California, Arizona, South Dakota, and Texas. Other associated shore birds and fish-eating birds were also found dead in large numbers. In all, significant levels of toxaphene were found in the adipose tissue and in many of the body organs. These kills included white pelicans, cattle egrets, blackcapped night herons, greater blue herons, and various duck species. In a recent episode in Louisiana, dead and dying Brown Pelicans, a rare and endangered species, were found. When chemical analysis was completed significant residues of toxaphene were found (Hunt and Keith. 1963. Univ. of Calif.; Johnson, 1966. S. D. Bird Notes. 18#3; Memo from J. Keith, dated 10–28–76).

Several other studies related reductions in populations of various bird species following the spraying or treating of short-grass ranges with toxaphene for the control of grasshoppers and range caterpillars (McEwen et al. 1972. J. Range Mngmt. 25#3; Memo: Kuntzelman to Files, 1976).

IV. Registration and Products Subject to the Notice

All registrants and applicants for registration listed below are being notified by certified mail of the rebuttable presumption existing against registration and continued registration of their products.

The registrants and applicants for registration shall have 45 days from the date this notice is sent or until July 15, 1977 to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days during which such evidence may be submitted. Notice of such an extension, if granted, will appear in the Federal Register.

V. Duty to Submit Information on Adverse Effects

Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time, pursuant to section 6(a)(2) of FIFRA and 40 CFR 162.8(d). If any registrant of toxaphene has any published or unpublished information, studies, reports, analyses, or reanalyses regarding any adverse effect in animal species or humans, residues and claimed or verified accidents to humans, domestic animals, or wildlife which have not been previously submitted to EPA, the material must be submitted immediately. At the time each registrant responds to this notice, each registrant shall submit a written certification to the Agency that all information regarding any adverse effects known to the registrant has been submitted. In addition the registrants should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion date, and summary of all results observed to date.

VI. Public Comments

A Position Document, dated April 19, 1977, prepared by an Agency Working Group on toxaphene and containing background information and copies of references to published studies and Agency reports is available for public inspection. During the time allowed for submission of rebuttal evidence, comments on the presumptions set forth in the notice and on the material contained in the Position Document are also solicited from the public. In particular, any documented episodes of adverse effects to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to EPA as soon as possible. Likewise any studies or comments on the benefits from the use of toxaphene are requested to be submitted.

All comments and information should be sent to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments or information should be submitted if possible to facilitate the work of the Agency and others interested in inspecting them. The comments and information should bear the identifying notation "OPP–30000/13." Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii).

Comments received after the specified time period will be considered only to the extent feasible, consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments and information filed pursuant to the notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal working days. The Position Document is available from the Office of Special Pesticide Reviews (OSPR), Office of Pesticide Programs (WH–566), Environmental Protection Agency, Rm. 447, East Tower, during the same time period. Specific questions with regard to this notice should be directed to the OSPR (Acting) Project Manager for Toxaphene, Mr. Frederick Hageman, at the above office address or at 202–755–5755.

Your cooperation is solicited in identifying any errors or omissions which may have been made in the following computer listings. Corrections to the listings may not necessarily be published in the Federal Register, but rather handled by mail with affected parties. Omissions will be corrected by notice in the Federal Register.

Dated: May 12, 1977.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

(00239) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 1

REGISTRANT	*NAME AND ADDRESS*
* 000239	CHEVRON CHEMICAL COMPANY ORTHO DIVISION 940 HENSLEY WAY RICHMOND CA 94801

********** PRODUCT NAME **********		
04221	ORTHO TORBIDAN 2-8 SPRAY	CA
04222	ORTHO TOXAPHENE 8 EMULSIVE	CA
04237	ORTHO TOXAPHENE-SULFUR 15-25 DUST	CA
04242	ORTHO PARATHION-TOXAPHENE 2-15 DUST	CA
04248	DIBROM-TOXAPHENE 1.5-6 EMULSIVE	CA

REGISTRANT	*NAME AND ADDRESS*
* 000279	FMC CORP. AGRICULTURAL CHEM DIV. 100 NIAGARA ST. MIDDLE PORT NY 14105

********** PRODUCT NAME **********		
03078	TOXAKIL 8.0 MISCIBLE	CA
03258	TOXAKIL 40 WETTABLE POWDER	CA

(00557) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 2

REGISTRANT	*NAME AND ADDRESS*
* 000557	SWIFT AGRICULTURAL CHEMICAL CORP. 111 WEST JACKSON BOULEVARD CHICAGO, IL 60604

********** PRODUCT NAME **********		
06999	SWIFT'S SUPER GUARD 161 COTTON SPRAY	GA
07001	20% TOXAPHENE DUST (V20D)	GA
07002	SWIFT'S GOLD BEAR TOXAPHENE-40% SULFUR DUST (VS20-40)	GA
07007	SWIFT'S SUPER GUARD 1.5 - 1.5-6 COTTON SPRAY	GA
07008	SWIFT'S SUPER GUARD 1-2-6 COTTON SPRAY	GA
07009	SWIFT'S SUPER GUARD 6-3 COTTON SPRAY	GA
07010	SWIFT'S SUPER GUARD TOXAPHENE 6E	GA

REGISTRANT	*NAME AND ADDRESS*
* 000909	COOKE LABORATORY PRODUCTS 4759 S DURFEE AVE PICO RIVERA CA 90660

********** PRODUCT NAME **********		
04700	COOKE SYSTEMIC-PLUS FLOWER AND ORNAMENTAL INSECT SPRAY	CA
06414	COOKE SOWBUG AND CUTWORM DUAL BAIT CONTROL	CA

(011911) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 3

REGISTRANT	*NAME AND ADDRESS*
* 001191	CAROLINA CHEMICALS INC PO BOX 118 W COLUMBIA SC 29169

********** PRODUCT NAME **********		
10372	FLIGHT BRAND TOXAPHENE-METHYL PARATHION 4-4 EC	

REGISTRANT	*NAME AND ADDRESS*
* 001202	PUREGRO COMPANY 1052 W 6TH ST LOS ANGELES CA 90017

********** PRODUCT NAME **********		
05006	PUREGRO METHYL PARATHION TOXAPHENE CRYOLITE DUST 2-15-30	AZ
05010	PUREGRO TOXAPHENE SULFUR 20-40 DUST	AZ
05018	PUREGRO TOXAPHENE 60%	CA
05060	PUREGRO MALATHION-TOX 3-9	CA
05099	PUREGRO DIBROM TOXAPHENE 1.5-6 EMULSIVE	CA

(015261) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 4

REGISTRANT	*NAME AND ADDRESS*
* 001526	A G CHEM-CHEM DIST ARIZONA AGROCHEMICAL CO. P.O. BOX 21537 PHOENIX AZ 85036

********** PRODUCT NAME **********		
09112	AGRO-CHEM BRAND TORBIDAN 28	AZ
09116	AGRO-CHEM BRAND TOXAPHENE 6-E METHYL PARATHION 3-E	AZ

REGISTRANT	*NAME AND ADDRESS*
* 001812	GRIFFIN CORP. P.O. BOX 1847 VALDOSTA, GA 31601

********** PRODUCT NAME **********		
03872	COTTON TOX DUST	SC
05434	COTTON TOX DUST	GA

(01842) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 5

REGISTRANT	*NAME AND ADDRESS*
* 001842	TRIANGLE CHEMICAL COMPANY BOX 4528 MACON GA 31208

********** PRODUCT NAME **********		
03922	TRIANGLES MR. 4 X 4	GA

REGISTRANT	*NAME AND ADDRESS*
* 001871	FARMCRAFT, INC 8900 S W COMMERCIAL TIGARD OR 97223

********** PRODUCT NAME **********		
08924	FARMCRAFT TOXAPHENE 10 DUST	OR
08929	FARMCRAFT TOXAPHENE 8-E	OR

(02342) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 6

REGISTRANT	*NAME AND ADDRESS*
* 002342	KERR-MCGEE CHEMICAL CORP MGR PKG & LABELING KERR-MCGEE CENTER OKLAHOMA CITY OK 73102

********** PRODUCT NAME **********		
06944	FASCO TOXAPHENE BAIT-8	FL

REGISTRANT	*NAME AND ADDRESS*
* 002935	WILBUR ELLIS CO. P. O. BOX 1286 FRESNO, CA 93715

********** PRODUCT NAME **********		
06575	RED-TOP METHYL PARATHION 3 TOXAPHENE 6 SPRAY	AZ
06590	RED-TOP TOXAPHENE 8 SPRAY	MT
06647	RED-TOP PARATHION 2 TOXAPHENE 15 CRYOLITE 30 DUST	AZ
06648	RED-TOP PP 62	AZ
06656	RED-TOP NOVE-GUARD 1-8	AZ
06658	RED-TOP METHYL PARATHION 2 TOXAPHENE 15 CRYOLITE 30 DUST	AZ
06674	RED-TOP GT 123	AZ
06683	RED-TOP THIODAN 3 TOXAPHENE 15 SULFUR 40 DUST	CA
06684	RED-TOP THIODAN 3 TOXAPHENE 15 ZINEB 9 DUST	CA
06685	RED-TOP METHYL PARATHION 2 TOXAPHENE 8 SPRAY	

(02935) **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 7

**CONTINUE REGISTRANT 002935

06686 PEO-TOP METHYL PARATHION 2 TOXAPHENE 8 SPRAY CA

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REGISTRANT *NAME AND ADDRESS*

* 003122 SUPERIOR FERTILIZER & CHEM COMPANY ATTEN R BASS
BOX 1021
TAMPA FL 33600

********** PRODUCT NAME **********

07190 SUPERIOR TOXAPHENE 8-E FL

07551 2% PARATHION-10% TOXAPHENE-6.50% ZINEB DUST FL

****

REGISTRANT *NAME AND ADDRESS*

* 003238 AGRICO CHEMICAL CO.
CROP PROTECTION CHEMICAL DIV.
BOX 3451
TULSA, OK 74101

********** PRODUCT NAME **********

08985 STANDARD DI-TOX CATERPILLAR AND LAWN WORM SPRAY FL

09061 STANDARD BRAND TOXAPHENE 40-W FL

09062 STANDARD BRAND 10% TOXAPHENE 3.4% COPPER 65% SULPHUR DUST FL

09063 STANDARD BRAND 20% TOXAPHENE 3.4 COPPER 40% SULPHUR DUST FL

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(032861) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 1

****

REGISTRANT *NAME AND ADDRESS*

* 003286 FERD STAFFEL CO.
P.O. BOX 2380
SAN ANTONIO TX 78298

********** PRODUCT NAME **********

08037 STAFFEL'S TOXAPHENE 60 TX

08080 STAFFEL'S TOXAPHENE-LINDANE STOCK SPRAY & DIP TX

****

REGISTRANT *NAME AND ADDRESS*

* 003509 SAFE WAY FARM PRODUCTS COMPANY
2519 E FIFTH ST
AUSTIN TX 78702

********** PRODUCT NAME **********

06432 SILVERTOX TX

****

(037431 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 9

REGISTRANT	*NAME AND ADDRESS*	
* 003743	SOUTHERN AGRICULTURAL CHEMICALS INC PO BOX 527 KINGSTREE SC 29556	
	********** PRODUCT NAME **********	
07019	ROYAL BRAND TOX-MOX LOW VOLUME CONCENTRATE PESTICIDE	SC
07022	ROYAL BRAND TRIPLE KILL COTTON SPRAY 4-2-.5	SC
07023	ROYAL BRAND TRIPLE KILL COTTON SPRAY 4-2-1	SC

REGISTRANT	*NAME AND ADDRESS*	
* 004841	MICRO CHEM COMPANY BOX 711 WINNSBORO LA 71295	
	********** PRODUCT NAME **********	
06128	MICRO TRIPLE-KILL F 10 DUST	LA
06133	MICRO TRIPLE-KILL M3F**MIX	LA
06135	MICRO TRIPLE-KILL O DUST	LA
06136	MICRO TRIPLE-KILL **M	LA
06138	MICRO TRIPLE-KILL *LM DUST	LA
06139	MICRO TRIPLE-KILL F16 DUST	LA
06141	MICRO BLEND MICRO-TOX 6-1.5	LA
06162	MICRO TRIPLE-KILL **M MIX	LA

(04841) **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 10

**CONTINUE REGISTRANT 004841

06164	MICRO BLEND 20% TOXAPHENE DUST	LA
06250	MICRO TRIPLE - KILL M	LA
06598	MICRO TRIPLE-KILL **M	LA

REGISTRANT	*NAME AND ADDRESS*	
* 004977	SOUTHEASTERN INST CORP ESTILL SC 29918	
	********** PRODUCT NAME **********	
08458	ATOMIC 4-2-1 TOXAPHENE ETHYL METHYL	SC
08459	ATOMIC 6-1.50 TOXAPHENE MALATHION ULV	SC
08464	ATOMIC 6# TOXAPHENE	SC
08465	ATOMIC 8# TOXAPHENE	SC
08466	ATOMIC 4-4 TOXAPHENE METHYL	SC
08468	ATOMIC 8 - 2 TOXAPHENE MALATHION	SC
08469	ATOMIC 6-3 TOXAPHENE METHYL	SC
08470	ATOMIC 6-2-1 TOXAPHENE METHYL ETHYL	SC
08471	ATOMIC 6-1.50 TOXAPHENE METHYL	SC
08472	ATOMIC 6-2 TOXAPHENE METHYL	SC

(059051) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 11

REGISTRANT	*NAME AND ADDRESS*
* 005905	HELENA CHEMICAL CO CLARK TOWER, 5100 POPLAR AVE, SUITE 2904 MEMPHIS TN 38137

********** PRODUCT NAME **********		
03108	HELENA BRAND METHYL PARATHION TOXAPHENE 3-6	FL
07574	HELENA BRAND 6 TOX-3 METHYL	TX
07592	TOXAPHENE -MALATHION	SC
07603	HELENA BRAND HEL-TOX M	AL
07900	HELEN BRAND METHYL PARATHION TOXAPHENE 3-6	FL

REGISTRANT	*NAME AND ADDRESS*
* 005967	MOYER CHEMICAL COMPANY BOX 945 SAN JOSE CA 95108

********** PRODUCT NAME **********		
06416	MALATHION TOXAPHENE BHC DUST NO 4-10-2	CA

(067201) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 12

REGISTRANT	*NAME AND ADDRESS*
* 006720	SOUTHERN MILL CREEK PRODUCTS COMPANY INC BOX 1096 TAMPA FL 33601

********** PRODUCT NAME **********		
03356	SMCP TOXAPHENE EM-6	FL

REGISTRANT	*NAME AND ADDRESS*
* 006853	BFS TEX INSECTICIDES 713 S. OAKES PO BOX 664 SAN ANGELO TX 76901

********** PRODUCT NAME **********		
08611	BFS-TEX LIVESTOCK DUST	TX

REGISTRANT	*NAME AND ADDRESS*
* 006973	SOILSERV INC PO BOX 1817 SALINAS CA 93901

********** PRODUCT NAME **********		
03586	SOILSERV TOXAPHENE 90	CA
03587	SOILSERV WEEVIL BAIT	CA

(070011 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 13

REGISTRANT	*NAME AND ADDRESS*	
* 007001	OCCIDENTAL CHEMICAL CO P O BOX 198 LATHROP, CA 95330	
	********** PRODUCT NAME **********	
04375	PHOS-TOX 6-3	AZ
04382	PARA-TOX 3-6	AZ
04383	TORBIDAN 28	AZ
04384	6 LB. TOXAPHENE	AZ
07666	MP-TOX 2-8 AQUAMUL	CA
07670	TOXAPHENE 8 EC	CA

REGISTRANT	*NAME AND ADDRESS*	
* 007421	CALIFORNIA LIQUID FERTILIZER COMPANY # 50 ARROYO ANNEX PASSADENA CA 91105	
	********** PRODUCT NAME **********	
08680	LAST-BITE NEW FORMULA SOWBUG AND CUTWORM KILLER	CA

(074671 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 14

REGISTRANT	*NAME AND ADDRESS*	
* 007467	VALLEY CO-OP OIL MILL BOX 1310 HARLINGEN, TX 78550	
	********** PRODUCT NAME **********	
03391	TOXAPHENE LIQUID-6	TX
03395	NOK-OUT 63T	TX

REGISTRANT	*NAME AND ADDRESS*	
* 007478	CHEM PAK COMPANY 10402 S. W. 186TH TERRACE SOUTH MIAMI FL 33157	
	********** PRODUCT NAME **********	
07989	SPRINGHILL ROSE SPRAY	FL
08000	FLORIDA GARDEN SPRAY	FL
08015	LAWN GUADIAN EMULSIFIABLE CONCENTRATE	FL
08821	ROSE & POINSETTIA SPRAY	FL
08823	GARDENS OF THE SOUTH ROSE SPRAY	FL
08824	ROSE DUST	FL

(08127) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 15

REGISTRANT *NAME AND ADDRESS*

* 008127 AGGIE CHEMICAL INDUSTRY
PO BOX 8335
SAN ANTONIO TX 78208

********** PRODUCT NAME **********

05562 TOXAPHENE 6# TX

REGISTRANT *NAME AND ADDRESS*

* 008773 AMERICAN FERTILIZER & CHEMICAL COMPANY
PO BOX 98
HENDERSON CO 80640

********** PRODUCT NAME **********

04625 TOXAPHENE "6" CO

REGISTRANT *NAME AND ADDRESS*

* 009169 SEMINOLE STORES INC
P O BOX 940
OCALA FL

********** PRODUCT NAME **********

05293 MARICO BRAND 10% TOXAPHENE DUST FL

(09782) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 16

REGISTRANT *NAME AND ADDRESS*

* 009782 WOODBURY CHEMICAL COMPANY
PO BOX 4319
PRINCETON FL 33030

********** PRODUCT NAME **********

03261 TOXAPHENE 8-E FL

03647 PARATHION-TOXAPHENE-SULFUR 2-5-70 DUST FL

03668 TOXAPHENE-SULFUR 5-75 DUST FL

03669 TOXAPHENE 10 DUST FL

10402 5% TOXAPHENE BAIT

REGISTRANT *NAME AND ADDRESS*

* 009859 LANDIA CHEMICAL COMPANY
1801 W. OLIVE ST
LAKELAND FL 33801

********** PRODUCT NAME **********

06214 TOXAPHENE EM6 FL

06996 5% TOXAPHENE BAIT FL

(102261 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 17

REGISTRANT *NAME AND ADDRESS*

* 010226 ROCKWOOD CHEM COMPANY
BOX 34
BRAWLEY CA 92217

********** PRODUCT NAME **********

03781 ROCKWOOD BRAND TOXAPHENE 6 LB E.C. CA

REGISTRANT *NAME AND ADDRESS*

* 010290 PROFESSIONAL CHEMICAL COMPANY INC
P.O. BOX 94071 4517 YALE ST
HOUSTON TX 77018

********** PRODUCT NAME **********

04933 SNAKE KILL TX

REGISTRANT *NAME AND ADDRESS*

* 010371 CAPE CHEMICAL COMPANY
33 N FREDERICK
CAPE GIRARDEAU MO 63701

********** PRODUCT NAME **********

07403 CAPE-KIL BEEF SPRAY MI

(108731 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 18

REGISTRANT *NAME AND ADDRESS*

* 010873 TIFTON CHEMICAL COMPANY
PO BOX 5
TIFTON GA 31794

********** PRODUCT NAME **********

07362 TIFCHEM 6-1 .50 COTTON SPRAY GA

07363 TIFCHEM TOXAPHENE METHYL PARATHION DUST 20-21 GA

REGISTRANT *NAME AND ADDRESS*

* 010951 BRITZ CHEMICAL COMPANY
OO BOX 366
FIVE POINTS CA 93624

********** PRODUCT NAME **********

09800 BRITZ BRAND TOXAPHENE 72 (EMULSIFIABLE) CA

09808 BRITZ BRAND DIBROM-TOXAPHENE 1.5-6 EMULSIVE

09811 BRITZ BRAND BIDRIN 1-TOXAPHENE 8 CA

(10965) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 19

REGISTRANT	*NAME AND ADDRESS*
* 010965	CALIFORNIA DEPT OF AGRICULTURE WEED & VERTEBRATE PEST CONTROL 1220 N ST SACRAMENTO CA 95814

********** PRODUCT NAME **********		
09894	ANY APPROPRIATE PRODUCT	CA

REGISTRANT	*NAME AND ADDRESS*
* 010972	CASTLE A L INC PO BOX 877 MORGAN HILL CA 95037

********** PRODUCT NAME **********		
05299	CASTLE BRAND TOXAPHENE 8E	CA
06546	CASTLE BRAND DUST TOX-S 10-50	CA
07033	CASTLE BRAND TOXAPHENE 60E	CA

(11017) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 20

REGISTRANT	*NAME AND ADDRESS*
* 011017	FOSTER-GARDNER INC 1577-1ST ST COACHELLA CA 92236

********** PRODUCT NAME **********		
08195	TOXAPHENE 8 E	CA

REGISTRANT	*NAME AND ADDRESS*
* 011093	MASTER NURSERYMEN'S ASSN C/O LEO DUPUICH 3620 1/2 MT DIABLO BLVD LAFAYETTE CA 94549

********** PRODUCT NAME **********		
07364	FORMULA 49 GOLD NUGGET ORGANIC BASE FERTILIZER	CA
07365	49'ER GOLD STRIKE BRAND LIGHTWEIGHT LAWN & DICHONDRA FERTILIZER	CA
07370	49'ER BRAND ROSE DUST	CA

(111241 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 21

REGISTRANT	*NAME AND ADDRESS*
* 011124	PANOCHE CHEMICAL & SUPPLY COMPANY 40109 W BULLARD FIREBAUGH CA 93622

********** PRODUCT NAME **********		
09005	PANOCHE TOXAPHENE 8 EC	CA
09006	PANOCHE METHYL PARATHION 2 TOXAPHENE 8	CA

REGISTRANT	*NAME AND ADDRESS*
* 011204	STONE & SON E B PO BOX 57 SALINAS CA 93901

********** PRODUCT NAME **********		
04100	GREENALL SOIL INSECTICIDE AND LAWN MOTH CONTROL	CA
04101	GREENALL TURF FERTILIZER WITH INSECTICIDE	CA
06727	GREENALL LAWN & GARDEN FERTILIZER INSECTICIDE ADDED	CA

(113691 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 22

REGISTRANT	*NAME AND ADDRESS*
* 011369	BAKERSFIELD AG CHEM INC PO BOX 5062 OILDALE CA 93308

********** PRODUCT NAME **********		
08778	PAC TOXAPHENE SPRAY 8E	CA

REGISTRANT	*NAME AND ADDRESS*
* 011656	WESTERN FARM SERVICE INC SHELL CHEM COMPANY 1025 CONNECTICUT AVE-STE 200 WASH DC 20036

********** PRODUCT NAME **********		
05714	METHYL PARATHION TOX SULPHUR 2-15-40	AZ
05734	M-PARA-TOX-KRY 2-10-30	AZ
05735	M-P TOX 2-20	AZ
05741	TOXAPHENE 8-E EMULSIFIABLE LIQUID	AZ
05748	TORBIDAN 28	AZ
05750	PARATOX 36	AZ
05772	TOXAPHENE 6-E	CA
05891	TOXAPHENE 8E EMULSIFIABLE LIQUID	CA
05905	DIBROM - TOXAPHENE 1.5-6 E	CA
05906	DIMETHOATE TOXAPHENE .5-3 EC	CA

(12062) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 23

REGISTRANT	*NAME AND ADDRESS*
* 012062	PRO-BOLL CHEMICAL COMPANY PO BOX 54 CROWVILLE LA 71230

********** PRODUCT NAME **********		
10127	PRO-BOLL LA-LO 44	LA
10128	PRO-BOLL 8-2	LA
10129	PRO-BOLL 6-11	LA
10130	PRO-BOLL 6-3	LA

REGISTRANT	*NAME AND ADDRESS*
* 013166	APOLLO ENTERPRISES INC ROUTE 1 ALTHEIMER AR 72004

********** PRODUCT NAME **********		
07513	POWER 6-1.5	AR
07515	8 TOXAPHENE-2 METHYL PARATHION	AR

(14775) **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 24

REGISTRANT	*NAME AND ADDRESS*
* 014775	ASGROW FLORIDA COMPANY PO DRAWER D PLANT CITY FL 33566

********** PRODUCT NAME **********		
08726	PARATHION-TOXAPHENE DUST NO. 6 (2% PARATHION-10% TOXAPHENE) (1-6	FL
08748	TOXAPHENE 40 WETTABLE (40% TOXAPHENE)	FL
08749	TOXAPHENE-MAGANESE-SULPHUR DUST NO. 1 (1XS-1)	FL
08750	TOXAPHENE BAIT NO. 7 (5% TOXAPHENE) (B-7)	FL
08751	TOXAPHENE DUST NO. 2 (10% TOXAPHENE) (1-2)	FL
10095	TOX-ETHYL 6-2 EMULSIVE	FL
10539	TOXAPHENE-METALDEHYDE BAIT NO.10(8-10)	

REGISTRANT	*NAME AND ADDRESS*
* 015575	SOUTHLAND AGRICULTURAL CHEMICAL COMPANY PO BOX 6207 MONTGOMERY AL 36106

********** PRODUCT NAME **********		
05325	TOXAPHENE 8F	AL
05329	SUPER KILL 4-4	AL
05337	4-3-1 COTTON SPRAY	AL

(155871 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 25

REGISTRANT *NAME AND ADDRESS*

* 015887 AGRICULTURAL CHEMICALS OF DALLAS
3707 EAST KIEST BLVD.
DALLAS, TX. 75203

********** PRODUCT NAME **********

04929 HI BRAND TOXAPHENE E-6 TX

REGISTRANT *NAME AND ADDRESS*

* 023442 INDUSTRIAL CHEMICAL SERVICE INC
938 MILAN STREET
SHREVEPORT LA

********** PRODUCT NAME **********

06957 FASCO TERPENE PARATHION 4-1 EC FL

REGISTRANT *NAME AND ADDRESS*

* 031143 SMITH COMPANY OF UVALDE
P O BOX 1000
UVALDE TX 78801

********** PRODUCT NAME **********

05453 CROP-LIFE PARATHION-TOXAPHENE 2-20 DUST TX

(329281 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 26

REGISTRANT *NAME AND ADDRESS*

* 032928 CHEMSPRAY, INC.
1550 E. SEVENTH STREET
PAHOKEE, FL. 33576

********** PRODUCT NAME **********

05925 PRODUCT NO. 8 FL

05926 PRODUCT NO. 7 FL

05932 8 LB. TOXAPHENE FL

REGISTRANT *NAME AND ADDRESS*

* 033352 CONSOLIDATED CHEMICALS INC
1000 NORTH STATE MARKET RD
PAHOKEE, FL 33476

********** PRODUCT NAME **********

07631 TOXAPHENE 8E FL

(337221 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 27

REGISTRANT	*NAME AND ADDRESS*
* 033722	TEX AG COMPANY INC P O BOX 633 MISSION, TX 78572

	********** PRODUCT NAME **********	
03272	TOXAPHENE 6 LB.	TX
03277	POWER-TOX	TX

REGISTRANT	*NAME AND ADDRESS*
* 035133	CRYER PEST CONTROL, INC 215 S. HWY 146 BAYTOWN, TX 77520

	********** PRODUCT NAME **********	
09321	C&C PROFESSIONAL MOSQUITO SPRAY	TX

(352221 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 28

REGISTRANT	*NAME AND ADDRESS*
* 035222	SOUTHERN CHEMICALS, INC. 204 N. ELM AVE. BOX 1480 SANFORD, FL 32771

	********** PRODUCT NAME **********	
07152	DI-TOX 28	FL
07162	SOUTHERN'S TOXAPHENE - 10	FL
07172	SOUTHERN'S METHYL PARATHION-PARATHION-TOXAPHENE .5-.5-4-E	FL
07174	TOXAPHENE EMULSION CONCENTRATE	FL
07176	SOUTHERN'S TOXAPHENE BAIT	FL

REGISTRANT	*NAME AND ADDRESS*
* 035253	AGRA CHEM SALES COMPANY P. O. BOX 1356 AVON PARK, FL 33825

	********** PRODUCT NAME **********	
06038	71% TOXAPHENE EMULSIFIABLE	FL
08629	LINDANE-TOXAPHENE LIVESTOCK SPRAY OR DIP	FL

(352961 **** PRODUCT SEARCH LISTING ****

03/08/77 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING TOXAPHENE PAGE 29

REGISTRANT	*NAME AND ADDRESS*
* 035295	TOXO-SPRAY DUST, INC. 300 MAIN ST. TUSTIN, CA 92680

********** PRODUCT NAME **********		
05807	TOXOPHENE EMULSIFIABLE NO.8	CA
05811	TOXO TOXOPHENE SEVIN-5 DUST NO. 10-5-50	CA

REGISTRANT	*NAME AND ADDRESS*
* 037854	AGRICULTURAL SUPPLIES OF BATESVILLE, INC. BOX 6 BATESVILLE, TX 78829

********** PRODUCT NAME **********		
08303	FALL OUT TOXAPHENE 6-E	TX

(000591 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 1

REGISTRANT *NAME AND ADDRESS*

* 000059 BURROUGHS WELLCOME COMPANY
BURROUGHS WELLCOME COMPANY
3030 CORNWALLIS ROAD
RESEARCH TRIANGLE PARK, NC 27709

********** PRODUCT NAME **********

00028 COOPER-TOX LIVESTOCK

00039 AGRICULTURAL COOPER-TOX #6 TOXAPHENE EMULSIFIABLE CONCENT.

00055 COOPER - TOX EXTRA

00089 COOPER BACK RUBBER CONCENTRATE

00096 FENATOX

00127 COOPER HOG MANGE CURE

00139 COOPER TOX EXTRA DUST

00152 COOPER TOX V EMULSIFIABLE LIQUID

00165 COOPER DRY INSECTICIDE CONTAINS TOXAPHENE

REGISTRANT *NAME AND ADDRESS*

* 000070 RIGO COMPANY, INC.
1200 FORT WAYNE NAT'L BANK BLDG.
FORT WAYNE, IN 46802

********** PRODUCT NAME **********

00096 KILL-KO STOCK SPRAY AND DIP

(000921 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 2

REGISTRANT *NAME AND ADDRESS*

* 000092 TENNECO CHEMICAL INC
INTERMEDIATES DIV TURNER PL PO BOX 2
PISCATAWAY NJ 08854

********** PRODUCT NAME **********

00016 STROBANE-T 90% TOXAPHENE SOLUTION INSECTICIDAL TOXICANT

00034 STROBANE-T TOXAPHENE

REGISTRANT *NAME AND ADDRESS*

* 000134 HESS AND CLARK DIV OF RHODIA INC
ASHLAND OH 44805
ASHLAND, OH 44805

********** PRODUCT NAME **********

00050 DRYCIDE FORMULATED WITH TOXAPHENE

(001481) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 3

REGISTRANT	*NAME AND ADDRESS*
* 000148	THOMPSON-HAYWARD CHEMICAL COMPANY BOX 2383 KANSAS CITY KS 66110

********** PRODUCT NAME **********	
00158	DE-PESTER TOXAPHENE E-6
00495	DE-PESTER TOXAPHENE-L STOCK SPRAY AND DIP
00731	DE PESTER COTTON SPRAY 3-0-4 METHYL PARATHION TOXAPHENE
00786	DE-PESTER TOXAPHENE 85-15
00820	COTTON SPRAY 6-0-3
00836	DE-PESTER TOXAPHENE E-8
00859	DE-PESTER COTTON DUST 20-0-0 (TOXAPHENE)
00903	DE-PESTER BAGWORM AND SOD WEBWORM SPRAY
00913	DE-PESTER LIVESTOCK DUST
00917	DE-PESTER PROFESSIONAL BAGWORM & SOD WEBWORM SPRAY
00990	COTTON SPRAY 6-0-2
01012	T-H TOXAPHENE 6 LBS. EMULSION CONCENTRATE
01014	T-H 20% TOXAPHENE DUST
01018	T-H 20-40 DUST CONTAINING TOXAPHENE & SULPHUR
01020	T-H TOXAPHENE-PARATHION DUST
01126	COTTON SPRAY 6-0-1.5 TOXAPHENE-METHYL PARATHION
01131	DE-FEND-TOX

(001681) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 4

REGISTRANT	*NAME AND ADDRESS*
* 000168	WASATCH CHEMICAL DIVISION ENTRADA IND INC P O BOX 6219 SALT LAKE CITY UT 84106

********** PRODUCT NAME **********	
00162	TOXAPHENE-8 EMULSIBLE LIQUID
00381	WASCO TOXAPHENE 40% WETTABLE POWDER
00421	WASCO BACKRUBBER SOLUTION

REGISTRANT	*NAME AND ADDRESS*
* 000226	TOBACCO STATES CHEMICAL COMPANY BOX 479 LEXINGTON KY 40501

********** PRODUCT NAME **********	
00028	TOBACCO STATES BRAND 20% TOXAPHENE DUST
00039	TOBACCO STATES BRAND *** TOXAPHENE 6 LB. EMULSION CONCENTRATE
00149	TOBACCO STATES BRAND TOX 450 DIP-SPRAY CONCENTRATE
00165	TOBACCO STATES BRAND EVERGREEN SPRAY
00201	TOBACCO STATES BRAND IMPROVED BACKRUBBER OIL

(002281) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 5

REGISTRANT *NAME AND ADDRESS*

* 000228 RIVERDALE CHEMICAL COMPANY
220 E 17TH ST
CHICAGO HGTS IL 60411

********** PRODUCT NAME **********

00012 A RIVERDALE TOXAPHENE 6 POUNDS PER GALLON*

00065 RIVERDALE BACK RUBBER SOLUTION

00131 RIVERDALE 10% TOXAPHENE GRANULES

REGISTRANT *NAME AND ADDRESS*

* 000239 CHEVRON CHEMICAL COMPANY
ORTHO DIVISION 940 HENSLEY WAY
RICHMOND CA 94801

********** PRODUCT NAME **********

00211 ORTHO TOXAPHENE 40 WETTABLE

00241 ORTHO TOXAPHENE 10 DUST

00254 ORTHO TOXAPHENE 4.8 EMULSIVE

00371 ORTHO TOXAPHENE 8 EMULSIVE

00432 ORTHO TOXAPHENE 6 EMULSIVE

00518 ORTHO KLEEN STOCK SPRAY

01835 ORTHO DIBROM TOXAPHENE 3-10 DUST

01887 ORTHO TOXAPHENE 6 EMULSIVE X8

(002391) **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 6

**CONTINUE REGISTRANT 000239

02264 ORTHO TORBIDAN 2-8 SPRAY

02384 THIOCLAN-METHYL PARATHION-TOXAPHENE 25-2 5-10 DUST

REGISTRANT *NAME AND ADDRESS*

* 000240 DALY HERRING COMPANY
PO BOX 428
KINSTON NC 28501

********** PRODUCT NAME **********

00159 D-H PARATOX CONTAINS 8 LBS. TOXAPHENE & 2 LBS. METHYL PARATHION PER GALL

00192 BOOMER 6-3 EMULSIFIABLE INSECTICIDE CONCENTRATE

00193 D-H 20% TOXAPHENE DUST

00197 D-H 60% TOXAPHENE EMULSIFIABLE CONCENTRATE

00200 D-H 4-4 EMULSIFIABLE LIQ

00201 20% TOXAPHENE-2% PARATHION 3.9% ZINEB DUST

(002411 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 7

****

REGISTRANT *NAME AND ADDRESS*

* 000241 AMERICAN CYANAMID COMPANY
BOX 400
PRINCETON NJ 08540

********** PRODUCT NAME **********

00096 MALATHION T-X LIVESTOCK SPRAY

****

REGISTRANT *NAME AND ADDRESS*

* 000270 FARNAM COMPANIES INC
P O BOX 21447
PHOENIX, AZ 85036
*

********** PRODUCT NAME **********

00018 FARNAM TOXANOX * PLUS

****

REGISTRANT *NAME AND ADDRESS*

* 000279 FMC CORP.
AGRICULTURAL CHEM DIV.
100 NIAGARA ST.
MIDDLE PORT NY 14105

********** PRODUCT NAME **********

00405 TOXAKIL MISCIBLE

00407 NIAGARA TOXAKIL 20 SULPHUR 40 DUST (CODE 185)

(002791 **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 8

*CONTINUE REGISTRANT 000279

01095 NIAGARA MANGASULPHUR 10 TOXAKIL 5 DUST

01225 NIAGARA TOXAKIL 20 PHOS KIL 2 DUST CODE 1300

01367 NIAGARA TOXAKIL 10 PHOS 2 DUST

01390 NIAGARA TOXAKIL 8.0 MISCIBLE CODE 1047

01505 NIAGARA TOXAKIL 40 WETTABLE POWDER

02150 NIAGARA CRYOLITE 30 PARATHION 2 TOXAPHENE 10 DUST

02561 CODE 2727 NIAGARA NYNAMITE 63 INSECTICIDE

02716 FMC NYNAMITE 44 INSECTICIDE

02719 NIAGARA PARATHION 3 TOXAPHENE 5 E.C. CODE 20418

02733 METHYL PARATHION 2 TOXAPHENE 15 DUST

02799 COPPER 3.4 SULFUR 60 TOXAPHENE 15 PEANUT DUST

02802 SULFUR 61 TOXAPHENE 7.5 DUST CODE 20005

02888 TOXAKIL 20 DUST INSECTICIDE

02899 MANEB 3.5 SULFUR 50 TOXAPHENE 5 DUST CODE 20028

02966 METHYL PARATHION 2.5 THIODAN 2.5 TOXAPHENE 10 DUST

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(002991) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 9

REGISTRANT *NAME AND ADDRESS*

* 000299 MARTIN C J COMPANY
606 W MAIN PO BOX 1089
NACOGDOCHES TX 75961

********** PRODUCT NAME **********

00057 MARTIN'S STOCK-TOX- A WATER MISCIBLE TOXAPHENE CONCENTRATE

00077 MARTIN'S SUPER STOCK TOX

00118 BEEF CATTLE DUST

00175 MARTIN'S STOCK TOX 6112 TOXAPHENE EMULSIFIABLE CONCENTRATE

00176 MARTIN S STOCK TOX 6115 TOXAPHENE EMULSIFIABLE CONCENTRATE

REGISTRANT *NAME AND ADDRESS*

* 000327 TEXAS PHENOTHIAZINE COMPANY
BOX 4186
FT WORTH TX 76106

********** PRODUCT NAME **********

00062 TPC TOX-A-DANE

00073 DR ROGERS' MAL-PHENE

00078 PRO BRAND PRO TOX M

00100 DR. ROGERS' TOX-ENE

00121 TPC TOX-ENE-V EMULSIFIABLE CONCENTRATE CONTAINING TOXAPHENE & VAPONA

(004C7) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 10

REGISTRANT *NAME AND ADDRESS*

* 004C7 IMPERIAL INC
BOX 423
SHENANDOAH IA 51601

********** PRODUCT NAME **********

00293 IMPERIAL TOMATO DUST FOR DISEASE & INSECT CONTROL

00300 IMPERIAL NO. 6 TOXAPHENE E.C

00301 IMPERIAL 10% TOXAPHENE GRANULAR INSECTICIDE

00309 IMPERIAL STOCK-TOX TWO (LIVESTOCK SPRAY CONCENTRATE)

00322 IMPERIAL LIVESTOCK TOXAPHENE

00323 DRY INSECTICIDE FOR BEEF CATTLE, SWINE, HORSES

00328 IMPERIAL 15% TOXAPHENE GRANULAR INSECTICIDE

REGISTRANT *NAME AND ADDRESS*

* 000410 FRANKLIN LABORATORIES INC
PO BOX 22335-WELLSHIRE STATION
DENVER CO 80222

********** PRODUCT NAME **********

00044 FRANKLIN TOXAPHENE LINDANE SPRAY MIX

(004491) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 12

REGISTRANT *NAME AND ADDRESS*

* 000449 TECHNE CORPORATION
C/O REGULATORY AFFAIRS DEPT. FARMLAND IND., INC.
P. O. BOX 7305
KANSAS CITY, MO 64116

********** PRODUCT NAME **********

00249 TOXALIN

00310 VAPO-TOX

00462 SURE DEATH BRAND PARATHION TOXAPHENE 1-10 DUST

00509 SURE DEATH BRAND TOXAPHENE 40-W

00531 6LB TOXAPHENE EMULSIFIABLE

00532 8 LB. TOXAPHENE EMULSIFIABLE

00535 TECHNE TOXAPHENE 10% GRANULAR INSECTICIDE

00541 TOXAPHENE 15% GRANULAR INSECTICIDE

REGISTRANT *NAME AND ADDRESS*

* 000450 MILLER CHEMICAL COMPANY INC
1441 CALIFORNIA ST
OMAHA NE 68102

********** PRODUCT NAME **********

00133 MILLER STOX-SPRAY CONCENTRATE

(004131) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 11

REGISTRANT *NAME AND ADDRESS*

* 000413 BARTELS & SHORES CHEMICAL COMPANY
1400-02 ST LOUIS AVE
KANSAS CITY, MO 64101

********** PRODUCT NAME **********

00038 PIONEER BRAND LIVESTOCK CONCENTRATE B-TOX

00064 PIONEER BRAND TOXAPHENE EMULSIFIABLE CONCENTRATE

REGISTRANT *NAME AND ADDRESS*

* 000436 STANDARD CHEMICAL MFG COMPANY
701 S 42ND ST
OMAHA, NB 68103

********** PRODUCT NAME **********

00017 STANDARD'S LIN-TOX LIVESTOCK SPRAY AND DIP

T004711 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 13

REGISTRANT *NAME AND ADDRESS*

* 000471 FIELD HENRY SEED & NURSERY
407 SYCAMORE ST
SHENANDOAH IA 51601

********** PRODUCT NAME **********

00011 HENRY FIELD'S TOMATO DUST

REGISTRANT *NAME AND ADDRESS*

* 000476 STAUFFER CHEMICAL COMPANY LABELING & REGISTRATION
DEPT 1200 SOUTH 47TH ST
RICHMOND, CA 94804

********** PRODUCT NAME **********

00176 TOXAPHENE-SULPHUR 20-40 DUST

00369 STAUFFER TOXAPHENE 8-E

00486 STAUFFER *** TOXAPHENE EMULSIFIABLE CONCENTRATE NO. 601

00489 TOXAPHENE 8 EC

01142 TOXAPHENE 6-EH

01329 PARATHION-TOXAPHENE 2-10 DUST

01528 TOXAPHENE 6-E STOCK SPRAY & BACK RUBBER CONCENTRATE

01913 LINDANE TOXAPHENE .2-4E LIVESTOCK SPRAY AND OILER CONCENTRATE

02011 TORBIDAN 28

02133 TOXAPHENE 40-WP AGRICULTURAL INSECTICIDE WETTABLE POWDER

T004831 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 14

REGISTRANT *NAME AND ADDRESS*

* 000483 PACIFIC SUPPLY CORP
PO BOX 3588
PORTLAND OR 97208

********** PRODUCT NAME **********

00130 PACIFIC COOPERATIVES TOX OIL

REGISTRANT *NAME AND ADDRESS*

* 000523 ROBERTS LAB DIV HOPKINS AGR CHEM
4995 N MAIN ST
ROCKFORD IL 61101

********** PRODUCT NAME **********

00036 DR. ROBERTS BACKRUBBER OIL

REGISTRANT *NAME AND ADDRESS*

* 000524 MONSANTO COMPANY
AGRICULTURAL PRODUCTS
800 N. LINDBERGH BLVD.
ST. LOUIS, MO 63166

********** PRODUCT NAME **********

00275 NIRAN 44

(00528) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 15

REGISTRANT *NAME AND ADDRESS*

* 000528 AMSCO DIVISION UNION OIL COMPANY OF CALIFORIA
825 SE THORNTON
MINNEAPOLIS MN 55414

********** PRODUCT NAME **********

00041 KRITTER SPRAY CATTLE OILER READY TO USE

REGISTRANT *NAME AND ADDRESS*

* 000548 RILEY BROS INC
860 WASHINGTON
BURLINGTON IA 52601

********** PRODUCT NAME **********

00030 RILEY BROS. 5% TOXAPHENE BACK RUBBER LIQUID INSECTICIDE

REGISTRANT *NAME AND ADDRESS*

* 000554 AGSCO INC
BOX 458
GRAND FORKS ND 58201

********** PRODUCT NAME **********

00126 AGSCO TOXAPHENE E-6 AGRICULTURAL INSECTICIDE

(00557) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 16

REGISTRANT *NAME AND ADDRESS*

* 000557 SWIFT AGRICULTURAL CHEMICAL
CORP.
111 WEST JACKSON BOULEVARD
CHICAGO, IL 60604

********** PRODUCT NAME **********

01876 SWIFT TOXAPHENE V6E

REGISTRANT *NAME AND ADDRESS*

* 000602 RALSTON PURINA COMPANY
CHECKERBOARD SQUARE
ST LOUIS MO 63188

********** PRODUCT NAME **********

00037 PURINA LIQUID STOCK SPRAY

00044 PURINA RANGE CATTLE SPRAY

00112 PURINA STOCK SPRAY SPECIAL

00118 PURINA BACK SCRATCH TOXAPHENE LINDANE CONCENTRATE

(006C6) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 17

REGISTRANT	*NAME AND ADDRESS*
* 000606	CORN KING DIVISION THE KING CASTLE INC PO BOX 189 MARION IA 52302

********** PRODUCT NAME **********

00095 HUBBARD PREMIUM STOCK SPRAY

REGISTRANT	*NAME AND ADDRESS*
* 000635	E-Z FLO CHEM. COMPANY, DIV OF GROWER SERVICE CORP. P O BOX 808 LANSING, MI 48901

********** PRODUCT NAME **********

00263 E-Z-FLO TOXAPHENE EMULSIFIABLE CONCENTRATE

00554 E Z FLO 2% PARATHION 20% TOXAPHENE DUST

(006421) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 19

REGISTRANT	*NAME AND ADDRESS*
* 000642	THOMPSON CHEMICALS CORP 23529 S FIGUEROA ST WILMINGTON CA 90744

********** PRODUCT NAME **********

00103 THOMPSON'S MULTI-TOX TL LIVESTOCK SPRAY & DIP

00143 THOMPSON'S MULTI - TOX TM NEW & IMPROVED EMULSIFIABLE CONCENTRATE

REGISTRANT	*NAME AND ADDRESS*
* 000655	PRENTISS DRUG & CHEMICAL COMPANY INC 363 7TH AVE NEW YORK NY 10001

********** PRODUCT NAME **********

00074 PRENTOX TOXAPHENE 8 LB. EMULSIFIABLE

(007461 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 19

REGISTRANT *NAME AND ADDRESS*

* 000746 MFA OIL CO
P.O. BOX 519
COLUMBIA MO 65201

********** PRODUCT NAME **********

00026 M.F.A EVERGREEN SPRAY CONCENTRATE

00040 M.F.A. LIVESTOCK TOXAPHENE

00048 M.F.A. TOMATO DUST

00049 M.F.A. DRY DIP

00068 M. F. A. NO. 6 TOXAPHENE E. C. FOR FIELD CROP USE ONLY

REGISTRANT *NAME AND ADDRESS*

* 000769 WOOLFOLK CHEMICAL WORKS INC
PO BOX 938
FT VALLEY GA 31030

********** PRODUCT NAME **********

00060 SECURITY BRAND 20-40 COTTON DUST TOXAPHENE-SULPHUR

00109 20 TOXAPHENE DUST SECURITY BRAND

00136 SECURITY BRAND TOX-SOL-6

00394 SECURITY MOTOX 63 COTTON SPRAY

00436 SECURITY TOX-MP COTTON SPRAY 5-2

00437 SECURITY TOX-SOL-8

(007691 **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 20

*CONTINUE REGISTRANT 000769

00447 SECURITY SUPER-TOX COTTON SPRAY 4-3-1

00448 SECURITY TOX-MP COTTON SPRAY 6-1 1/2

00451 SECURITY 10% TOXAPHENE DUST

REGISTRANT *NAME AND ADDRESS*

* 000802 LILLY CHAS P COMPANY MILLER RD DIV
7737 N.E. KILLINGSWORTH
PORTLAND, OR 97218

********** PRODUCT NAME **********

00112 MILLER'S PESTKIL

00456 MILLER'S TOXAPHENE 40W

00486 MILLER'S TOXAPHENE 8E AGRICULTURAL INSECTICIDE

REGISTRANT *NAME AND ADDRESS*

* 000829 SOUTHERN AGRI INSECT INC
PO BOX 218
PALMETTO FL 33561

********** PRODUCT NAME **********

00049 S & 50 CUT WORM AND MOLE CRICKET BAIT

00056 SA-50 BRAND PRE-HEADING CABBAGE DUST WITH TOXAPHENE

00088 SA-50 BRAND PRE-HEAD DUST 2-20

(008911 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 21

REGISTRANT *NAME AND ADDRESS*

* 000891 HERCULES INC AGRICULTURAL CHEMICAL
SYNTHETIC DEPT
WILMINGTON DE 19899
WILMINGTON DE 19899

********** PRODUCT NAME **********

00001 TOXAPHENE AN INSECTICIDAL TOXICANT

00010 HERCULES TOXAPHENE SOLUTION

00011 HERCULES TOXAPHENE 40% DUST

00020 TOXAPHENE 60% EMULSIFIABLE CONCENTRATE INSECTICIDE

00021 HERCULES TOXAPHENE BACK RUBBER CONCENTRATE TO BE MIXED WITH OIL

00023 HERCULES TOXAPHENE 72% EMULSIFIABLE CONCENTRATE

00029 HERCULES TOXAPHENE 20% DUST INSECTICIDE

00106 HERCULES TORBIDAN 28

00107 HERCULES TORBIDAN 18

00115 HERCULES TOXAPHENE 80% CONCENTRATE

00136 HERCULES TOXAPHENE 10% GRANULAR INSECTICIDE

00138 HERCULES TOXAPHENE 65% EMULSIFIABLE LIVESTOCK CONCENTRATE

00159 HERCULES TECHNICAL MATERIAL MALATHION INSECT TOXICANT FOR M.U.O.

00165 HERCULES TOXAPHENE 15% GRANULAR INSECTICIDE

00173 HERCULES TORBIDAN 6-1.5

(009091 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 22

REGISTRANT *NAME AND ADDRESS*

* 000909 COOKE LABORATORY PRODUCTS
4759 S DURFEE AVE
PICO RIVERA CA 90660

********** PRODUCT NAME **********

00064 COOKE ROSE DUST

00067 COOKE BUG SHOT LAWN SPECIAL SPRAY CONCENTRATE

REGISTRANT *NAME AND ADDRESS*

* 000912 FARMERS UNION CENTRAL EXCHANGE INC
POST OFFICE BOX 'G'
ST PAUL MN 55165

********** PRODUCT NAME **********

00027 CO-OP BACKRUBBER OIL

00056 CO-OP STOCK TOX PLUS LIVESTOCK SPRAY CONCENTRATE

(010CT) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 23

REGISTRANT *NAME AND ADDRESS*

* 001007 PFIZER INC.
235 EAST 42ND ST
NEW YORK NY 10017

********** PRODUCT NAME **********

00041 GLO-TOX TOXAPHENE-MALATHION

REGISTRANT *NAME AND ADDRESS*

* 001021 MCLAUGHLIN GORMLEY KING COMPANY
8810 10TH AVE NO
MINNEAPOLIS MN 55427

********** PRODUCT NAME **********

01092 MGK MOTHPROOF MIX 1840

REGISTRANT *NAME AND ADDRESS*

* 001022 CHAPMAN CHEMICAL COMPANY
BOX 9158
MEMPHIS TN 38109

********** PRODUCT NAME **********

00034 CHAPMAN TOXAPHENE-6

(010261 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 24

REGISTRANT *NAME AND ADDRESS*

* 001026 CHAP STICK COMPANY
1000 ROBINS RD
LYNCHBURG VA 24505

********** PRODUCT NAME **********

00007 CEDAR SCENTED MOTH SPRAY

REGISTRANT *NAME AND ADDRESS*

* 001029 ATOFX CORPORATION
P.O. BOX 7348
OMAHA, NB 68107

********** PRODUCT NAME **********

00059 TOX-LIN EMULSIBLE CONCENTRATE

00073 ATOFX TOXAPHENE 10% GRANULAR INSECTICIDE

00075 ATOFX TOXAPHENE 6E EMULS. INSECT/CONT. OF CETPAIN INSECTS

00080 ATOFX TOXAPHENE 15G

00085 TOXAPHENE 90-10

00086 MANGFX FOR HOGS,CATTLE,SHEEP ANDGOATS

00089 MAL-TOX LIVESTOCK INSECTICIDE FOR SPRAY-DIP-OILER

00097 TOXAPHENE-6S FOR MANUFACTURING PURPOSES ONLY

00103 TOXAPHENE 95-15

00109 ATOFX 5% TOXAPHENE BACK RUBBER SOLUTION

(010291 **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 25

**CONTINUE REGISTRANT 001029

00130 TOXAPHENE 40% DUST

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REGISTRANT *NAME AND ADDRESS*

* 001063 VALLEY CHEMICAL COMPANY
BOX 1317
GREENVILLE MS 38702

********** PRODUCT NAME **********

00004 VALCO BRAND TOXAPHENE 20-0

00105 VALCO BRAND TOXAPHENE EMULSIFIABLE NO. 5

00114 VALCO BRAND TOX-A-ME 63

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REGISTRANT *NAME AND ADDRESS*

* 001145 AMOCO OIL CO.
200 E. RANDOLPH DR.
CHICAGO IL 60601

********** PRODUCT NAME **********

00121 BOVINOL T-L44 FOR BEEF CATTLE HOGS-SHEEP-GOATS BUILDINGS

00138 AMOCO TOXAPHENE SPRAY

****

(011191) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 26

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REGISTRANT *NAME AND ADDRESS*

* 001191 CAROLINA CHEMICALS INC
PO BOX 118
W COLUMBIA SC 29169

********** PRODUCT NAME **********

00001 FLIGHT BRAND TOXAPHENE SULPHUR 20-40

00002 TOXAPHENE DUST 20 - 0

00034 TOXAPHENE 5 EMULSIFIABLE

00035 TOXAPHENE 8 EMUL CONC

00294 TOXAPHENE METHYL PARATHION EC 8-2

00298 FLIGHT BRAND 20% TOXAPHENE DUST

00306 FLIGHT BRAND BHC 3-5-0 DUST

00309 FLIGHT BRAND TOXAPHENE METHYL PARATHION EC 6-2

00310 FLIGHT BRAND TOXAPHENE-METHYL PARATHION EC 6-1 1/2

00311 FLIGHT BRAND TOXAPHENE-METHYL PARATHION EC 6-3

00329 FLIGHT BRAND TOXAPHENE-METHYL PARATHION LV 3.96-0.99

00332 FLIGHT BRAND TOXAPHENE MALATHION ULV CONCENTRATE 1 1/2-6

00340 FLIGHT BRAND TOXAPHENE 80S

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(01202) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 27

REGISTRANT	*NAME AND ADDRESS*
* 001202	PUREGRO COMPANY 1052 W 6TH ST LOS ANGELES CA 90017

********** PRODUCT NAME **********	
00253	TORBIDAN 28
00271	PUREGRO TOXAPHENE 8 LIQUID
00306	PUREGRO TOXAPHENE METHYL PARATHION 6-3F

REGISTRANT	*NAME AND ADDRESS*
* 001208	JANSON IND PLAINSMAN AGRICULTURAL BOX 174 PLAINVIEW, TX 79880

********** PRODUCT NAME **********	
00011	PLAINSMAN 60 T EMULSIFIABLE TOXAPHENE

(01258) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 28

REGISTRANT	*NAME AND ADDRESS*
* 001258	OLIN CHEMICALS OLIN CORPORATION 120 LONG RIDGE ROAD STAMFORD, CT 06904

********** PRODUCT NAME **********	
00699	TOXAPHENE 6 LB. EMULSIFIABLE
00794	TOXAPHENE METHYL PARATHION 6LB-3LB
00816	TOXAPHENE-METHYL PARATHION 8LB. 2 LB. EMULSIFIABLE
00828	OLIN TOXAPHENE-METHYL PARATHION 4 LB - 4 LB. EMULSIFIABLE
00834	TOXAPHENE 6 LB EMULSIFIABLE LIQUID
00835	MAGNUM 44 EMULSIFIABLE
00962	OLIN TOXAPHENE METHYL PARATHION 6 LB 1.5 LB. EMULSIFIABLE

REGISTRANT	*NAME AND ADDRESS*
* 001304	FURST MCNESS COMPANY 120 E CLARK ST FREEPORT IL 61032

********** PRODUCT NAME **********	
00053	MCNESS MANGE OIL CONCENTRATE

(01307) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 29

REGISTRANT *NAME AND ADDRESS*

* 001307 MAGNOLIA CHEMICAL CO INC
2646 RODNEY LANE
DALLAS TX 75220

********** PRODUCT NAME **********

00060 MAL-PHENE SUPER LIVESTOCK SPRAY EMULSIFIABLE CONCENTRATE

00099 MAGNA-TOX SUPER #150

REGISTRANT *NAME AND ADDRESS*

* 001339 COTTON STATES CHEM CO INC
P O DRAWER 157
W MONROE LA 71291

********** PRODUCT NAME **********

00006 COTTON STATES TOXAPHENE 20% DUST

00020 TOXAPHENE-6 EMULSIFIABLE CONCENTRATE INSECTICIDE

00051 COTTON STATES TOXANE EMULSIFIABLE

00189 COTTON STATES TORBIDAN 28

00191 PARATOX

00195 TOXAPHENE-8 EMULSIFIABLE

00206 COTTON STATES KETOKIL NO. 63

00207 COTTON STATES NO. 42 TOX-MP

00208 COTTON STATES KETOKIL NO. 44

(01339) **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 30

**CONTINUE REGISTRANT 001339

00218 KETOKIL NO. 6-1.5

REGISTRANT *NAME AND ADDRESS*

* 001348 SELCO SUPPLY COMPANY
COLLINS AVE & R R
EATON CO 80615

********** PRODUCT NAME **********

00038 SELCO BRAND TOXAPHENE 6E EMULSIFIABLE

00108 SELCO SELCOTOX LIVESTOCK SPRAY TOXAPHENE AND LINDANE

00195 SELCO TOXAPHENE 61 SPECIAL LIVESTOCK SPRAY AND DIP

REGISTRANT *NAME AND ADDRESS*

* 001381 LAND O'LAKES C/O IMPERIAL INC
PO BOX 423
SHENANDOAH IA 51601

********** PRODUCT NAME **********

00052 FELCO TOXAPHENE EMULSIFIABLE CONCENTRATE

00068 FELCO/STATEX STOCK-TOX PLUS (LIVESTOCK SPRAY CONCENTRATE)

(013E6) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 31

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REGISTRANT *NAME AND ADDRESS*

* 001386 UNIVERSAL COOPERATIVES INC
PO BOX 836
ALLIANCE OH 44601

********** PRODUCT NAME **********

00034 UNICO TOXAPHENE EMULSION CONC

00234 UNICO 5% TOXAPHENE BACK RUBBER SOLUTION

00284 UNICO LIVESTOCK SPRAY CONCENTRATE

****

REGISTRANT *NAME AND ADDRESS*

* 001526 A G CHEM-CHEM DIST
ARIZONA AGROCHEMICAL CO.
P.O. BOX 21537
PHOENIX AZ 85036

********** PRODUCT NAME **********

00351 PHOENIX BRAND DYLOX 3 TOXAPHENE 10 WITH 50% SULFUR

00377 TOXAPHENE EC-60 EMULSIFIABLE

00438 PHOENIX BRAND PHOSPHO KIL-5 TOXAPHENE 10

00479 PHOENIX BRAND TORBIDAN 28

00499 AGRO-CHEM BRAND TOXAPHENE 6-E

****

(015E9) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 32

****

REGISTRANT *NAME AND ADDRESS*

* 001528 SHEPARD LABS
DIV OF NEBRASKA PRODUCING & REFINING
1521 NO 11TH STREET
OMAHA, NB 68110

********** PRODUCT NAME **********

00010 SHEPS TOXAPHENE LINDANE EMULSIFIABLE CONCENTRATE STOCK SPRAY & DIP

****

REGISTRANT *NAME AND ADDRESS*

* 001598 FCX INC
P O BOX 2419
RALEIGH, NC 27642

********** PRODUCT NAME **********

00086 FCX TOXAPHENE-6 EMULSIFIABLE CONCENTRATE

00154 FCX FARM CHEMICALS 20-0 TOXAPHENE DUST

00168 10% TOXAPHENE DUST

00204 FCX "82" SPRAY

00212 FCX METHYL PARATOX 63

00218 FCX 6-1.5 FC COTTON INSECTICIDE

00231 FCX 6-1.5 BEAN SPRAY

00235 TOXAPHENE 8 EMULSIFIABLE INSECTICIDE

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(01737) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 33

REGISTRANT *NAME AND ADDRESS*

* 001737 SOUTHWEST GREASE & OIL CO (OMAHA) INC
20TH & WILLIAMS STS
OMAHA, NB 68108

********** PRODUCT NAME **********

00008 505 TOXAPHENE BACK RUBBER OIL

00011 KNOX-EM-KOLD CATTLE BACKRUBBER OIL

REGISTRANT *NAME AND ADDRESS*

* 001772 HOLDER CORP THE
1421 FIFTH AVE
HUNTINGTON WV 25702

********** PRODUCT NAME **********

00082 CHEMFORM BRAND EVERGREEN SPRAY CONCENTRATE

(01812) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 34

REGISTRANT *NAME AND ADDRESS*

* 001812 GRIFFIN CORP.
P.O. BOX 1847
VALDOSTA, GA 31601

********** PRODUCT NAME **********

00009 TOXAPHENE EMULSIFIABLE CONCENTRATE

00029 TOXAPHENE EMULSIFIABLE CONCENTRATE(CONTAINS 5 LBS. TOXAPHENE)

00033 COTTON & PEANUT DUST 20-40 TOXAPHENE SULPHUR

00034 PEAS AND VEGETABLE DUST

00059 SULPHENE

00135 PARAPHENE 8-2 TOXAPHENE-METHYL PARATHION

00148 PEE GEE 6-2 TOXAPHENE-METHYL PARATHION

00168 SUL-CO-TOX

00183 PEE GEE COTTON SPRAY

00193 SULPHENE WITH COPPER

00197 44 SPECIAL

00200 TOXAPHENE 90%

00203 COTTON BLASTER

00206 TOXAPHENE 20-D COTTON DUST

(018421 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 35

REGISTRANT *NAME AND ADDRESS*

* 001842 TRIANGLE CHEMICAL COMPANY
BOX 4528
MACON GA 31208

********** PRODUCT NAME **********

00001 TRIANGLE 20-40 TOXAPHENE-SULPHUR DUST

00036 TRIANGLE TOXAPHENE-6 EMULSIFIABLE CONCENTRATE

00182 TRIANGLE RANGE SPRAY FOR BEEF CATTLE

00213 TRIANGLE 10-3.4-70 PEANUT DUST TOXAPHENE-COPPER-SULFUR

00244 TRIANGLE SUPER COPPER 6-2-1 CONT 6LB TOX 2LB MET PAR 1 LB ETHYL PAR

00248 TRIANGLE 6-3 TOX - MP

00253 TRIANGLE "63"

00259 MP 4X4

00263 TRIANGLE TOXAPHENE-8 F.C.

00269 20% TOXAPHENE DUST

00273 TRIANGLE MIGHTY 10

00274 TRIANGLE TRI-9

(018711 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 36

REGISTRANT *NAME AND ADDRESS*

* 001871 FARMCRAFT, INC
8900 S W COMMERCIAL
TIGARD OR 97223

********** PRODUCT NAME **********

00082 FARMCRAFT TOXAPHENE-10

REGISTRANT *NAME AND ADDRESS*

* 001948 NORTHERN STATES LABS
P.O. BOX 969
FREMONT NE 68025

********** PRODUCT NAME **********

00030 MAL-TOX LIVESTOCK SPRAY & DIP AN EMULS CONC OF MALATHION & TOXAPHENE

REGISTRANT *NAME AND ADDRESS*

* 001990 FARMLAND IND., INC.
C/O REGULATORY AFFAIRS DEPT.
P. O. BOX 7305
KANSAS CITY, MO 64116

********** PRODUCT NAME **********

00015 TOXAPHENE EMULSIFIABLE CONC

00156 CO OP BEEF CATTLE SPRAY EMULSION CONCENTRATE

(01990) **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 37

**CONTINUE REGISTRANT 001990

00346 CO-OP STOCK-TOX PLUS LINDANE

****

REGISTRANT *NAME AND ADDRESS*

* 002124 GRACE W R & COMPANY AGR CHEM C H TIDWELL
PO BOX 277 100 N MAIN ST
MEMPHIS TN 38101

********** PRODUCT NAME **********

00285 NACO 10% TOXAPHENE + 1 1/2% PARATHION DUST

00521 NACO TOXAPHENE-SULPHUR 20-40 DUST

00578 NACO 20% TOXAPHENE DUST

00630 NACO SUPER TEN

00752 NACO TOXAPHENE 6 EC

00762 NACO TOXAPHENE PARATHION 20-2 DUST

00770 NACO TOXAPHENE 40-W

00775 NACO TOXAPHENE 8-E

00784 NACO TOXAPHENE-METHYL PARATHION 6-3EC

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(02136) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 39

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REGISTRANT *NAME AND ADDRESS*

* 002136 HOFFMAN COMPANY INC
1413-1415 COURT ST LAB
ALLENTOWN PA 18102

********** PRODUCT NAME **********

00016 HOFFMAN'S LOUSE AND MANGE SPRAY

****

REGISTRANT *NAME AND ADDRESS*

* 002169 PATTERSON CHEMICAL COMPANY INC
1400 UNION AVE
KANSAS CITY, MO 64101

********** PRODUCT NAME **********

00100 PATTERSON'S BAG WORM SPRAY

00134 PATTERSON'S TURF INSECT KILLER EMULSIFIABLE CONCENTRATE

00158 PATTERSON'S TOXAPHENE-LINDANE

00245 BAGWORM AND SOD WEBWORM SPRAY 60% TOXAPHENE

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(022171 **** PRODUCT SEARCH LISTING ****

05/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 39

****

**REGISTRANT* *NAME AND ADDRESS*

* 002217 PBI-GORDON CORPORATION
300 SO 3RD ST
KANSAS CITY KS 66118

********** PRODUCT NAME **********

00026 TOXAPHENE EMULSIFIABLE CONC

00242 STOCK-TOX PLUS LIVESTOCK SPRAY CONC.)

00288 GORDON'S BAGWORM SPRAY FOR EVERGREENS

00300 TOXAPHENE BACK RUBBER CONCENTRATE

00301 HI-TOX LIVESTOCK SPRAY EMULS. CONC.

00324 GORDON'S SUPERKILL SOD WEBWORM SPRAY

00339 HI-TOX M (LIVESTOCK SPRAY CONCENTRATE)

00350 RUB TOX 6S BACKRUBBER CONCENTRATE

00421 TOXAPHENE LAWN AND ORNAMENTAL SPRAY

00482 NEW IMPROVED "76" SOD WEBWORM KILLER

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(022691 **** PRODUCT SEARCH LISTING ****

05/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 40

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**REGISTRANT* *NAME AND ADDRESS*

* 002269 GOLD KIST INC
PO BOX 2210
ATLANTA GA 30301

********** PRODUCT NAME **********

00010 20-40 TOXAPHENE COTTON DUST

00013 CO-OP 20% TOXAPHENE COTTON DUST

00120 COTTON SAVER

00130 CPA/GK BUG DRUG

00132 CPA-GK DOUBLE TROUBLE

00147 GK 6-3 SPRAY

00156 TOXAPHENE 8-E

00157 GOLDKIST TOXAPHENE EMULSIFIABLE CONCENTRATE

00159 GK 8-2 SPRAY

00166 TOXAPHENE MALATHON ULV INSECTICIDE FOR COTTON

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(02301) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 41

****

REGISTRANT *NAME AND ADDRESS*

* 002301 TERHUNE C D COMPANY
BOX 333
CEDARTOWN GA 30125

********** PRODUCT NAME **********

00004 SUPER COTTON DUST CONTAINS 20% TOXAPHENE

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REGISTRANT *NAME AND ADDRESS*

* 002342 KERR-MCGEE CHEMICAL CORP
MGR PKG & LABELING
KERR-MCGEE CENTER
OKLAHOMA CITY OK 73102

********** PRODUCT NAME **********

00026 FASCO 20-40 COTTON DUST

00598 FASCO MOLE CRICKET BAIT

00707 FASCO TERPENE-METHYL PARATHION 8-2 EC (TOXAPHENE-METHYL PARATHION)

00711 FASCO FAS-KIL COTTON & SOYBEAN INSECTICIDE SPRAY

00717 FASCO TOXAPHENE DUST-10

00741 FASCO TOXAPHENE PARATHION DUST 10-2

00742 FASCO TOXAPHENE LIQUID 8

00743 FASCO TOXAPHENE 40-WP

00773 FASCO TOX-MP 4-4EC COTTON & SOYBEAN INSECTICIDE SPRAY

00781 20% TOXAPHENE DUST

(02342) **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 42

**CONTINUE REGISTRANT 002342

00783 TOXAPHENE COTTON DUST

00786 TOXAPHENE EMULSIBLE CONCENTRATE

00895 FASCO TOXAPHENE-SULFUR DUST 20-40

00896 FASCO TOXAPHENE DUST 20

00936 FASCO TERPENE PARATHION 4-1EC

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REGISTRANT *NAME AND ADDRESS*

* 002353 HOPKINS AGRI., CHEMICAL CO.
P.O. BOX 7532
MADISON, WI. 53707

********** PRODUCT NAME **********

00227 HOPKINS 10% TOXAPHENE GRANULAR INSECTICIDE

00276 HOPKINS TOXAPHENE 6 E.C.

00332 ALLIED CHEMICAL 90% TOXAPHENE

00334 ARCADIAN TOXAPHENE EM-6 EMULSIFIABLE CONCENTRATE

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(024351 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 43

REGISTRANT *NAME AND ADDRESS*

* 002435 HYDE RA OIL COMPANY
PIPESTONE MN 56164

********** PRODUCT NAME **********

00004 HYDE TOXAPHENE BEEF CATTLE OIL RUB

REGISTRANT *NAME AND ADDRESS*

* 002459 STEVENS IND INC
N MAIN ST PO BOX 272
DAWSON GA 31742

********** PRODUCT NAME **********

00004 MASTER BRAND TOXAPHENE

00005 MASTER BRAND 20-40 TOXAPHENE WITH SULPHUR

00030 MASTER EMULSIFIABLE SPRAY FOR COTTON

00113 MASTER BRAND RANGE SPRAY

00117 MASTER BRAND 20% TOXAPHENE DUST FOR LAWNS AND GARDENS

00220 MASTER BRAND TOX. - M. PARATHION

00246 MASTER BRAND 2.5% METHYLPARATHION-20% TOXAPHENE DUST

00250 MASTER BRAND TOXAPHENE DUST FOR LAWNS & GARDENS

00259 MASTER BRAND EMULSIFIABLE SPRAY TOXAPHENE

(024601 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 44

REGISTRANT *NAME AND ADDRESS*

* 002460 HOWERTON GOWEN COMPANY INC
BOX 247 * 11TH ST
ROANOKE RAPIDS NC 27870

********** PRODUCT NAME **********

00005 20% TOXAPHENE COTTON DUST

00007 GOWEN'S 20% CHLORINATED CAMPHENE COTTON DUST WITH 40% SULPHUR

00053 GOWEN S 20 COTTON SPRAY

00054 GOWEN'S 6-3 EMULSIFIABLE INSECTICIDE CONCENTRATE

00055 GOWEN'S 6-1 1/2 EMULSIFIABLE LIQUID

REGISTRANT *NAME AND ADDRESS*

* 002724 ZOECON INDUSTRIES, INC.
12206 DENTON DRIVE
DALLAS, TX 75234

********** PRODUCT NAME **********

00052 LINTOX-X

00054 LINTOX-M LIVESTOCK SPRAY & DIP BACKRUBBER CONC

00157 STARBAR HOG MANGE AND LICE SPRAY

00161 STARBAR VAPOR-TOX LIVESTOCK SPRAY AND DIP BACK RUBBER CONCENTRATE

00164 STARBAR LINTOX-M DUST

00165 STARBAR LINTOX LIVESTOCK DUST

(029171) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 45

REGISTRANT	*NAME AND ADDRESS*
* 002917	CARTER INSEC & CHEMICAL COMPANY INC PO BOX 127 TEACHEY, NC 28464

********** PRODUCT NAME **********

00019 CARTER CAROLINA BRAND 10% TOXAPHENE DUST

00043 CARTER CAROLINA BRAND TOXAPHENE EMULSION CONCENTRATE

REGISTRANT	*NAME AND ADDRESS*
* 002935	WILBUR ELLIS CO. P. O. BOX 1286 FRESNO, CA 93715

********** PRODUCT NAME **********

00374 RED TOP TOXAPHENE 8 SPRAY

00381 RED-TOP TOXAPHENE 40 WP

(029741) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 46

REGISTRANT	*NAME AND ADDRESS*
* 002974	COAHOMA CHEMICAL COMPANY DIV RIVERSIDE CHEMICAL CO P O BOX 171199 MEMPHIS TN 38117.

********** PRODUCT NAME **********

00002 RED PANTHER TOXAPHENE 6 LB. EMULSIFIABLE CONCENTRATE

00105 RED PANTHER TOXAPHENE MP EMULSIFIABLE CONCENTRATE

00110 RED PANTHER 6-3 TOXAPHENE-MP EMULSIFIABLE CONCENTRATE

REGISTRANT	*NAME AND ADDRESS*
* 003122	SUPERIOR FERTILIZER & CHEM COMPANY ATTN R BASS BOX 1021 TAMPA FL 33600

********** PRODUCT NAME **********

00016 COTTON DUST, 20% TOXAPHENE - 40% SULPHUR

(032381 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 47

REGISTRANT *NAME AND ADDRESS*

* 003238 AGRICO CHEMICAL CO.
CROP PROTECTION CHEMICAL DIV.
BOX 3451
TULSA, OK 74101

********** PRODUCT NAME **********

00037 STANDARD BRAND TOXAPHENE-SULPHUR 20-40 DUST AN AGRIC. INSECT.FUNG

00058 STANDARD BRAND TOXAPHENE 8-EC INSECTICIDE

00059 STANDARD BRAND TOXAPHENE 6EMULSIFIABLE CONCENTRATE INSECTICIDE

00060 STANDARD BRAND TOXAPHENE-METHYL PARATHION 6-3 EC INSECTICIDE

00062 TOXAPHENE METHYL-ETHYL PARATHION 6-2-1 EMUSIVE COTTON SPRAY INSECT

00067 TOXAPHENE-METHYL PARATION 4-4 EMULSIVE COTTON SPRAY INSECTICIDE

00072 STANDARD BRAND TOXAPHENE METHYL PARATHION 6-1 1/2 EC INSECTICIDE

REGISTRANT *NAME AND ADDRESS*

* 003342 CAPE FEAR CHEMICALS INC
PO BOX 695
ELIZABETHTOWN NC 28337

********** PRODUCT NAME **********

00067 TIGER BRAND TOXAPHENE

00084 10% TOXAPHENE DUST

(034421 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 48

REGISTRANT *NAME AND ADDRESS*

* 003442 USS AGRI-CHEMICALS DIV US STEEL CORP
PO BOX 1685
ATLANTA GA 30301

********** PRODUCT NAME **********

00682 USS TOXAPHENE 6 EC DELTA

00683 USS TOXAPHENE 6 EC

00684 USS METHYL PARATHION-TOXAPHENE 4-4-EC

00685 USS METHYL PARATHION-TOXAPHENE 4-4 EC DELTA

00686 USS METHYL PARATHION-TOXAPHENE 3-6 EC DELTA

00687 USS METHYL PARATHION TOXAPHENE 3-6 EC

REGISTRANT *NAME AND ADDRESS*

* 003468 SCHALL CHEMICAL INC
BOX 862
MONTEVISTA CO 81144

********** PRODUCT NAME **********

00005 SCHALL LIVESTOCK SPRAY, DIP & OILER CONC.

(03509) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 49

REGISTRANT *NAME AND ADDRESS*

* 003509 SAFF WAY FARM PRODUCTS COMPANY
2519 E FIFTH ST
AUSTIN TX 78702

********** PRODUCT NAME **********

00050 SILVERTOX BEEF ANIMAL - SHEEP AND GOAT LIVESTOCK SPRAY

00100 TOX O'MAL #45

00101 SAFEWAY LIVESTOCK DUST

00116 TOXAPHENE-6 EMULSIFIABLE

REGISTRANT *NAME AND ADDRESS*

* 003624 NOVA PRODUCTS INC
PO BOX 5086
KANSAS CITY KS 66119

********** PRODUCT NAME **********

00095 NOVA TOXAPHENE - 6 E

00143 NOVA CATTLE BACKRUBBER CONCENTRATE

(03743) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 50

REGISTRANT *NAME AND ADDRESS*

* 003743 SOUTHERN AGRICULTURAL CHEMICALS INC
PO BOX 527
KINGSTREE SC 29556

********** PRODUCT NAME **********

00141 ROYAL BRAND LIVESTOCK SPRAY

00193 101 BRAND CABBAGE DUST

00226 20% TOXAPHENE DUST

00233 ROYAL BRAND TOXAPHENE 60 EMULSION CONCENTRATE

00262 COTTON-TOX 62

00292 ROYAL BRAND BEAN TOX 82

00295 2-6-20 CABBAGE DUST

00299 COTTON-TOX 82

00317 ROYAL BRAND CY-TOX ULV

00318 40W TOXAPHENE

00322 COTTON TOX MP 6-1.5

00323 COTTON-TOX-MP 6-3

00326 TOX-GUARD 9

00327 CY-TOX EC

00328 ROYAL BRAND 6-2 CY-TOX E.C.

00330 3.96-0.99 TOXAPHENE-METHYL PARATHION ULV

00332 ROYAL BRAND LIVESTOCK DUST

(037431 **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 51

**CONTINUE REGISTRANT 003743

00335 ROYAL BRAND BOLL MAKER

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REGISTRANT *NAME AND ADDRESS*

* 003770 ECONOMY PROD COMPANY
BOX 427
SHENANDOAH IA 51601

********** PRODUCT NAME **********

00070 ECONOMY RANGE CATTLE SPRAY

00119 ECONOMY STOCK-TOX PLUS

00168 ECONOMY 5% TOXAPHENE BACKRUBBING SOLUTION

00185 MALATOX LIVESTOCK SPRAY & DIP

00245 STOCK TOX V TOXAPHENE PLUS VAPONA (R)EMULSIFIABLE INSECTICIDE

00246 STOCK TOX EMULS. TOXAPHENE INSECTICIDE LIVESTOCK & UTILITY SPRAY

00251 ECONOMY TOXAPHENE CROP & LIVESTOCK SPRAY CONCENTRATE

00255 10% TOXAPHENE GRANULES CORN BORER CONTROL

00284 DRY TOX

****

(040301 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 52

****

REGISTRANT *NAME AND ADDRESS*

* 004030 OLD SCRATCH INC OF AMARILLO
PO BOX 5068
AMARILLO TX 79107

********** PRODUCT NAME **********

00002 OLD SCRATCH CONCENTRATED LINDANE - TOXAPHENE

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REGISTRANT *NAME AND ADDRESS*

* 004185 SMITH-DOUGLASS DIV.
BORDEN CHEMICAL, BORDEN INC.
5100 VIRGINIA BEACH BLVD.
NORFOLK, VA 23501

********** PRODUCT NAME **********

00104 SMITH DOUGLASS TOXAPHENE PARATHION DUST (20% TOXAPHENE 2% PARATHION)

00105 SMITH DOUGLASS 6 LBS TOXAPHENE EMULSION CONC

00108 20% TOXAPHENE DUST

00112 SMITH-DOUGLASS TOXAPHENE OILER SOLUTION

00414 TOXAPHENE-METHYL PARATHION 6-3 EMULSION CONCENTRATE

00470 WHOPPER KNOCKER

00480 TOXAPHENE METHYL PARATHION 4-4 E.C.

00482 TOXAPHENE SEVIN METHYL PARATHION COTTON DUST

00484 TOXAPHENE SEVIN 14-7 DUST

00535 TOXAPHEN-METHYL PARATHION

(041851 **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 53

**CONTINUE REGISTRANT 004185

00528 TRUMP

****

REGISTRANT *NAME AND ADDRESS*

* 004581 PENNWALT CORP AGCHEM DIV.
PENNWALT TECHNOLOGICAL CENTER
P.O. BOX C
KING OF PRUSSIA, PA 19406

********** PRODUCT NAME **********

00015 20-0 COTTON DUST (CONTAINS 20% TOXAPHENE)

00105 LIVESTOCK SPRAY M.T.

00265 PENNSALT 8.2 SPRAY

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REGISTRANT *NAME AND ADDRESS*

* 004715 COLORADO INTERNATIONAL CORP
5321 DAHLIA ST
COMMERCE CITY CO 80022

********** PRODUCT NAME **********

00145 BEST 4 SERVIS BRAND TOXADANE READY MIXED OILER COMPOUND

00148 BEST 4 SERVIS BRAND TOXAMAL LIVESTOCK CONCENTRATE AND OILER COMPOUND

00149 BEST 4 SERVIS BRAND HIGH STRENGTH PROTEX TOXADANE

00151 BEST 4 SERVIS BRAND TOXAPHENE READY MIXED OILER COMPOUND

00152 BEST 4 SERVIS BRAND TECH CHLORINATED CAMPHENE FOR MANUF PUR. ONLY

(047151 **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 54

**CONTINUE REGISTRANT 004715

00153 BEST 4 SERVIS BRAND TECHNICAL TOXAPHENE FOR MFG. PURPOSES ONLY

00176 BEST 4 SERVIS BRAND PROTEX TOXAPHENE

00178 BEST 4 SERVIS BRAND TOXAPHENE 8 LB. EMULSIFIABLE CONCENTRATE

00236 BEST 4 SERVIS BRAND PROTEX TOX LIVESTOCK SPRAY EMULSIFIABLE CONC

00253 BEST 4 SERVIS BRAND TOXAPHENE CROP CONTROL

00285 BEST 4 SERVIS BRAND EVERGREEN SPRAY CONTAINS KELTHANE AND TOXAPHENE

00303 BEST 4 SERVIS BRAND 8 LB TOXAPHENE OIL SOLUTION

00305 BEST 4 SERVIS BRAND TOXAPHENE CROP AND LIVESTOCK SPRAY CONCENTRATE

00314 BEST 4 SERVIS BRAND 6 LB TOXAPHENE OIL SOLUTION

****

REGISTRANT *NAME AND ADDRESS*

* 004746 CHEMICAL INDUSTRIES INC
P O BOX 991
BORGER TX 79007

********** PRODUCT NAME **********

00040 HEREFORD BRAND METHYL PARATHION TOXAPHENE 3-6 E

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(04941) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 55

REGISTRANT *NAME AND ADDRESS*

* 004841 MICRO CHEM COMPANY
BOX 711
WINNSBORO LA 71295

********** PRODUCT NAME **********

00017 MICRO BLEND SIX POUND TOXAPHENE EMULSIFIABLE CONCENTRATE

00055 MICRO BLEND MICRO-TOX 63

00056 MICRO BLEND MICRO-TOX 82

REGISTRANT *NAME AND ADDRESS*

* 004876 AG SUPPLY INC
INDUSTRIAL DRIVE
HOPKINSVILLE KY 42240

********** PRODUCT NAME **********

00021 CABLE-OIL OR LIVESTOCK SPRAY

00022 TOXAPHENE EMULSION

00048 BAGWORM AND TENT CATERPILLAR SPRAY

(04941) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 56

REGISTRANT *NAME AND ADDRESS*

* 004931 GOOD-LIFE CHEMICALS INC
BOX 687
EFFINGHAM IL 62401

********** PRODUCT NAME **********

00056 NEW: GOOD-LIFE BAG WORM SPRAY

00069 GOOD-LIFE BAG WORM LIQUID

REGISTRANT *NAME AND ADDRESS*

* 005481 ANVAC CHEMICAL CORP
4100 EAST WASHINGTON BLVD
LOS ANGELES, CA 90023

********** PRODUCT NAME **********

00071 ALCO L-T STOCK SPRAY

00141 DURHAM DURATHION ZEEMATE TOXAPHENE DUST 2-6-15

00143 DURHAM DURATHION TOXAPHENE SULFUR DUST 2-10-50

00162 ALL PURPOSE ORNAMENTAL SPRAY

00173 TOXAPHENE 8E AGRICULTURAL INSECTICIDE EMULSIFIABLE LIQUID

(05549) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 57

****

REGISTRANT *NAME AND ADDRESS*

* 005549 COASTAL CHEMICAL CORPORATION
PO BOX 856
GREENVILLE NC 27834

********** PRODUCT NAME **********

00058 COASTAL TMP 8-2

00061 20% TOXAPHENE DUST

00062 TOXAPHENE EMULSION

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REGISTRANT *NAME AND ADDRESS*

* 005778 GRO CHEMICAL COMPANY
3530 NW 31ST ST
MIAMI FL 33142

********** PRODUCT NAME **********

00026 GRO TOXAPHENE 60% CONCENTRATED EMULSION

00032 SUPER CHINCH LAWN SPRAY WITH BHC-TOXAHENE-DIAZINON

00034 SUPER CHINCH LAWN SPRAY WITH BHC TOXAPHENE-ETHION

00035 SUPER CHINCH LAWN SPRAY WITH BHC-TOXAPHENE-TRITHION

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(05905) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 58

****

REGISTRANT *NAME AND ADDRESS*

* 005905 HELENA CHEMICAL CO
CLARK TOWER, 5100 POPLAR AVE, SUITE 2904
MEMPHIS TN 38137

********** PRODUCT NAME **********

00056 HELENA BRAND 6 LB. TOXAPHENE EMULSIFIABLE INSECTICIDE CONCENTRATE

00080 HELENA BRAND HELS-MATE 8 TOXAPHENE-2 METHYL PARATHION

00120 HELENA BRAND 4 TOX-4 METHYL

00138 TOXAPHENE MALATHION LIVESTOCK SPRAY

00172 HELENA BRAND TOXAPHENE 10% GRANULAR INSECTICIDE

00183 HELENA BRAND GUNTER 6-3 EMULSIFIABLE INSECTICIDE CONC

00185 HELENA BRAND 20-0 TOXAPHENE DUST

00186 HELENA BRAND 15% TOXAPHENE GRANULAR INSECTICIDE

00191 HELENA 6 TOX-2 EPN

00192 HELENA BRAND 6LB TOXAPHENE(AGRICULTURAL EMULS. LIQ.)

00195 HELENA TRIPLE KILL T

00205 TOXAPHENE 61 LIVESTOCK DIP AND SPRAY

00208 HELENA TOXAPHENE MALATHION LIVESTOCK SPRAY & DIP INSECTICIDE CONCENTRATE

00214 HELENA BRAND 6 TOX-3 ETHYL EMULSIFIABLE INSECTICIDE CONCENTRATE

00215 HELENA BRAND 4 TOX 4 ETHYL EMULSIFIABLE INSECTICIDE CONCENTRATE

00223 HELENA BRAND 6 TOX -1.5 METHYL

00236 HELENA BRAND TOXAPHEN SPRAY 8-E

105905I **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 59

**CONTINUE REGISTRANT 005905

00241 HELENA BRAND 6-2-1 TOX-METHYL-ETHYL EMULSIFIABLE INSECTICIDE CONCENTRATE

00249 HELENA BRAND SLAYER III

00263 HELENA ANIMAL HEALTH TOX-A-CHLOR

00290 HELENA 20% TOXAPHENE-40% SULPHUR DUST

00291 HELENA AG CHEM 20% TOXAPHENE DUST

00325 HELENA SULF-O-TOX

00335 PT-35 EMULSIFIABLE LIQUID

00336 HELENA PARATHION TOXAPHENE 24 AN EMULSIFIABLE LIQUID

00344 HELENA HEL-TOX 32 EMULSIFIABLE LIQUID

00346 HELENA HEL-CHEM4-4

00348 HEL-CHEM 62 EMULSIFIABLE LIQUID

00356 HELENA TOXAPHENE 8-E

00357 HELENA AG CHEM TOXAPHENE 6-E AN EMULSIFIABLE LIQUID

00359 HELENA AG CHEM 10% TOXAPHENE -3.4% COPPER 70% SULPHUR DUST

00366 HELENA BRAND 4-2-5 EMULSIFIABLE INSECTICIDE CONCENTRATE

00367 HELENA 4-2-1 EMULSIFIABLE INSECTICIDE CONCENTRATE

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105967I **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 60

****

REGISTRANT *NAME AND ADDRESS*

* 005967 MOYER CHEMICAL COMPANY
BOX 945
SAN JOSE CA 95108

********** PRODUCT NAME **********

00082 METAPHENE

00095 TOXAPHENE SPRAY 8-E

00096 TOXAPHENE 40-W

****

REGISTRANT *NAME AND ADDRESS*

* 006079 NORTH LOUISIANA CHEMICALS INC
PO BOX 127
GILLIAM LA 71029

********** PRODUCT NAME **********

00007 TOXAPHENE EMULSIFIABLE CONCENTRATE

00011 FIGHT-TWO

00012 SIX-THREE TOXAPHENE-METHYL PARATHION

****

(065521) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 61

REGISTRANT *NAME AND ADDRESS*

* 006552 KAY OFF FEED COMPANY
1919 GRAND AVENUE
SIOUX CITY IA 51107

********** PRODUCT NAME **********

00005 KAY OFF TOX II (LIVESTOCK SPRAY CONCENTRATE)

REGISTRANT *NAME AND ADDRESS*

* 006720 SOUTHERN MILL CREEK PRODUCTS COMPANY INC
BOX 1096
TAMPA FL 33601

********** PRODUCT NAME **********

00100 X-CEL CUT WORM BAIT

00218 TOXAPHENE 8F

(067351) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 62

REGISTRANT *NAME AND ADDRESS*

* 006735 TIDE PRODUCTS INC
ATTN MW MARSH BOX 1020
EDINBURG TX 78539

********** PRODUCT NAME **********

00132 TIDE MP-TOX

00133 TIDE METHYL PARATHION-TOXAPHENE-2-4E

00170 TIDE TOXAPHENE-SULFUR 20-40 DUST

00180 TIDE TOXAPHENE 20 DUST

00187 TIDE COPPER-TOXAPHENE SULFUR 3.4-20-40

00190 TIDE TOXAPHENE 6-E EMULSIFIABLE LIQUID

00198 MP-TOX-44

00218 TIDE EXPANDER EMULSIFIABLE LIQUID-AGRICULTURAL INSECTICIDE

REGISTRANT *NAME AND ADDRESS*

* 007001 OCCIDENTAL CHEMICAL CO
P O BOX 198
LATHROP, CA 95330

********** PRODUCT NAME **********

00070 BEST LIVESTOCK SPRAY CONTAINS TOXAPHENE AND LINDANE

00110 TOXAPHENE 8 EC

00153 MP TOX 2-8 AQUAMUL

(07001) **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 63

**CONTINUE REGISTRANT 007001

00182 MALATHION TOXAPHENE 2-6EC

00195 METHYL PARATHION TOXAPHENE 3-6

00199 REST TOXAPHENE 6EC

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REGISTRANT *NAME AND ADDRESS*

* 007056 CHEM SPRAY-AEROSOLS INC
P.O. BOX 38073 16210 FARM RD 149
HOUSTON TX 77088

********** PRODUCT NAME **********

00072 CHEM-TOX TOXAPHENE MALATHION LIVESTOCK SPRAY & DIP

****

REGISTRANT *NAME AND ADDRESS*

* 007173 CHEMPAR CHEMICAL COMPANY INC
260 MADISON AVE
NEW YORK NY 10016

********** PRODUCT NAME **********

00034 CHEMPAR TOXAPHENE 60% LIQUID

****

(07275) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 64

****

REGISTRANT *NAME ANT ADDRESS*

* 007273 CROWN CHEMICAL INCORPORATED
4995 NORTH MAIN STREET
ROCKFORD IL 61101

********** PRODUCT NAME **********

00087 CHECK PEST BAGWORM MITE SPRAY

00092 CHECK-PEST T-6 TOXAPHENE

****

REGISTRANT *NAME AND ADDRESS*

* 007401 VOLUNTARY PURCHASING GROUP INC
PO BOX 460
BONHAM TX 75418

********** PRODUCT NAME **********

00167 HI-YIELD KILLIZALL 44

00189 HI-YIELD RANGE CATTLE SPRAY CONTAINING MALATHION

00207 HI-YIELD 6LB TOXAPHENE EMULSIFIABLE CONC

00227 HI YIELD 4-2 MIX

00230 HY-YIELD 615

00248 FERTI-LOME BAGWORM KILLER

00269 HI-YIELD 8LB. TOXAPHENE

00272 HI-YIELD LIVESTOCK SPRAY NO 1

00276 HI-YIELD LIVESTOCK SPRAY NO. 2

(074C1) **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 65

**CONTINUE REGISTRANT 007401

00281 HI-YIELD TOXAPHENE 6 F.C.

****

REGISTRANT *NAME AND ADDRESS*

* 007794 RED BARN CHEMICALS INC
520 SOUTH CINN
TULSA OK 74102

********** PRODUCT NAME **********

00053 RED BARN TOXAPHENE-METHYL PARATHION 6-3 EMULSIFIABLE CONCENTRATE

00054 RED BARN METHYL PARATHION TOXAPHENE 505

00055 RED BARN METHYL PARATHION TOXAPHENE 4-4 EMULSIFIABLE CONCENTRATE

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REGISTRANT *NAME AND ADDRESS*

* 008006 EASY CHEMICAL & MFG COMPANY INC
R R 1
SEWARD NB 68434

********** PRODUCT NAME **********

00011 EASY CATTLE OIL FORMULA NO. 1

****

(08152) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 66

****

REGISTRANT *NAME AND ADDRESS*

* 008152 GALCO COMPANY
BOX A
COUNCIL BLUFFS IA 51501

********** PRODUCT NAME **********

00004 GALCO BEEF CATTLE OIL

****

REGISTRANT *NAME AND ADDRESS*

* 008222 LING FUANG INDUSTRIES, INC.
LING FUANG, IND.
P.O. BOX 1207
GARDNERVILLE, NV. 89410

********** PRODUCT NAME **********

00027 TRIPLE ACTION LAWN WEED & FEED WOTH INSECTICIDE

****

REGISTRANT *NAME AND ADDRESS*

* 008343 GABRIEL CHEMICALS LTD
204 21ST AVE
PATERSON, NJ 07509

********** PRODUCT NAME **********

00062 AGRISECT CUTWORM BAIT

****

(08461) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 67

****

REGISTRANT *NAME AND ADDRESS*

* 008461 CYPRESS SUPPLY COMPANY
8123 DELMAR BLVD
ST LOUIS, MO 63130

********** PRODUCT NAME **********

00018 CYPRESS BRAND TOXAPHENE 6-E

****

REGISTRANT *NAME AND ADDRESS*

* 008521 GABRIEL CHEMICAL LTD
BOX B
ROBBINSVILLE NJ 08691

********** PRODUCT NAME **********

00073 TOXAPHENE 60% EMULSIFIABLE CONCENTRATE

****

REGISTRANT *NAME AND ADDRESS*

* 008590 AGWAY INC
CHEMICAL DIV BOX 1333
SYRACUSE NY 13201

********** PRODUCT NAME **********

00013 TOXAPHENE 6E

00113 TOXAPHENE PARATHION 10-1 D

****

(08620) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 68

****

REGISTRANT *NAME AND ADDRESS*

* 008620 ESCAMBIA CHEMICAL CORP
PO BOX 467
PENSACOLA FL 32502

********** PRODUCT NAME **********

00035 BIG BOY COTTON DUST 20% TOXAPHENE 40% SULPHUR

00041 BIG BOY TRIPLE THREAT 6-2-1

****

REGISTRANT *NAME AND ADDRESS*

* 008648 STAPLE COTTON SERVICES ASSOCIATION
210 W MARKET ST
GREENWOOD MS 38930

**********,PRODUCT NAME **********

00025 STAPLCOTN BRAND 8-2 TOXAPHENE - METHYL PARATHION

00027 TOXAPHENE 6 E. C. INSECTICIDE

00028 6-1.5 TOXAPHENE METHYL PARATHION

****

(088671 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 69

REGISTRANT *NAME AND ADDRESS*

* 008867 CLEVXLAND CHEM CO
BOX 510
CLEVELAND MS 38732

********** PRODUCT NAME **********

00009 CCC BRAND 6 LB. TOXAPHENE EMULSIFIABLE INSECTICIDE CONCENTRATE

00028 INSECT-A-KILL 63

00030 INSECT-A-KILL TOXATHION 82 EMULSIFIABLE INSECTICIDE CONCENTRATE

00031 INSECT A KILL 615

REGISTRANT *NAME AND ADDRESS*

* 008934 RING AROUND PRODUCTS INC
PO BOX 589
MONTGOMERY AL 36101

********** PRODUCT NAME **********

00020 RING AROUND BRAND TOXAPHENE 5#

00070 RING AROUND BRAND SUPER SYTEMP

00071 RING ARDUND BRAND SYTEMP 233

00078 RING ARDUND PARA TOX 4-4

00079 RING ARDUND PARA TOX 6-3

00081 RING AROUND BRAND PARA-TOX 6-2

(090201 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 70

REGISTRANT *NAME AND ADDRESS*

* 009020 WARREN OIL COMPANY
727 S 13TH ST
OMAHA NE 68102

********** PRODUCT NAME **********

00004 GOLD BOND BACK RUBBER OIL (CONT TOXAPHENE)

REGISTRANT *NAME AND ADDRESS*

* 009114 ALLIED MILLS
110 NORTH WACKER DRIVE
CHICAGO, IL 60606

********** PRODUCT NAME **********

00012 WAYNE HOG MANGE CURE

00014 WAYNE SUPER T & L LIVESTOCK SPRAY

093561 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 71

REGISTRANT	*NAME AND ADDRESS*
* 000159	KAISER AGRICULTURAL CHEMICALS PO BOX 246 SAVANNAH GA 31402

********** PRODUCT NAME **********

00002 KAISER AGRICULTURAL CHEMICALS TOXAPHENE 6E

00091 PEANUT DUST TOXAPHENE, COPPER SULPHUR

00103 KAISER AGRICULTURAL CHEMICAL 20% TOXAPHENE DUST

REGISTRANT	*NAME AND ADDRESS*
* 009235	BERRIEN PRODUCTS COMPANY INC BOX 355 NASHVILLE GA 31639

********** PRODUCT NAME **********

00006 BERRIEN 20-0 TOXAPHENE DUST

00007 BERRIEN 20-40 TOXAPHENE DUST

093561 **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 72

REGISTRANT	*NAME AND ADDRESS*
* 009356	KOINZAN SEED & FLYING SERVICE INC ELGIN, NB 68636

********** PRODUCT NAME **********

00001 TOXAPHENE BACKRUBBER OIL

REGISTRANT	*NAME AND ADDRESS*
* 009404	CHASE & COMPANY BOX 1697 SANFORD FL 32771

********** PRODUCT NAME **********

00023 SUNNILAND WORM SPRAY CUT WORMS AND ARMY WORMS

REGISTRANT	*NAME AND ADDRESS*
* 009779	RIVERSIDE CHEM COMPANY P.O. BOX 171199 855 RIDGE LAKE BLVD MEMPHIS TN 38117

********** PRODUCT NAME **********

00020 RIVERSIDE TOXAPHENE 6

00043 RIVERSIDE 20-40 DUST.

(09779) **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 73

**CONTINUE REGISTRANT 009779

00064 RIVERSIDE 20% TOXAPHENE 1% METHYL PARATHION DUST

00070 RIVERSIDE 20% TOXAPHENE DUST

00117 RIVERSIDE MET-A-TOX

00132 RIVERSIDE TOXON 82 METHYLPARATHION MIXTURE

00134 RIVERSIDE 63

00159 KILL A PLENTY TOXAPHENE 6-EC

00184 RIVERSIDE BRAND TOXON 81

00185 RIVERSIDE TORBIDAN 28

00189 RIVERSIDE TOXON 44

00217 RIVERSIDE T-90

00241 DH 20% TOXAPHENE 2% PARATHION DUST

****

REGISTRANT *NAME AND ADDRESS*

* 009782 WOODBURY CHEMICAL COMPANY
PO BOX 4319
PRINCETON FL 33030

********** PRODUCT NAME **********

00008 WOODBURY TOXAPHENE 8-E

****

(10004) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 74

****

REGISTRANT *NAME AND ADDRESS*

* 010004 H & H FARM SERVICE
BOX 435
MILLEDGEVILLE IL 61051

********** PRODUCT NAME **********

00001 FORMULA NO. 1 OLD SCRATCH CATTLE OIL

****

REGISTRANT *NAME AND ADDRESS*

* 010107 CORN BELT CHEMICAL COMPANY
PO BOX 61
MCCOAK, NE 69001

********** PRODUCT NAME **********

00011 TOXAPHENE E-6

****

REGISTRANT *NAME AND ADDRESS*

* 010159 VOLUNTARY PURCHASING GROUPS INC
P O BOX 460
BONHAM, TX 75418

********** PRODUCT NAME **********

00001 HI-YIELD KILLZALL 63

****

(101E3) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 75

****

REGISTRANT *NAME AND ADDRESS*

* 010163 GOWAN COMPANY
P.O. BOX 5696
YUMA, AZ 85364

********** PRODUCT NAME **********

00012 PROKIL TORBIDAN 26

00067 PROKIL TOXPHENE 8 EC

****

REGISTRANT *NAME AND ADDRESS*

* 010411 PULVAIR CORP
4599 BIG CREEK CHURCH RD
MILLINGTON, TN 38053

********** PRODUCT NAME **********

00002 METHYL TOX 7

****

(104I3) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 76

****

REGISTRANT *NAME AND ADDRESS*

* 010413 SANFORD CHEMICAL COMPANY
5433 KATY FREEWAY
HOUSTON, TX 77024

********** PRODUCT NAME **********

00005 CLORCHEM T-590

00006 CLORCHEM T-590K

00007 TOXTOX

00009 TOXTOX-K

****

REGISTRANT *NAME AND ADDRESS*

* 010536 MIKE INC DIV OF SOUTHERN AGRICULTURAL CHEMICAL
P O DRAWER 527
KINGSTREE SC 29556

********** PRODUCT NAME **********

00002 101 BRAND 2-20 CABBAGE DUST

****

(10825) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 77

REGISTRANT *NAME AND ADDRESS*

* 010825 WILLIGHT CHEMICAL COMPANY
PO BOX 254
DREW MS 38737

********** PRODUCT NAME **********

00002 TOP DOG 6 LB. TOXAPHENE EMULSIFIABLE INSECTICIDE CONCENTRATE

00006 TOP DOG BRAND 6LB TOXAPHENE 3LB METHYL PAR.

REGISTRANT *NAME AND ADDRESS*

* 010873 TIFTON CHEMICAL COMPANY
PO BOX 5
TIFTON GA 31794

********** PRODUCT NAME **********

00007 TIFCHEM 1-2-6 COTTON SPRAY

00008 TIFCHEM 4-4 COTTON SPRAY

00010 TIFCHEM TOXAPHENE EM-6

00011 TIFCHEM 6-3 COTTON SPRAY

00018 TIFCHEM TOXAPHENE 20-SUL 40 COTTON DUST

00021 TIFCHEM 20% TOXAPHENE DUST

00031 TIFCHEM TOXAPHENE EM-8

00032 6-2 TOXAPHENE-FPN

00033 8-2 COTTON SPRAY

(10873) **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 78

**CONTINUE REGISTRANT 010873

00036 TIFCHEM 1 1/2-1 1/2-6 COTTON SPRAY

00042 TIFCHEM TOXAPHENE 40% WP

00043 TIFCHEM TOXAPHENE 40% DUST

REGISTRANT *NAME AND ADDRESS*

* 011656 WESTERN FARM SERVICE INC SHELL CHEM COMPANY
1025 CONNECTICUT AVE-STE 200
WASH DC 20036

********** PRODUCT NAME **********

00011 TOXAPHENE 8-E EMULSIFIABLE LIQUID

00039 WESTERN FARM SERVICE PARATOX 36 INSECTICIDE

00040 WESTERN FARM SERVICE PARATOX 28 INSECTICIDE

REGISTRANT *NAME AND ADDRESS*

* 011670 CALM STOCK CHEMICAL COMPANY
BOX 395
ROCHELLE IL 61068

********** PRODUCT NAME **********

00001 CALM STOCK BIG T CATTLE OIL

(111582) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 79

REGISTRANT *NAME AND ADDRESS*

* 011682 SIMPLOT JR COMPANY MINERALS & CHEM DIV
BOX 810
MOUNTAIN HOME ID 83647

********** PRODUCT NAME **********

00016 SIM-CHEM TOXAPHENE 8-E

REGISTRANT *NAME AND ADDRESS*

* 012062 PRO-BOLL CHEMICAL COMPANY
PO BOX 54
CROWVILLE LA 71230

********** PRODUCT NAME **********

00001 PRO-BOLL TOX-6 EMULSIFIABLE CONCENTRATE

REGISTRANT *NAME AND ADDRESS*

* 012130 FARM CHEMICALS INC
PO BOX 455
ABERDEEN NC 28315

********** PRODUCT NAME **********

00003 FARM CHEM TOXAPHENE EC

00004 FARMCHEM 82 TOX-METHYL

(121301) **** PRODUCT SEARCH LISTING ****

03/08/77 PAGE 80

**CONTINUE REGISTRANT 012130

00007 FARMCHEM 6-3 TOX-METHYL

00008 FARMCHEM 4-4 TOX-METHYL

00015 FARM CHEM TOXAPHENE 8E

00035 5-2-1 TOX-ETHYL METHYL

00040 6-2-1 TOX-ETHYL METHYL

REGISTRANT *NAME AND ADDRESS*

* 012434 SPRINGBOK CHEMICAL COMPANY INC
P O BOX 398
PENDLETON, OR 97801

********** PRODUCT NAME **********

00001 SPRING BOK BRAND TOXAPHENE 8 EMULSIVE

REGISTRANT *NAME AND ADDRESS*

* 013166 APOLLO ENTERPRISES INC
ROUTE 1
ALTHEIMER AR 72004

********** PRODUCT NAME **********

00002 PISTOL 6-3 EMULSIFIABLE INSECTICIDE CONCENTRATE

00004 6 LB. TOXAPHENE EMULSIFIABLE INSECTICIDE CONCENTRATE

(14651) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 81

REGISTRANT *NAME AND ADDRESS*

* 014651 AGRICULTURAL ENTERPRISES ICC
933 W 6TH ST P O BOX O
FREMONT, NE 68025

********** PRODUCT NAME **********

00003 HOG & CATTLE DUSTING POWDER CONTAINS TOXAPHENE

00005 AGRI-TOX

REGISTRANT *NAME AND ADDRESS*

* 014775 ASGROW FLORIDA COMPANY
PO DRAWER D
PLANT CITY FL 33566

********** PRODUCT NAME **********

00004 TOXAPHENE 6 EMULSIVE

00005 ASGROW TOXAPHENE 8 EMULSIVE

00014 PARATHION-TOX 36

00025 TOX-METHYL 4-4 EMULSIVE TOXAPHENE 4-METHYL PARATHION

(15575) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 82

REGISTRANT *NAME AND ADDRESS*

* 015575 SOUTHLAND AGRICULTURAL CHEMICAL COMPANY
PO BOX 6207
MONTGOMERY AL 36106

********** PRODUCT NAME **********

00006 SOUTHLAND SUPER KILL 6-3

00013 SOUTHLAND TOXAPHENE EM-6

00015 SOUTHLAND 6-2-1 COTTON SPRAY

REGISTRANT *NAME AND ADDRESS*

* 027997 ARTES ALPHA INC
PO BOX 590
TIFTON, GA 31794

********** PRODUCT NAME **********

00001 TOXAPHENE EM-6 EMULSIFIABLE LIQUID

00006 6-3 COTTON SPRAY

(33439) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 83

****

REGISTRANT *NAME AND ADDRESS*

* 033439 DELTA PURCHASING FEDERATION
1606 COMMERCE
GREENWOOD, MS 38930

********** PRODUCT NAME **********

00002 DELTA 6-3

****

REGISTRANT *NAME AND ADDRESS*

* 033722 TEX AG COMPANY INC
P O BOX 633
MISSION, TX 78572

********** PRODUCT NAME **********

00001 MISSION BRAND FORTY FOUR

00008 TOXAPHENE 6LB

****

(33555) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 84

****

REGISTRANT *NAME AND ADDRESS*

* 033955 ACME DIVISION
PBI GORDON CORP
300 SOUTH THIRD ST
KANSAS CITY, KS 66118

********** PRODUCT NAME **********

00516 ACME BAGWORM SPRAY

****

REGISTRANT *NAME AND ADDRESS*

* 034704 PLATTE CHEMICAL COMPANY
150 SOUTH MAIN
GFREMONT, NB 06802

********** PRODUCT NAME **********

00015 CLEAN CROP TOXAPHENE 6EC

00027 CLEAN CROP METHYL PARATHION-TOXAPHENE 3-6 EC

****

(39511) **** PRODUCT SEARCH LISTING ****

03/08/77 FEDERALLY REGISTERED PRODUCTS CONTAINING TOXAPHENE PAGE 85

****

REGISTRANT *NAME AND ADDRESS*

* 039511 VERTAC, INC.
STE. 3200 CLARK TOWER
5100 POPLAR AVE.
MEMPHIS, TN 38137

********** PRODUCT NAME **********

00003 HELENA BRAND HELEPHENE AN INSECTICIDAL TOXICANT

00006 WILLOW CREEK TOXAPHENE 90 AN INSECTICIDAL TOXICANT

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[FR Doc.77-14496 Filed 5-24-77;8:45 am]

federal register

WEDNESDAY, MAY 25, 1977

PART V

FEDERAL COMMUNICATIONS COMMISSION

■

INTERNATIONAL RADIO REGULATIONS

Preparation for General World Administrative Radio Conference of International Telecommunication Union

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20271; FCC 77-285]

INTERNATIONAL RADIO REGULATIONS

Preparation for General World Administrative Radio Conference of International Telecommunication Union; Fourth Notice of Inquiry

Adopted: April 27, 1977.

Released: May 17, 1977.

In the matter of an inquiry relative to preparation for a General World Administrative Radio Conference of the International Telecommunication Union to consider revision of the international Radio Regulations, Docket No. 20271.

1. On November 24, 1976, the Commission adopted a Third Notice of Inquiry in the above entitled matter (FCC 76-1099, No. 43086). It was released on December 6, 1976, and appeared in the FEDERAL REGISTER on December 13, 1976 (41 FR 54309). The period for comments and reply comments has passed.

2. The purpose of the Third Notice of Inquiry was to solicit comments on a proposed International Frequency Allocations Table (Article 5) see 42 FR 11258, February 28, 1977. The comments and reply comments received on the Third Notice of Inquiry are being considered by the Commission and will be dealt with later. In the Fourth Notice of Inquiry, we shall discuss the topics of the small antenna earth stations, several technical regulations, and the emission designator, thus reducing the number of subjects to be considered in the Fifth Notice of Inquiry. This will expedite our preparation for the General World Administrative Radio Conference (GWARC).

SMALL ANTENNA EARTH STATIONS

3. In the first Notice of Inquiry issued in this docket we solicited "comments or recommendations concerning changes or revisions to the international Radio Regulations which the public believes should be considered by the Commission in developing pertinent U.S. positions". One of the topics which arose in response to that Notice was the use of small diameter earth station antennas.[1] Space systems utilizing these stations can provide communications services which cannot be economically or conveniently provided by terrestrial systems, and already a number of communications systems using the small antennas have been authorized. For example, the Commission has authorized the use of several 4.5 meter antennas for domestic satellite communications to offshore oil drilling platforms, the use of 69 earth stations with 4.5 meter antennas to provide communications to "bush" communities of Alaska, as well as several smaller antennas on a developmental basis. Recently, we issued a Declaratory Ruling[2] dealing with the use of small antennas with domestic satellites, and have authorized several small antennas pursuant to that decision for the reception of program material distributed by domestic satellites.

4. In addition to the use of small antennas in the Fixed-Satellite Service, other space radiocommunications services are also involved which are substantially different and may require totally different criteria than discussed herein. For instance, small antennas are used in the shipboard terminals served by the MARISAT system providing communications services in the Maritime-Mobile Satellite Service, and are intended to be used in the AEROSAT program to conduct experimental communications in the Aeronautical-Mobile Satellite Service. The United States government is also expected to make frequent use of small diameter antennas. A number of small antennas have been used, and are being used, in the Applications Technology Satellite (ATS-6) and the Communications Technology Satellite (CTS) experimental programs. The U.S. Government Communications Satellite System (USG CSS)[3] utilizes small antenna earth stations and the use of small antennas is included in the proposed Disaster Warning Satellite[4] program.

5. It is apparent that there will be a steady growth in potential uses of small antenna earth stations in all of the space services; however, uncontrolled use of these terminals could have a significant adverse impact on the utilization of the limited spectrum and orbit resource of the geostationary satellite orbit. The long term resource requirements imposed by expected use of small earth terminals and the effects of that use should be treated in the U.S. preparation for the 1979 GWARC. Accordingly, in the Second Notice of Inquiry issued in this docket we solicited comments and supporting technical material with respect to the use of small earth terminals on the following points:

(a) Identification of the communication services and operational characteristics which entail use of small diameter earth station antennas;

(b) Estimates of the volume (in terms of voice channels and/or bit rate, and required rf bandwidth) of the communications services to be provided by means of small earth terminals, and the estimated number of small earth terminals to be used in the provision of such services, including the geographic distribution of the small terminals;

(c) Identification of the typical baseline technical characteristics of the satellite network serving small earth terminals; and

(d) Identification of the preferred frequency bands to be utilized to serve small earth terminals.

Various parties submitted comments, and they have all been considered. Because of space limitations they are not summarized herein; however, they will be noted where appropriate in the following discussion.

6. The diameter of an earth station antenna could affect the interference levels between satellite networks, as well as between terrestrial and earth stations in bands shared by both space and terrestrial radio services. The Carrier to thermal Noise (C/N) ratio obtained at an earth station could also be dependent on the earth station antenna diameter, although the imposition of a Power Flux Density (PFD) limit in certain bands tends to set a limit on the minimum usable size of the earth station antenna. When the diameter of an earth station antenna is reduced, the main beam gain is reduced; however, the sidelobe level of most antennas generally remains unaltered, or increases, with this reduction. It follows that the difference between the main beam gain and the sidelobe level, called the discrimination, generally decreases with the diameter of the antenna. When every other parameter of a receive earth station antenna remains unaltered,[5] a reduction of the antenna diameter generally increases the interference introduced into it from adjacent satellites and decreases its Carrier to Interference (C/I) ratio. Similarly, as a transmitting earth station antenna diameter is reduced, the antenna gain is reduced; this generally results in a requirement for more transmit power to satisfy the link budget. Increased transmitter power results in more interference power into adjacent satellite and adjacent terrestrial systems.

7. The comments and reply comments concerning this question raised in the Second Notice of Inquiry have generally focused on the use of small antennas in the Fixed-Satellite Service, with emphasis on the 4 and 6 GHz bands used by domestic satellite systems. A number of technical approaches were suggested, such as restrictions on off-axis EIRP density or the imposition of a minimum Gain to noise Temperature (G/T) ratio. Some parties also suggested that exclusive allocations be made for Small Antenna Earth Stations (SAES). That such questions need be addressed is apparent from the increased use of small antennas which is generally expected in the future. For example, COMSAT General estimates requirements of 1600 MHz, 800 MHz and 950 MHz for use by small antenna earth stations in providing data, video and facsimile, and voice communications (assuming 60 kHz channels), respectively, by the year 2000 in the Fixed-Satellite Service alone. While our Declaratory Ruling and Order referenced above addressed the use of small an-

[1] For convenience, an earth station antenna can be considered to be "small" if its gain is less than or equal to the gain of a parabolic antenna whose diameter is less than ninety times the operating wavelength (4.5 m at 6 GHz).

[2] *Declaratory Ruling and Order* (FCC 76-1169) adopted December 15, 1976 in RM-2614 and RM-2725.

[3] Characteristics of the United States Government Communications Satellite System, Phase II, US CCIR SG 8C/234, 1976.

[4] Disaster Warning Satellite Study update, NASA, TMX-73407, Lewis Research Center, Cleveland, Ohio, May 1976.

[5] In practice, the communications services provided by means of small antenna earth stations tend to differ substantially in quantity and quality from those provided by meansmeans of larger antennas.

tennas with our present domestic satellites in a manner that insures reasonably small orbital separations between satellites, consideration is appropriate to the question of how small antennas could be employed on a worldwide basis in a manner that insures efficient orbit and spectrum use. While this question is of importance not only in the Fixed-Satellite Service, but also in the other space services where operational requirements could lead to the use of antennas that are small enough to be carried by hand, specific criteria for them are not addressed in this Inquiry. These issues, except as noted above, and suggested approaches to resolution will be discussed in the following paragraphs.

8. The frequency bands 2500–2535 and 2655–2690 MHz, according to AT&T, "* * * have already been allocated for support services which are usually considered to be of the small earth terminal variety." AT&T believes that the frequency bands 6625–7125 MHz and 11.7–12.2 GHz are both suitable for accommodating SAES; the latter has no sharing problems with the fixed service in the U.S. It also believes that the frequency band 12.5–12.75 GHz is suitable for SAES use because the smaller number of radio relay systems in this band makes the sharing problem less critical than in the 6 and 4 GHz bands. Collins Radio, in its reply comments, supported the contentions of AT&T. Transcommunications suggested that a clear channel of 40 MHz in the 6/4 GHz bands should be established for SAES operations. EXXON suggested that the SAES could be shifted at a later date from the 6/4 GHz bands to other frequency bands or that they could be required to use more sophisticated equipment. In addition, AT&T stated that the frequency band 14.0–14.5 GHz is currently free of sharing between the space and terrestrial services. American Satellite Corporation also expressed the need for exclusive allocations to SAES below 10 GHz. However, other respondents did not agree to this approach. Both Communications Satellite Corporation (COMSAT) and COMSAT General Corporation (COMSAT General) opposed allocation of exclusive frequency bands to SAES.

9. The frequency bands 2500–2535 and 2655–2690 MHz have a comparatively small 35 MHz bandwidth and as such could be less attractive. In the United States, this band is shared co-equally with the Instructional Television Fixed Service (ITFS). The sharing situation between an ITFS omnidirectional transmitter and an earth station is very critical. To this time, no common carrier has decided to put a transponder in this band. Considering this, these frequency bands may not offer an attractive choice for SAES use in the U.S.

10. Contrary to the assertions of AT&T, the frequency band 6625–7125 MHz is heavily used, although it may be less so than the 3700–4200 MHz band. In the U.S., the 6625–7125 MHz band is allocated to private microwave and television pickup whereas the 3700–4200 MHz band is allocated to common carrier point-to-point microwave. In order to satisfy the requirements stated by the advisory Fixed-Satellite Service Working Group, the frequency band 6625–6925[4] MHz has been proposed for the Fixed-Satellite (Earth-to-space) service. The frequency band 6625–7125 MHz is presently allocated to the Fixed-Satellite Service (Space-to-earth) in Brazil, United States and Canada on a secondary basis by footnote 392AA[4A]. In order to provide protection to SAES, the band 6925–7125 MHz would have to be allocated internationally on a primary basis.

11. In Region 2, the frequency band 11.7–12.2 GHz is allocated on a primary basis to both the Fixed-Satellite and Broadcasting-Satellite Services, as well as to terrestrial services, on a co-equal primary basis. Within the United States, however, this band is allocated on a primary basis only to the two space services. For individual reception, relatively small diameter antenna earth stations are proposed to be used with high EIRP satellites. COMSAT General, in its comments to the Second Notice of Inquiry, stated that "* * * small earth terminals employing SCPC transmissions in a fixed service satellite system would be subject to interference from higher power broadcasting satellite service. Nevertheless, for certain types of small user applications, use of the 12/14 GHz bands at this time is the only feasible alternative * * * However, the relatively large EIRP difference, anticipated between broadcasting and fixed satellites operating in this band may restrict the utility of this band for such SAES applications. Further study is needed to assess the impact of high EIRP television transmissions in the Broadcasting-Satellite Service on the type of SCPC operations contemplated for SAES in this band.

12. If frequency bands are to be allocated exclusively to SAES, as proposed by AT&T, then the frequency band 11.7–12.2 GHz could be one choice, with 6925–7125 MHz (after primary allocation), 2500–2535 MHz and 2565–2690 MHz the other, but perhaps less attractive in terms of the available bandwidth choices. The 2.5 GHz band is reasonably developed and the space attenuation is independent of weather conditions. The 12 GHz band is currently being developed and requires a fade margin for rain/snow attenuation. There is currently no satellite service in the 6925–7125 MHz band; however, it appears there would be little difficulty in borrowing the available technology from the adjacent bands.

Technical Approaches

13. A number of technical approaches were suggested by the parties to specify limitations on technical design or operating parameters of SAES in order to set bounds on the impact of such facilities on spectrum and orbit utilization. While the proposals discussed below are prompted by SAES, they would be presumably applied to all types of earth station facilities.

Interference Level

14. Both COMSAT and COMSAT General stated that the single entry 400 pWpO interference level of CCIR Recommendation 466 (Rev. 74) should be the overriding sharing criterion. According to COMSAT General the 400 pWpO level of baseband interference should be met by an immediate adjacent satellite at an orbital separation of 4°. COMSAT has recently proposed that the amount of allowable interference specified by CCIR Recommendation 466 should be subject to a "scaling law" and should be a function of the ratio of the antenna diameter to the operating wavelength of the antenna. Basically, COMSAT proposes that the permissible intersatellite network interference for larger orbital spacings should be less than that for closer orbital spacings.

15. COMSAT General assumed an acceptable level of interference for digital transmission to be a degradation in the carrier to thermal noise (C/N) ratio of 0.2 dB; COMSAT pointed out that interference criteria for digital systems should be developed. COMSAT believes that a permissible change in the operating Bit Error Rate (BER) should be established and adopted by the 1979 GWARC.

16. The interference into an analog signal has been calculated using the convolution method.[7] This method has been extended[8] to calculate the interference caused by Single Channel Per Carrier (SCPC) channels used by a number of small antenna earth stations. These SCPC channels generally have a channel spacing of between 60 and 30 kHz, depending on the type of modulation employed and service application. While studies conducted to date have indicated an apparent feasibility of implementing such types of SCPC operations with 4 degree separations between current domestic satellites in the 4 and 6 GHz bands under certain limited conditions, such use has not yet been demonstrated in the general case.

17. AT&T has also expressed concern that a proliferation of SAES in the 4 and 6 GHz bands might impair the development and expansion of microwave relay systems in these bands, particularly since the present sharing criteria may not accurately reflect the aggregate interference over the entire length of a transcontinental system from a larger number of earth stations than the two or four presently assumed. Other parties take issue with AT&T's position, pointing to

[4] It is noted that 6875–6925 MHz is part of the proposed band which continues to be shared with terrestrial fixed services.

[4A] The Fixed-Satellite Service is a primary service in this band within the United States. However, changes in this allocation are presently under consideration; see Third Notice of Inquiry in this Docket.

[7] B. A. Pontano, J. C. Fuenzalida and N. K. M. Chitre, "Interference into angle modulated systems carrying multi-channel telephone signals," IEEE Transactions on Communications, Vol. COM-24, No. 6, pp. 715–726, June 1973.

[8] A. Das and George Sharp, "Convolution method of interference Calculation," FCC/OCE RS 75-04, April 1975.

the greater use that small antenna earth stations can make of natural or man-made shielding and the lower probability that such earth stations would be simultaneously transmitting on the same frequency. ASC stated that "* * * interference into a particular frequency slot in a terrestrial radio-relay system is more nearly proportional to the number of satellites being accessed * * *" However, none of these parties advanced specific proposals in this regard for our consideration.

Uplink Power Limitations

18. In order to limit the interference level produced by any SAES to an adjacent satellite, several respondents have proposed a numerical limit on the earth station radiation density. AT&T found "* * * considerable merit * * *" in the Commission suggested e.i.r.p. density criterion:

$$36-25 \log \phi \text{ dBW/4 kHz}, \quad 2.5<\phi<48^\circ.$$

AT&T suggested that this criterion should be applicable to any three-dimensional angle off the main beam axis. ASC, in its reply comments, agreed to the basic principle of a limit on the off-axis radiation density. EXXON and the Central Committee on the Telecommunications of the American Petroleum Institute endorsed the earth station e.i.r.p. density limit suggested by the Commission. Western Union also supported the concept of "* * * control of uplink power density * * *"

19. COMSAT derived and proposed a maximum PFD limit at the geostationary orbit from an earth station not to exceed

$$-115.5-25 \log \phi \text{ dBW/m}^2 \text{ in any 40 kHz band.}$$

It expressed the preference for radiation density expressed per 40 kHz because that is "* * * the narrowest RF carrier unit normally encountered in practice". The currently used bandwidth of 4 kHz was adopted because of the relationship to the "nominal" 4 kHz telephone channel and the convenience in measuring this value with available instrumentation; it has little relation to the bandwidth of the signal. A signal with a large spike may be able to pass the 40 kHz radiation density criterion, but may fail the 4 kHz density criterion. COMSAT recognized that, depending on the type of modulation, "* * * different carriers having the same maximum power flux density may produce substantially different interference levels * * *" COMSAT's proposal provides protection to satellites but not necessarily to terrestrial radio relay systems However, an off-axis three-dimensional. e.i.r.p. density criteria could protect both satellites and radio relay systems.

20. COMSAT General calculated the level of the off-axis (4°) e.i.r.p. density that could be transmitted from an earth station without causing more than 400 pWpO of interference to an adjacent FM analog satellite system at an orbital separation of 4 degrees. Results of the calculations indicate a range of 10.4 to 27 dBW/4 kHz of permissible off-axis radiation depending on the transmission systems involved. COMSAT General concluded that it would not be possible to establish a single off-axis e.i.r.p. density limit, although it could be possible to specify a range of off-axis e.i.r.p. density for different transmission parameters. However, COMSAT General believes that the specifications of large sets of e.i.r.p. densities may not be practicable.

G/T Ratio

21. The ratio of the Gain of the antenna to the noise Temperature of the receiving system (G/T) is a figure of merit for an earth station. ASC stated that "The capacity, in number of circuits, of a transponder increases as the earth station G/T increases. This is because, in order to provide adequate transmission quality, satellite downlink power can be traded off against the earth station G/T. Since the downlink power is limited, more must be used to compensate for the lower G/T and lower gain of a small diameter antenna. This higher allocation of power thereby lowers the circuit capacity of a transponder. Thus transponder capacity varies directly with earth station G/T, up to a maximum capacity determined by the transponder bandwidth and earth station modulation techniques." COMSAT, EXXON, Collins Radio Group, Joint Council on Educational Telecommunication (JCET) and the Central Committee on the Telecommunications of the American Petroleum Institute opposed the establishment of any G/T criteria. AT&T suggested that a minimum value of G/T of 20 dB at 4 GHz is insufficient and proposed a minimum value of 30 dB.

Orthogonal Polarization

22. COMSAT believes that the use of polarization discrimination as a means to increase single-satellite capacity is economically and operationally vastly superior to its use in reducing interference between systems. COMSAT believes that the adoption of standards for polarization discrimination would not be desirable. Western Union submitted that, "* * * certain additional advantages accrue to future satellite systems which reuse the frequency spectrum with orthogonal polarization, it is also recognized that the mode of operation increases the cost of small diameter antenna earth stations * * *" Home Box Office (HBO) challenged the "cost penalty" statement of Western Union. HBO stated that Western Union had not offered any data to support the claim that a cost penalty is incurred by the use of small antenna earth stations in conjunction with cross-polarized satellite systems. JCET endorsed the adoption of cross-polarization standards.

Sidelobe Radiation

23. A SAES has generally smaller discrimination. ASC, JCET and AT&T suggested sidelobe control of the SAES; and AT&T suggested the following three-dimensional sidelobe envelope in the 4 GHz band for SAES:

$$32-25 \log (\phi) \text{ dBi} \quad 1^\circ \leq \phi \leq 48^\circ$$
$$-10 \text{ dBi} \quad 48^\circ \leq \phi \leq 180^\circ$$

However, EXXON opposed any regulation of sidelobes, and the Central Committee on Telecommunications of the American Petroleum Institute suggested that the SAESs should have less stringent sidelobe control. The Corporation for Public Broadcasting (CPB) is developing SAESs with smaller sidelobe levels. The paraboloidal reflector, off-set fed with a corrugated conical horn, has been demonstrated to be capable of providing radiation patterns with extraordinarily low radiation levels in the far-out and back-lobe regions. Levels more than 75 dB below the main beam maximum have been attained outside the mainbeam region—and beyond the first few sidelobes—for an antenna having a half-power beamwidth of approximately 1.7°.[3] It is likely that development of low-cost, low sidelobe antennas would reduce the barriers to SAES usage.

Discussion

24. As noted in the Second Notice of Inquiry, the purpose of requesting comments on the use of small antenna earth stations was to seek suggestions from interested parties on how to insure efficient utilization of the orbit on an international basis. Our focus on small antenna reflects the potentially larger impact of such facilities on required satellite separations if no additional steps are taken to control their impact. As noted above, we have recently issued a Declaratory Ruling setting forth our approach to licensing small antenna earth stations with present domestic satellites in the 4 and 6 GHz bands in a manner that preserves orbital separations of 4 degrees required for standard size antennas with diameters of 10 meters or more. However, the approach taken in that decision was more of an administrative one in defining the types of technical showings and analyses required in applications submitted for authority to construct and operate small antenna earth stations, rather than the imposition of specific technical standards on the design and operation of such facilities. While such a flexible approach is feasible on a domestic basis, it is not evident that an analogous type of approach is feasible on an international basis. This is because the current coordination and notification procedures set forth in Article 9A of the International Radio Regulations are directed to avoiding unacceptable levels of interference to existing satellite networks, not to insuring reasonably small satellite separations.

25. With respect to the proposals of several parties that exclusive allocations or sub-allocations be reserved for com-

[3] H. Paris Coleman, R. M. Brown and B. D. Wright, "Paraboloidal reflector offset fed with a corrugated conical horn", pp. 817–819, IEEE Trans. on Antennas and Propagation, November 1975.

mon carrier SAES operations, we are not convinced that this would be a satisfactory approach. In particular, there is a wide range of communications requirements that can be satisfied with SAES in a manner that would not require large orbital separations between satellites. Specific requirements have not been identified for SAES which cannot be satisfied with careful coordination between satellites to preserve reasonably small satellite separations. Absent such requirements, it appears preferable to avoid distinctions in the international Radio Regulations with respect to the use of certain frequency bands that are based only on antenna size.

26. Accordingly, parties advocating exclusive allocations or sub-allocations for SAES operations should focus their comments on the following points:

(a) What types of communications requirements require transmissions from SAES that are incompatible, even with careful frequency coordination, with reasonably small (e.g., less than 4 degrees) satellite spacings achievable with larger antennas;

(b) Given such requirements, would the present allocations in the vicinity of 2.5 GHz have sufficient bandwidth to support economically feasible systems, or would a wider bandwidth, e.g., 6625–6925 MHz, be required; in the latter event, where would the corresponding downlink allocation be located; and

(c) In the event such allocations were limited to the types of uses of SAES identified in (a) above, what orbital separations would be possible in such bands.

27. The technical approaches suggested by several of the parties appear to have a greater degree of effectiveness. However, it is still necessary to further examine these suggestions to insure that any such restrictions do not inadvertently preclude types of services that may be provided by SAES after necessary coordination is effected that retains reasonably small satellite separations. Of these suggestions, EIRP density limits and/or antenna sidelobe standards appear to have the greatest support. However, as pointed out by COMSAT General, a wide range of power densities can be expected in actual practice. Any proposed limit would therefore only preclude the worst case type of situations with additional frequency coordination required to accommodate other cases and still maintain small spacings. While a power limit as a function of off-axis angle would be sufficient in the case of transmitting earth stations, some limit on receiving antenna characteristics would appear necessary under such an approach to maintain orbital separations required to protect receiving stations to reasonable values. However, restrictions on minimum G/T ratios were not widely supported and do not in themselves appear to provide sufficient assurance that reasonably small orbital separations will result.

28. Accordingly, it appears desirable to obtain additional comments with respect to proposals to place restrictions on technical characteristics of earth station facilities. Specifically, the following points should be addressed:

(a) Would a power limitation of the magnitude discussed in paragraphs 18 and 19 above preclude types of services that could otherwise be accommodated with reasonably small satellite separations through careful frequency coordination;

(b) What should be the specific numerical value and the reference bandwidth for the specification of e.i.r.p. densities;

(c) Is it technically and economically feasible to achieve, in practice, the following sidelobe level:

$$\text{Gain, dB} = 30 - 25\log_{10}\theta,\ 2.5 < \theta < 48^\circ$$
$$-12,\ 48^\circ < \theta \leq 180^\circ$$

where θ = angle off the main beam axis.

(d) What interference criteria should be used for digital systems? What should be permissible bit error rate?

(e) Is the use of cross-polarization more effective in increasing the capacity of an individual satellite by frequency re-use or in reducing separation between satellites? Is the use of orthogonal polarization economically and technically feasible for reducing interference related to SAES systems? What values of cross-polarization, if any, should be specified?

(f) For what bands should such standards be specified, and how would such values change with the frequency band to which they are applicable?

29. While we recognize the importance of interference criteria establishing required satellite spacings, it has not been considered appropriate to specify such values in the international Radio Regulations themselves. Rather, such criteria have more appropriately been set forth in relevant CCIR Reports and Recommendations for the guidance of administrations in effecting coordination under Articles 9 and 9A. However, to the extent that more current criteria are available for the purpose of determining when coordination is required through Appendices 28 and 29, consideration is appropriate to including such revised criteria there. Comments in this regard are requested.

30. Finally, it is noted that the majority of comments have focused only on the 4 and 6 GHz bands used by present fixed satellites. It must be emphasized, however, that the 1979 GWARC will be concerned with all frequency bands and all space radiocommunications services. However, the considerations discussed above are primarily applicable to the Fixed- and the Broadcasting-Satellite Services, whereas the criteria for other services could be substantially different.

Technical Regulations

31. The Commission is reviewing the technical provisions of the Radio Regulations.

32. The Commission is recommending changes in Article 7 and in Appendices 3 and 4 as discussed in Appendix A. In the regulations 470VC through VE, the station keeping of space stations is proposed to be ±0.1 degree which will provide better orbit-spectrum utilization. In the regulation 470 VF, the spacecraft antenna pointing error is proposed to be 0.1 degree providing reduced inter-satellite system interference and providing reduced unwanted signals in the adjacent territory of another Administration. Similar provisions were adopted in the 1977 Broadcasting-Satellite World Administrative Radio Conference.

33. In the Third Notice of Inquiry we submitted three options for the expression of a frequency tolerance and asked for the public's opinion on which would be most appropriate in the international Radio Regulations. The first option expressed the tolerance as a percentage of carrier frequency (as in the present Radio Regulations); the second option applied an absolute tolerance to each frequency band; and the third applied a percentage tolerance related to the authorized or necessary bandwidth. The American Telephone and Telegraph Company and the COMSAT General Corporation commented on the options.

34. AT&T stated that "The first two options are equally preferable and the third is less desirable." It believes the first method is attractive because "* * * in equipment design the maximum possible frequency tolerance tends to be proportional to the absolute frequency" and also because "* * * the difficulty of maintaining a transmitter within a specified frequency range generally increases in proportion to carrier frequency"; however, AT&T states one drawback is that "* * * it may result in transmitters in higher bands being allowed to drift more than those in lower bands * * *". It believes that the second method "* * * relates directly to the ways in which equipment is operated and maintained * * * maintenance instructions ordinarily specify the requirements in absolute frequency * * *". AT&T opposes the adoption of the third method because "* * * narrowband users in a given bandwidth might be required to maintain a tighter tolerance than a wideband user in the same band" and that would constitute a double standard. AT&T noted that the fundamental problem in specifying tolerances is that prescribed tolerances are applied over too wide a range and recommended that tolerances be specified for each frequency band; in that case it would make little difference if the permissible tolerance were stated as an absolute number or as a percentage.

35. COMSAT General supported the second option because "* * * option (a) will result in either too tight specifications for low frequency bands, or loss of spectrum at high frequency bands, while option (c) on the other hand will result in various frequency tolerance specifications within the same frequency band, based upon the authorized or necessary bandwidth".

36. Paragraph 154 of the Third Notice of Inquiry presented three options for designating frequency tolerances for radio relay systems. The comments received indicated a "preference" for the second option, which would apply an

absolute tolerance to each frequency band in the Radio Regulations, and an opposition to the third option, which would apply a percentage tolerance relater to the authorized or necessary bandwidth. Since one of the two respondents stated the first two options are equally preferable, we have made proposals for modification to Radio Regulation Appendix 3 which uses both methods, dependent upon the specific characteristics of the radio services involved.

37. The revisions to Appendices 3 and 4 of the Radio Regulations are proposed herein for the purpose of obtaining comments. In many cases the frequency tolerances shown for the proposed revision of Appendix 3 are more stringent than are required by the FCC rules, or within the Government. The current tolerances required by the Radio Regulations are much too loose when compared with the current state of the art. Tighter tolerances would lead to improved spectrum utilization. The big question is how much tigther should these tolerances be. Comments, therefore, are sought on the technical rationale to depart from the tolerances shown. To accommodate expected improvements in spectrum utilization by certain services, it was deemed necessary to propose tighter tolerances than are required by the current Radio Regulations.

EMISSION DESIGNATORS

38. The designation of emissions is set forth in Article 2 of the Radio Regulations. This designation consists of the necessary bandwidth, the type of modulation of the main carrier, the type of transmission, and supplementary characteristics. Reference is made within the international Radio Regulations to specific emission designations in Articles 5, 7, 28, 28A, 29A, 32, 35, 36 and 39, as well as in numerous Appendices, and Resolutions. The designation of the emission is a very important and useful tool in the management of the radio spectrum, especially with regard to the evaluation of potential for and susceptibility to interference.

39. Recommendation 8 of the Administrative Radio Conference, Geneva, 1959, requested that the CCIR, in conjunction with the IFRB, study various methods of designating and classifying emissions. The method was to be one which would suffice over a long period, and which would enable all of the *essential* information of the emissions to be provided (emphasis added). The CCIR engaged this task and produced Recommendation 432 in earlier Plenary Assemblies. After a period of testing, the U.S. found Recommendation 432 to be unacceptable and made further recommendations which led to the adoption of Opinion 44 at the XIIIth Plenary of the CCIR. Opinion 44 calls for Administrations to conduct trials of the method of classifying and designating their emissions as described in the Annex to Opinion 44 with the ultimate object of enabling the next appropriate Administrative Radio Conference to consider the method for inclusion in the Radio Regulations.

40. Extensive trials of the new emission system were not conducted; however, various government agencies examined the new proposal to determine its impact on their operations. While comments generally indicated that the system described in Opinion 44 could be implemented, there was strong concern evinced over whether there was to be any benefit derived from the new system and what impact the new system would have on day-to-day operations. Opinion 44 was studied further by the U.S. in its CCIR activities and a new proposal to modify Opinion 44 was submitted to the May–June 1976 CCIR Interim Meetings. The U.S. proposal, along with those of several other administrations, resulted in a revised Opinion 44 being adopted by the interim meetings. The U.S. is now attempting to refine this system even further, looking towards its final adoption at the CCIR Final Meetings, thereby providing a sound basis for U.S. proposals in this area to the 1979 World Administrative Radio Conference. This refinement is a continuing process, as is the entire conference preparatory activity. Attached as Appendix B to this Notice of Inquiry is the latest version of the emission designator system being considered by the United States for possible eventual submission to the 1979 WARC. Comments are solicited regarding the merits, advantages and disadvantages of this new system as opposed to the current method, bearing in mind that the United States has been a leader in the revision of the emission designator system and that some modification to the system will be inevitable at the 1979 WARC.

41. All participants should keep in mind the importance of the 1979 WARC results. Based upon past experience, decisions reached at this conference can be expected to provide the basis for international radio regulation policy for most of the remainder of this century. It is of the utmost importance to develop U.S. proposals which effectively promote that combination of telecommunication uses which offers the maximum social and economic contribution to the national welfare and which also contain the flexibility necessary to accommodate important new applications of this dynamic technology as well as the unique requirements of our international partners in the ITU. It must be recognized that the U.S. proposals are for the GWARC and that the national implementation of the results of the GWARC will require extensive U.S. national consideration.

42. Comments on the use of small antenna earth stations relevant to the preparation for the 1979 GWARC are hereby sought from all interested United States individuals, parties, or groups of parties which may exist.

43. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 11, 1977, and reply comments on or before July 26, 1977. All relevant and timely comments and reply comments, along with any pertinent information which the Commission may have available, will be considered. When commenting, it should be borne in mind that this effort is directed toward international regulations and not domestic issues. The U.S. wants to achieve maximum flexibility in international regulatory proposals.

44. Although § 1.419 of the Commission's Rules required that an original and five copies of all statements, briefs or comments be filed in response to a Notice, the Commission's conference preparatory organization necessitates the filing of an original and nineteen copies. All responses received will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

45. This Notice is issued pursuant to the authority set forth in section 4(i) of the Communications Act of 1934, as amended 47 U.S.C. 154 (i).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Spa2 Station Keeping of Space Stations[2]

470VB § 26. Space stations on geostationary satellites:
Spa2

MOD 470VC Spa2 -shall have the capability of maintaining their positions within ~~+~~ 0.1 degree of the longitude and latitude of their nominal positions, but efforts should be made to achieve a capability of maintaining their positions at least within ~~+~~0.5 0.05 degree of the longitude and latitude of their nominal positions;

MOD 470VD Spa2 -shall maintain their positions within ~~+~~ 0.1 degree of longitude and latitude of their nominal positions irrespective of the cause of variation; but

MOC 470VE Spa2 -need not comply with No. 470VD as long as the satellite network to which the space station belongs does not produce an unacceptable level of interference into any other satellite network whose space station complies with the limits given in No. 470VD.

Spa2 [2]In the case of space stations on geosynchronous satellites with orbits having an angle of inclination greater than 5 degrees the positional tolerance shall relate to the nodal point.

470VE.1 Spa2 [1]The level of unacceptable interference shall be fixed by agreement between the administrations concerned, using the relevant C.C.I.R. Recommendations as a guide.

Reason: In the interest of more efficient orbit-spectrum utilization, it is considered necessary to maintain a closer station-keeping tolerance of ~~+~~0.1 degree in longitude and latitude. This minimizes the loss in receiving antenna gain and aids in reducing the potential for interference.

Spa2 Pointing Accuracy of Antennas on Geostationary Satellites

MOD 470VF § 27. The pointing direction of maximum radiation of any earth-
Spa2 ward beam of antennas on geostationary satellites shall be capable of being maintained within:

10 1% of the half power beamwidth relative to the nominal pointing direction, or

0.5 0.1 degree relative to the nominal pointing direction, whichever is greater. This provision applies only when such a beam is intended for less than global coverage.

In the event that the beam is not rotationally symmetrical about the axis of maximum radiation, the tolerance in any plane containing this axis shall be related to the half power beamwidth in that plane.

This accuracy shall be maintained only if it is required to avoid unacceptable interference[2] to other systems.

470VF.1 Spa2 [2]The level of unacceptable interference shall be fixed by agreement between the administrations concerned, using the relevant C.C.I.R. Recommendations as a guide.

Reason: These modifications are proposed to minimize the spillover outside the intended coverage area and to take maximum advantage of frequency re-use when pencil beams are used. It is necessary to maintain the highest possible beam-pointing accuracy.

APPENDIX 3

Mar Mar2

Table of Frequency Tolerances*

(See Article 12)

1. Frequency tolerance is defined in Article 1 and is expressed in parts in 10^6 or, in some cases, in ~~hertz~~ Hz.

2. The power shown for the various categories of stations is the mean power as defined in Article 1.

Frequency Bands (lower limit exclusive, upper limit inclusive) and Categories of Stations	Tolerances applicable until 1st January, ~~1966*~~ 1987 to transmitters in use and to those to be installed before 1st January, ~~1964~~ 1985	Tolerances applicable to new transmitters installed after 1st January, ~~1964~~ 1985 and to all transmitters after 1st January, ~~1966*~~ 1987
Band: 10 to 535 kHz		
1. Fixed Stations:		
- 10 to 50 kHz	1 000	~~1 000~~ 100
- 50 to 535 kHz	200	~~200~~ 50
2. Land Stations:		
a) Coast Stations:		
- power 200 W or less	500 l)	~~500~~ 20 Hz l)
- power above 200 W	200 l)	~~200~~ 20 Hz l)
b) Aeronautical Stations	100*	~~100*~~ 50
3. Mobile Stations:		
a) Ship Stations	1 000 k)	~~1 000~~ 20 Hz k)
b) Ship's Emergency Transmitters	5 000	~~5 000~~ 20 Hz

*~~1st January, 1970 in the case of all tolerances marked with an asterisk.~~

*Certain services may need tighter tolerances for technical and operational reasons.

Frequency Bands (lower limit exclusive, upper limit inclusive) and Categories of Stations	Tolerances applicable until 1st January, ~~1966*~~ 1987 to transmitters in use and to those to be installed before 1st January, ~~1964~~ 1985	Tolerances applicable to new transmitters installed after 1st January, ~~1964~~ 1985 and to all transmitters after 1st January, ~~1966*~~ 1987
c) Survival Craft Stations	5 000	~~5 000~~ 20 Hz
d) Aircraft Stations	500	~~500~~ 50
4. Radiodetermination Stations	100*	100*
5. Broadcasting Stations	10 Hz	10 Hz
Band: 535 to 1 605 kHz Broadcasting Stations	10 Hz b)	10 Hz
Band: 1605 to 4 000 kHz		
1. Fixed Stations:		
- power 200 W or less	100	100
- power above 200 W	50	50
2. Land Stations		
- power 200 W or less	100b) l)	~~100~~ 50 b) l)
- power above 200 W	50b) l)	50 b) l)
3. Mobile Stations		
a) Ship Stations	200 l) k)	~~200~~ 20 Hz k) k)
b) Survival Craft Stations	300	~~300~~ 20 Hz
b A) Emergency Position-Indicating Radiobeacons	300	~~300~~ 20 Hz
c) Aircraft Stations	100 *	100 r)
d) Land Mobile Stations	200	~~200~~ 20 Hz

Frequency Bands (lower limit exclusive, upper limit inclusive) and Categories of Stations	Tolerances applicable until 1st January, ~~1966*~~ 1987 to transmitters in use and to those to be installed before 1st January, ~~1964~~ 1985	Tolerances applicable to new transmitters installed after 1st January, ~~1964~~ 1985 and to all transmitters after 1st January, ~~1966*~~ 1987
	~~*1st January, 1970 in the case of all tolerances marked with an asterisk.~~	
4. Radiodetermination Stations:		
- power 200 W or less	100	~~100~~ 20
- power above 200 W	50	~~50~~ 10
5. Broadcasting Stations	20	~~20~~ 10 Hz
Band: 4 to 29.7 MHz		
1. Fixed Stations:		
- power 500 W or less	50	~~50~~ 30
- power above 500 W	15	~~15~~ 10
2. Land Stations:		
a) Coast Stations:		
- power 500 W or less	50 h) 1)	~~50~~ 20 Hz k) 1)
- power above 500 W and less than or equal to 5 kW	30*h) 1)	~~30*~~ 20 Hz k) 1)
- power above 5 kW	15 h) 1)	~~15~~ 20 Hz k) 1)
b) Aeronautical Stations:		
- power 500 W or less	100	100 r)
- power above 500 W	50	50 r)
c) Base Stations:		
- power 500 W or less	100	~~100~~ 20
- power above 500 W	50	~~50~~ 10
3. Mobile Stations:		
a) Ship Stations		
1) Class A1 emissions	50 p) q)	~~50~~ 20 Hz p) q)
2) Emissions other than A1	50 i) k)	~~50~~ 20 Hz i) k)

Frequency Bands (lower limit exclusive, upper limit inclusive) and Categories of Stations	Tolerances applicable until 1st January, ~~1966*~~ 1987 to transmitters in use and to those to be installed before 1st January, ~~1964~~ 1985	Tolerances applicable to new transmitters installed after 1st January, ~~1964~~ 1985 and to all transmitters after 1st January, ~~1966*~~ 1987
	~~*1st January, 1970 in the case of all tolerances marked with an asterisk.~~	
- power 50 W or less	50 c) i) k)	~~50~~ c) i) k) 20 Hz
- power above 50 W	50 i) k)	~~50~~ i) k) 20 Hz
b) Survival Craft Stations	200	~~200~~ 20 Hz
c) Aircraft Stations	100*	100* r)
d) Land Mobile Stations	200	200 20 Hz
4. Broadcasting Stations	15	~~15~~ 2
Band: 29.7 to 100 MHz		
1. Fixed Stations:		
- power 200 W or less	50*	~~50*~~ 30
- power above 200 W	30	~~30~~ 10
2. Land Stations:		
- power 15 W or less	50	30
- power above 15 W	20	20
3. Mobile Stations:		
- power 5 W or less	100	~~100~~ 50
- power above 5 W	50	~~50~~ 20
4. Radiodetermination Stations	200	~~200~~ 50

Frequency Bands (lower limit exclusive, upper limit inclusive) and Categories of Stations	Tolerances applicable until 1st January, ~~1966*~~ 1987 to transmitters in use and to those to be installed before 1st January, ~~1964~~ 1985	Tolerances applicable to new transmitters installed after 1st January, ~~1964~~ 1985 and to all transmitters after 1st January, ~~1966*~~ 1987
	*1st January, 1970 in the case of all tolerances marked with an asterisk.	
5. Broadcasting Stations (other than television):		
- power 50 W or less	50	~~50~~ 1000 Hz
- power above 50 W	20	20 1000 Hz
6. Broadcasting Stations (television sound and vision):		
- power 50 W or less	100	~~100~~ 2000 Hz
- power above 50 W	1000 Hz	~~1 000~~ 500 Hz
Band: 100 to 470 MHz		
1. Fixed Stations:		
- power 50 W or less	50*	~~50*~~ 20
- power above 50 W	20*	~~20*~~ 10
2. Land Stations:		
a) Coast Stations	20 n)	~~20 n)~~ 10
b) Aeronautical Stations	50	~~50~~ 20
c) Base Stations:		
- power 5 W or less	50	~~50~~ 30
- power above 5 W	20	~~20~~ 10
3. Mobile Stations:		
a) Ship Stations and Survival Craft Stations:		
- in the band 156-174 MHz	20 n)	~~20 n)~~ 10
- outside the band 156-174 MHz	50 d) o)	50 ~~d)~~ o)

Frequency Bands (lower limit exclusive, upper limit inclusive) and Categories of Stations	Tolerances applicable until 1st January, ~~1966*~~ 1987 to transmitters in use and to those to be installed before 1st January, 1964 1985	Tolerances applicable to new transmitters installed after 1st January, ~~1964~~ 1985 and to all transmitters after 1st January ~~1966*~~ 1987
	~~*1st January, 1970 in the case of all tolerances marked with an asterisk.~~	
b) Aircraft Stations	50	~~50~~ 30
c) Land Mobile Stations:		
- power 5 W or less	50	~~50~~ 30
- power above 5 W	20	~~20~~ 10
4. Radiodetermination Stations	50*d) e)	~~50*~~ 20 d) e)
5. Broadcasting Stations (other than than television)	20	~~20~~ 15
6. Broadcasting Stations (television sound and vision):		
- power 100 W or less	100	~~100~~ 50
- power above 100 W	1000 Hz	~~1 000 Hz~~ 500 Hz
Band: 470 to 2 450 MHz		
1. Fixed Stations:		
- power 100 W or less	300 f)	~~300~~ 100 f)
- power above 100 W	100 g)	~~100~~ 50 g)
2. Land Stations	300	~~300~~ 100
3. Mobile Stations	300	~~300~~ 100
4. Radiodetermination Stations	500e)	~~500~~ 400 e)
5. Broadcasting Stations (other than television)	100	~~100~~ 50

Frequency Bands (lower limit exclusive, upper limit inclusive) and Categories of Stations	Tolerances applicable until 1st January, ~~1966*~~ 1987 to transmitters in use and to those to be installed before 1st January, ~~1964~~ 1985	Tolerances applicable to new transmitters installed after 1st January, ~~1964~~ 1985 and to all transmitters after 1st January, ~~1966*~~ 1987
~~*1st January, 1970 in the case of all tolerances marked with an asterisk.~~		
6. Broadcasting Stations (television, sound and vision) in the band 470-960 MHz		
- power 100 W or less	100	~~100~~ 50
- power above 100 W	1000 Hz	~~1 000 Hz~~ 500 Hz
Band 2 450 to 10 500 MHz		
1. Fixed Stations:		
- power 100 W or less	300 f)	~~300~~ 30 f)
- power above 100 W	100 g)	100 10 g)
2. Land Stations	300	~~300~~ 30
3. Mobile Stations	300	~~300~~ 30
4. Radiodetermination Stations	2000 e)	~~2 000~~ 800 e)
5. Space Stations	5	3
Band: 10·5 to 40 GHz		
1. Fixed Stations	500	~~500~~ 50
2. Radiodetermination Stations	7 500 e)	~~7 500~~ 2500 e)
3. Space Stations	10	7

a) SUP

b) In the area covered by the North American Regional Broadcasting Agreement (NARBA) the tolerance of 20 Hz may continue to be applied.

c) SUP

d) This tolerance is not applicable to survival craft stations operating on the frequency 243 MHz.

e) Where specific frequencies are not assigned to radar stations, the bandwidth occupied by the emissions of such stations shall be maintained wholly within the band allocated to the service and the indicated tolerance does not apply.

f) For transmitters using time division multiplex the tolerance of 300 may be increased to 500.

g) This tolerance applies only to such emissions for which the necessary bandwidth does not exceed 3 000 kHz. For larger bandwidth emissions a tolerance of 300 applies.

h) For coast station single sideband radiotelephone transmitters the tolerance is 20 Hz.

i) For ship station single sideband radiotelephone transmitters the tolerance is:

1) in the band 1 605 – 4 000 kHz:
100 Hz for transmitters in use or to be installed before 1 January 1982,
50 Hz for transmitters installed after 1 January 1982;

2) in the band 4 000 – 23 000 kHz:
100 Hz for transmitters in use or to be installed before 1 January 1978,
50 Hz for transmitters installed after 1 January 1978.

(See also Appendix 17A).

j) SUP

k) For ship station transmitters used for direct printing telegraphy or for data transmissions, the tolerance is 40 Hz. This tolerance is applicable to equipment installed after 1 January 1978 and to all equipment after 1 January 1985. For equipment installed before 2 January 1978, the tolerance is 100 Hz (with a maximum deviation of 40 Hz for short periods of the order of 15 minutes).

l) For coast station transmitters used for direct printing telegraphy and for data transmissions the tolerance is 15 Hz. This tolerance is applicable to equipment installed after 1 January 1978 and to all equipment after 1 January 1985. For equipment installed before 2 January 1978 the tolerance is 40 Hz.

m) SUP

n) For coast and ship station transmitters in the band 156 – 174 MHz put into service after 1 January 1973 a tolerance of 10 parts in 10^6 shall apply. This tolerance is applicable to all transmitters, including survival craft stations, after 1 January 1985.

o) For transmitters used by on-board communication stations a tolerance of 5 parts in 10^6 shall apply.

p) Applicable from 1 June 1977. However, in the A1 Morse working frequency bands a frequency tolerance of 200 parts in 10^6 may be applicable to existing transmitters after 1 June 1977, provided that the emissions are contained within the band in question.

q) In the A1 Morse calling frequency bands frequency tolerances of 40 parts in 10^6 in the bands between 4 and 23 MHz and of 30 parts in 10^6 in the 25 MHz band are recommended as far as possible.

r) For single sideband transmitters operating in the Aeronautical Mobile (R) Service, the tolerance is:

1) In the band 1605 - 4000 kHz
Aeronautical Stations 10 Hz
Airport Stations 20 Hz

2) In the band 4 - 29.7 MHz
Aeronautical Stations 10 Hz
Aircraft Stations 20 Hz

REASON: See reasons for Appendix 4.

AP4 1

APPENDIX 4

Table of Tolerances for the Levels of Spurious Emissions

(See Article 12)

1. The following table indicates the tolerances which shall apply to the mean power of any spurious emission supplied by a transmitter to the antenna transmission line.

2. ~~Furthermore, spurious~~ Spurious radiation from any part of the installation other than the antenna system, i.e., the antenna and its transmission line, shall not have an effect greater than would occur if this antenna system were supplied with the maximum permissible power at that spurious emission frequency.

~~3. These tolerances shall not, however, apply to ship's emergency transmitters or survival craft stations.~~

4. 3. For technical or operational reasons, specific services may demand tolerances tighter than those specified in the Table.

~~5. The final date by which all equipment shall meet the tolerances specified in Column B is 1st January, 1970. Nevertheless, all administrations recognize the urgent need to implement Column B tolerances for all equipment at the earliest possible dates and will endeavour to ensure that necessary changes are made to all transmitters under their jurisdiction well before this date and wherever possible by 1st January, 1966.~~

~~6. No tolerance is specified for transmitters operating on fundamental frequencies above 235 MHz. For these transmitters the levels of spurious emissions shall be as low as practicable.~~

Fundamental Frequency Band	The mean power of any spurious emission supplied to the antenna transmission line shall not exceed the values specified as tolerances in Columns A and B below	
	A Tolerances applicable until 1st January, ~~1970~~ 1982 to transmitters ~~now~~ in use and to those installed before 1st January, ~~1964~~ 1980	B Tolerances applicable to new transmitters installed after 1st January, ~~1964~~ 1980 and to all transmitters after 1st January, ~~1970~~ 1982
Below 30 MHz	40 decibels below the mean power of the fundamental without exceeding the power of ~~200~~ 50 milliwatts	~~40~~ 60 decibels below the mean power of the fundamental without exceeding the power of 50 ~~milliwatts~~ microwatts [1,2,3]
30 MHz to ~~235 MHz~~ and above for transmitters having mean power:		
— ~~greater than~~ over 25 watts	60 decibels below the mean power of the fundamental without exceeding 1 milliwatt[4]	60 decibels below the mean power of the fundamental without exceeding ~~1 milliwatt~~ 50 microwatts
— 25 watts or less	40 decibels below the mean power of the fundamental without exceeding 25 microwatts and without the necessity for reducing this value below 10 microwatts[4]	~~40~~ 60 decibels below the mean power of the fundamental without exceeding 25 microwatts ~~and without the necessity for reducing this value below 10 microwatts~~[4]

[1] For transmitters of mean power exceeding 50 kilowatts and which operate below 30 MHz over a frequency range approaching an octave or more, a reduction below 50 ~~milliwatts~~ microwatts is not mandatory, but a minimum attenuation of 60 decibels shall be provided and every effort should be made to keep within the 50 ~~milliwatts~~ microwatts limit.

[2] For hand-portable equipment of mean power less than 5 watts which operates in the frequency band below 30 MHz, the attenuation shall be at least 30 decibels, but every effort should be made to attain ~~40~~ 60 decibels attenuation.

[3] For mobile transmitters which operate below 30 MHz any spurious emission shall be at least ~~40~~ 60 decibels below the fundamental without exceeding the value of 200 milliwatts, 50 microwatts but every effort should be made to keep within the 50 ~~milliwatts~~ microwatts limit whereever practicable.

[4] For frequency modulated maritime mobile radio-telephone equipment which operates above 30 MHz, the mean power of any spurious emission falling in any other international maritime mobile channel, due to products of modulation, shall not exceed a limit of 10 microwatts and the mean power of any other spurious emission on any discrete frequency within the international maritime mobile band shall not exceed a limit of 2.5 microwatts. Where, exceptionally, transmitters of mean power above 20 watts are employed, these limits may be increased in proportion to the mean power of the transmitter.

REASON: It is believed that these tables should be revised to achieve an improvement to spectrum utilization. A review of both government and non-government tolerances shows that the specific limits appearing in the tables are attainable. Comments, however, are invited as to the desirability of using the specific tolerances shown.

Appendix B

U. S. PROPOSED REVISION OF CCIR DRAFT RECOMMENDATION AB/1

As requested by I.F.R.B. Circular-letter No. 357, 15 July 1976, we have evaluated the provisional method of classifying and designating emissions as proposed by C.C.I.R. Draft Recommendation AB/1 and are submitting the following comments and recommendations.

In general, the method proposed in C.C.I.R. Draft Recommendation AB/1, provides a means to specify all essential information relating to an emission and we endorse the principle of including the essential information in three mandatory symbols. Our recommendations and comments represent changes which, it is felt, should simplify the application of the method without sacrificing essential content and effectiveness. Recommendations are summarized below and are included in the enclosure, which is a proposed revision to Draft Recommendation AB/1:

a. A simplified method of designating necessary bandwidth is proposed;

b. Information dealing with the nature of the multiplexing signal was shifted from the fifth symbol (optional) and inserted as part of the second symbol;

c. The use of optional symbols by administrations may be implemented only as part of the administration's internal data process. Optional symbols should not be listed in Article 2; and,

d. The letter N has been substituted for O in the list of symbols to avoid confusion as to whether it is the number zero or the letter O.

The method designating the necessary bandwidth of emissions proposed in Recommendation AB/1 appeared to be unnecessarily complicated considering the universality of use of emission designators and compelling reasons to keep the designator as simple to understand as possible, while retaining completeness, in order to accommodate those less technically advanced. Moreover, there is a measurable advantage to be able to understand the bandwidth at a glance without performing any conversions. Accordingly, the method proposed, following that used in the United States, employs a letter H,K,M, or G to designate Hz, kHz, MHz or GHz

respectively, and a numerical value, having a maximum of four characters, including a decimal point. It was considered that if there was a computer reason to designate bandwidth in the "scientific method" proposed in Recommendation AB/1, then the conversion from a direct reading bandwidth should be made by those inserting the data into the computer. The method proposed is currently satisfactorily used in computer-based frequency management data systems in the United States. Examples, with comparison to Recommendation AB/1 are given below.

Necessary bandwidth	Proposed herein	Recommendation AB/1
25 Hz	H25	0250
400 Hz	H400	4000
2.4 kHz	K2.4	2401
12.5 kHz	K12.5	1252
36 kHz	K36	3602
180 kHz	K180	1803
1.25 MHz	M1.25	1254
6.25 MHz	M6.25	6254
27 MHz	M27	2705
200 MHz	M200	2006
5.6 GHz	G5.6	5607

A change from Draft Recommendation AB/1 which we are proposing affects the fifth optional symbol. The information contained in that symbol has been inserted into the second symbol because it was felt that the nature of the multiplexing signal was essential and should be included in the 3 mandatory symbols to preserve the use of the minimum number of symbols. This is consistent with judgments expressed previously in Recommendation 432-1 and Opinion 44 of the CCIR. The information was readily accommodated in the second symbol by allowing that symbol to become either alphabetical or numerical. The scheme adopted and outlined in the enclosure designates a modulated single channel emission by a number. Unmodulated and multi-channel emissions are designated by letters. In this manner, it was possible to retain the familiar symbols of Article 2 of F1, F2, F3, A1, A2 and A3 for single channel frequency modulated and double sideband emissions.

It is felt that the fourth symbol (optional) was not clearly defined and created a certain amount of confusion as to its application because it contains more than one character that could apply equally to describe an element of the emission. Further, some of the information, such as that relating to protection ratios or privacy should not be part of an emission symbol, even though its use is considered optional.

U. S. PROPOSED REVISION OF CCIR
DRAFT RECOMMENDATION AB/1

ANNEX

PART 1

PROVISIONAL METHOD FOR THE DESIGNATION OF EMISSIONS**

1. Emissions are designated according to their necessary bandwidth and their classification. Whenever the full designation of an emission is required, the classification for that emission shall be preceded by an indication of the necessary bandwidth.

SECTION I

NECESSARY BANDWIDTH

2. The necessary bandwidth shall be expressed by a maximum of five characters as follows:

The first character shall be a letter H, K, M, or G to designate Hz, kHz, MHz or GHz respectively. The letter shall be followed by a number composed of a maximum of three significant digits and a decimal point, if necessary. The number may not be less than 1.

Examples

Necessary Bandwidth		Symbol
25	Hz	H25
400	Hz	H400
2.4	kHz	K2.4
12.5	kHz	K12.5
36	kHz	K36
180	kHz	K180
1.25	MHz	M1.25
6.25	MHz	M6.25
27	MHz	M27
200	MHz	M200
5.6	GHz	G5.6

** For certain terms used in Part 1, see Part 2.

SECTION II

CLASSIFICATION

3. Emissions are classified and symbolized according to the following characteristics. Modulation used only for short periods for incidental purposes such as identification, calling, etc., should be ignored.

SECTION II.1

BASIC CHARACTERISTICS

4.1 First symbol - Nature of emission (see Sec. 5 below).

4.2 Second symbol - Nature of signal modulating the main carrier and nature of multiplexing (See Sec. 6 below).

4.3Third symbol - Type of transmission (see Sec. 7 below).

5. First symbol-Nature of emission

5.1 Emission of an unmodulated carrier ..... N

5.2 Emission in which the main carrier is predominantly amplitude-modulated. It may include cases where sub-carriers are angle-modulated.

5.2.1 Double-sideband ..... A

5.2.2 Single-sideband, full carrier ..... H

5.2.3 Single-sideband, reduced carrier ..... R

5.2.4 Single-sideband, suppressed carrier ..... J

5.2.5 Independent sideband ..... B

5.2.6 Vestigial sideband C

5.3 Emission in which the main carrier is angle modulated

5.3.1 Frequency modulation ..... F

5.3.2 Phase modulation ..... G

5.4 Emission of pulses (the carrier may, in addition, be frequency modulated)*

5.4.1 Unmodulated sequence of pulses ..... P

*Emissions, where the main carrier is directly modulated by a signal which has been coded into quantized form (e.g. pulse code modulation), should be designated under Secs. 5.2 or 5.3.

5.4.2 A sequence of pulses which are modulated:

5.4.2.1 in amplitude ..... K

5.4.2.2 in width/duration L

5.4.2.3 in position/phase ..... M

5.4.2.4 by combinations of the foregoing or other means ..... Q

5.5 Cases not covered above, in which an emission consists of the main carrier modulated, either simultaneously or in a pre-established sequence, in a combination of two or more of the following modes:

- amplitude, - angle, - pulse ..... W

5.6 Cases not otherwide covered X

6. Second symbol - Nature of signal modulating the main carrier and nature of multiplexing

6.1 No modulating signal ..... N

6.2 A single channel containing quantized information without the use of a modulating sub-carrier* 1

6.3 A single channel containing quantized information with the use of a modulating sub-carrier* 2

6.4 A single channel containing analogue information 3

6.5 Two or more channels containing quantized information, operating simultaneously or in a pre-established sequence, all of which modulate the sub-carriers in frequency or phase.

6.5.1 Frequency-division multiplex ..... A

6.5.2 Time-division multiplex ..... B

6.5.3 Frequency-division multiplex with one or more channels using time-division multiplex C

6.5.4 Type of multiplexing other than above ..... D

6.6 Two or more channels containing quantized information operating simultaneously or in a pre-established sequence.

6.6.1 Frequency-division multiplex ..... E

6.6.2 Time-division multiplex ..... F

6.6.3 Frequency-division multiplex with one or more channels using time-division multiplex ..... G

6.6.4 Type of multiplexing other than above ..... H

6.7 Two or more channels containing analogue information operating simultaneously or in a pre-established sequence.

6.7.1 Frequency-division multiplex ..... J

6.7.2 Time-division multiplex ..... K

6.7.3 Frequency-division multiplex with one or more channels using time-division multiplex L

6.7.4 Type of multiplexing other than above ..... M

6.8 Composite system transmitting simultaneously, or in a pre-established sequence, one or more channels containing quantized information, together with one or more channels containing analogue information.

6.8.1 Frequency-division multiplex ..... P

6.8.2 Time-division multiplex ..... Q

6.8.3 Frequency-division multiplex with one or more channels using time-division multiplex ..... R

6.8.4 Type of multiplexing other than above ..... S

6.9 Cases not otherwise covered X

*This excludes time-division multiplex.

7. Third symbol - Type of transmission.

7.1	Unmodulated main carrier or pulses	N
7.2	Telegraphy - manual	A
7.3	Telegraphy - automatic	B
7.4	Facsimile	C
7.5	Data transmission, telemetry, telecommand	D
7.6	Telephony (including sound broadcasting)	E
7.7	Television (video)	F
7.8	Combination of telegraphy (automatic) and facsimile	G
7.9	Combination of telegraphy (automatic) and telephony	H
7.10	Combination of facsimile and telephony	J
7.11	Combination of telephony and television	K
7.12	Combination of the above not otherwise covered	L
7.13	Cases not otherwise covered	X

SECTION II. 2

ADDITIONAL CHARACTERISTICS

8. If Administrations wish to describe for their internal needs further details of an emission, additional symbols fitting the present method of designating emissions may be used.

PART 2

THE MEANING OF CERTAIN TERMS AS USED IN THIS ANNEX

Main carrier — The wave that may be combined with a modulating signal in the last modulation stage of a radio transmitter.

Sub-carrier — A carrier which is employed in an intermediate modulating process and then applied as part of the signal modulating the main carrier.

Analogue signal — A signal that follows the variation of a physical phenomenon continuously with an infinite number of possible values.

Quantized signal — A signal that varies over a finite number of discrete values.

PART 3

EXAMPLES

Description	RR Art. 2 Symbol	Symbols proposed in this method §§ 5, 6, 7	
I. No modulation			
A. Emission of a radio-frequency carrier with no modulation			
A.1 No quantized or analogue information channels (CW radar)	(AO or (PO	[illegible]	
B. Unmodulated pulse train	PO	[illegible]	
C. Unmodulated pulse train using frequency-modulated carrier (chirp radar)	PO	[illegible]	
II. A single channel containing quantized information without the use of a modulating sub-carrier			
A. Emission predominantly amplitude-modulated			
A.1 Double-sideband (on-off keying)			
A.1.1 telegraphy using code with elements of differing numbers and/or durations, aural reception (Morse)	A1	A1A	
A.1.2 telegraphy using code with elements of differing numbers and/or durations, automatic reception (Morse)	A1	A1B	
A.1.3 telemetry using code with elements of the same number and duration, without error-correction	A1	A1D	

Description	RR Art. 2 Symbol	Symbols proposed in this method	
		§§ 5, 6, 7	
B. Emission angle-modulated			
B.1 Telegraphy using code with elements of differing numbers and/or durations, automatic reception (frequency-shift keying, Morse)	F1	F1B	
B.2 Telegraphy using code with elements of the same number and duration without error-correction (frequency-shift keying, teleprinter)	F1	F1B	
B.3 Telegraphy using code with elements of the same number and duration with error-correction (frequency-shift keying, teleprinter)	F1	F1B	
B.4 Facsimile, quantized (weather chart)	F4	F1C	
B.5 Data transmission in quantized form	F1	F1D	
C. Emission of pulses			
C.1 A sequence of pulses modulated in code (telemetry signals)	P1C	Q1D	

Description	RR Art. 2 Symbol	Symbols proposed in this method	
		§§ 5, 6, 7	
III. A single channel using quantized information with the use of a modulating sub-carrier			
A. Emission predominantly amplitude-modulated			
A.1 Double sideband			
A.1.1 telegraphy using code with elements of differing numbers and/or durations for aural reception (Morse) (on-off keying of modulated carrier)	A2	A2A	
A.1.2 telegraphy using code with elements of differing numbers and/or durations for automatic reception (on-off keying of a modulating sub-carrier)	A2	A2B	
A.2 Single-sideband, full carrier			
A.2.1 modulation by a continuous tone (standard frequency emission)	H2H	H2A	
A.2.2 telegraphy using code with elements of the same number and duration without error-correction (sequential single frequency code selective calling signal, Appendix 20C of the Radio Regulations)	H2H	H2B	

Description	RR Art. 2 Symbol	Symbols proposed in this method §§ 5, 6, 7	
A.3 Single-sideband, suppressed carrier			
A.3.1 telegraphy using code with elements of differing numbers and/or durations for automatic reception (on-off keying of modulating sub-carrier)	A2J	J2B	
A.3.2 telegraphy using code with elements of the same number and duration with error-correction (narrow-band direct-printing telegraphy)	A2J	J2B	
B. Emission angle-modulated			
B.1 Frequency modulation			
B.1.1 telegraphy using code with elements of the same number and duration with error-correction (narrow-band direct-printing signal, frequency-shift keying of modulating sub-carrier)	F2	F2B	

Description	RR Art. 2 Symbol	Symbols proposed in this method §§ 5, 6, 7	
IV. A single channel containing analogue information			
A. Emission predominantly amplitude-modulated			
A.1 Double-sideband			
A.1.1 sound channel of broadcasting quality	A3	A3E	
A.1.2 telephone channel with privacy device	A3	A3E	
A.1.3 telephone channel without privacy device	A3	A3E	
A.1.4 facsimile, analogue	A4	A3C	
A.2 Single-sideband, full carrier			
A.2.1 sound channel of broadcasting quality	A3H	H3E	
A.2.2 telephone channel of good commercial quality with privacy device	A3H	H3E	
A.3 Single-sideband, reduced carrier			
A.3.1 sound channel of broadcasting quality	A3A	R3E	

Description	RR Art. 2 Symbol	Symbols proposed in this method §§ 5, 6, 7	
A.4 Single-sideband, suppressed carrier			
A.4.1 telephone channel with separate frequency modulated signals to control the level of demodulated speech signals (Linconpex)	A3J	J3E	
A.4.2 analogue facsimile (frequency modulation of an audio frequency sub-carrier whith modulates the main carrier in the single-sideband suppressed-carrier mode)	A4J	J3C	
A.5 Vestigial sideband			
A.5.1 sound channel of broadcasting quality	A3C	C3E	
A.5.2 monochrome television (video)	A5C	C3F	
A.5.3 colour television	A5C	C3F	

Description	RR Art. 2 Symbol	Symbols proposed in this method §§ 5, 6, 7	
B. Emission angle-modulated			
B.1 Frequency modulation			
B.1.1 sound channel of broadcasting quality	F3	F3E	
B.1.2 telephone channel with privacy device	F3	F3E	
B.1.3 analogue facsimile	F4	F3C	
B.1.4 Colour television (video)	F5	F3F	
C. Emission of pulses			
C.1 A sequence of pulses, modulated			
C.1.1 in amplitude			
C.1.1.1 telephone channel without privacy device	P3D	K3E	
C.1.2 in phase or position			
C.1.2.1 analogue data transmission	P1F	K1D	
C.1.2.2 analogue telecommand	P1F	K1D	

Description	RR Art. 2 Symbol	Symbols proposed in this method	
		§§ 5, 6, 7	
V. Two or more channels containing quantized information operating simultaneously or in a pre-established sequence, all of which modulate the sub-carriers in frequency or phase			
A. Emission predominantly amplitude-modulated			
A.1 Double-sideband			
A.1.1 multichannel voice-frequency telegraphy with error-correction	A7	AAB	
A.2 Single-sideband, reduced carrier			
A.2.1 multichannel voice-frequency telegraphy with error-correction in which some channels are time-division multiplexed	A7A	RAB	
A.3 Independent sidebands			
A.3.1 quantized facsimile in one sideband and multichannel voice-frequency telegraphy with error-correction and time-division multiplex in the other sideband	A9B	BAG	

Description	RR Art. 2 Symbol	Symbols proposed in this method	
		§§ 5, 6, 7	
VI. Two or more channels containing quantized information operating simultaneously or in a pre-established sequence			
A. Emission predominantly amplitude-modulated			
A.1 Double-sideband (with two or more audio-frequency sub-carriers)			
A.1.1 standard frequency emission	A2	AEL	
B. Emission angle-modulated			
B.1 Frequency modulation			
B.1.1 Four-frequency diplex	F6	FEB	
B.2 Phase modulation			
B.2.1 Digital radio-relay system, in which the baseband is constituted by pulse-code modulated telephony channels in time-division multiplex and modulates the main carrier in quadrature phase-shift keying	F3	GFE	

Description	RR Art. 2 Symbol	Symbols proposed in this method §§ 5, 6, 7	
VII. Two or more channels containing analogue information operating simultaneously or in a pre-established sequence *			
A. Emission predominantly amplitude-modulated			
A.1 Single-sideband, full carrier			
A.1.1 several telephone channels in frequency-division multiplex	A3H	HJE	
A.2 Single-sideband, reduced-carrier			
A.2.1 sound channels of broadcasting quality	A3A	AJE	
A.3 Single-sideband, suppressed-carrier			
A.3.1 telephone channels of good commercial quality with privacy device	A3J	JJE	
A.4 Independent sidebands			
A.4.1 sound channels of broadcasting quality	A3B	BJE	
A.4.2 telephone channels of good commercial quality with privacy device	A3B	BJE	
A.4.3 two analogue facsimile signals using frequency modulation of sub-carriers	A4B	BJC	
A.4.4 telephone channels, each with separate frequency-modulated signals to control the level of demodulated speech signal (Linconpex)	A3B	BJE	

* In the present set of examples, there are no examples of two or more channels containing analogue information in a pre-established sequence.

Description	RR Art. 2 Symbol	Symbols proposed in this method §§ 5, 6, 7	
B. Emission, angle-modulated			
B.1 Frequency modulation			
B.1.1 stereophonic sound channel of broadcasting quality	F3	FJE	
B.1.2 telephone channels of good commercial quality	F3	FJE	
B.1.3 FDM-FM radio-relay system, multi-channel telephony in which the base-band is constituted by frequency-division multiplex and modulates the main carrier in frequency	F3	FJE	
B.1.4 colour television with four sound channels of broadcasting quality	F9	FJK	

Description	RR Art. 2 Symbol	Symbols proposed in this method §§ 5, 6, 7	
VIII. Composite systems, transmitting simultaneously or in a pre-established sequence one or more channels containing quantized information together with one or more channels containing analogue information			
A. Emission predominantly amplitude-modulated			
A.1. Double-sideband			
A.1.1 telegraphy using code with elements of differing numbers and/or durations for automatic reception (on one sub-carrier) together with one telephone channel (on a second sub-carrier)	A9	APH	
A.1.2 VOR with voice consisting of the main carrier modulated by:			
- a 30 Hz sub-carrier,			
- a carrier resulting from a 9960 Hz tone frequency-modulated by a 30 Hz tone,			
- a telephone channel,			
- a 1020 Hz keyed tone for continual Morse identification	A9	APL	

Description	RR Art. 2 Symbol	Symbols proposed in this method §§ 5, 6, 7	
A.2 Independent sideband			
A.2.1 several telegraph channels using code with elements of the same number and duration with error-correction together with several telephone channels with privacy devices	A3B	BPH	
B. Emission, angle-modulated			
B.1 Frequency modulation			
B.1.1 several telegraph channels using code with elements of the same number and duration without error-correction (frequency-shift keying) together with several telephone channels	F9	FPH	

[FR Doc.77-14468 Filed 5-24-77;8:45 am]

federal register

WEDNESDAY, MAY 25, 1977

PART VI

THE PRESIDENT

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ENVIRONMENTAL PROTECTION

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Title 3—The President

Executive Order 11987 • **May 24, 1977**

EXOTIC ORGANISMS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the purposes and policies of the Lacey Act (18 U.S.C. 42) and the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), it is hereby ordered as follows:

Section 1. As used in this Order:

(a) "United States" means all of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(b) "Introduction" means the release, escape, or establishment of an exotic species into a natural ecosystem.

(c) "Exotic species" means all species of plants and animals not naturally occurring, either presently or historically, in any ecosystem of the United States.

(d) "Native species" means all species of plants and animals naturally occurring, either presently or historically, in any ecosystem of the United States.

Sec. 2. (a) Executive agencies shall, to the extent permitted by law, restrict the introduction of exotic species into the natural ecosystems on lands and waters which they own, lease, or hold for purposes of administration; and, shall encourage the States, local governments, and private citizens to prevent the introduction of exotic species into natural ecosystems of the United States.

(b) Executive agencies, to the extent they have been authorized by statute to restrict the importation of exotic species, shall restrict the introduction of exotic species into any natural ecosystem of the United States.

(c) Executive agencies shall, to the extent permitted by law, restrict the use of Federal funds, programs, or authorities used to export native species for the purpose of introducing such species into ecosystems outside the United States where they do not naturally occur.

(d) This Order does not apply to the introduction of any exotic species, or the export of any native species, if the Secretary of Agriculture or the Secretary of the Interior finds that such introduction or exportation will not have an adverse effect on natural ecosystems.

Sec. 3. The Secretary of the Interior, in consultation with the Secretary of Agriculture and the heads of other appropriate agencies, shall develop and implement, by rule or regulation, a system to standardize and simplify the requirements, procedures and other activities appropriate for implementing the provisions of this Order. The Secretary of the Interior shall ensure that such rules or regulations are in accord with the performance by other agencies of those functions vested by law, including this Order, in such agencies.

Jimmy Carter

THE WHITE HOUSE,
May 24, 1977

[FR Doc.77-15120 Filed 5-24-77;1:41 pm]

Executive Order 11988 • May 24, 1977

FLOODPLAIN MANAGEMENT

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (Public Law 93-234, 87 Stat. 975), in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative, it is hereby ordered as follows:

Section 1. Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

Sec. 2. In carrying out the activities described in Section 1 of this Order, each agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget requests reflect consideration of flood hazards and

floodplain management; and to prescribe procedures to implement the policies and requirements of this Order, as follows:

(a)(1) Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain -- for major Federal actions significantly affecting the quality of the human environment, the evaluation required below will be included in any statement prepared under Section 102(2)(C) of the National Environmental Policy Act. This determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available. If such maps are not available, the agency shall make a determination of the location of the floodplain based on the best available information. The Water Resources Council shall issue guidance on this information not later than October 1, 1977.

(2) If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this Order requires siting in a floodplain, the agency shall, prior to taking action, (i) design or modify its action in order to minimize potential harm to or within the floodplain, consistent with regulations issued in accord with Section 2(d) of this Order, and (ii) prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain.

(3) For programs subject to the Office of Management and Budget Circular A-95, the agency shall send the notice, not to exceed three pages in length including a location map, to the state and areawide A-95 clearinghouses for the geographic areas affected. The notice shall include: (i) the reasons why the action is proposed to be located in a floodplain; (ii) a statement indicating whether the action conforms to applicable state or local floodplain protection standards and (iii) a list of the alternatives considered. Agencies shall endeavor to allow a brief comment period prior to taking any action.

(4) Each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

(b) Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in a floodplain, whether the proposed action is in accord with this Order.

(c) Each agency shall take floodplain management into account when formulating or evaluating any water and land use plans and shall require land and water resources use appropriate to the degree of hazard involved. Agencies shall include adequate provision for the evaluation and consideration of flood hazards in the regulations and operating procedures for the licenses, permits, loan or grants-in-aid programs that they administer. Agencies

shall also encourage and provide appropriate guidance to applicants to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans or grants.

(d) As allowed by law, each agency shall issue or amend existing regulations and procedures within one year to comply with this Order. These procedures shall incorporate the Unified National Program for Floodplain Management of the Water Resources Council, and shall explain the means that the agency will employ to pursue the nonhazardous use of riverine, coastal and other floodplains in connection with the activities under its authority. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order. Agencies shall prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration, and the Council on Environmental Quality, and shall update such procedures as necessary.

Sec. 3. In addition to the requirements of Section 2, agencies with responsibilities for Federal real property and facilities shall take the following measures:

(a) The regulations and procedures established under Section 2(d) of this Order shall, at a minimum, require the construction of Federal structures and facilities to be in accordance with the standards and criteria and to be consistent with the intent of those promulgated under the National Flood Insurance Program. They shall deviate only to the extent that the standards of the Flood Insurance Program are demonstrably inappropriate for a given type of structure or facility.

(b) If, after compliance with the requirements of this Order, new construction of structures or

facilities are to be located in a floodplain, accepted floodproofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, agencies shall, wherever practicable, elevate structures above the base flood level rather than filling in land.

(c) If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible agency shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of and knowledge about flood hazards.

(d) When property in floodplains is proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties, the Federal agency shall (1) reference in the conveyance those uses that are restricted under identified Federal, State or local floodplain regulations; and (2) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by law; or (3) withhold such properties from conveyance.

Sec. 4. In addition to any responsibilities under this Order and Sections 202 and 205 of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4106 and 4128), agencies which guarantee, approve, regulate, or insure any financial transaction which is related to an area located in a floodplain shall, prior to completing action on such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the floodplain.

Sec. 5. The head of each agency shall submit a report to the Council on Environmental Quality and to the Water Resources Council on June 30, 1978, regarding the status of their procedures and the impact of this Order on the agency's operations. Thereafter, the Water Resources Council shall periodically evaluate agency procedures and their effectiveness.

Sec. 6. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting floodplains.

(b) The term "base flood" shall mean that flood which has a one percent or greater chance of occurrence in any given year.

(c) The term "floodplain" shall mean the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

Sec. 7. Executive Order No. 11296 of August 10, 1966, is hereby revoked. All actions, procedures, and issuances taken under that Order and still in effect shall remain in effect until modified by appropriate authority under the terms of this Order.

Sec. 8. Nothing in this Order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Sec. 9. To the extent the provisions of Section 2(a) of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

Jimmy Carter

THE WHITE HOUSE,
May 24, 1977

[FR Doc.77-15121 Filed 5-24-77;1:42 pm]

Executive Order 11989 • May 24, 1977

OFF-ROAD VEHICLES ON PUBLIC LANDS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to clarify agency authority to define zones of use by off-road vehicles on public lands, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), Executive Order No. 11644 of February 8, 1972, is hereby amended as follows:

Section 1. Clause (B) of Section 2(3) of Executive Order No. 11644, setting forth an exclusion from the definition of off-road vehicles, is amended to read "(B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and".

Sec. 2. Add the following new Section to Executive Order No. 11644:

"Sec. 9. Special Protection of the Public Lands. (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

"(b) Each respective agency head is authorized to adopt the policy that portions of the public lands within his jurisdiction shall be closed to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order.".

Jimmy Carter

THE WHITE HOUSE,
May 24, 1977

[FR Doc.77-15122 Filed 5-24-77;1:43 pm]

Executive Order 11990 • May 24, 1977

PROTECTION OF WETLANDS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), in order to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative, it is hereby ordered as follows:

Section 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

(b) This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property.

Sec. 2. (a) In furtherance of Section 101(b)(3) of the National Environmental Policy Act of 1969 (42 U.S.C. 4331(b)(3)) to improve and coordinate Federal plans,

functions, programs and resources to the end that the Nation may attain the widest range of beneficial uses of the environment without degradation and risk to health or safety, each agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use, In making this finding the head of the agency may take into account economic, environmental and other pertinent factors.

(b) Each agency shall also provide opportunity for early public review of any plans or proposals for new construction in wetlands, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

Sec. 3. Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in wetlands, whether the proposed action is in accord with this Order.

Sec. 4. When Federally-owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way or disposal to non-Federal public or private parties, the Federal agency shall (a) reference in the conveyance those uses that are restricted under identified Federal, State or local wetlands regulations; and (b) attach

other appropriate restrictions to the uses of properties by the grantee or purchaser and any successor, except where prohibited by law; or (c) withhold such properties from disposal.

Sec. 5. In carrying out the activities described in Section 1 of this Order, each agency shall consider factors relevant to a proposal's effect on the survival and quality of the wetlands. Among these factors are:

(a) public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;

(b) maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and

(c) other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

Sec. 6. As allowed by law, agencies shall issue or amend their existing procedures in order to comply with this Order. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order.

Sec. 7. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting wetlands.

(b) The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of this Order.

(c) The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

Sec. 8. This Order does not apply to projects presently under construction, or to projects for which all of the funds have been appropriated through Fiscal Year 1977, or to projects and programs for which a draft or final environmental impact statement will be filed prior to October 1, 1977. The provisions of Section 2 of this Order shall be implemented by each agency not later than October 1, 1977.

Sec. 9. Nothing in this Order shall apply to assistance provided for emergency work, essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Sec. 10. To the extent the provisions of Sections 2 and 5 of this Order are applicable to projects covered

by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

Jimmy Carter

THE WHITE HOUSE,
May 24, 1977

[FR Doc.77-15123 Filed 5-24-77;1:44 pm]

Executive Order 11991 • May 24, 1977

RELATING TO PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the purpose and policy of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4371 et seq.), and Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), it is hereby ordered as follows:

Section 1. Subsection (h) of Section 3 (relating to responsibilities of the Council on Environmental Quality) of Executive Order No. 11514, as amended, is revised to read as follows:

"(h) Issue regulations to Federal agencies for the implementation of the procedural provisions of the Act (42 U.S.C. 4332(2)). Such regulations shall be developed after consultation with affected agencies and after such public hearings as may be appropriate. They will be designed to make the environmental impact statement process more useful to decisionmakers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives. They will require impact statements to be concise, clear, and to the point, and supported by evidence that agencies have made the necessary environmental analyses. The Council shall include in its regulations procedures (1) for the early preparation of environmental impact statements, and (2) for the referral to the Council of conflicts between

agencies concerning the implementation of the National Environmental Policy Act of 1969, as amended, and Section 309 of the Clean Air Act, as amended, for the Council's recommendation as to their prompt resolution.".

Sec. 2. The following new subsection is added to Section 2 (relating to responsibilities of Federal agencies) of Executive Order No. 11514, as amended:

"(g) In carrying out their responsibilities under the Act and this Order, comply with the regulations issued by the Council except where such compliance would be inconsistent with statutory requirements.".

Jimmy Carter

THE WHITE HOUSE,
May 24, 1977

[FR Doc.77-15124 Filed 5-24-77;1:45 pm]