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federal register

WEDNESDAY, JUNE 15, 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.

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Atlanta, Ga., 7–13, 7–14.
(Details: 42 FR 30015, 6–10–77.)

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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Title 3—The President

Executive Order 11996 • June 14, 1977

The Honorable Tom C. Clark

As a mark of respect to the memory of the Honorable Tom C. Clark, former Associate Justice of the Supreme Court of the United States, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, as amended, that until interment, the flag of the United States shall be flown at half-staff on all buildings, grounds and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

Jimmy Carter

THE WHITE HOUSE,
June 14, 1977.

[FR Doc.77-17331 Filed 6-14-77;1:58 pm]

rules and regulations

Title 7—Agriculture

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

[Nectarine Reg. 8, Amendment 2]

PART 916—NECTARINES GROWN IN CALIFORNIA

Container and Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the current container and pack regulation applicable to California nectarines. The principal change requires each No. 12B box containing place-packed nectarines to bear the appropriate size designation of the fruit therein. The action is designed to assure informative labeling of such boxes used to ship nectarines. In addition, the amendment deletes references to "loose-packed" nectarines and makes minor revisions in the current language of the regulation for purposes of simplification and clarity.

EFFECTIVE DATE: June 15, 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: Notice was published in the FEDERAL REGISTER on May 24, 1977 (42 FR 26430), that consideration was being given to a proposed amendment to Nectarine Regulation 8, pursuant to the provisions of the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed amendment was recommended by the Nectarine Administrative Committee, established under the amended marketing agreement and order as the agency to administer the terms and provisions. The notice provided that all written data, views, or arguments in connection with the proposed amendment be submitted by June 6, 1977. None were received.

The committee reports that a small quantity of nectarines are place-packed and shipped in No. 12B boxes. The amendment makes these boxes subject to the same size marking requirements applicable to other specified packages and containers used for shipping place-packed nectarines. The terms "loose-filled" and "loose-packed" nectarines had been used to describe the same style of packing such fruit. This amendment is designed to permit easier understanding of the regulation by deleting the nonessential term "loose-packed" nectarines. The amendment makes additional minor revisions of the current language for clarity. The amendment is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposal set forth in the notice and other available information, it is found that the regulation of California nectarines, as set forth, are in accordance with the amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is further found that good cause exists for making this regulation effective at the time set forth and for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this amendment, including the effective date of June 15, 1977, was published in the FEDERAL REGISTER on May 24, 1977 (42 FR 26430), and no objection to such regulation or effective date was received; (2) the provisions of the amendment are the same as those contained in the notice; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time.

§ 916.350 Nectarine Regulation 8.

(a) *Order.* On and after June 15, 1977, no handler shall handle any package or container of any variety of nectarines except in accordance with the following terms and conditions:

(1) Such nectarines, when packed in any closed container, shall conform to the requirements of standard pack: *Provided,* That nectarines loose-filled in any open container shall be fairly uniform in size.

(2) Each package or container of nectarines shall bear, on one outside end in plain sight and in plain letters, the name "nectarines" and the name of the variety, if known or, when the variety is not known, the words "unknown variety."

(3) Each package or container of nectarines shall bear, on one outside end in plain sight and in plain letters, the following count or size description of the nectarines as applicable:

(i) The size of nectarines packed in molded forms (tray packs) in No. 22D standard lug boxes, cartons, flats, or No. 12B standard fruit boxes and the size of wrapped nectarines packed in rows in No. 12B standard fruit boxes shall be indicated in accordance with the number of nectarines in each container, such as "80 count," "88 count," etc.

(ii) The size of nectarines loose-filled or tight-filled in any container shall be indicated in terms of the count size of such nectarines when packed in molded forms in the No. 22D standard lug box in accordance with the requirements of standard pack, such as "80 size," "88 size," etc.

(4) Each No. 22D standard lug box of loose-filled nectarines shall bear on one end, in plain sight and in plain letters, the words "25 pounds net weight."

(5) Each No. 22E standard lug box of loose-filled nectarines shall bear on one outside end, in plain sight and in plain letters, the words "35 pounds net weight."

(6) Each bulk bin container of loose-filled nectarines shall contain not less than 400 pounds, net weight, and bear on one outside panel, in plain sight and in plain letters, the following information:

(i) The name and address (including zip code) of the shipper.

(ii) The net weight.

(b) As used herein, "standard pack" and "fairly uniform in size" shall have the same meanings as set forth in the U.S. Standards for Grades of Nectarines (§ 51.3145-51.3160 of this title); the terms "No. 22D standard lug box, "No. 22E standard lug box, and "No. 12B standard fruit box" shall have the same meaning as set forth in § 1387.11 of the "Regulations of the California Department of Food and Agriculture"; and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated, June 9, 1977, to become effective June 15, 1977.

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

[FR Doc.77-16977 Filed 6-14-77;8:45 am]

[Apricot Regulation 17]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation specifies grade, maturity and size requirements for Washington Apricots during the 1977 season. These apricots are to grade at least Washington No. 1, be reasonably uniform in color and measure at least 1⅝ inches in diameter, except Blenheim, Blenril, and Tilton varieties, in unlidded containers, may have minimum diameter of 1¼ inches. In addition, the Moorpark variety in open containers is required to be generally well matured. A minimum quantity exemption is provided. These requirements are designed to provide consumers with an ample supply of acceptable quality apricots.

EFFECTIVE DATE: June 27, 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: *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in Washington, 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 recommendation of the Washington Apricot Marketing Committee, established under the amended marketing agreement and order, and upon other available information it is hereby found that the limitation of handling of apricots, as provided in this regulation, will tend to effectuate the declared policy of the act.

(2) The regulation herein specified is based upon an appraisal of the current and prospective crop and market conditions for Washington Apricots. Fresh shipments for the 1977–78 season are expected to be 2,325 tons, with processing taking another 100 tons. These compare with SRS estimated production in 1976 of 2,800 tons, fresh shipments of 2,400 tons and processing of 400 tons. The imposition of the specified grade, maturity and size requirements is necessary to prevent the handling of defective and small apricots, which do not provide consumer satisfaction, in order to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

(3) Apricots of the Moorpark variety shipped in open containers are required to be generally well matured. Provision is made for apricots of the Blenheim, Blenril and Tilton varieties to be of a smaller size when packed in unlidded containers. These three varieties are of a somewhat smaller size than other varieties when mature. There is a demand for fruit meeting these specifications in local markets. Due to the nearness to the source of supply shipment of more mature fruit and fruit of the specified varieties of smaller sizes in less expensive unlidded containers is feasible and the disposition of such fruit in such markets tends to improve the overall return to growers. Individual shipments, not exceeding 500 pounds of apricots sold for home use and not for resale are exempt from regulation because such shipments will be prevented from entering regulated channels of trade by the requirement that each container therein be stamped with the words "not for resale" in letters at least one-half inch in height.

(4) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information became available upon which this regulation is based and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the regulation effective as specified. Shipments of Washington Apricots are expected to begin during the week of June 27, 1977. The volume is expected to increase seasonally as the season progresses. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after an open meeting of the Washington Apricot Marketing Committee on May 17, 1977. The meeting was held to consider recommendations for regulation, after giving due notice of the meeting, and interested persons were afforded an opportunity to submit their views at the meeting. The provisions of this regulation are identical with the aforesaid recommendation of the committee. Information concerning the provisions and effective time has been provided to handlers of apricots. It is necessary, in order to effectuate the declared policy of the act, to make this regulation effective as specified.

§ 922.317 Apricot Regulation 17.

(a) Apricot regulation 16 (41 FR 28785) is terminated June 27, 1977.

(b) During the period June 27, 1977, through August 15, 1977, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and maturity requirements.* Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided,* That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.* Such apricots measure not less than 1⅝ inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *Provided,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provisions of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

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

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

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

(c) Terms used in the amended marketing agreement and order shall when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on the U.S. Department of Agriculture Standard Ground Color Chart of Apples and Pears in the Western States.

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

Dated: June 10, 1977.

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

[FR Doc.77-17062 Filed 6-14-77;8:45 am]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 745—PROTECTION OF HUMAN SUBJECTS

AGENCY: Energy Research and Development Administration.

ACTION: Final rule.

SUMMARY: This document amends the Energy Research and Development Administration's (ERDA) regulations pertaining to the rights and welfare of human subjects in research activities supported by the agency by allowing recipients and potential recipients to file notice that an approved general assurance is on file with the Department

of Health, Education, and Welfare (DHEW). This action is being taken at the request of several institutions involved in order to eliminate undesirable duplication of efforts and unnecessary burdens.

EFFECTIVE DATE: June 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Walter Weyzen, Biomedical and Environmental Research, 301-353-5355.

SUPPLEMENTARY INFORMATION: On November 30, 1976, ERDA adopted regulations to ensure the rights and welfare of human subjects in research activities supported by ERDA. The regulations substantially duplicate the policies and procedures adopted by DHEW (45 CFR 46) for the protection of human subjects. Since publication of these final regulations, ERDA has recognized the unnecessary and undesirable duplication of efforts caused by requiring ERDA review and approval of a general assurance that has been approved by DHEW. Such a duplicative procedure places resource burdens on both ERDA and the institutions involved without substantive benefit since the requirements of DHEW and ERDA for acceptable general assurances are virtually identical. Accordingly, these amendments will allow those recipients or prospective recipients of ERDA support having an approved general assurance on file with DHEW to submit to ERDA a notice to that effect in lieu of submitting the materials required by the present regulations. These amendments are promulgated under authority provided in Sec. 105(a), 88 Stat. 1238 (42 USC 5815). They are being issued as final amendments to the regulations since they are matters relating to agency procedures and the agency desires that these procedures be available immediately to avoid unnecessary expenditure of resources. Accordingly, 10 CFR Part 745 is amended as follows:

§ 745.3 [Amended]

A. Section 745.3 is amended by: (1) Deleting the period after "Administrator" in (g) and adding "or Secretary of DHEW." (2) Deleting the period after ERDA in (h) and adding "or DHEW." (3) Adding a new subsection (j) to read "DHEW" means the Department of Health, Education and Welfare.

B. Section 745.4 is amended by: (1) Inserting "Except as provided in paragraph (b) of this section," after "(a)"; (2) Striking out "Recipients" in paragraph (a) and inserting in lieu thereof "recipients." (3) Redesignating paragraph (b) as paragraph (c); (4) Inserting in newly designated paragraph (c) "under paragraph (a) or document under paragraph (b)" after "such assurance." (5) Inserting after paragraph (a) a new paragraph (b) as follows:

§ 745.4 Submission of assurances.

* * * * *

(b) Recipients or prospective recipients of ERDA support under any agreement involving subjects at risk who have on file with DHEW an approved general assurance pursuant to 45 CFR 46 will be considered to have an approved general assurance on file with ERDA. Those recipients meeting this requirement shall, in lieu of the requirements of paragraph (a) of this section, submit a document to ERDA stating that they presently have an approved general assurance on file with DHEW.

* * * * *

§ 745.5 [Amended]

C. Section 745.5(b) is amended by adding "or DHEW" after the word ERDA and before the phrase "an approved general assurance."

§ 745.11 [Amended]

D. Section 745.11 is amended by inserting "or DHEW" after "with ERDA" in paragraph (a).

§ 745.16 [Amended]

E. Section 745.16 is amended by: (1) Inserting in (a)(1) "or DHEW" after the word "ERDA" in the first sentence of the paragraph; (2) Deleting the comma after "ERDA" in (a)(2) and inserting "or DHEW,"; (3) Inserting in (a)(3) "or DHEW" after the word "ERDA" in the last sentence of the paragraph, and (4) Inserting in (b) "or DHEW" after the words "on file with ERDA" in the second and fourth sentences of the paragraph.

§ 745.18 [Amended]

F. Section 745.18 is amended by adding the words "or DHEW" after the word "ERDA" in the fifth sentence of this section.

Dated at Germantown, Maryland this 6th day of June 1977.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.77-17023 Filed 6-14-77;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 748—MINIMUM SECURITY DEVICES AND PROCEDURES

Filing of Reports

AGENCY: National Credit Union Administration.

ACTION: Final Rule.

SUMMARY: This rule revises the Minimum Security Devices and Procedures Regulation by enabling federally insured credit unions to file their statements of compliance directly with the Regional Director on a form which is already distributed to all federally insured credit unions. This eliminates the need for a separate form and the need for the Regional Director to receive and file these statements separately. Further, the word "annually" is being inserted to clarify the fact that the filing procedure is implemented on an annual basis, which is the current agency practice.

EFFECTIVE DATE: June 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph Bellenghi, Assistant Administrator of Examination and Insurance, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, 202-254-8760.

SUPPLEMENTARY INFORMATION: The Administrator finds that (1) notice and public procedure under 5 U.S.C. 553(b) are unnecessary and contrary to the public interest since the revision herein involves agency procedure, and (2) publication of said amendment for the 30 day period prior to the effective date as specified in 5 U.S.C. 553(d) is unnecessary for the same reason.

Accordingly, 12 CFR Part 748 is amended as follows:

§ 748.5 [Amended]

(1) Section 748.5(a) is amended by deleting the sentence "Thereafter such a statement will be presented to the federal examiner.", and by inserting in lieu thereof, "Thereafter such a statement will be filed annually with the Regional Director."

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).)

C. AUSTIN MONTGOMERY,
Administrator.

MAY 23, 1977.

[FR Doc.77-17063 Filed 6-14-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2886]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Melvin S. Landow, et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This consent order requires the former controlling officers of a now bankrupt appliance store chain (Kennedy and Cohen, Inc.), among other things to cease misrepresenting pricing and savings claims; and cease using bait and switch tactics, or any other unfair or deceptive strategy to promote sale of goods and services. Additionally, respondents are required to conspicuously post disclosure notices and maintain relevant records as prescribed in the order.

DATES: Complaint and order issued May 9, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

S. Edward Combs, Director, Atlanta Regional Office, Federal Trade Com-

[1] Copies of the Complaint, and the Decision and Order filed with the original document.

mission, 1718 Peachtree Street NW., Room 1000, Atlanta, Ga. 30309 (404-881-4836).

SUPPLEMENTARY INFORMATION: In the Matter of Melvin S. Landow and Dean Willman, individually. The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart-Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10-1 Availability of merchandise and/or facilities; § 13.15 Business status, advantages or connections; 13.15-195 Nature; 13.15-260 Retailer as wholesaler, jobber, factory distributor; 13.15-275 Stock, product or service; 13.155 Prices; 13.155-15 Comparative; 13.155-75 Product or quantity covered; 13.155-80 Retail as cost, wholesale, discounted, etc.; § 13.160 Promotional sales plans; § 13.180 Quantity; 13.180-30 In stock; 13.180-35 Offered; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements; § 13.533 Corrective actions and/or requirements; 13.-533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-45 Maintain records; 13.533-45(m) Sales records. Subpart—Disparaging Products, Merchandise, Services, Etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Failing to Maintain Records: § 13.1051 Failing to maintain records; 13.1051-20 Adequate. Subpart — Furnishing Means and Instrumentalities of Misrepresentation and Deception: § 13.-1055 Furnishing means and instrumentalities of misrepresentation and deception. Subpart—Misrepresenting Oneself and Goods — Business Status, Advantages or Connections: § 13.1490 Nature; § 13.1550 Retailer as wholesaler, jobber, or factory distributor; § 13.1560 Stock, product or service. — Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1720 Quantity; § 13.1740 Scientific or other relevant facts. — Promotional Sales Plans: § 13.-1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosures; § 13.1882 Prices; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal: § 13.2013 Offers deceptively made and evaded; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

It is ordered, That respondents Melvin S. Landow and Dean Willman, individually, their agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale and distribution of household appliances, or of any other products or services in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of household appliances or any other product, merchandise or service.

2. Making representations, directly or by implication, orally or in writing, purporting to offer any product, merchandise or service for sale when the primary purpose of the representation is not to sell the offered product, merchandise or service but to obtain leads or prospects for the sale of another product, merchandise or service.

3. Representing, directly or by implication, orally or in writing, that any product, merchandise or service is offered for sale when such offer is not a bona fide offer to sell such product, merchandise or service according to the terms of the represented offer.

4. Disparaging in any manner, discouraging the purchase of, or refusing to sell and deliver, any product, merchandise or service which is advertised or offered for sale.

5. Failing to have available at all outlets listed in the advertisement a sufficient quantity of the advertised product to meet reasonably anticipated demands, unless:

a. The advertisement clearly and adequately discloses the specific quantity of each item advertised that is available at each designated outlet; or

b. The advertisement clearly and adequately identifies those outlets at which merchandise is not immediately available.

6. Failing to maintain and produce for inspection and copying, on demand by the Federal Trade Commission or its representatives, adequate records which reveal for every advertisement disseminated in print or broadcast media, for a period of three (3) years from the date of its publication:

a. The volume of sales made of each advertised product, merchandise or service at the advertised price; and

b. The net profit from the sale of each advertised product, merchandise or service at the advertised price.

7. Using the word "Sale" or any other word or words of similar import or meaning not set forth specifically herein, unless:

a. The price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent regular course of their business;

b. Respondents clearly and adequately disclose the time period during which the advertised prices will be available; provided that, where the termination point of the "sale" has been advertised in good faith, respondents shall not be prohibited from extending the availability of the advertised prices, making further reductions, or reinstituting terminated price reductions;

c. Products, which are included in the advertisement but do not meet the requirements of 7(a), supra, are clearly and adequately identified as not having had a reduction in price.

8. Representing, directly or by implication, orally or in writing, that respondents have lowered prices as a result of some unusual circumstances, unless the circumstances are true and the prices are significantly lower than respondents' usual prices.

9. a. Representing, directly or by implication, orally or in writing, that by purchasing any of respondents' products, merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price, unless such products, merchandise or services have been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent regular course of their business.

b. Representing, directly or by implication, orally or in writing, that by purchasing any of respondents' products, merchandise or services, customers are afforded savings amounting to the difference between respondent's stated price and some other reference price or identical products, merchandise or services in the trade area where such representation is made unless the nature of the reference price is explicitly identified and respondents have a reasonable basis to substantiate the reference price.

c. Representing, directly or by implication, orally or in writing, that by purchasing any of respondents' products, merchandise or services, customers are afforded savings amounting to the difference between respondent's stated price and a compared value price for comparable products, merchandise or services, unless substantial sales of products, merchandise or services of like grade and quality are being made in the trade area where such representation is made at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in said trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with products, merchandise or services or like grade and quality.

10. Failing to maintain and produce for inspection or copying on demand by the Federal Trade Commission or its representatives, for a period of one (1) year from the date of the representation, adequate records:

a. Which disclose the facts upon which any savings claims, sales claims or other similar representatives as set forth in Paragraphs 7, 8 and 9 of this order are based; and

b. From which the validity of any savings claims, sales claims and similar representations can be determined.

11. Using any sales or advertising plan in which the purchase of an advertised "special" is dependent upon the purchase of another item, unless;

a. The terms and conditions of the offer are clearly and adequately disclosed in the advertisement; and

b. The recent regular selling price of the item which must be purchased is clearly and accurately disclosed in the advertisement (if advertised) and at the point of sale.

12. Misrepresenting, directly or by implication, orally or in writing, that respondents are wholesalers, sell at wholesale prices, or misrepresenting in any manner the nature, status, connections or scope of respondents' business.

13. Using or providing to salesmen or others materials containing false and misleading information, such as repair and cost comparison statistics, pertaining to the sale of service contracts for continuing maintenance and repair of purchased household appliances.

14. Failing to conspicuously post in the selling areas of each retail sales outlet the following notice:

NOTICE

This company's policy is to sell what it advertises. Should you encounter any difficulty in purchasing an advertised item, call (place here the telephone number of the local manager or other appropriate and correct telephone numbers).

15. Failing to maintain and produce for inspection and copying on demand by the Federal Trade Commission or its representatives, for a period of one (1) year from the date of communication, adequate records to disclose facts pertaining to the receipt, handling and disposition of each communication from a customer, oral or written, concerning difficulty in purchasing an advertised item.

16. Failing to maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of household appliances or utilized in the advertising, promotion or sale of household appliances and other merchandise.

It is further ordered, That the record keeping provisions of this order (Paragraphs 6, 10 and 16) do not pertain to any corporation or partnership not controlled, directly or indirectly, by any respondent.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale or the sale of any product, or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten years from the effective date of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.77-16967 Filed 6-14-77;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1306—PRESCRIPTIONS

Refilling of Prescriptions for Controlled Substances Computerized Refill Information

Correction

In FR Doc. 77-15859 appearing at page 28877 in the issue for Monday, June 6, 1977, the effective date was inadvertently omitted. It should be inserted immediately above the paragraph headed "For further information contact:" to read as follows:

EFFECTIVE DATE: June 30, 1977.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

AGENCY: Drug Enforcement Administration.

ACTION: Final Rule.

SUMMARY: This rule exempts the below listed chemical preparations and mixtures which contain controlled substances from the application of various provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and from certain Drug Enforcement Administration regulations.

DATES: Comments must be received on or before August 3, 1977. Effective Date: June 15, 1977. This rule is subject to being suspended, reinstated, revoked, or amended by the Administrator upon consideration of any comments or objections which raise significant issues on any finding of fact or conclusion of law supporting this order.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, 202-382-5676.

SUPPLEMENTARY INFORMATION: The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, education, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)) and delegated to him, the Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as hereinafter appears.

Dated: June 3, 1977.

PETER B. BENSINGER,
Administrator.

a. 21 CFR 1308.24(i) is amended by deleting the following:

§ 1308.24 Exempt chemical preparations.

* * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
* * * *	*	* *	*
Hyland, division Travenol Labs., Inc.	T-1	Vial: 20 ml	Mar. 13, 1976
Do	T-2	do	Do.
Do	T-4	Vial: 50 ml	Do.
Do	T-5	do	Do.
Do	T-6	Vial: 20 ml	Do.
Do	T-7	do	Do.
Do	T-8	Vial: 50 ml	Do.
Do	T-9	do	Do.
Do	T-10	do	Do.
Do	T-11	Vial: 20	Do.
Do	T-12	do	Do.
Do	T-14	Vial: 50 ml	Do.
Do	T-15	do	Do.
Do	T-16	Vial: 20 ml	Do.
Do	T-18	Vial: 50 ml	Do.
Do	T-20	do	Do.
Do	TC-1	Vial: 5 ml	Do.
Do	TC-2	do	Do.
New England Nuclear	Dihydromorphine [7, 8,-^{3} N(N)].	Combi-Vial: 1 mC, 50 μC	Aug. 25, 1975
* * * *	*	* *	*

b. 21 CFR 1308.24(i) is amended by adding the following:

§ 1308.24 Exempt chemical preparations.

* * * * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
* *	* *	* *	*
Hyland, division Travenol Labs., Inc.	T-1	Vial: 50 ml	Jan. 4, 1977
Do	T-2	do	Do.
Do	T-3	Vial:	Do.
Do	T-4	do	Do.
Do	T-5	Vial: 20 ml	Do.
Do	T-6	Vial: 50 ml	Do.
Do	T-7	do	Do.
Do	T-8	Vial: 20 ml	Do.
Do	T-9	do	Do.
Do	T-11	Vial: 50 ml	Do.
Do	T-12	do	Do.
Do	T-13	Vial: 20 ml	Do.
Do	T-14	do	Do.
Do	T-15	do	Do.
Do	T-16	Vial: 50 ml	Do.
Do	T-17	do	Do.
Do	T-18	Vial: 20 ml	Do.
Do	T-19	do	Do.
Union Carbide Corp., clinical diagnostics.	Centria test, T^3 (RIA) Kit	Kit: 36 tests	Dec. 20, 1976
Do	125-I T3 radiolabeled reagent	Amber vial: 5 ml	Do.
Do	T3 non-specific-binding	do	Do.
Do	T3 antiserum reagent (goat)	Amber vial: 10 ml	Do.
Do	T3 0.0 ng/ml standard	Amber vial: 5 ml	Do.
Do	T3 0.5 ng/ml standard	do	Do.
Do	T3 1.0 ng/ml standard	do	Do.
Do	T3 2.0 ng/ml standard	do	Do.
Do	T3 4.0 ng/ml standard	do	Do.
Do	T3 8.0 ng/ml standard	do	Do.
Do	Separation columns	Securitainers: 10 plastic columns 3¼" x 4" each.	Do.
SIGMA Chemical Co.	LDH electrophoresis buffer, stock No. 705-1.	Amber Jar: 30 ml	Jan. 4, 1977
Do	Trizma-Barbital buffer, stock No. 710-1.	do	Do.
New England Nuclear	Dihydromorphine [7,8,-^{3}H(N)]	Combi-vial: 1 mCi, 250 μCi	Do.
Do	Cocaine, levo-[benzoyl [3,4-3H(N)] Catalog No. NET-510.	Combi-vial: 100 τCi, 250	Do.
Do	Methadone hydrobromide dextro-[1-^{3}H] Catalog No. NET-488.	Glass vial: 1 mCi	Do.
Do	Methadone hydrobromide levo-[2-^{14}C] Catalog No. NEC-696.	Glass vial: 50 μCi, 250	Do.
Mallinckrodt, Inc., Mallinckrodt Nuclear.	SPACTM T4 RIA kit	Kit: 50 tests, 100 tests	Feb. 1, 1977
Do	T4 I-125 reaction solution	Screwcap bottle: 2 oz	Do.
Do	T4 standard (2.0 ug pct)	Screwcap vial: 5 ml	Do.
Do	T4 standard (5.0 ug pct)	do	Do.
Do	T4 standard (10.0 ug pct)	do	Do.
Do	T4 standard (20 ug pct)	do	Do.
Do	T4 standard (40 ug pct)	do	Do.
* *	* *	* *	*

[FR Doc.77-16855 Filed 6-14-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7490]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Separate Limitation on Foreign Tax Credit for Dividends From a DISC or Former DISC

JUNE 8, 1977.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the separate limitation on the foreign tax credit for dividends from a DISC or former DISC. Changes to the applicable tax law were made by the Revenue Act of 1971. These regulations provide necessary guidance to the public for compliance with the law. The regulations affect all DISCs and all taxpayers who are shareholders of DISCs.

DATE: The regulations are effective for taxable years ending after December 31, 1971.

FOR FURTHER INFORMATION CONTACT:

James Edward Maule of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) 202-566-6456.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On February 27, 1975, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 904(f) of the Internal Revenue Code of 1954 (40 FR 8351, as amended by a correction notice published on April 2, 1975, 40 FR 14767). The amendments were proposed to conform the regulations to section 502(b)(2) of the Revenue Act of 1971 (85 Stat. 549). No public hearing was requested. After consideration of all comments regarding the proposed amendments those amendments are revised by this Treasury decision.

STATUTORY BASIS

Section 901(d) of the Code provides that dividends from a DISC or former DISC are treated as dividends from a foreign corporation for purposes of the foreign tax credit. The dividends are so treated only to the extent that they are treated as income from foreign sources under the source rule of section 861(a)(2)(D) of the Code. Sections 861(a)(2)(D) and 862(a)(2) provide, in general, that these dividends are from foreign sources to the extent they are attributable to certain qualified export receipts described in section 993(a)(1). The general impact of these amendments is to permit a DISC shareholder to take a foreign tax credit for foreign incomes taxes paid, accrued, or deemed to be paid under section 902 by the shareholder with respect to the dividends.

CHANGES MADE TO THE PROPOSED REGULATIONS

Certain changes not of a substantive nature have been made to the regulations proposed on February 27, 1975. These changes were required because § 1.902-3 was amended and redesignated as § 1.902-1 on April 18, 1977 by T.D. 7481 (42 FR 20123).

CHANGES NOT MADE

This Treasury decision does not reflect the redesignation of section 904(f) as section 904(d) by section 1031(a) of the Tax Reform Act of 1976 (90 Stat. 1525). It is contemplated that this Treasury decision and the other regulations under section 904 will be conformed in the future to changes made by the Tax Reform Act of 1976.

DRAFTING INFORMATION

The principal author of these regulations was James Edward Maule of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

The proposed amendments of the regulations are adopted, subject to the changes set forth below:

Paragraph 1. Paragraph (f) of § 1.78-1, as set forth in paragraph 1 of the appendix to the notice of proposed rulemaking, is amended by deleting "§ 1.902-3" and inserting in its place "1.902-1".

Par. 2. Section 1.902-3, as set forth in paragraph 2 of the appendix to the notice of proposed rulemaking, is deleted. Section 1.902-1 is revised by adding a sentence at the end of paragraph (a)(2). The added provision reads as follows:

§ 1.902-1 *Credit for domestic corporate shareholder of a foreign corporation.*

(a) *Definitions.* * * *

* * * * *

(2) *First-tier corporation.* * * * The term "first-tier corporation" also means a DISC or former DISC, but only with respect to dividends from the DISC or former DISC to the extent they are treated under sections 861 (a) (2) (D) and 862 (a) (2) as income from sources without the United States.

* * * * *

Par. 3. Paragraph 3 of the appendix to the notice of proposed rulemaking is deleted.

Par. 4. Example (1) of § 1.904–5(c) is amended by deleting "1.902–4(a)" from the second sentence and inserting in its place "1.902–2(a)".

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved:
LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

Paragraph 1. Section 1.78–1 is amended by revising paragraph (f) to read as follows:

§ 1.78–1 Dividends received from certain foreign corporations by certain domestic corporations choosing the foreign tax credit.

(f) *Illustrations.* The application of section may be illustrated by the examples provided in § 1.902–1, § 1.904–5, § 1.960–3, § 1.960–4, and § 1.963–4.

Par. 2. Section 1.902–1 is revised by adding a sentence at the end of paragraph (a)(2). The added provision reads as follows:

§ 1.902–1 Credit for domestic corporate shareholder of a foreign corporation.

(a) *Definitions.* * * *

* * * * *

(2) *First-tier corporation.* * * * The term "first-tier corporation" also means a DISC or former DISC, but only with respect to dividends from the DISC or former DISC to the extent they are treated under sections 861(a)(2)(D) and 862(a)(2) as income from sources without the United States.

* * * * *

Par. 4. Section 1.904–1 is amended by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 1.904–1 Limitation on credit for foreign taxes.

(a) *Per-country limitation*—(1) *General.* In the case of any taxpayer who does not elect the overall limitation under section 904(a)(2), the amount allowable as a credit for income or profits taxes paid or accrued to a foreign country or a possession of the United States is subject to the per-country limitation prescribed in section 904(a)(1). Such limitation provides that the credit for such taxes paid or accrued (including those deemed to have been paid or accrued other than by reason section 904 (d) to each foreign country or possession of the United States shall not exceed that proportion of the tax against which credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. For special rules regarding the application of the per-country limitation when the taxpayer has derived section 904(f) interest or section 904(f) dividends, see § 1.904–4 or § 1.904–5.

* * * * *

(b) *Overall limitation*—(1) *General.* In the case of any taxpayer who elects the overall limitation provided by section 904(a)(2), the total credit for taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) shall not exceed that proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. For special rules regarding the application of the overall limitation when the taxpayer has derived section 904(f) interest or section 904(f) dividends, see § 1.904–4 or § 1.904–5.

* * * * *

Par. 5. Section 1.904–2 is amended by revising paragraph (a) to read as follows:

§ 1.904–2 Carryback and carryover of unused foreign tax.

(a) *Credit for foreign tax carryback or carryover.* A taxpayer who chooses to claim a credit under section 901 for a taxable year is allowed a credit under that section not only for taxes otherwise allowable as a credit but also for taxes deemed paid or accrued in that year as a result of a carryback or carryover of an unused foreign tax under section 904(d). However, the taxes so deemed paid or accrued shall not be allowed as a deduction under section 164(a). The following paragraphs of this section provide rules for the computation of carryovers and carrybacks under section 904(d). For special rules regarding the application of section 904(d) and this section in the case of taxes paid or accrued with respect to section 904(f) interest see section 904(f) and § 1.904–4. For special rules regarding the application of section 904(d) and this section in the case of taxes paid, accrued, or deemed to be paid with respect to section 904(f) dividends see section 904(f) and § 1.904–5.

* * * * *

Par. 6. Section 1.904–3 is amended by revising paragraph (e) to read as follows:

§ 1.904–3 Carryback and carryover of unused foreign tax by husband and wife.

* * * * *

(e) *Amounts carried from or through a joint return year to or through a separate return year.* It is necessary to allocate to each spouse his share of an unused foreign tax or excess limitation for any taxable year for which the spouses filed a joint return if—

(1) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried thereto from a taxable year for which they filed a joint return;

(2) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried to such taxable year from a year for which they filed separate returns but is first carried through a year for which they filed a joint return; or

(3) The husband and wife file a joint return for the current taxable year and an unused foreign tax is carried from a taxable year for which they filed joint returns but is first carried through a year for which they filed separate returns.

In such cases, the separate carryback or carryover of each spouse to the current taxable year shall be computed in the manner described in § 1.904–2 but with the modifications set forth in paragraph (f) of this section. Where applicable, appropriate adjustments shall be made to take into account the fact that, for any taxable year involved in the computation of the carryback or the carryover, either spouse has interest income described in section 904(f)(2) with respect to which the provisions of section 904(f) and § 1.904–4 apply, or dividends described in section 904(f)(1)(B) with respect to which the provisions of section 904(f) and § 1.904–5 apply.

* * * * *

Par. 7. Section 1.904–4 is amended by revising the heading and paragraph (a)(1), by redesignating subparagraphs (3), (4), and (5) of paragraph (a) as subparagraphs (4), (5), and (6), by adding a new subparagraph (3) to paragraph (a), by revising paragraph (d)(1), by revising the introductory material in examples (5) and (6) in paragraph (e)(1)(iv), by revising paragraph (e)(2)(i)(b), and by revising the introductory material in example (3) in paragraph (e)(2)(iii), as follows:

§ 1.904–4 Separate limitation for section 904(f) interest.

(a) *Separate limitation*—(1) *In general.* (i) For taxable years beginning after October 16, 1962, but only with respect to interest resulting from transactions consummated after April 2, 1962, the provisions of subsections (a), (c), (d), and (e) of section 904 shall be applied separately with respect to the taxpayer's income consisting of—

(*a*) Section 904(f) interest (as defined in paragraph (a)(2) of this section), and

(*b*) Other income (as defined in paragraph (a)(3) of this section).

(ii) The provisions of section 904(f) and this section do not alter the rules provided by section 904(b) and paragraph (d) of § 1.904–1 for the election of the overall limitation upon the amount of the foreign tax credit.

(iii) If the taxpayer has not elected the overall limitation, the per-country

limitation prescribed in section 904(a)(1) which is applicable to any foreign country or possession of the United States shall be applied separately with respect to the taxpayer's taxable income from sources within that country or possession which is attributable to the other income, and a separate limitation computed in the same manner shall be applied separately with respect to his taxable income from sources within that country or possession which is attributable to the section 904(f) interest.

(iv) If the taxpayer has elected the overall limitation prescribed in section 904(a)(2), such limitation shall be applied with respect to all of the taxpayer's taxable income from sources without the United States which is attributable to the other income, and, in addition, a separate limitation computed in the same manner as the per-country limitation prescribed in section 904(a)(1) shall be applied separately with respect to the taxpayer's taxable income from sources within each foreign country or possession of the United States which is attributable to the section 904(f) interest from sources within that country or possession.

(v) For purposes of this subparagraph, the separate limitation with respect to section 904(f) interest from sources within a foreign country or possession of the United States shall be applied only to the taxes paid or accrued to such country or possession with respect to such interest, and the separate limitation with respect to other income, whether the per-country or overall limitation, shall be applied only with respect to the foreign income taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) with respect to the other income which is taken into account for purposes of such separate limitation.

(vi) In no case may the overall limitation prescribed in section 904(a)(2) be applied with respect to section 904(f) interest or with respect to foreign income taxes paid or accrued with respect to such interest.

(vii) For special rules for determining the separate limitation for section 904(f) dividends, which is determined independently of the separate limitation for section 904(f) interest, see § 1.904-5.

* * * * *

(3) *Other income defined.* For purposes of this section, other income is all income of the taxpayer for the taxable year other than section 904(f) interest (as defined in paragraph (a)(2) of this section) and other than section 904(f) dividends (as defined in section 904(f)(1)(B) and § 1.904-5(a)(2)).

* * * * *

(d) *General rules for carryback and carryover of unused foreign tax applicable to section 904(f) interest*—(1) *Modifications in use of § 1.904-2.* For purposes of applying the provisions of § 1.904-2 in conjunction with this section, and except as otherwise provided in paragraph (e) of this section—

(i) *Unused foreign tax.* The term "unused foreign tax", when used with respect to section 904(f) interest for any taxable year, means, with respect to a particular foreign country or possession of the United States, the excess of—

(*a*) The income, war profits, and excess profits taxes paid or accrued in such year to such foreign country or possession with respect to such interest, as determined under subparagraph (2) of this paragraph, over

(*b*) The separate limitation for such year with respect to such interest.

Any unused foreign tax for such year with respect to other income shall be determined under § 1.904-2(b)(2)(i) or (ii), whichever applies, without taking into account any amounts used in applying the preceding provisions of this paragraph (b)(i).

(ii) *Tax deemed paid or accrued.* The amount of an unused foreign tax for any taxable year with respect to section 904(f) interest, in the case of a particular foreign country or possession of the United States, which shall be deemed paid or accrued in any other taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904-2 shall be equal to the smaller of—

(*a*) The portion of such unused foreign tax which, under paragraph (b) of § 1.904-2, is carried to such other taxable year, or

(*b*) Any excess limitation for such other taxable year with respect to such unused foreign tax.

The amount of an unused foreign tax for any taxable year with respect to other income which is deemed paid or accrued in such other taxable year shall be determined under § 1.904-2(c)(1) or (2), whichever applies, without taking into account any amounts used in applying the preceding provisions of this paragraph (b)(ii).

(iii) *Excess limitation.* The excess limitation for any taxable year (hereinafter called the "excess limitation year") applicable to an unused foreign tax with respect to section 904(f) interest, in the case of a particular foreign country or possession of the United States, for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year in the case of that foreign country or possession with respect to section 904(f) interest exceeds the sum of—

(*a*) The income, war profits, and excess profits taxes actually paid or accrued to such foreign country or possession in the excess limitation year with respect to section 904(f) interest, and

(*b*) The portion of the unused foreign tax with respect to section 904(f) interest, in the case of such foreign country or possession for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year under paragraph (b)(ii) of this section.

The excess limitation for such excess limitation year with respect to other income shall be determined under § 1.904-2(c), (1)(ii) or (2)(ii), whichever applies, without taking into account any amounts used in applying the preceding provisions of this paragraph (b)(iii).

(iv) *Modification of restrictions on carrybacks and carryovers.* Notwithstanding section 904(e)(2) and subparagraphs (1)(iii) and (2)(iii) of § 1.904-2(c), but subject to the limitations of this section—

(*a*) An unused foreign tax with respect to section 904(f) interest for any taxable year may be deemed paid or accrued in another taxable year for which the overall limitation provided in section 904(a)(2) applies, even though the taxable year from which such tax is carried is a taxable year for which the per-country limitation provided in section 904(a)(1) applies,

(*b*) An unused foreign tax with respect to section 904(f) interest for any taxable year may be deemed paid or accrued in another taxable year for which the per-country limitation provided in section 904(a)(1) applies, even though the taxable year from which such tax is carried is a taxable year for which the overall limitation provided in section 904(a)(2) applies, and

(*c*) An unused foreign tax for any taxable year with respect to other income may be deemed paid or accrued in another taxable year for which the separate limitation with respect to section 904(f) interest applies, if the same limitation applies for both of such taxable years with respect to other income.

(v) *Separation of limitations.* In applying this subparagraph—

(*a*) No portion of an unused foreign tax with respect to section 904(f) interest for any taxable year may reduce the excess limitation for any other taxable year with respect to other income,

(*b*) No portion of an unused foreign tax for any taxable year with respect to other income may reduce the excess limitation for any other taxable year with respect to section 904(f) interest, and

(*c*) If an unused foreign tax with respect to section 904(f) interest for any taxable year is not deemed paid or accrued in another taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904-2, such other taxable year is to be counted as one of the years to which such unused foreign tax may be carried.

The application of this subdivision (v) may be illustrated by the following example:

Example. Domestic corporation D, a calendar year taxpayer, does not elect the overall limitation for 1963, 1964, and 1965, in each of which years it chooses the benefits of section 901. For 1965 D has an unused foreign tax of $100 with respect to section 904(f) interest. For 1963 D has an excess limitation of $200, but only with respect to other income. Since the unused foreign tax for 1965 consists only of income taxes imposed on section 904(f) interest and an excess limitation does not exist with respect to such taxes for 1963, the unused foreign tax for 1965 shall not be deemed paid or accrued under section 904(d) in 1963.

* * * * *

(e) *Transitional rules for carrybacks and carryovers with respect to pre-1962*

years—(1) *Carrybacks to years before Revenue Act of 1962.* * * *

(iv) * * *

Example (5). N, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. N chooses the benefits of section 901 for each of the taxable years set forth below and for 1962 elects the overall limitation, which, with the Commissioner's consent, is revoked for 1966. N has section 904(f) interest only from foreign country X for the years involved. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to other income, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d) is as follows:

* * * * *

Example (6). B, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. For each of the taxable years set forth below, B chooses the benefits of section 901 and elects the overall limitation. B has section 904(f) interest only from foreign country X for the years indicated. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to other income, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d) is as follows, after taking into account the prohibition provided in subdivision (iii) of this subparagraph against the apportionment of the unused foreign tax for 1964:

* * * * *

(2) *Carryover to years after Revenue Act of 1962.* (i) * * *

(b) With respect to other income, an amount which bears the same ratio to the amount of such taxes deemed paid or accrued in the later year as the amount of the foreign income taxes paid or accrued to such country or possession for the later year with respect to other income bears to the total amount of the foreign income taxes paid or accrued to such country or possession for such later year.

* * * * *

(iii) * * *

Example (3). C, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962 and chooses the benefits of section 901 for each of the taxable years set forth below. For 1962, C uses the per-country limitation and in 1963 elects the overall limitation. C's only section 904(f) interest income for the years indicated is from foreign country X. Based upon the taxes actually paid for each of the taxable years with respect to other income, and the taxes paid to country X with respect to the section 904(f) interest, no unused foreign tax is deemed paid under section 904(d), determined as follows:

* * * * *

Par. 8. The following new section is added immediately after § 1.904–4:

§ 1.904–5 Separate limitation for section 904(f) dividends.

(a) *Separate limitation*—(1) *In general.* (i) For taxable years ending after December 31, 1971, the provisions of subsections (a), (c), (d), and (e) of section 904 shall be applied separately with respect to the taxpayer's income consisting of—

(A) Section 904(f) dividends (as defined in section 904(f)(1)(B) and paragraph (a)(2) of this section), and

(B) Other income (as defined in paragraph (a)(3) of this section).

(ii) The provisions of section 904(f) and this section do not alter the rules provided by section 904(b) and § 1.904–1(d) for the election of the overall limitation upon the amount of the foreign tax credit.

(iii) If the taxpayer has not elected the overall limitation, the per-country limitation prescribed in section 904(a)(1) which is applicable to any foreign country or possession of the United States shall be applied separately with respect to the taxpayer's taxable income from sources within that country or possession which is attributable to the other income, and a separate limitation computed in the same manner as the overall limitation prescribed in section 904(a)(2) shall be applied separately with respect to the taxpayer's entire taxable income from sources without the United States which is attributable to section 904(f) dividends.

(iv) If the taxpayer has elected the overall limitation prescribed in section 904(a)(2), such limitation shall be applied separately with respect to all of the taxpayer's taxable income from sources without the United States which is attributable to other income, and, in addition, a separate limitation computed in the same manner shall be applied separately with respect to the taxpayer's entire taxable income from sources without the United States which is attributable to section 904(f) dividends.

(v) For purposes of this paragraph, the separate limitation with respect to section 904(f) dividends from sources without the United States shall be applied only with respect to the foreign income taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) with respect to such dividends, and the separate limitation with respect to other income, whether the per-country or overall limitation, shall be applied only with respect to the foreign income taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) with respect to the other income which is taken into account for purposes of such limitation. In the case of a taxpayer who for the taxable year has section 904(f) dividends from more than one corporation, the separate limitation shall be applied with respect to the aggregate of such dividends.

(vi) In no case may the per-country limitation prescribed in section 904(a)(1) be applied with respect to section 904(f) dividends or with respect to foreign income taxes paid, accrued, or deemed to have been paid with respect to such dividends.

(vii) For special rules for determining the separate limitation for section 904(f) interest, which is determined independently of the separate limitation for section 904(f) dividends, see § 1.904–4.

(2) *Section 904(f) dividends defined.* For purposes of this section, section 904(f) dividends shall be all income of the taxpayer for the taxable year consisting of dividends from a DISC or former DISC (as defined in section 992(a)(1) or (3), as the case may be) to the extent such dividends are treated under sections 861(a)(2)(D) and 862(a)(2), and the regulations thereunder, as income from sources without the United States.

(3) *Other income.* For purposes of this section, other income is all income of the taxpayer for the taxable year other than section 904(f) dividends (as defined in paragraph (a)(2) of this section) and other than section 904(f) interest (as defined in section 904(f)(2) and § 1.904–4(a)(2)).

(b) *General rules for carryback and carryover of unused foreign tax applicable to section 904(f) dividends*—(1) *Modification in use of § 1.904–2.* For purposes of applying the provisions of § 1.904–2 in conjunction with this section, and except as otherwise provided in paragraph (b)(3) of this section—

(i) *Unused foreign tax.* The term "unused foreign tax", when used with respect to section 904(f) dividends for any taxable year, means the excess of—

(A) The income, war profits, and excess profits taxes paid or accrued (or deemed paid or accrued other than by reason of section 904(d)), as determined under paragraph (b)(2) of this section, in such year to all foreign countries and possessions of the United States with respect to such dividends, over

(B) The separate limitation for such year with respect to such dividends.

Any unused foreign tax for such year with respect to other income shall be determined under § 1.904–2(b)(2)(i) or (ii), whichever applies, without taking into account any amounts used in applying (A) and (B) of paragraph (b)(i).

(ii) *Tax deemed paid or accrued.* The amount of an unused foreign tax for any taxable year with respect to section 904(f) dividends which shall be deemed paid or accrued in any other taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2 shall be equal to the smaller of—

(A) the portion of such unused foreign tax which, under paragraph (b) of § 1.904–2, is carried to such taxable year, or

(B) Any excess limitation for such other taxable year with respect to such unused foreign tax.

The amount of an unused foreign tax for any taxable year with respect to other income which is deemed paid or accrued in such other taxable year shall be determined under § 1.904–2(c)(1) or (2), whichever applies, without taking into account any amounts used in applying (A) and (B) of this paragraph (b)(ii).

(iii) *Excess limitation.* The excess limitation for any taxable year (hereinafter

called the "excess limitation year") applicable to an unused foreign tax with respect to section 904(f) dividends for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year with respect to section 904(f) dividends exceeds the sum of—

(A) The income, war profits, and excess profits taxes actually paid or accrued to all foreign countries and possessions of the United States in the excess limitation year with respect to section 904(f) dividends,

(B) The income, war profits, and excess profits taxes deemed paid or accrued other than by reason of section 904(d) in such year to all foreign countries and possessions of the United States with respect to section 904(f) dividends, and

(C) The portion of the unused foreign tax with respect to section 904(f) dividends, for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year.

The excess limitation for such excess limitation year with respect to other income shall be determined under § 1.904–2(c)(1)(ii) or (2)(ii), whichever applies, without taking into acount any amounts used in applying (A), (B), and (C) of this paragraph (b)(iii).

(iv) *Modification of restrictions on carrybacks and carryovers.* Notwithstanding section 904(e)(2) and subparagraphs (1)(iii) and (2)(iii) of § 1.904–2(c), but subject to the limitations of this subparagraph—

(A) An unused foreign tax with respect to section 904(f) dividends for any taxable year may be deemed paid in another taxable year for which the overall limitation provided in section 904(a)(2) applies, even though the taxable year from which such tax is carried is a taxable year for which the per-country limitation provided in section 904(a)(1) applies,

(B) An unused foreign tax with respect to section 904(f) dividends for any taxable year may be deemed paid or accrued in another taxable year for which the per-country limitation provided in section 904(a)(1) applies, even though the taxable year from which such tax is carried is a taxable year for which the overall limitation provided in section 904(a)(2) applies, and

(C) An unused foreign tax for any taxable year with respect to other income may be deemed paid or accrued in another taxable year for which the separate limitation with respect to section 904(f) dividends applies, if the same limitation applies for both of such taxable years with respect to other income.

(v) *Separation of limitations.* In applying this paragraph—

(A) No portion of an unused foreign tax with respect to section 904(f) dividends for any taxable year may reduce the excess limitation for any other taxable year with respect to other income,

(B) No portion of an unused foreign tax for any taxable year with respect to other income may reduce the excess limitation for any other taxable year with respect to section 904(f) dividends, and

(C) If an unused foreign tax with respect to section 904(f) dividends for any taxable year is not deemed paid or accrued in another taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2, such other taxable year is to be counted as one of the years to which such unused foreign tax may be carried.

The application of this paragraph (v) may be illustrated by the following example:

Example. Domestic corporation D, a calendar year taxpayer, does not elect the overall limitation for 1973, 1974, and 1975, in each of which years it chooses the benefits of section 901. For 1975, D has an unused foreign tax of $100 with respect to section 904(f) dividends. For 1973, D has an excess limitation of $200, but only with respect to other income. Since the unused foreign tax for 1975 consists only of income taxes paid, accrued, or deemed paid with respect to section 904(f) dividends and an excess limitation does not exist for 1973 with respect to section 904(f) dividends, the unused foreign tax for 1975 may not be deemed paid or accrued in 1973 under section 904(d).

(2) *Amount of taxes with respect to section 904(f) dividends*—(i) *In general.* Except as provided in paragraph (b)(2)(ii) of this section, the amount of taxes paid or accrued with respect to section 904(f) dividends includes primarily the amount of foreign income taxes which a shareholder of a DISC or former DISC is deemed to have paid under section 902(a) on receipt of section 904(f) dividends from the accumulated profits of such corporation. Thus, it includes the portion determined under section 902(a) of the income, war profits, or excess profits taxes paid, or deemed under section 902(b) to be paid, by the DISC or former DISC to any foreign country or possession of the United States on or with respect to the accumulated profits of such corporation from which the section 904(f) dividends are paid, or deemed paid under section 995(b)(1)(D) or (E) or section 995(c). See § 1.995–1(b) for amounts treated as being received for purposes of this subdivision. However, it also includes foreign income taxes, if any, actually paid or accrued to any foreign country or possession of the United States by the shareholder with respect to section 904(f) dividends from such corporation.

(ii) *Taxes not specifically allocable to dividends.* If a taxpayer has paid or accrued for a taxable year an amount of foreign income taxes with respect to income which consists only in part of section 904(f) dividends, but such taxes cannot be specifically allocated to the section 904(f) dividends, the amount of such taxes which is to be taken into account for purposes of paragraph (b)(2)(i) of this section is that amount which bears the same ratio to the total of such foreign income taxes as the net section 904(f) dividends bear to the total net amount of such income. For purposes of such apportionment the net section 904(f) dividends and the total net income are to be determined by deducting any credits, expenses, losses, and other deductions which are properly allocable to the gross amount of such income under the law of the foreign country or possession of the United States to which the foreign income taxes have been paid or accrued. If the taxpayer determines that because of the facts and circumstances in a particular case the application of the two preceding sentences does not result in a proper allocation of the foreign income taxes to the section 904(f) dividends, he may make such other reasonable allocation as will, in the opinion of the district director, more clearly reflect the proper allocation of the foreign income taxes to the section 904(f) dividends. For purposes of this section, the term "foreign income taxes" means income, war profits, and excess profits taxes and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States.

(3) *Transitional rules for carrybacks and carryovers with respect to pre-1971 years*—(i) *Carryovers to years ending after December 31, 1971.* Where, under the provisions of section 904(d), taxes paid, accrued, or deemed to be paid to any foreign country or possession of the United States in any taxable year ending on or before December 31, 1971, are deemed paid or accrued in one or more taxable years ending after December 31, 1971, no amount of such taxes shall be deemed paid or accrued in any such taxable year with respect to section 904(f) dividends.

(ii) *Carrybacks to years ending on or before December 31, 1971.* In applying the provisions of section 904(d) and § 1.904–2(b) to taxes paid, accrued, or deemed to be paid to any foreign country or possession of the United States with respect to section 904(f) dividends in any taxable year ending after December 31, 1971, the terms "second preceding taxable year" and "first preceding taxable year" do not include any taxable year ending on or before December 31, 1971. Thus, no portion of the unused foreign tax with respect to section 904(f) dividends, as determined under paragraph (b)(1)(i) of this section, for any taxable year ending after December 31, 1971, shall be absorbed as taxes deemed paid or accrued in any taxable year ending on or before December 31, 1971.

(c) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). Domestic corporation M, a calendar year taxpayer to which the per-country limitation under section 904(a)(1) applies, in 1973 receives a dividend of $50,000 from corporation N, which is a DISC, and a dividend of $150,000 from corporation P, which is a DISC. Under § 1.902–2(a), both N and P are treated as foreign corporations which are not less developed country corporations. Of the dividend from N, $40,000 is a section 904(f) dividend under paragraph (a)(2) of this section; and of the dividend from P, $140,000 is a section 904(f) dividend. In addition, M receives $30,000 of section 904(f) interest (as defined in § 1.904–4(a)(2)) from sources in foreign country X and

$300,000 of other income, consisting of $100,000 from sources in country X and $200,000 from sources in foreign country Y. M has no other income (or loss) from sources without the United States in 1973 and has total taxable income from all sources of $2 million. M pays income taxes for 1973 to country X of $3,000 with respect to section 904(f) interest and $35,000 with respect to other income; and $100,000 income tax to country Y. It is assumed that the foreign income taxes deemed paid by M under section 902(a)(1) with respect to the section 904(f) dividends from N are $10,000 and that the foreign income taxes deemed paid by M under section 902(a)(1) with respect to the section 904(f) dividends from P are $35,000. Thus, the total foreign income taxes paid or deemed to be paid by M for 1973 amount to $183,000. M's U.S. tax (before foreign tax credit) is assumed to be $960,000. Based upon such assumptions, M's foreign tax credit limitation under section 904, and the tax allowable as a credit, are determined as follows for 1973:

(i) Separate limitation with respect to sec. 904(f) dividends:	
Sec. 904(f) dividends from N	$40,000
Gross-up under sec. 78	10,000
Total	50,000
Sec. 904(f) dividends from P	140,000
Gross-up under sec. 78	35,000
Total	175,000
Numerator of limiting fraction	225,000
Limitation ($960,000 x $225,000/$2,000,000)	108,000
(ii) Separate limitation under § 1.904-4 with respect to sec. 904(f) interest from sources in country X:	
$960,000 x $30,000/$2,000,000	14,400
(iii) Limitation under sec. 904(a)(1) with respect to other income:	
Country X ($960,000 x $100,000/$2,000,000)	48,000
Country Y ($960,000 x $200,000/$2,000,000)	96,000
(iv) Summary of allowable credit:	
Foreign income taxes with respect to sec. 904(f) dividends ($45,000 taxes but not to exceed limitation of $108,000)	45,000
Foreign income tax with respect to sec. 904(f) interest ($3,000 tax but not to exceed limitation of $14,400)	3,000
Country X tax on other income ($35,000 tax but not to exceed limitation of $48,000)	35,000
Country Y tax on other income ($100,000 tax but not to exceed limitation of $96,000)	96,000
Total allowable credit	$179,000

Example (2). The facts are the same as in example (1) except that M elects the overall limitation under section 904(a)(2) for 1973. Based upon such assumptions, M's foreign tax credit limitation under section 904, and the tax allowable as a credit, are determined as follows for 1973:

(i) Separate limitation with respect to sec. 904(f) dividends:	
Sec. 904(f) dividends from N	$40,000
Gross-up under sec. 78	10,000
Total	50,000
Sec. 904(f) dividends from P	140,000
Gross-up under sec. 78	35,000
Total	175,000
Numerator of limiting fraction	225,000
Limitation ($960,000 x $225,000/$2,000,000)	108,000
(ii) Separate limitation under § 1.904-4 with respect to sec. 904(f) interest from sources in country X:	
$960,000 x $30,000/$2,000,000	14,400
(iii) Limitation under sec. 904(a)(2) with regard to other income:	
($960,000 x $300,000/$2,000,000	144,000
(iv) Summary of allowable credit:	
Foreign income taxes with respect to sec. 904(f) dividends ($45,000 taxes but not to exceed limitation of $108,000)	45,000
Foreign income tax with respect to sec. 904(f) interest ($3,000 tax but not to exceed limitation of $14,000)	3,000
Foreign income tax on other income ($135,000 taxes but not to exceed limitation of $144,000)	135,000
Total allowable credit	183,000

Example (3) Domestic corporation M, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1970. For each of the taxable years set forth below M chooses the benefits of section 901 and elects the overall limitation under section 904(a)(2). M has section 904(f) dividends only from DISC corporations N and P for each of the years 1972 to 1975. Based upon the taxes deemed paid under section 902(a)(1) with respect to section 904(f) dividends for each of the years involved, and the foreign income taxes paid with respect to the other income from sources without the United States, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1970	1971	1972	1973	1974	1975
Sec. 904(f) dividends from:						
Corporation N			30	100	80	90
Corporation P			40	.....	60	80
Taxes deemed paid under sec. 902(a)(1) with respect to dividends from:						
Corporation N			20	110	90	100
Corporation P			10	.....	10	90
Total sec. 904(f) dividends (including sec. 78 gross-up)			100	210	240	360
Separate limitation with respect to sec. 904(f) dividends			50	105	120	180
Overall limitation with respect to other income	250	350	450	245	630	820
Taxes actually paid with respect to other income	260	310	460	240	650	800
Unused foreign tax with respect to:						
Sec. 904(f) dividends				5	.....	10
Other income	10	.....	10	.....	20	.....
Excess limitation with respect to:						
Sec. 904(f) dividends			20	.....	20	.....
Other income		40	.....	5	.....	20
Unused foreign tax absorbed as taxes deemed paid under sec. 904(d) with respect to:						
Sec. 904(f) dividends and carried:						
From 1973			5	.....		
From 1975					10	.....
Other income and carried:						
From 1970		10	.....			
From 1972		10	.....			
From 1974				5	.....	15

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Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 2—PUBLIC USE AND RECREATION

Sale or Distribution of Printed Matter; Permit Requirements

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This regulation establishes a permit requirement for persons seeking to engage in the sale or distribution of printed matter within units of the National Park System. It also provides standards for the issuance of such permits and for the conduct of activities pursuant to permits. The need for such a regulation has recently become apparent with increasing use of park areas for these activities and the occurrence of certain conflicts arising from this use. The intended effect of this regulation is to impose on these activities, which involve First Amendment considerations, only those narrow restrictions which are calculated to protect park resources and to ensure the management of park areas for public enjoyment.

DATES: This regulation shall become effective on July 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Carl Christensen, Division of Ranger Activities and Protection, telephone: 202-343-5607.

SUPPLEMENTARY INFORMATION: During the 1976 summer season, the National Park Service experienced a substantial increase in the use of areas under its jurisdiction for the purpose of distributing and selling printed matter. Although the National Park Service has always recognized activities involving First Amendment considerations, it also realizes its responsibility to reasonably regulate the conduct associated with these activities and all other activities taking place within the parks. The narrow restrictions contained in this regulation and in other park regulations are calculated only to ensure that park resources will be protected and that a high quality of experience for all park visitors will be maintained. This regulation is intended to focus principally on the control of locations where the sale or distribution of printed matter may take place, rather than to establish a

prohibition of this activity, except in those instances where no appropriate site is available.

Recent decisions of various Federal courts have recognized certain First Amendment protection of the communication of views and the conduct of proselytizing activities, including the distribution and sale of literature, in areas of the National Park System. However, the courts have also recognized the authority of the Federal government to reasonably regulate the conduct associated with these activities to protect legitimate governmental interests.

Currently, regulations of the National Park Service applicable outside of the District of Columbia and its environs do not directly address the sale or distribution of printed matter. It is, therefore, the purpose of this regulation to control such activities only to the extent necessary to properly protect the legitimate interests of the National Park Service and to do so in a manner which will ensure even-handed administration of these controls throughout the National Park System.

Previous Publication

A Notice of Proposed Rulemaking containing substantially the same regulation was published in the "Federal Register" on March 29, 1977 (42 FR 16639). A period of 30 days for comments on this proposal was provided.

Discussion of Comments Received

The National Park Service received only three comments on this proposed regulation, one from an individual and two from representatives of a religious organization whose activities are likely to be affected by the regulation.

Is This Required By Court Decisions?

The individual who commented objected to the promulgation of a regulation allowing proselytizers to use park areas unless such an action was required by the United States Supreme Court. This comment relates directly to a statement contained in the proposal, and repeated above, that recent court decisions regarding areas of the National Park System were considered relevant to this matter.

While it is true that the Supreme Court has not ruled on the specific issue now at hand, the sale or distribution of printed matter in areas of the National Park System, the National Park Service has concluded that a sufficient basis exists for promulgation of this regulation.

Restrictions Are Unnecessary

It was stated in one comment that the activities required to administer the permit requirements and other provisions of this regulation would be a waste of time of Federal employees, out of proportion to the interests sought to be protected.

The National Park Service does not agree with this position, for two reasons. The first is that it is not anticipated that large expenditures of time or money will be required to carry out the procedures established by the regulation. These procedures are clear and relatively simple, and can readily be administered in the course of carrying out other functions in the management of park areas. The second reason is that recent experiences with allowing these activities under uncontrolled circumstances have shown that conflicts with other governmental interests have occurred. The statutory requirements that the National Park Service manage use of the parks for preservation of resources and use of the public, therefore, require that the Service take action to reduce these conflicts. This regulation represents what we believe to be the minimum degree of control to protect the various governmental interests involved.

Limitation on Duration of Permit

A comment was made that a maximum limitation of 14 days for a permit, as provided in the regulation, is unreasonable. The basis for this comment was that applicants whose activities are of a continuing nature should not be burdened by frequent applications for renewal.

This limitation was included in the regulation solely to provide a reasonable opportunity for equal access to the parks for all groups or individuals who might seek to sell or distribute printed material. The season of heavy visitor use in many areas of the National Park System is fairly short, less than 90 days in some instances. If applicants were issued permits which covered a long period, such as the 60 days suggested in this comment, this might result in the denial of permits to many other applicants, particularly in those parks where the locations available for these activities may be rather limited.

A requirement for permit renewal at 14 day intervals should not be unduly burdensome to either park managers or applicants. If no conflicting applications have been received and granted during the period since the initial application or last renewal, a renewal normally can be granted immediately by the Superintendent, without difficulty.

Appeal Procedures

Inasmuch as the regulation requires decisions by the park Superintendent on certain aspects of its administration, it was suggested that the regulation should prescribe procedures for appeal of these decisions. Specifically, it was asked that there be appeal procedures for the designation of locations as not available for these activities and for revocation of permits.

Regulations for the control of use of areas of the National Park System do not normally set out a formal appeals procedure. There are many regulations which are similar to this one, in that they require permits for such activities as backcountry camping, whitewater river use, commercial photography, and off-road use of vehicles. In each instance, the appeal from decisions made by the Superintendent under the regulations follows the organizational structure of the National Park Service. Superintendents' decisions may be appealed to the Regional Director, from there to the Director, and ultimately to the Secretary of the Interior. Inasmuch as this is a simple, straightforward procedure applicable to all administrative decisions, the Service sees no need to incorporate a description of it in this particular regulation.

In the event of any criminal prosecution for a violation of this or other park regulations which constitute petty offenses, the appeals procedure established within the Federal court system would, of course, be in effect.

Denials in Writing

It was suggested that the regulation should include a requirement that denial of a permit should be in writing, stating the reasons for the denial.

It was the intent of the National Park Service that permit denials would normally be in writing. However, we agree that such a requirement should be stated in the regulation, in order to assure uniform treatment. Accordingly, an addition to paragraph (c) has been made which incorporates the suggested requirements.

Distribution of Food

It was pointed out in one of the comments from the religious organization that preparation and distribution of sacred foodstuffs are a part of that organization's tradition. The comment indicated that the distribution of this food might take place in conjunction with its sale of books and other literature.

This regulation places no restrictions or limitations on the free distribution of food, whether or not it is connected with the sale or distribution of printed matter. It should be pointed out, however, that the sale of food in park areas without a business permit is not permitted (See 36 CFR 5.3) and that, furthermore, sale or distribution of food may be restricted by state or local laws which apply within many park areas.

Chanting

It was stated that devotees of the religious organization might seek to engage in chanting within park areas, as an exercise of their religious beliefs. It was not clear whether or not this would be likely to take place in conjunction with the distribution of printed matter.

This regulation contains no restrictions on chanting, singing, or speech which might take place within park areas, either separately or as a part of selling or distributing literature. Therefore, this comment is not considered relevant to the regulation under discussion. (However, see 36 CFR 2.21.)

Revocation of Permits

One letter expressed concern over the types of conditions which might result in the revocation of a permit issued under this regulation. The specific concerns dealt with actions which might be taken when a single member of a group violated the conditions of a permit, whether mere, unverified complaints by park visitors would constitute grounds for revocation, possible appeals from permit

revocation, and the issuance of warnings prior to a revocation.

These points of concern address interpretations of how the regulation will be applied, rather than the substance of the regulation itself. It is not possible to give categorical answers to most of these questions, since the circumstances of each individual case are likely to vary widely and would, therefore, require different responses. However, generally speaking, revocation of a permit is not an action which will be taken lightly. Minor, isolated incidents attributable to one or a few individuals or which result from overreaction on the part of visitors will not normally result in revocation without an opportunity to discuss and resolve the difficulties involved. If a revocation does take place, an appeal from this administrative action can take place in the same manner as is described above.

After consideration of the points discussed above concerning the denial of permits in writing, the National Park Service has determined that a similar requirement for revocations is called for. Accordingly, an appropriate provision has been added to paragraph (i) of the regulation. Under this requirement, revocation will always be confirmed in writing, stating the reasons for the action, but an immediate, verbal revocation may be made under emergency circumstances, such as when it appears that there is an immediate danger to public health and safety. Such revocations will be made for only the reasons listed in this paragraph and will be followed by written confirmation as soon as possible.

In consideration of the comments addressed above and the issues discussed in detail in the notice of proposed rulemaking, Title 36 of the Code of Federal Regulations is hereby amended by the addition of the following § 2.39.

NOTE.—The National Park Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: June 6, 1977.

IRA M. HUTCHISON,
Acting Director,
National Park Service.

§ 2.39 Sale and distribution of printed matter.

(a) The sale or distribution of printed matter is permitted within park areas, provided a permit to do so has been issued by the Superintendent, and provided further that the printed matter is not solely commercial advertising.

(b) Any application for such a permit shall set forth the name of the applicant; the name of the organization, if any; the date, time, duration, and location of the proposed sale or distribution; and the number of participants.

(c) The Superintendent shall, without unreasonable delay, issue a permit on proper application unless:

(1) A prior applicant for a permit for the same time and location has been made which has been or will be granted and the activities authorized by that permit do not reasonably permit multiple occupancy of the particular area; or

(2) The sale or distribution will present a clear and present danger to the public health or safety; or

(3) The number of persons engaged in the sale or distribution exceeds the number that can reasonably be accommodated in the particular location applied for; or

(4) The location applied for has not been designated as available for the sale or distribution of printed matter; or

(5) The activity would constitute a violation of an applicable law or regulation.

If an application for a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial clearly set forth.

(d) The Superintendent shall designate on a map, which shall be available for inspection in the Office of the Superintendent, the locations within the park area that are available for the sale or distribution of printed matter. Locations may be designated as not available only if the sale or distribution of printed matter would:

(1) Cause injury or damage to park resources; or

(2) Unreasonably impair the atmosphere of peace and tranquility maintained in wilderness, natural, historic, or commemorative areas; or

(3) Unreasonably interfere with interpretive, living history, visitor services, or other program activities or with the administrative functions of the National Park Service; or

(4) Substantially impair the operation of public use facilities or services of National Park Service concessioners or contractors.

(e) The permit may contain such conditions as are reasonably consistent with protection and use of the park area.

(f) No permit shall be issued for a period in excess of 14 consecutive days, provided that permits may be extended for like periods, upon a new application, unless another applicant has requested use of the same location and multiple occupancy of that location is not reasonably possible.

(g) Persons engaged in the sale or distribution of printed matter under this section shall not obstruct or impede pedestrians or vehicles, harass park visitors with physical contact or persistent demands, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or misrepresent whether the printed matter is available without cost or donation.

(h) The sale or distribution of printed matter without a permit, or in violation of the terms or conditions of a permit, is prohibited.

(i) Any permit may be revoked under any of those conditions, as listed in paragraph (c) of this section, which constitute grounds for denial of a permit, or for violation of the terms and conditions of the permit. Such a revocation shall be made in writing, with the reason(s) for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made, to be followed by written confirmation.

[FR Doc.77-17208 Filed 6-14-77;8:45 am]

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 261—NATIONAL FOREST SYSTEM PROHIBITIONS

Permits for Chattooga River; Correction

AGENCY: Forest Service, Department of Agriculture

ACTION: Correction.

SUMMARY: This document corrects Interim Regulations and Notice of Proposed Rulemaking that appeared on pages 27244 and 27245 in the FEDERAL REGISTER of Friday, May 27 (FR Doc.77-14148).

EFFECTIVE DATE: June 15, 1977.

ADDRESS: Send comments to: USDA, Forest Service, Fiscal and Accounting Management Staff, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Forest Supervisor John Orr, Francis Marion & Sumter National Forests, 1801 Assembly Street, Second Floor, Columbia, South Carolina 29201 (803-765-5222).

On page 27245 the title for James E. Webb should read: "Acting Regional Forester, Region 8, Southern Region, Forest Service, Department of Agriculture."

Dated: June 6, 1977.

LAWRENCE M. WHITFIELD,
Regional Forester, Region 8, Southern Region, Forest Service, United States Department of Agriculture.

[FR Doc.77-17022 Filed 6-14-77;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER N—PROCEDURES

RULES OF PRACTICE

Miscellaneous Amendments and Corrections

AGENCY: Postal Service (Judicial Officer).

ACTION: Final rule.

SUMMARY: The Judicial Officer of the Postal Service hereby makes several minor conforming changes and corrections to certain rules of practice issued by him.

EFFECTIVE DATE: June 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward F. Lussier, (202-245-4912).

SUPPLEMENTARY INFORMATION: Acting in accordance with authority delegated to him by 39 CFR 224.1(c)(5)(ii)(D) the Judicial Officer of the Postal Service amends 39 CFR 958, the rules of

practice in proceedings relative to the refusal to rent or renew post office boxes and the closing of post office boxes, to conform those rules to changes previously made to Part 169 of the Postal Service Manual, which deals with Post Office Lockbox and Caller Service. Minor corrections are also made to §§ 952.24(a), 954.5, 958.6 and 958.7 of title 39, Code of Federal Regulations.

Accordingly, 39 CFR is amended as follows:

PART 952—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO FALSE REPRESENTATION AND LOTTERY ORDERS

§ 952.24 [Amended]

1. In the caption of paragraph (a) of § 952.24 strike out the words "hearing examiner" and insert "Administrative Law Judge" in lieu thereof.

PART 954—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE DENIAL, SUSPENSION, OR REVOCATION OF SECOND-CLASS MAIL PRIVILEGES

2. In § 954.5 the third sentence is revised to read as follows:

§ 954.5 Application.

* * * If he denies the application he shall notify the publisher specifying the reasons for his denial and attaching a copy of these rules. * * *

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3. The caption of part 958 is revised to read as follows:

PART 958—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE REFUSAL TO RENT OR RENEW POST OFFICE BOXES (OR EXTEND CALLER SERVICE) AND THE CLOSING OF POST OFFICE BOXES (OR TERMINATION OF CALLER SERVICE)

4. Section 958.2 is revised to read as follows:

§ 958.2 Scope of rules.

The rules in this part shall be applicable only to cases in which the General Counsel has issued a Notice of Intent to Close a Post Office Box (or to terminate caller service), or in which a postmaster has refused to rent or renew the rental of a post office box (or extend caller service), pursuant to 169.8 of the Postal Service Manual, and a timely appeal has been filed.

5. Paragraph (a) of § 958.3 is revised to read as follows:

§ 958.3 Notice of appeal; notice of hearing; answer.

(a) *Notice of appeal.* Any person to whom the rental or renewal of rental of a post office box (or caller service) has been refused by a postmaster and any person who has been served by the General Counsel with a Notice of Intent to Close a Post Office Box (or to terminate caller service) may take an appeal from such refusal or Notice of Intent by filing a written complaint with the Docket Clerk within 20 days from the receipt of notice of such refusal or Notice of Intent to Close. The complaint shall be filed in triplicate and shall state the reasons why the person believes the action taken by the Postmaster or proposed to be taken by the General Counsel is erroneous. The complaint shall also allege facts showing compliance with each provision of law and regulation on which the person's claim to entitlement to box office rental or caller service is based. The appellant shall attach to his appeal a copy of the notice of refusal to rent or renew or Notice of Intent. The appeal shall be sent to the Docket Clerk, United States Postal Service, Washington, D.C. 20260. The appeal shall be signed by the appellant or by his attorney.

* * * * *

6. In § 958.6 the last sentence is revised to read as follows:

§ 958.6 Default.

* * * An order of dismissal issued under this section by an Administrative Law Judge may be appealed to the Judicial Officer within 10 days from the date of the order.

7. § 958.7 the third sentence is revised to read as follows:

§ 958.7 Presiding officers.

* * * The Judicial Officer may, for good cause shown, preside at the reception of evidence in proceedings where expedited hearings are requested by either party. * * *

(39 U.S.C. 204, 401.)

EDWARD F. LUSSIER,
Judicial Officer.

[FR Doc.77-17058 Filed 6-14-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 743-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Inspection and Maintenance Programs (Arizona, California, District of Columbia, Maryland, Virginia)

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document amends EPA regulations that require certain states (Arizona, California, Maryland, Virginia, and the District of Columbia) to establish programs for inspection and maintenance of motor vehicles to control emissions. The amendments are designed to remove (1) requirements that the states adopt regulations, (2) references to state legislative activity, and (3) certain details concerning implementation of the programs.

EFFECTIVE DATE: June 15, 1977.

FOR FURTHER INFORMATION CONTACT:

John O. Hidinger, Director, Office of Transportation and Land Use Policy (AW-445), Office of Air and Waste Management, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-755-0480.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

In 1973 EPA adopted regulations approving and promulgating a number of transportation control measures under section 110 of the Clean Air Act (42 USC 1857c-5).[1] Among the measures promulgated by EPA were requirements that certain states establish inspection and maintenance programs for motor vehicles registered in certain air quality control regions. Courts reviewing these and other transportation control measures requiring states to take affirmative actions have reached widely differing decisions.

Two U.S. Courts of Appeals have upheld the EPA regulations over both statutory and constitutional objections. Thus the Court of Appeals for the Third Circuit has held that "Congress contemplated that an implementation plan might require a state to enforce the substantive transportation control provisions of such plan," including inspection and maintenance programs, and that "the Administrator acted within the federal commerce power in requiring the Commonwealth (of Pennsylvania) to enforce its transportation plan."[2] Similarly, the Court of Appeals for the Second Circuit found that various transportation control measures submitted by the State of New York and approved by EPA are valid and enforceable against the State and against New York City.[3] That Court concluded that enforcement of the measures would no impermissibly interfere with state or local governmental functions and thus would be constitutional under the most recent Supreme Court decisions concerning Tenth Amendment and related limitations on federal power.[4]

The Courts of Appeals for the Fourth, Ninth, and District of Columbia Circuits, on the other hand, found that certain aspects of the transportation control regulations before them were outside the mandate of the Clean Air Act or raised constitutional problems. The Court of Appeals for the Fourth Circuit held that the Clean Air Act "does not empower him (the Administrator) to direct a state to enact its own statutes and regulations" and suggested that an act so construed would probably be unconstitutional.[5] The Court of Appeals for the Ninth Circuit held that "the Clean Air Act does not authorize the imposition of sanctions on a state or its officials for failure to comply with" EPA requirements, including inspection and maintenance requirements, that the Court viewed as "direct

[1] See 40 CFR Part 52.

[2] Pennsylvania v. EPA, 500 F. 2d 246, 257, 261 (3d Cir. 1974).

[3] Friends of the Earth v. Carey, 7 E.L.R. 20177 (2d Cir. Jan. 18, 1977).

[4] 7 E.L.R. at 20182-83, citing National League of Cities v. Usery, 96 S. Ct. 2465 (1976) and Fry v. United States, 421 U.S. 542 (1975).

(ing) the state to regulate the pollution-creating activities of those other than itself." [6] The Court also expressed concern about the constitutionality of EPA's interpretation of the Act.[7] Finally, the Court of Appeals for the District of Columbia Circuit could "find little in the language of the Act to indicate that the Administrator has been empowered to order that legislatures and municipal bodies in the states enact statutes and regulations," and therefore vacated those portions of the EPA regulations before the Court that it found required such enactment.[8] The Court also objected on constitutional ground to these regulations which, in the Court's view, "require the states to administer and enforce federal regulatory programs." [9] But the Court also noted that Congress expected the states to participate in inspection and maintenance efforts, and that EPA could constitutionally prohibit state registration of vehicles not complying with an inspection and maintenance program.[10]

On petition to the Supreme Court, EPA sought review of the decisions of the Courts of Appeals for the Fourth, Ninth, and District of Columbia Circuits, insofar as these decisions invalidated the regulations requiring inspection and maintenance programs. (Virginia also challenged the decision of the Court of Appeals for the District of Columbia Circuit upholding certain other regulations applicable to Virginia.) Since EPA chose not to seek review of the rulings of the Courts of Appeals for the Fourth and District of Columbia Circuits that its regulations improperly require states to adopt regulations, EPA acknowledged in its brief to the Supreme Court that such requirements would have to be removed.[11] The Supreme Court declined to rule on the EPA regulations, indicating that to do so would amount to rendering an advisory opinion, and instead vacated the judgments of the Courts of Appeals and remanded the cases to them.[12]

II. Regulations Affected by This Document

EPA views inspection and maintenance programs as the most important of the transportation control measures currently in force. Consistent with this view, EPA sought Supreme Court review of adverse Court of Appeals decisions only insofar as they applied to inspection and maintenance regulations. To expedite final resolution of the statutory and constitutional issues in this area, EPA is now amending only the inspection and maintenance regulations applicable to the states involved in the Supreme Court litigation. Some of the other transportation control measures involved in the Court of Appeals decisions (e.g., requirements that buslanes be established) do not require adoption of state regulations and do not refer to state legislative activity. Comparable amendments are thus unnecessary for such measures.

EPA is reviewing the other transportation control measures it promulgated for states affected by this rulemaking and all transportation control measures promulgated for other states, and amendments comparable to those made by this document may result from the review. In the interim, EPA views such regulations as valid and enforceable, except to the extent (but only to the extent) that they may purport to require adoption of state regulations or state legislative activity.

III. Amendments to Inspection and Maintenance Regulations

As discussed above, several Courts of Appeals have objected on statutory or constitutional grounds to certain language in EPA's inspection and maintenance regulations. This document is designed to satisfy those objections by removing (1) requirements that the states adopt regulations, (2) references to state legislative activity, and (3) certain details concerning implementation of inspection and maintenance programs.

The Courts of Appeals for the Fourth and District of Columbia Circuits held that EPA could not require states to adopt regulations. As discussed above, EPA did not seek Supreme Court review of these holdings, and accordingly is now removing such requirements from the regulations.

The Courts of Appeals for the same Circuits also held that the EPA regulations unlawfully require states to legislate. EPA never intended to require any state to legislate.[13] Recognizing that states might view legislation as necessary or desirable, however, EPA provided for submission of legislative proposals for review where the states thought new legislation was needed. The two Courts of Appeals interpreted this language as requiring that states legislate. Rather than continuing to dispute that interpretation, EPA is now deleting all language that refers to state legislative activity.

Finally, EPA is deleting certain language detailing how the states are to implement their inspection and maintenance programs, leaving only minimum requirements (e.g., frequency of inspections) considered necessary to assure the effectiveness of the programs. The result is to provide the states with maximum flexibility in determining how to make their programs comply with the federal requirements.

EPA thus respects the distinction, implicit in the Court of Appeals opinions discussed above, between specifying the utimate acts that states must perform to comply with the Clean Air Act, and specifying the governmental processes and the details of implementation by which states are to perform those acts and come into compliance. By deleting all reference to state regulations and legislative activity, EPA emphasizes that its regulations place no restrictions on a state in devising a suitable legal and administrative framework for the actions necessary to comply with transportation control requirements under the Clean Air Act.[14] In other words, EPA will limit its concern to ensuring that the results of this state activity comply with the requirements of the Act.[15]

Removing certain details concerning implementation of inspection and maintenance programs is part of the same EPA effort to leave to the states maximum freedom in devising the means for complying with the federal requirements. But EPA has taken substantial initiative, and will continue to do so, in supplying technical advice and assistance to the states to the extent that they want it. For example, EPA has conducted a series of seminars over the past few years for representatives of state air pollution control agencies to help acquaint them with how to set up successful inspection and maintenance programs. Extensive background material and expert assistance remain available to any state official who contacts either the appropriate EPA regional office or the EPA official designated at the beginning of this document.

Requiring the states to establish inspection and maintenance programs and to register only those vehicles that pass inspection is exactly what Congress intended. As explained above, this rulemaking is designed to delete language that might raise any remaining doubts that EPA's inspection and maintenance regulations are well within the mandate that Congress deliberately and constitutionally established.

IV. General

EPA finds that notice and public procedure prior to this action would be unnecessary and not in the public interest. Under the Court of Appeals decisions discussed above, much of the language now being deleted may be void and unenforceable. In addition, much of the language must be removed to comply with EPA's representations to the Supreme Court. For these reasons, it is in the public interest to delete the language as soon as possible. Finally, this

[6] Maryland v. EPA, 530 F.2d 215, 226–27 (4th Cir. 1975), vacated, 45 U.S.L.W. 4445 (U.S. May 2, 1977).

[7] Brown v. EPA, 521 F.2d 827, 831 (9th Cir. 1975), vacated, 45 U.S.L.W. 4445 (U.S. May 2, 1977). See also Arizona v. EPA, 521 F.2d 825 (9th Cir. 1975), vacated, 45 U.S.L.W. 4445 (U.S. May 2, 1977).

[8] Brown, 521 F.2d at 840–42.

[9] District of Columbia v. Train, 521 F.2d 971, 986 (D.C. Cir. 1975), vacated, 45 U.S.L.W. 4445 (U.S. May 2, 1977).

[10] 521 F.2d at 994.

[11] 521 F.2d at 987, 991.

[12] Brief for the Federal Parties at 20 n. 14 (September 1976).

[13] EPA v. Brown, 45 U.S.L.W. 4445 (U.S. May 2, 1977).

[14] *See* 38 FR 30626, 30633 col. 1 (Nov. 6, 1973).

[15] References to "state" actions in the revised regulations are not intended to preclude arrangements by which appropriate functions (e.g., inspection of vehicles) are to be performed by local or regional agencies or by private contractors.

[16] Should enforcement of the revised regulations against states prove necessary, EPA will not seek criminal penalties against state officials. Rather, EPA will seek compliance by means of Administrative orders and conferences under section 113(a) of the Clean Air Act (42 USC 1857c–8(a)). If these efforts should fail, EPA would then seek injunctive relief under paragraph (b)(1) of that section.

action lifts certain restrictions from the states, but with no relaxation of the pollution control requirements that the states must meet. For essentially the same reasons, EPA finds good cause to make this action effective immediately upon publication.

In order to show as graphically as possible, for purposes of the ongoing litigation, exactly what changes in regulatory language are being made, EPA has sought and received permission from the Office of the Federal Register to use the special format that follows, which is ordinarily reserved for proposed rules only.

EPA 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: June 8, 1977.

DOUGLAS M. COSTLE,
Administrator.

ATTENTION

In the following text, arrows (►◄) indicate additions and brackets ([ ]) indicate deletions.

40 CFR Part 52 is amended as follows:

Subpart D—Arizona

1. In § 52.132, by amending paragraphs (c)(1) and (d), and by deleting and reserving paragraphs (c) (2) and (3), as indicated:

§ 52.132 Transportation control compliance schedule.

* * * * *

(c) To implement the approved control measures specified in Sections 5 and 7 of the plan submitted September 11, 1973, and to complete the requirements of §§ 51.11(b), 51.14 and 51.15 of this chapter, the State of Arizona must submit to the Administrator:

(1) No later than February 1, 1974, detailed compliance schedules showing the steps the State of Arizona will take to establish [and enforce] the inspection and maintenance program for light-duty and medium-duty vehicles; * * *. [These schedules shall include:

[(i) The text of proposed legislation and regulations for the inspection and maintenance program, the gaseous fuel conversion program, and the light-duty vehicle retrofit programs.

[(ii) A signed statement from the governor or his designee identifying the sources and amounts of funds for the programs. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted.

[(iii) The date by which the State will recommend all needed legislation to the State legislature.

[(iv) The date by which necessary equipment for the inspection and maintenance and carpool matching program will be ordered.]

(2) [No later than May 1, 1974, the legislative authority for implementing the inspection and maintenance program and the gaseous fuel conversion program.] ►[Reserved]◄

(3) [No later than September 1, 1974, the adopted regulations and administrative policies necessary for implementation of the control measures cited in paragraph (c)(1) of this section.] ►[Reserved]◄

* * * * *

(d) [The regulations adopted to implement] ►Under◄ the approved inspection and maintenance program referred to in paragraph (c)(1) of this section [shall include] ►, the State shall◄ as a minimum.

(1) [Provisions for inspection of] ►Inspect◄ all such motor vehicles at periodic intervals at least once each year [by means of an emission test having a loaded mode test cycle].

(2) [Provisions for] ►Apply◄ inspection failure criteria consistent with the [failure of 50 percent of the vehicles tested during the first inspection cycle] ►emission reductions claimed in the plan for the strategy◄.

(3) [Provisions to require] ►Require◄ that failed vehicles receive [, within 30 days,] the maintenance necessary to achieve compliance with the inspection standards [. This shall include sanctions against non-complying individual owners and repair facilities] , ►and◄ retest [of] failed vehicles following maintenance [, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate].

(4) [A program of enforcement, such as a spot check of idle adjustment, to ensure that, following maintenance, vehicles are not subsequently readjusted or modified in such a way as would cause them to no longer comply with the inspection standards. This program shall include appropriate penalties for violation.] ►[Reserved]◄

(5) [Designation of] ►Designate◄ an agency or agencies responsible for conducting [, overseeing, and enforcing] the inspection and maintenance program.

[(6) Requirements that the] ►(d-1) The◄ State, after July 1, 1975, shall not register or allow to operate on its highways any light-duty or medium-duty vehicle that does not comply with the applicable [standards and procedures adopted pursuant to] ►requirements of◄ the approved inspection and maintenance program [and to] ►established according to◄ paragraph (d) of this section. This shall not apply to the initial registration of a new motor vehicle.

[(7) Requirements that after] ►(d-2) After◄ July 1, 1976, no owner of a light-duty vehicle shall operate or allow the operation of any such vehicle that does not comply with the applicable [standards and procedures adopted pursuant to] ►requirements of◄ the approved inspection and maintenance program [and to] ►established according to◄ paragraph (d) of this section. This shall not apply to the initial registration of a new motor vehicle.

[(8)] ►(d-3)◄ The State may exempt any class or category of vehicles that the State finds are rarely used on public streets and highways (such as classic or antique vehicles).

* * * * *

Subpart F—California

2. In § 52.242, by amending paragraphs (c) through (f) as indicated:

§ 52.242 Inspection and maintenance program.

* * * * *

(c) The State of California shall establish an inspection and maintenance program applicable to all light-duty vehicles registered in the Regions that operate on streets or highways over which it has ownership or control. [No later than June 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program.] The State may exempt any class or category of vehicles which it finds are rarely used on public streets and highways (such as classic or antique vehicles). [The regulations shall include] ►Under the program, the State shall◄ :

(1) [Provisions for inspection of] ►Inspect◄ all light-duty motor vehicles at periodic intervals no more than one year apart [by means of a loaded test].

(2) [Provisions for] ►Apply◄ inspection failure criteria consistent with the emission reductions claimed in the plan for the strategy. These emission reductions are 15 percent for hydrocarbons and 12 percent for carbon monoxide. [These criteria are estimated to include failure of 50 percent of the vehicles in the first inspection cycle].

(3) [Provisions to ensure] ►Ensure◄ that failed vehicles receive [within two weeks,] the maintenance necessary to achieve compliance with the inspection standards [. This shall include sanctions against non-complying individual owners and repair facilities] , ►and◄ retest [of] failed vehicles following maintenance [, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate].

(4) [A program of enforcement to ensure that, following inspection of maintenance, vehicles are not intentionally readjusted or modified in such a way as would cause them no longer to comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging. This program shall include appropriate penalties for violation.] ►[Reserved]◄

(5) [Provisions for beginning] ►Begin◄ the first inspection cycle on October 1, 1975, [and] completing it by September 30, 1976.

(6) [Designation of] ►Designate◄ an agency or agencies responsible for conducting [, overseeing, and enforcing] the inspection and maintenance program.

(d) After September 30, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle that does not comply with

the applicable [standards and procedures adopted pursuant to] ►requirements of the program established under◄ paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After September 30, 1976, no owner of a light-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable [standards and procedures adopted pursuant to] ►requirements of the program established under◄ paragraph (c) of this section. This shall not apply to the initial registration of a new vehicle.

(f) The State of California shall submit no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish [and enforce] an inspection and maintenance program pursuant to paragraph (c) of this section [, including the text of needed statutory proposals and needed regulations that it will propose for adoption. The compliance schedule shall also include:

[(1) The date by which the State will recommend any needed legislation to the State legislature.

[(2) The date by which necessary equipment will be ordered.

[(3) A signed statement from the Governor and State Treasurer identifying the sources and amount of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted].

Subpart J—District of Columbia

3. By deleting and reserving § 52.482 as indicated:

§ 52.482 [Transportation and land use controls.] ►[Reserved]◄

[(a) To ensure implementation of the vehicle emission inspection program approved in § 52.472, the District of Columbia shall submit legally adopted regulations by March 1974, which contain the same elements as the proposed regulations contained in the July 9, 1973, submission on pages 19 and 20.]

4. In § 52.490, by amending paragraphs (c) through (f) as indicated:

§ 52.490 Inspection and maintenance program.

* * * * *

(c) In connection with the light-duty vehicle inspection and maintenance program for the District of Columbia approved by the Administrator pursuant to § 52.472 the District shall establish an inspection and maintenance program applicable to all medium-duty and heavy-duty vehicles registered in the District that operate on public streets or highways over which it has ownership or control. The District may exempt any class or category of vehicles that the District finds is rarely used on public streets or highways (such as classic or antique vehicles). [No later than April 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include] ►Under the program, the District shall◄ :

(1) [Provisions for inspection of] ►Inspect◄ all medium-duty and heavy-duty motor vehicles at periodic intervals not more than 1 year apart [by means of a loaded emission test].

(2) [Provisions for] ►Use◄ inspection failure criteria consistent with the [failure of 30 percent of the vehicles in the first inspection cycle] ►emission reductions claimed in the plan for the strategy◄.

(3) [Provisions to ensure] ►Ensure◄ that failed vehicles receive [within two weeks] the maintenance necessary to achieve compliance with the inspection standards [. These shall include sanctions against individual owners and repair facilities]. ►and◄ retest [of] failed vehicles following maintenance [, use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and use of such other measures as may be necessary or appropriate].

(4) [A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustment and/or a suitable type of physical tagging. This program shall include penalties for violation.] ►[Reserved]◄

(5) [Provisions for beginning] ►Begin◄ the first inspection cycle by January 1, 1975, completing it by January 1, 1976.

(6) [Designation of] ►Designate◄ an agency or agencies responsible for conducting [, overseeing, and enforcing] the inspection and maintenance program.

(d) After January 1, 1976, the District shall not register or allow to operate on public streets or highways any medium-duty or heavy-duty vehicle that does not comply with the applicable [standards and procedures adopted pursuant to] ►requirements of the program established under◄ paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After January 1, 1976, no owner of a medium-duty or heavy-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable [standards and procedures adopted pursuant to] ►requirements of the program established under◄ paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The District shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish [and enforce] an inspection and maintenance program pursuant to paragraph (c) of this section.

Subpart V—Maryland

5. In § 52.1089, by amending paragraphs (c) through (f) as indicated:

§ 52.1089 Inspection and maintenance program.

* * * * *

(c) The State of Maryland shall establish an inspection and maintenance program applicable to all light-duty, medium-duty, and heavy-duty vehicles registered in the area specified in paragraph (b) of this section that operate on public streets or highways over which it has ownership or control. The State may exempt any class or category of vehicles that the State finds is rarely used on public streets or highways (such as classic or antique vehicles). [No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include] ►Under the program, the State shall◄ :

(1) [Provisions for inspection of] ►Inspect◄ all light-duty, medium-duty, and heavy-duty motor vehicles at periodic intervals no more than 1 year apart [by means of a loaded emission test].

(2) [Provisions for] ►Apply◄ inspection failure criteria consistent with the [failure of 30 percent of the vehicles in the first inspection cycle] ►emission reductions claimed in the plan for the strategy◄.

(3) [Provisions to ensure] ►Ensure◄ that failed vehicles receive [within two weeks,] the maintenance necessary to achieve compliance with the inspection standards [. These shall include sanctions against individual owners and repair facilities]. ►and◄ retest [of] failed vehicles following maintenance [, use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the task satisfactorily, and use of such other measures as may be necessary or appropriate].

(4) [A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging. This program shall include appropriate penalties for violation.] ►[Reserved]◄

(5) [Provisions for beginning] ►Begin◄ the first inspection cycle by August 1, 1975, [and] completing it by July 31, 1976.

(6) [Designation of] ►Designate◄ an agency or agencies responsible for conducting [, overseeing, and enforcing] the inspection and maintenance program.

(d) After July 31, 1976, the State shall not register or allow to operate on public streets or highways any light-duty, medium-duty, or heavy-duty vehicle that

does not comply with the applicable [standards and procedures adopted pursuant to] ►requirements of the program established under◄ paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After July 31, 1976, no owner of a light-duty, medium-duty, or heavy-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable [standards and procedures adopted pursuant to] ►requirements of the program established under◄ paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The State of Maryland shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish [and enforce] and inspection and maintenance program pursuant to paragraph (c) of this section [, including:

[(1) The text of needed statutory proposals and regulations that it will propose for adoption.

[(2) The date by which the State will recommend needed legislation to the State legislature.

[(3) The date by which necessary equipment will be ordered.

[(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted].

6. In § 52.1095, by amending paragraphs (c) through (f) as indicated:

§ 1095 Inspection and maintenance program.

* * * * *

(c) The State of Maryland shall establish an inspection and maintenance program applicable to all light-duty, medium-duty, and heavy-duty vehicles registered in the area specified in paragraph (b) of this section that operate on public streets or highways over which it has ownership or control. The State may exempt any class or category of vehicles that the State finds is rarely used on public streets or highways (such as classic or antique vehicles). [No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include] ►Under the program the State shall◄:

(1) [Provisions for inspection of] ►Inspect◄ all light-duty, medium-duty, and heavy-duty motor vehicles at periodic intervals no more than 1 year apart [by means of a loaded emission test].

(2) [Provisions for] ►Apply◄ inspection failure criteria consistent with the [failure of 30 percent of the vehicles in the first inspection cycle] ►emission reductions claimed in the plan for the strategy◄.

(3) [Provisions to ensure] ►Ensure◄ that failed vehicles receive [within two weeks,] the maintenance necessary to achieve compliance with the inspection standards [. These shall include sanctions against individual owners and repair facilities]. ►and◄ retest [of] failed vehicles following maintenance [, use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and use of such other measures as may be necessary or appropriate].

(4) [A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging. This program shall include appropriate penalties for violation.] ►[Reserved]◄

(5) [Provisions for beginning] ►Begin◄ the first inspection cycle by August 1, 1975, [and] completing it by July 31, 1976.

(6) [Designation of] ►Designate◄ an agency or agencies responsible for conducting [, overseeing, and enforcing] the inspection and maintenance program.

(d) After July 31, 1976, the State shall not register or allow to operate on public streets or highways any light-duty, medium-duty, or heavy-duty vehicle that does not comply with the applicable [standards and procedures adopted pursuant to] ►requirements of the program established under◄ paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After July 31, 1976, no owner of a light-duty, medium-duty, or heavy-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable [standards and procedures adopted pursuant to] ►requirements of the program established under◄ paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The State of Maryland shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish [and enforce] an inspection and maintenance program pursuant to paragraph (c) of this section [, including:

[(1) The text of needed statutory proposals and regulations that it will propose for adoption.

[(2) The date by which the State will recommend needed legislation to the State legislature.

[(3) The date by which necessary equipment will be ordered.

[(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted].

Subpart VV—Virginia

7. In § 52.2441, by amending paragraphs (c) through (f) as indicated:

§ 52.2441 Inspection and maintenance program.

* * * * *

(c) In connection with the light-duty vehicle inspection and maintenance program for the area specified in paragraph (b) of this section approved by the Administrator pursuant to § 52.2423, the Commonwealth of Virginia shall establish an inspection and maintenance program applicable to all medium-duty and heavy-duty vehicles registered in any area specified in paragraph (b) of this section that operate on public streets or highways over which is has ownership or control. The Commonwealth may exempt any class or category of vehicles that the Commonwealth finds is rarely used on public streets or highways (such as classic or antique vehicles). [No later than April 1, 1974, the Commonwealth shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include] ►Under the program, the State shall◄:

(1) [Provisions for inspection of] ►Inspect◄ all medium-duty and heavy-duty motor vehicles at periodic intervals no more than 1 year apart [by means of an idle emission test].

(2) [Provisions for] ►Apply◄ inspection failure criteria consistent with the [failure of 30 percent of the vehicles in the first inspection cycle] ►emission reductions claimed in the plan for the strategy◄.

(3) [Provisions to ensure] ►Ensure◄ that failed vehicles receive [, within two weeks,] the maintenance necessary to achieve compliance with the inspection standards [. These shall include sanctions against individual owners and repair facilities]. ►and◄ retest [of] failed vehicles following maintenance [, use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and use of such other measures as may be necessary or appropriate].

(4) [A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging. This program shall include appropriate penalties for violation.] ►[Reserved]◄

(5) [Provisions for beginning] ►Begin◄ the first inspection cycle by January 1, 1975, [and] completing it by January 1, 1976.

(6) [Designation of] ►Designate◄ an agency or agencies responsible for conducting [, overseeing, and enforcing] the inspection and maintenance program.

(d) After January 1, 1976, the Commonwealth shall not register or allow to operate on public streets or highways any medium-duty or heavy-duty vehicle that does not comply with the applicable [standards and procedures adopted pursuant to] ►requirements of the program established under◄ paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After January 1, 1976, no owner of a medium-duty or heavy-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable [standards and procedures adopted pursuant to] ►requirements of the program established under◄ paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The Commonwealth of Virginia shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish [and enforce] an inspection and maintenance program pursuant to paragraph (c) of this section [, including:

[(1) The text of needed statutory proposals and regulations that it will propose for adoption.

[(2) The date by which the Commonwealth will recommend needed legislation to the legislature.

[(3) The date by which necessary equipment will be ordered.

[(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted].

(Secs. 110 and 301(a) of the Clean Air Act, as amended (42 USC 1857c-5 and 1857g(a)).)

[FR Doc.77-16771 Filed 6-14-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

(733-1)

PART 15-19—TRANSPORTATION

Subpart 15-19.3—Contract Delivery Terms

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action increases the dollar value from $25 to $100 for transportation charges which vendors may prepay and bill as a separate item on their invoice when purchases are made by EPA. The Comptroller General of the United States in letter No. B-163758, dated August 14, 1975, determined that greater efficiencies in procurement practices and procedures and savings in administrative costs can be achieved for both the Government and the carrier industry if the monetary limitation for Government shipments using commercial forms and procedures is increased from $25 to $100 per shipment.

EFFECTIVE DATE: June 15, 1977.

FOR FURTHER INFORMATION CONTACT:

John H. Dammeyer, Environmental Protection Agency, Contracts Management Division (PM-214), Washington, D.C. 20460, 202-755-0900.

SUPPLEMENTARY INFORMATION: Heretofore, the Environmental Protection Agency Procurement Regulations (EPPR) (41 CFR 15) has limited to $25 the amount of transportation charges which a vendor may prepay and bill as a separate charge on the invoice. The Comptroller General of the United States in letter No. B-163758, dated August 14, 1975, determined that greater efficiencies in procurement practices and procedures and savings in administrative costs can be achieved for both the Government and the carrier industry if the monetary limitation for Government shipments using commercial forms and procedures is increased from $25 to $100 per shipment. Accordingly, this amendment of the EPPR reflects the decision of the Comptroller General.

It is the general policy of the EPA to invite comments regarding the development of proposed rules; however, this action reflects a Comptroller General decision and no purpose would be served in inviting comments.

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

Dated: June 8, 1977.

DOUGLAS M. COSTLE,
Administrator,
Environmental Protection Agency.

§ 15-19.305 [Amended]

1. Section 15-19.305 is revised to delete the figure "$25.00" and to insert the figure "$100"; in paragraphs (a), (b)(3), and (c)(2) of § 15-19.305, dete the figure "$25.00" and insert the figure "$100."

[FR Doc.77-17060 Filed 6-14-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20547; RM-1773; FCC 77-358]

INDUSTRIAL RADIOLOCATION SERVICES

Modifying the Type Acceptance Requirements for Transmitters in the Industrial Radiolocation Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended its rules to require type acceptance for transmitters used at radiolocavide technical requirements for speed measuring devices and field disturbance sensors to be licensed under Part 91. Since type acceptance was formerly not required, licensees had difficulty in determining if the equipment they used was capable of complying with the Commission's rules. In addition, certain manufacturers would claim that their devices were intended for licensed use in order to circumvent the need for meeting tighter technical standards required for equipment operating without an individual license under Part 15 of the Commission's rules and regulations. As a result of this action, users will have an indication of the capability of the equipment with regard to compliance with either Part 91 or Part 15 of the rules. Acceptability under both Parts will not be permitted. Therefore, by such enforcement of the Commission's technical standards, more effective utilization of the radio frequency spectrum is contemplated and the possibility of interference to users of the spectum should be reduced.

EFFECTIVE DATE: July 12, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Nevarro C. Elliott, Research and Standards Division, 202-632-7093.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 89, 91 and 93 of the Commission's rules to modify the type acceptance requirements for transmitters in the industrial radiolocation service.

Adopted: May 26, 1977.

Released: June 9, 1977.

1. A Notice of Proposed Rulemaking in the above-entitled matter was released on July 23, 1975, FCC 75-837. The Notice was published in the FEDERAL REGISTER on July 29, 1975, 40 FR 31809. The period allowed for interested persons to file original and reply comments expired on September 9, 1975, and September 24, 1975, respectively.

2. Comments were filed by Decca Survey Systems, Incorporated (Decca) and Motorola, Incorporated (Motorola) on September 9, 1975. Decca advises the Commission that it no longer has any objection to the adoption of type acceptance requirements for transmitters used at radiolocation stations. However, Decca takes exception to the grandfathering provision in proposed Rule § 91.109(b)(2), which would permit the indefinite and continued use of non-type accepted equipment at radiolocation stations authorized prior to the effective date of the new rules. On the other hand, in their comments Motorola strongly urges the Commission that the proposed type acceptance of radiolocation transmitters in the Industrial Radiolocation Service be deferred. The pertinent comments made by both parties are discussed below.

3. In support of its exception to the proposed rule of Section 91.109(b)(2), Decca raises two points in regard to the grandfathering provision of the proposed rule. First, Decca states, that either type accepted equipment should not be required until six months after the effective date of the new rules or that the effective date of the new rules should be at least six months after the release of the Commission's Report and Order. The reason for the grace period, Decca says, is to allow ample time for manufacturers to make the necessary tests on their

equipment and to have their applications for type acceptance processed by the Commission. This situation, Decca declares, should not be created where, faced with a short deadline, manufacturers will burden the Commission's staff with requests for expedited action on type acceptance applications.

4. Second, and more important, Decca believes that grandfathering should extend not to previously authorized stations but to previously authorized equipment. According to Decca, the nature of the radiolocation business is such that frequently special temporary authorizations are required. For example, Decca operates equipment in the 70–90, 90–110 and 110–130 kHz bands, where operation is permitted only when required under government contract and only for the duration of the contract. Although the authorizations are new each year, Decca declares that the same transmitters are used year after year, and the continued use of this equipment should be permitted throughout its useful life. In addition, Decca operates equipment in the 1600 to 1800 kHz band, where it is also necessary to obtain temporary or regular authority to reconfigure a radiolocation chain. Again, Decca maintains the applicability of grandfathering should not be depended upon whether the application is processed in a manner that carries forward an existing call sign or a new call sign is assigned.

5. Decca urges the Commission to change the interpretation and language of § 91.109(b)(2) to match the wording of the rule to refer to transmitters instead of stations. Thus, a previously authorized transmitter could continue to be used, Decca notes, under any radiolocation license, but a new piece of non-type accepted equipment could not be installed at any station, new or old, unless that equipment had previously been authorized for use prior to the effective date of the new rules.

6. Since "radiolocation" is a general term encompassing widely different applications, such as pinpoint positioning of locations in hydrographic surveys, cable laying operations, oil rig positioning, air pollution studies, glacier profiling, etc., it is Motorola's position that the radiolocation art is still in the developmental stage. To support this position, Motorola maintains that between 1969 and 1973 they have made several major model changes and 59 options or variation in system configuration to improve performance or adapt the system to new applications. Formal type acceptance requirements during this period, Motorola says, would have considerably slowed down the rate of system improvements as a significant number of the options would have probably been considered as permissive changes or might have required complete type acceptance filings. The need for such a rapid rate of development, Motorola contends, has been generated by a rapidly expanding number of applications where the accurate position of moving vehicles is required.

7. Motorola says that two principal areas of expanding need are increased emphasis on the search for energy resources and the growing concern with protecting the environment: (1) The search for new energy resources, improvements in the state-of-the-art of geophysical sensors, the need to move further off shore and higher operating costs have created a need for increased accuracy at longer range. (2) The concern with the environment has created requirements for radiolocation systems for use in surveys required for the preparation of environmental impact statements, the rapid location and identification of pollution sources as well as surveys to monitor the performance of operating industrial facilities and operations.

8. Motorola points out in their comments that a large number of radiolocation transmitters in present use are portable units owned by small companies. These units, Motorola claims, are temporarily installed in vessels or vehicles and at temporary sites to accomplish a specific task or survey and then are moved to new locations or vehicles to provide service for new tasks or contracts.

9. In view of the above, Motorola believes that the Commission should await the arrival of further permanency in the state-of-the-art of positioning equipment before adopting formal technical standards, and strongly urges the Commission to defer the proposed rule for requirement of type acceptance for radiolocation transmitters in the Industrial Radio Service. However, Motorola says, that if the Commission is persuaded by other comments to proceed with requiring type acceptance for radiolocation transmitters licensed under Part 91, the Commission should consider making provisions to permit new licenses to use non-type accepted equipment manufactured prior to the effective date of the rule change.

10. A brief background concerning type acceptance of radiolocation transmitters licensed under Part 91 can be found in the Report and Order in Docket 16106 (5 FCC 2d 197; October 1966). In this proceeding the Commission considered the radiolocation art to be in a developmental stage, too much so to warrant the adoption of formal type acceptance requirements at that time. Therefore, the use of non-type accepted equipment was authorized subject to certain frequency tolerance specifications enumerated in Subpart C of Part 91.

11. The question of type acceptance of radiolocation transmitters was brought up again in the Order in Docket 17847 (11 FCC 2d 937; February 21, 1968). This time, however, the Commission decided that the radiolocation art was sufficiently developed to require radiolocation transmitters licensed under Parts 89 and 93 of the Rules to demonstrate their ability to meet the technical requirements in Parts 89 and 93 through the type acceptance process. Since 1956 the Commission has pursued a step by step approach in requiring transmitters licensed under Parts 89, 91, and 93 to be type accepted. The Commission believes this policy should be continued when possible.

12. Customarily, it has been the Commission's policy to afford licensees every possible means of protection from "harmful" interfering effects from other transmitters. By requiring radiolocation transmitters licensed under Part 91 to meet certain technical standards[1] (and that such ability be demonstrated through the type acceptance process) land mobile licensees would be assured a minimum of interference potential from radiolocation operations. The Commission has contemplated adoption of further technical standards for the Industrial Radiolocation Service and has concluded the radiolocation state-of-the-art is far enough past a completely developmental stage at this time to establish certain technical standards. The Commission has already acknowledged this by requiring radiolocation transmitters licensed after January 1, 1974, under Parts 89 and 93 to be type accepted.

13. In view of the foregoing, the Commission considers it unacceptable to continue the practice of licensing non-type accepted equipment in the Industrial Radiolocation Service under Part 91. We, therefore, amend Subpart M of Part 91 of the rules to require transmitters to meet the frequency tolorance and emission limitations enumerated in Subpart C of Part 91 and, in addition, that they demonstrate such ability through the type acceptance process. We are not, however, at this time, promulgating other technical standards which might tend to constrain development in the state-of-the-art of radiolocation transmitters, only those minimum technical standards necessary to provide reasonable freedom from harmonics and other spurious emissions which may interfere with land mobile operations.

14. In addition to the type acceptance requirement, we are adding certain limitations on speed measuring devices operating on the frequencies 2455 MHz, and 10,525 MHz, and 24,125 MHz and other devices operating on frequencies between 2450 and 2500 MHz in order to keep radiolocation operations under Parts 89, 91, and 93 consistent. However, such stations would be exempt from the requirements of §§ 91.107(c), 91.151(d), and 91.152(a) of Part 91.

15. In Docket 17847 the Commission decided to "grandfather" non-type accepted radiolocation transmitters used prior to the effective date for which type acceptance was required. To keep consistency in the rules, we believe it is best to extend the Commission's decision in this proceeding to include Part 91. Therefore, we are amending § 91.109(b) to exclude previously authorized radiolocation transmitters governed by Part 91 from the equipment type-acceptance requirement. This will mean that radiolocation transmitters authorized under Part 91 prior to the effective date of the

[1] Equipment will now be required to meet frequency tolerance specifications and emission limitation requirements in Subpart C of Part 91.

rules adopted herein would continue to be authorized indefinitely. This action will ease the equipment conversion problems and is considered to be in the public interest. Also, we have amended the above Section to reflect the current equipment marketing requirements as specified in Subpart I of Part 2 of the Rules. All equipment marketed after the effective date of the proposed rules would have to be type accepted.

16. Under the rules heretofore in effect, a field disturbance sensor (including an intrusion detection device) could be operated without a license under the technical standards and the certification requirements of Part 15. Alternatively, a field disturbance sensor could be licensed as a radiolocation station under Part 91 for which essentially no technical standards had been established and no equipment authorization was required. The Commission has observed that some field disturbance sensors have been licensed as radiolocation stations under Part 91 to avoid being subject to the technical standards specified in Part 15. The standards adopted herein for radiolocation stations under Part 91 are less severe than the Part 15 standards for field disturbance sensors. Accordingly, the Commission has adopted a regulation which would prohibit licensing of a field disturbance sensor as a radiolocation station under Parts 89, 91, and 93 unless it can be shown that the sensor must operate with a level of emission higher than that permitted under Part 15. This regulation is adopted to prohibit the marketing of a sensor meeting lesser technical specifications on the grounds that the sensor will be licensed. (Note, also, that § 2.805 of the rules requires equipment to comply with the standards in the applicable rules, prior to marketing or use although an equipment authorization may not be required.)

17. The attached regulations set out the criteria for determining which equipment must be used only in a licensed service and which must be operated without an individual license under the requirements of Part 15. The Commission proposes to use field strength, which is directly related to the amount of electromagnetic energy produced by the device, to determine which Part of the rules will be applicable. Devices which are used to produce a field strength greater than 50,000 or 250,000 microvolts per meter (depending upon the operating frequency) at 30 meters on the fundamental frequency will require type acceptance and may be authorized for use at stations licensed pursuant to Parts 89, 91, and 93 of the Rules. Devices operated below this level must comply with the requirements for field disturbance sensors as set forth in Subpart F of Part 15 of this Chapter.

18. Pursuant to the discusion in Paragraph 16 of this Report and Order, § 91.109(b)(2) of the Appendix of this proceeding is modified, in accordance with Decca's request, such that "grandfathering" will be applicable to transmitting equipment instead of licenses and that sufficient lead time will be allowed for the preparation and processing of type acceptance applications.

19. The amendments of the Rules as set forth in the Appendix are issued pursuant to the authority contained in Sections 4(i), 302 and 303 of the Communications Act of 1934, as amended.

20. Accordingly, it is ordered That, effective July 12, 1977, Parts 89, 91 and 93 of the Commission's rules are amended as set forth below and that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat. 290; 47 U.S.C. 154, 302, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

PART 89—PUBLIC SAFETY RADIO SERVICES

I. Part 89 is amended as follows:

1. In Section 89.101 the frequency table in paragraph (h) is amended by revising the entries for 2450–2500 MHz, 10,500–10,550 MHz, and 24,050–24,250 MHz and adding the remaining entries in proper numerical order, and paragraph (i) is amended by adding subparagraphs (21), (22), and (23) as follows:

§ 89.101 Frequencies.

(h) * * *

Frequency band (MHz)	Class of station(s)	Limitations
*	*	*
2450 to 2500	Base, mobile and radiolocation	2, 4, 5, 6, 21, 22
*	*	*
10,500 to 10,550	do	3, 6, 21, 23
*	*	*
24,050 to 24,250	do	16, 21, 23
*	*	*

(i) * * *

(21) The frequencies 2455 MHz, 10,525 MHz, and 24,125 MHz are available to radiolocation land and mobile stations in this service: *Provided*, That unmodulated continuous wave (AO) emission only shall be employed and that a frequency stability of at least 0.2 percent shall be maintained. Such stations shall be exempt from the requirements of §§ 89.113(c), 89.151(a), 89.151(b), and 89.153.

(22) Devices designed to operate as field disturbance sensors on frequencies between 2450 and 2500 MHz, with a field strength equal to or less than 50,000 microvolts per meter at 30 meters, on the fundamental frequency, will not be licensed or type accepted for use under this part. Such equipment must comply with the requirements for field disturbance sensors as set forth in Subpart F of Part 15 of this Chapter.

(23) Devices designed to operate as field disturbance sensors on frequencies betwen 10,500 and 10,550 MHz, and between 24,050–24,250 MHz, with field strength equal to or less than 250,000 microvolts per meter at 30 meters, on the fundamental frequency, will not be licensed or type accepted for use under this part. Such equipment must comply with the requirements for field disturbance sensors as set forth in Subpart F of Part 15 of this Chapter.

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

II. Part 91 is amended as follows:

1. Section 91.109 is amended by revising paragraph (b) and adding new paragraphs (d) and (e) as follows:

§ 91.109 Acceptability of transmitters for licensing.

* * * * *

(b) Each transmitter marketed as specified in § 2.803 of Part 2 of this Chapter or utilized by a station authorized for operation under this Part must be of a type which is included in the Commission's current Radio Equipment List and is designated for use under this Part or be of a type which has been type accepted by the Commission for use under this Part. As exceptions to these requirements, type acceptance is not required for the following:

(1) Transmitters used at developmental stations.

(2) Transmitters used at radiolocation stations prior to (effective date of rules).

(3) Transmitters authorized for use in the 1427–1435 MHz frequency band.

* * * * *

(d) Radiolocation transmitters marketed prior to (effective date of rules) must meet the applicable technical standards in this Part, pursuant to § 2.805 of Part 2 of this Chapter.

(e) Radiolocation transmitters marketed after (effective date of rules) must comply with the requirements of paragraph (b) of this section.

2. Section 91.603 is amended by deleting paragraph (a) and redesignating paragraph (b) as the only existing paragraph to read as follows:

§ 91.603 Station limitations and exemptions.

Stations licensed in this service may transmit only those signals necessary to the rendition of the radiolocation service involved.

3. In Section 91.604 the frequency table in paragraph (a) is amended by revising the entries for 2450–2500 MHz, 10,500–10,550 MHz, and 23,000–24,250 MHz and adding in proper numerical order, and paragraph (b) is amended by adding subparagraphs (21), (22), (23), and (24) as follows:

§ 91.604 Frequencies available.

(a) * * *

Frequency or band (MHz)	Class of station(s)	Limitation(s)
*	*	*
2450 to 2500	do	3, 20, 21, 22
*	*	*
10,500 to 10,550	do	12, 20, 21, 23
*	*	*
23,000 to 24,250	do	17, 20, 21, 23
*	*	*

(b) * * *

(21) Stations authorized to operate on those frequencies above 952 MHz shall be contructed and used in such a manner as to conform with all technical and operating requirements of Subparts C and D of this part, unless deviation therefrom is specifically provided for in the station authorization.

(22) The frequencies 2455 MHz, 10,525 MHz, and 24,125 MHz are available to radiolocation land and mobile stations in this service: *Provided*, That unmodulated continuous wave (AO) emission only shall be employed and that a frequency stability of at least 0.2 percent shall be maintained. Such stations shall be exempt from the requirements of §§ 91.107(c), 91.151(d), and 91.152.

(23) Devices designed to operate as field disturbance sensors on frequencies between 2450 and 2500 MHz, with a field strength equal to or less than 50,000 microvolts per meter at 30 meters, on the fundamental frequency, will not be licensed or type accepted for use under this part. Such equipment must comply with the requirements for field disturbance sensors as set forth in Subpart F of Part 15 of this Chapter.

(24) Devices designed to operate as field disturbance sensors on frequencies between 10,500 and 10,550 MHz and between 24,050 and 24,250 MHz, with a field strength equal to or less than 250,000 microvolts per meter at 30 meters, on the fundamental frequency, will not be licensed or type accepted for use under this part. Such equipment must comply with the requirements for field disturbance sensors as set forth in Subpart F of Part 15 of this Chapter.

PART 93—LAND TRANSPORTATION RADIO SERVICES

III. Part 93 is amended as follows:

1. In § 93.112 the frequency table in paragraph (a) is amended by revising the entries for 2450–2500 MHz and 10,500–10,550 MHz, and 24,050–24,250 MHz and adding the remaining entries in proper numerical order, and paragraph (b) is amended by adding subparagraphs (22) and (23) as follows:

§ 93.112 Availability of microwave frequencies.

(a) * * *

Frequency band (MHz)	Class of station(s)	Limitations
* * * * *		
2450 to 2500	Base, mobile and radiolocation.	2, 4, 5, 6, 7, 22
* * * * *		
10,500 to 10,550	do	3, 6, 7, 23
* * * * *		
24,050 to 24,250	do	17, 23
* * * * *		

(b) * * *

(22) Devices designed to operate as field disturbance sensors on frequencies between 2450 and 2500 MHz, with a field strength equal to or less than 50,000 microvolts per meter at 30 meters, on the fundamental frequency will not be licensed or type accepted for use under this part. Such equipment must comply with the requirements for field disturbance sensors as set forth in Subpart F of Part 15 of this Chapter.

(23) Devices designed to operate as field disturbance sensors on frequencies between 10,500 and 10,550 MHz and between 24,050 and 24,250 MHz, with a field strength equal to or less than 250,000 microvolts per meter at 30 meters, on the fundamental frequency will not be licensed or type accepted for use under this part. Such equipment must comply with the requirements for field disturbance sensors as set forth in Subpart F of Part 15 of this Chapter.

* * * * *

[FR Doc.77-16893 Filed 6-14-77;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

HANDLING OF LIMES GROWN IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for the 1977–78 Fiscal Year and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $189,200 and a rate assessment of $0.20 per bushel of limes for the functioning of the Florida Lime Administrative Committee for the 1977–78 fiscal year. The committee administers locally a Federal marketing order program regulating the handling of limes grown in Florida. The regulation would enable the committee to collect assessments from the first handlers on all assessable limes handled and to use the resulting funds for its expenses.

DATES: Comments must be received on or before June 28, 1977. Proposed effective dates: April 1, 1977, through March 31, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

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: Consideration is being given to the following proposals submitted by the Florida Lime Administrative Committee, established under the amended marketing agreement, and Order No. 911, as amended (7 CFR Part 911) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof.

The proposals are as follows: (1) That expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee, during the period April 1, 1977, through March 31, 1978, will amount to $189,200;

(2) That there is fixed, at $0.20 per bushel of limes, the rate of assessment payable by each handler in accordance with § 911.41 of the aforesaid marketing agreement and order, and

(3) That unexpended assessment funds in the amount of approximately $37,147, which are in excess of expenses incurred during the fiscal year ended March 31, 1977, shall be carried over as a reserve in accordance with §§ 911.42 and 911.204 of said amended marketing agreement and order.

Dated: June 10, 1977.

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

[FR Doc.77–16975 Filed 6–14–77;8:45 am]

[7 CFR Part 915]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Approval of Expenses for the 1977–78 Fiscal Year and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $58,760 and the carryover as a reserve of unexpended funds for the functioning of the Avocado Administrative Committee for the 1977–78 fiscal year. The committee administers locally a Federal marketing order program regulating the handling of avocados grown in south Florida. The regulation would enable the committee to use available reserve funds for its operational expenses.

DATES: Comments must be received on or before June 29, 1977. Proposed effective dates: April 1, 1977, through March 31, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection at the Office of the Hearing Clerk during regular business hours.

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: Consideration is being given to the following proposal submitted by the Avocado Administrative Committee established under the marketing agreement and Order No. 915, both as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof.

(1) That the expenses which are reasonable and likely to be incurred by the Avocado Administrative Committee, during the period April 1, 1977, through March 31, 1978, will amount to $58,760; and

(2) Unexpended assessment funds in the amount of approximately $63,910, which are in excess of expenses incurred during the fiscal year ended March 31, 1977, shall be carried over as a reserve in accordance with §§ 915.42 and 915.205 of the amended marketing agreement and order.

Dated: June 10, 1977.

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

[FR Doc.77–16976 Filed 6–14–77;8:45 am]

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Approval of Peach Commodity Committee Expenses and Rate of Assessment for the 1977–78 Fiscal Period and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $842,071 and a rate of assessment of $0.065 per lug of peaches for the functioning of the Peach Commodity Committee for the 1977–78 fiscal year. The Committee is established under a Federal marketing order program regulating the handling of fresh pears, plums and peaches grown in California. The regulation would enable the committee to collect assessment from first handlers on all assessable peaches handled and to use the resulting funds for its expenses.

DATES: Comments must be received on or before June 30, 1977. Proposed effective dates: March 1, 1977, through February 28, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room

1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The proposals under consideration were submitted by the Peach Commodity Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917). The agreement and order regulate the handling of fresh pears, plums, and peaches grown in California and are effective under the appliciable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposals are as follows: (a) Expenses that are reasonable and likely to be incurred during the fiscal period from March 1, 1977, through February 28, 1978, will amount to $842,071.

(b) The rate of assessment for the fiscal period, payable by each handler in accordance with § 917.37 is established at six and five-tenths cents ($0.065) per No. 22D standard lug box of peaches, or its equivalent in other containers or in bulk.

(c) Unexpended assessment funds in excess of expenses incurred during the fiscal period ending February 28, 1977, shall be carried over in accordance with § 917.38 of the amended marketing agreement and order.

Terms used in the amended marketing agreement and other shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in Section 1387.11 of the "Regulations of the California Department of Food and Agriculture".

Dated: June 9, 1977.

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

[FR Doc.77-16974 Filed 6-14-77;8:45 am]

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Proposed Extension of Effective Period for Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes to continue through May 31, 1978, the currently effective grade and size requirements on the handling of fresh California plums. These requirements are needed to provide for orderly marketing in the interest of producers and consumers.

DATES: Written comments must be received by June 30, 1977. Proposed effective dates June 1, 1977 through May 31, 1978.

ADDRESSES: Written comments should be addressed to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments should be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

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, telephone (202) 447-3545.

SUPPLEMENTARY INFORMATION: Plum Regulation (§ 917.444; 42 F.R. 26646) sets forth the currently effective grade and size requirements on the handling of fresh California plums. This regulation is effective through July 16, 1977. This proposal would continue that regulation through May 31, 1978. The regulation requires a minmum grade of U.S. No. 1 for all varieties, except that for Tragedy and Kelsey varieties, an additional 10 percent tolerance is provided for defects not considered serious. Healed stem end cracks for 16 named varieties and gum spots on Kelsey variety are exempt from consideration as damage. Minimum size requirements for 44 varieties are specified in terms of maximum permissible number of plums in an eight-pound sample.

The proposal was recommended by the Plum Commodity Committee under § 917.40 of the 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 Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is to amend § 917.444 (a), (b), and (c) as follows:

§ 917.444 Plum Regulation 13.

Order. (a) During the period June 1, 1977, through May 31, 1978, 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 May 31, 1978, no handler shall ship:

* * * * *

(c) During the period June 1, 1977, through May 31, 1978, 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.

* * * * *

Dated: June 9, 1977.

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

[FR Doc.77-16973 Filed 6-14-77;8:45 am]

[7 CFR Part 922]

HANDLING OF APRICOTS GROWN IN WASHINGTON

Approval of Expenses and Rate of Assessment for the 1977-78 Fiscal Period and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This notice invites written comments on proposed expenses of $2,692 and a rate of assessment of $0.70 per ton of apricots for the functioning of the Washington Apricot Marketing Committee for the 1977-78 fiscal year. The committee administers locally a Federal marketing order program regulating the handling of apricots grown in Washington. The regulation would enable the committee to collect assessments from first handlers on all assessable apricots handled and to use the resulting funds for its expenses.

DATES: Comments must be received on or before June 30, 1977. Proposed effective dates: April 1, 1977, through March 31, 1978.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The proposals under consideration were submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions.

The proposals are as follows:

(1) Expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee, during the fiscal period April 1, 1977, through March 31, 1978, will amount to $2,692.

(2) The rate of assessment for the fiscal period, payable by each handler in accordance with § 922.41, is established

at $0.70 per ton of apricots in containers or in bulk.

(3) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended March 31, 1977, shall be carried over as a reserve in accordance with § 922.42 of the amended marketing agreement and order.

Terms used in the marketing agreement, as amended, and order, as amended, shall when used herein, have the same meaning as is given to the respective term in the amended marketing agreement and order.

Dated: June 10, 1977.

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

[FR Doc.77-17061 Filed 6-14-77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 772 3019]

HEIRLOOM COLLECTION, INC., ET AL.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: The consent agreement contains an order which, among other things, requires an Indianapolis, Ind., door-to-door seller of china, crystal, cookware, flatware, and linen, to cease violating the Truth-in-Lending Act by failing to provide to consumers, in connection with the extension of consumer credit, such disclosures as are required by Federal Reserve Board regulations. Further, the order requires the firm to make conspicuous disclosure of customers' refund rights in lay-a-way plan agreements; to retain, without contractual obligations, merchandise until full cash payment is received; and where such purchase is revoked, to make prompt refund of all monies paid toward full case price.

DATE: Comments must be received on or before August 12, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Stephanie W. Kanwit, Regional Director, Chicago Regional Office, 55 East Monroe Street, 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)).

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of The Heirloom Collection, Inc., a corporation, and Future Enterprises, Inc., a corporation, and Linencrest, Inc., a corporation, and George L. Douglass, individually and as an officer of said corporation.

File No. ..... agreement containing consent order to cease and desist.

The Federal Trade Commission, having initiated an investigation of certain acts and practices of The Heirloom Collection, Inc., Future Enterprises, Inc., and Linencrest, Inc., corporations, and George L. Douglass, individually and as an officer of said corporations, and it now appearing that The Heirloom Collection, Inc., Future Enterprises, Inc., and Linencrest, Inc., corporations, and George L. Douglass, individually and as an officer of said corporations, hereinafter sometimes referred to as proposed respondents, are 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 The Heirloom Collection, Inc., Future Enterprises, Inc., and Linencrest, Inc., by their duly authorized officer, and George L. Douglass, individually and as an officer of said corporations, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent The Heirloom Collection, Inc is a corporation organized, existing and doing business under and by virtue of the laws of the State of Indiana with its principal office and place of business located at 2424 East 55th Street, Indianapolis, Indiana 46220.

Proposed respondent Future Enterprises, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Indiana with its principal office and place of business located at 2424 East 55th Street, Indianapolis, Indiana 46220.

Proposed respondent Linencrest, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Indiana with its principal office and place of business located at 2424 East 55th Street, Indianapolis, Indiana 46220.

Proposed respondent George L. Douglass is an officer of each of the corporate respondents. He formulates, directs and controls the policies, acts and practices of said corporations and his address is the same as that of said corporations.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(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 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 respondents 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 Sec. 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (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. Mailing of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of 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 respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondents The Heirloom Collection, Inc., a corporation, Future Enterprises, Inc., a corporation, and Linencrest, Inc., a corporation, their successors and assigns, and their officers, and George L. Douglass, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or any other device in connection with the extension or arrangement for the extension of "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the price at which respondents, in the regular course of business, offer to sell for cash the property which is the subject of the credit sale, using the term "cash price", as required by Section 226.8(c)(1) of Regulation Z.

2. Failing to disclose the amount of any downpayment in money, using the term "cash downpayment" as required by Section 226.8(c)(2) of Regulation Z.

3. Failing to disclose the difference between the "cash price" and the "cash downpayment", using the term "unpaid balance of cash price", as required by Section 226.8(c)(3) of Regulation Z.

4. Failing to disclose the sum of the "unpaid balance of cash price" and all other charges individually itemized, which are included in the amount financed but which are not part of the finance charge, using the term "unpaid balance", as required by Section 226.8(c)(5) of Regulation Z.

5. Failing to disclose the amount of credit extended, using the term "amount financed", as determined and required by Section 226.8(c)(7) of Regulation Z.

6. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, using the term "deferred payment price", as required by Section 226.8(c)(8)(ii) of Regulation Z.

7. Failing to disclose the number, amount, and due date or periods of payments scheduled to repay the indebtedness, as required by Section 226.8(b)(3) of Regulation Z.

8. Failing to disclose the sum of the payments scheduled to repay the indebtedness, using the term "total of payments", as required by Section 226.8(b)(3) of Regulation Z.

9. Failing to describe or identify the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and to clearly identify the property to which the security interest relates, as required by Section 226.8(b)(5) of Regulation Z.

10. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and to state the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as required by Section 226.8(b)(7) of Regulation Z.

11. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of one percent in accordance with Section 226.5 as required by Section 226.8(b)(2) of Regulation Z.

12. Failing in any consumer credit transaction to make all disclosures that are required by Sections 226.4, 226.5, 226.6 and 226.8 of Regulation Z in the manner, form and amount specified therein.

Provided, however, That layaway plans shall not be considered extensions of credit subject to the provisions of Regulation Z if under such layaway plans: one, respondents retain the merchandise for the customer until the cash price is paid in full; two, the customer has no contractual obligation to make payments and may, at his option, revoke a purchase made under the plan and request and receive prompt refund of any amounts paid toward the cash price of the merchandise; and, three, the customer receives a clear and conspicuous written disclosure contained in the layaway plan agreement of his right to a full refund.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the sale of the respondents' goods or services, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten years from the effective date of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That respondents maintain at all times in the future, for a period of not less than three (3) years, complete business records to be furnished upon request to the staff of the Federal Trade Commission, relative to the manner and form of their continuing compliance with all the above terms and provisions of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

THE HEIRLOOM COLLECTION, INC., ET AL
FILE NO. 772 3019

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from The Heirloom Collection, Inc., Future Enterprises, Inc., Linencrest, Inc. and Mr. George L. Douglass, an officer of all the corporations.

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.

The Heirloom Collection, Inc., Future Enterprises, Inc., and Linencrest, Inc. are all Indiana corporations engaged in the door-to-door sale of either china, crystal, cookware, flatware or linen to the general public. George L. Douglass is an officer of all the corporations and he formulates, directs and controls the policies, acts and practices of the corporations.

The complaint alleges that in retail installment contracts used by Future Enterprises, Inc. the corporation failed to make mandatory disclosure by use of the mandatory term "deferred payment price" where appropriate; failed to disclose the number, amount and due date of payments; failed to identify the method of computing any unearned portion of the finance charge to be returned in event of prepayment; and failed to disclose the "annual percentage rate" accurately to the nearest quarter of one percent. The complaint alleges that all of the above actions were violations of Regulation Z of the Truth in Lending Act.

The complaint further alleges that respondents The Heirloom Collection, Inc. and Linencrest, Inc. have customers execute layaway contracts for the sale of merchandise. Under these contracts customers agree to pay for merchandise in more than four installments and respondents retain the merchandise for most of their customers until the cash price is paid in full. The contracts do not, however, give customers a right to cancel the contract prior to full payment and delivery and receive a full refund of any money already paid toward the cash price.

The complaint alleges that the layaway sales are therefore "credit sales" and that retail installment contracts used by the corporations violate Regulation Z of the Truth in Lending Act because they failed to make all required consumer credit cost disclosures using the following mandatory wording: "cash price", "cash downpayment", "unpaid balance of cash price", "unpaid balance", "amount financed", "deferred payment price", and "total of payments". In addition, the complaint alleges failure to disclose the number, amount and due date of payments; failure to make a description or identification of the type of security interest held by the firms; and failure to identify the method of computing any unearned portion of the finance charge to be returned in event of prepayment.

The consent order would prohibit the alleged violations of law and require full compliance with all applicable disclosure requirements of Regulation Z of the Truth in Lending Act.

The consent order also includes a provision that states, for the first time in any Federal Trade Commission order, that layaway plans would not be considered extensions of credit subject to Regulation Z if under such plans: one, respondents retain the merchandise for the customer until the cash price is paid in full; two, the customer has no contractual obligation to make payments and may, at his option, revoke a purchase made under the plan and request and receive prompt refund of any amounts paid toward the cash price of the merchandise; and, three, the customer receives a clear and conspicuous written disclosure contained in the layaway plan agreement of his right to a full refund.

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.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.77-16966 Filed 6-14-77;8:45 am]

[16 CFR Part 13]

[Docket No. 9062]

TRW FOODS, INC., ET AL.

Consent Agreement With Analysis to Aid Public Comment; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Consent Agreement with Analysis to Aid Public Comment in the Matter of TRW, Inc., that was published in the FEDERAL REGISTER on Friday, June 3, 1977 (42 FR 28550).

EFFECTIVE DATE: June 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Regional Director, Cleveland Regional Office, Federal Trade Commission, 1339 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199, 216-522-4207.

SUPPLEMENTARY INFORMATION: The following correction is made in FR 77-15720: (1). Page 28551, first ordering

paragraph, seventh line, substitute the word "such" for the word "any".

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.77-17020 Filed 6-14-77;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 4]

[Notice No. 304 amended]

LABELING AND ADVERTISING OF WINE

Appellation of Origin, Grape Type Designations, Etc.

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Proposed rules, hearing.

SUMMARY: Our notice no. 304 (41 FR 50004, November 12, 1976) proposed amended regulations relating to "Appellations of origin", "Viticultural areas", "Estate bottled" labeling, "Grape type designations", and "ATF seal" wine. As a result of testimony at public hearings and written comments on the proposal, we have made significant changes in many of the proposed regulations, and have expanded the proposal to include other significant amendments, particularly to § 4.35, Name and address. Due to the substantive nature of the amendments, we are publishing an amended notice of hearing with public hearings scheduled for August 2–3 in Washington and August 23–25 in San Francisco.

In general terms, the amendments would (1) drop the provisions for a new class of wine known as "ATF seal" wine; (2) prohibit the use of the term "Estate bottled" after January 1, 1983; (3) require that wine labeled with a grape type (varietal) designation be derived from not less than 75 percent of grapes of that variety (except in the case of Vitis Labrusca varieties such as Concord, which would require only 51 percent), and that the minimum percentage of that grape be shown on the label; (4) redefine viticultural areas and vineyards as appellations of origin of a special class known as controlled appellations, requiring that no less than 85 percent of the grapes used to make a wine labeled with a viticultural area, and no less than 95 percent for a vineyard, be grown within the confines of the appropriate area; (5) completely redraft section 4.35, Name and address, to provide that the actual place that any operation is performed (rather than the principal business address) be disclosed, and that the registry number of the bottler be shown, in conjunction with the bottlers name. In addition, the various terms which may be used have been strictly limited and defined, and include a definition for the term "Produced by" which would require that 95 percent of the grapes be fermented by the producer; (6) prohibit the use of foreign terms on domestic wines which either describe a particular condition of the grapes at the time of harvest (such as "Auslese") or denote quality under foreign law (such as "Qualitatswein"); (7) provide for the use of the qualifying word "Brand" or the symbol "(TM)" in brand names of geographical significance, or containing the word "Vineyard" or "Vineyards" in smaller type size than the brand name itself, or, alternatively, allow the symbol (R) where the brand name is registered with the U.S. Patent and Trademark Office; (8) drop the requirement, which would have been applicable to seal wine, that the month and year of fill be shown on the label; and (9) make editorial and conforming changes in § 4.64, relating to advertising.

To facilitate reference to fuller explanations of the above changes, the numbers used above have been keyed to the supplementary information.

DATES: Submit comments by September 26, 1977.

Washington, D. C. hearing. Submit requests to present oral testimony by July 25, 1977. Hearing held on August 2 at 10:00 a.m. and 7:30 p.m., and on August 3 at 10:00 a.m.

San Francisco hearing. Submit requests to present oral testimony by August 16, 1977. Hearing held on August 23 at 10:00 a.m. and 7:30 p.m., and on August 24 and 25 at 10:00 a.m.

The hearing record will close at 5:00 p.m., September 26, 1977.

ADDRESSES: Send comments and requests to testify to Director, Bureau of Alcohol, Tobacco, and Firearms, Washington, D. C. 20226.

The Washington D.C. hearing will be held in Room 5041, Federal Building, 1200 Pennsylvania Ave., Washington, D.C.

The San Francisco hearing will be held at the Hyatt-Regency Hotel, 6 Embarcadero Center, San Francisco, California.

FOR FURTHER INFORMATION CONTACT:

The principal author, D. R. Royce, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, Washington, D.C. 20226, 202–566–7626.

SUPPLEMENTARY INFORMATION:

PREVIOUS NOTICE (304)

Our notice no. 304 provided, basically, for the creation of a new category of domestic wines to be known as "ATF seal" wines, which would be subject to much tighter regulatory controls than non-seal wines. Briefly, seal wines would have been required to: (1) bear a geographical designation of origin, known as a "Viticultural area", or the name of a vineyard; (2) be derived from grapes 95 percent of which were grown in the labeled viticultural area or vineyard; (3) bear the month and year of fill on the label; and (4) if labeled with a grape type (virietal) designation, be made from 85 percent of the labeled grape.

A viticultural area, which could have been used as a designation of origin for either seal or non-seal wine, was defined as an area based on geographical features, the boundaries of which were to be defined by ATF. A vineyard designation would have been limited to use on seal wine, and was defined as a continuous plot of land under the same ownership, planted to grapes. Vineyard labeled wine would also have been required to show the location of the vineyard in graphic or narrative form.

Proposed domestic non-seal wines would have been subject to basically the same regulations as they presently are. Where an appellation of origin (defined as the United States, a State, or a county (or viticultural area was used as a designation of origin, 75 percent of the grapes used to make the wine would have been required to have been grown in the specified area. If labeled with a varietal designation, 51 percent of the grapes would have been required to be of that variety, all of which would have been required to be grown in the labeled area.

The term "Estate bottled" would have been limited to use on seal wines, and would have required all of the grapes to have been grown on land owned or controlled by the bottling winery within a single viticultural area or vineyard.

Labels displaying brand, trade, or corporate names of geographical significance, or those containing the word "vineyard" or "vineyards" would not have been approved after the November 12 publication date of notice no. 304, and brand names of that type would have required qualification with the word "brand" in the same size and style of type, and as conspicuous as the brand name.

ACTION PROPOSED AS A RESULT OF COMMENTS AND TESTIMONY

(1) *"ATF seal" wine.* Comments and testimony were strongly against the ATF seal concept on the basis that the consumer would consider the seal as inferring government approval of the quality of the wine in the bottle. After consideration of the comments and testimony, we agree that the seal might be seen as a quality guarantee by the consumer, notwithstanding assurances to the contrary by ATF. We have therefore dropped the ATF seal wine proposal.

(2) *Estate bottling.* Comments and testimony on the "Estate bottled" definition varied widely. Several consumers suggested that the term, as we defined it, has no real meaning to consumers which can be discerned from the words. We agree with that position and we propose to ban the use of the term on all wine. "Estate bottled" is a widely used term in this country. We feel, however, that the consumer is poorly served by the unrestricted use of the term, as the real meaning of the words does not agree with its varied usage in this country.

In recognition of the possible economic hardship to some industry members which a ban on the use of the term "Estate bottled" would cause, wine so labeled could be removed from winery premises until January 1, 1983 if the label was approved prior to the publication date of this document. Labels approved on or

after the publication date of this document containing the term "Estate bottled" will be terminated automatically on the effective date of final regulations.

(3) *Varietal labeling.* At our hearing in San Francisco, witnesses representing over 90 percent of the California wine industry recommended a 75 percent minimum varietal content, all of which would be required to come from the labeled area of origin. With one exception, this minimum percentage was supported by individual West Coast wineries. One California winery suggested that 67 percent would be high enough to assure the consumer that the wine had the character of the grape for which it was named. Some eastern wineries, engaged in the production of native and French hybird grape wines, suggested that these were too strongly flavored to be palatable at 75 percent.

Consumers generally favored higher varietal percentages, some even as high as 100 percent. Consumers generally agreed, however, that if the percentage was less than 100, the actual percentage of the principal grapes should be shown on the label, or that the percentage of each variety in the blend should be shown (percentage labeling).

As a result of the comments and testimony cited, the Bureau has amended its proposed regulations regarding grape type (varietal) labeling to require that (1) wine labeled with a varietal name be derived from grapes not less than 75 percent of which are of the labeled variety; (2) the minimum percentage of the labeled variety be shown, unless it is 100 percent; and (3) the entire minimum percentage of the variety shown on the label be grown in the appellation of origin area shown on the label.

In the case of many Vitis Labrusca varieties (Concord, etc.), other native varieties (such as the Scuppernong), and some French hybrids (Baco Noir, etc.) comments and testimony indicated that a 75 percent minimum varietal requirement would result in wines of such strong flavor as to be unpalatable. In the case of Vitis Labrusca varieties, we are proposing to require that these be made with not less than 51 percent of the named variety, provided that the minimum percentage is shown on the label. Although we have made no specific proposals on the subject of French hybrids, Muscadines, and other native grapes, testimony as to the characteristics of wine made from different percentages of these grapes is invited.

In addition, provision has been made for the use of two or more varietal names to be used as a type designation if the wine is labeled with a controlled appellation (viticultural area or vineyard), and the percentage of each variety used is shown on the label. A two percent tolerance would be allowed.

(4) *Appellations of origin.* This proposal defines appellations of origin to include viticultural areas and vineyards, as well as countries, States, and counties. Vitcultural areas and vineyards will be termed "Controlled appellations" and would be subject to more stringent requirements.

Unlike countries, States and counties, controlled appellations are intended to cover areas with distinctive viticultural qualities, so that the integrity of these appellations becomes more important. For this reason, we propose that larger percentages of the grapes be required to be grown in appellation areas as these areas become more confined. More specifically, we are proposing that the present 75 percent requirement be maintained for appellations consisting of political subdivisions, while the required percentage would be increased to 85 percent for viticultural appellations, and to 95 percent for vineyards.

As an aid to consumers, we intend to publish the names and boundaries of approved viticultural areas in a new regulatory part, 27 CFR Part 9, which will be created for that purpose. We also intend to publish a list of approved vineyard names, and we will make available copies of maps showing vineyard boundaries.

Although Industry comments and testimony opposed the proposal that the location of the vineyard be shown on the label, we continue to feel that this information should be shown on vineyard labeled wine. We are, therefore, continuing to propose this requirement, and will consider further comments on the issue before promulgating a final regulation.

In connection with county appellations, the industry suggested that multi-county appellations be allowed, arguing that such appellations are more meaningful than State appellations. At this time, we are not persuaded that the use of multi-county appellations should be permitted. The use of more than one area as an appellation always raises the question as to what percentage of grapes come from each area. In the case of varietal wine, further questions are raised as to the percentage of the named variety coming from each county, and in the case of wine labeled with two varieties and a multi-county appellation, the percentage game becomes even more complex. Unless it can be shown that the use of multi-county appellations can be intelligibly implemented, these designations will not be permitted.

(5) *Section 4.35, Name and address. Several consumers commented that ATF* regulations relating to trade names (§ 4.35 Name and address) authorize the use of misleading trade names and addresses, and mislead the consumer as to the identity of the producer or maker when those terms are used. This subject was not addressed in notice No. 304. However, a study of § 4.35, has been underway for some time. We are now proposing amended regulations designed to remedy the possible misleading aspects of the section.

The proposed amendments to section 4.35 are extensive. In general, the terms which may be used on a label to indicate the various functions performed have been defined, and the use of undefined terms would be prohibited. The only terms which would be allowed are: produced, prepared, blended, manufactured, and, in the case of foreign wine, imported. Under the proposal, to qualify for the use of the term "Produced by," 95 percent of the wine would have to be produced by fermentation, as compared with 75 percent under existing regulations. The term "Made by" is considered synonymous, and would not be allowed.

If the bottler elects to show who performed a function, the proposed regulation would require that the place, whether foreign or domestic (as opposed to the principal place of business) where any function was performed be shown on the label. The principal business address would be allowed only for an importer of wine bottled in a foreign country, or when the importer's name and address were shown voluntarily. Multiple addresses would no longer be permitted. An example of the legend to be used when the same winery performed two functions at two different locations would be "Produced at Gilroy, California, and bottled at San Francisco, California, by ABC Winery, BW–CA–10000."

The third change would require that the registry number of the bottler be shown in conjunction with the name and address. A bottler may bottle wine under a myriad of trade names, but all would have the same registry number. The intent of this provision is to disclose, to any interested party, the true name of the bottler. To implement this provision, the Bureau intends to make available to the public periodically updated lists of wine bottlers and their permit or registry numbers, as applicable.

(6) *Prohibited foreign terms.* This document includes a new paragraph under § 4.39, relating to prohibited practices, which would ban the use on domestic wine labels of foreign terms which either describe a particular condition of the grapes at the time of harvest (such as "Auslese") or denote quality under foreign law (such as "Qualitätswein"). This provision would not, however, prohibit the use of English translations of terms such as "Late harvest" or "Bunch selected late harvest".

(7) *Brand names.* Wine industry witnesses proposed that wineries using brand names of geographical significance, or bearing the word "vineyard" or "vineyards" should be allowed to qualify such names with the word "brand" or the symbol "(TM)" in smaller type than the brand name, or, where the brand name is registered with the U.S. Patent and Trademark office, to use the symbol (R), in legible type. Our previous proposal, which would have required the word "brand" to appear in the same size and style of type, and as conspicuous as, the brand name has been amended to incorporate these suggestions.

(8) *Date of fill.* The date of fill would have been a special requirement, only imposed on ATF seal wine. We are not reintroducing any date of fill requirement at this time, and the issue of whether this requirement should be imposed on any or all classes of wine is reserved for future consideration. Vol-

untary fill date labeling would, of course, be permissible, as it presently is.

Vintage wine. Although no substantive changes were made to vintage labeling requirements as a result of notice no. 304, a new consolidated section dealing with that subject was published as a part of that notice. The wine industry advocated, in comments and testimony, that the present requirement that 95 percent of the grapes used to make the wine be grown in the labeled area, be reduced to 75 percent, as is the case for non-vintage wine. Their position is that vintage means only that the grapes were grown in the specified year, and that the place in which the grapes were grown is unimportant.

The Bureau does not agree. A good year in one part of California, for example, does not necessarily mean a good year in another part, any more than a good year in Burgundy means a good year in Bordeaux. For a vintage to be meaningful to consumers, they must have assurance that the grapes were grown in the place stated on the label. We believe that a 95 percent requirement provides greater assurance than a 75 percent requirement.

Transition period. Industry representatives proposed a five year transition period, during which labeling under present regulations or the amended regulations contained in this document would be permissible. Grape growers and consumers, on the other hand, favored a shorter transition period. Our position is that a three year transition period will provide ample time to meet the new requirements, and we intend to set January 1, 1981 as the mandatory compliance date for all requirements except the ban on the use of the term "Estate bottled", and the implementation of revised § 4.35. Bottled wine with labels bearing the term "Estate bottled" could be removed from winery premises until January 1, 1983, if original label approval was given before the publication date of this document. Labels approved on or after the publication date of this document which contain the term "Estate bottled" would be terminated on the effective date of the final regulations. The mandatory compliance date for the new requirements in revised § 4.35 would be January 1, 1979.

Comments beyond scope. Several comments relating to the delineation of specific viticultural areas were received. Action on viticultural area boundaries is not appropriate until such time as final regulations take effect. Those who requested delineation of specific areas have been informed that we will undertake to delineate their areas as soon as feasible.

Effect on imports. While our notice no. 304 had little substantive impact on imported wines, this proposal does have considerable impact. Imported varietal wines would be required to meet the same minimum standards as domestic varietal wines; imported wines labeled with a controlled appellation would be required to meet the standards for such labeling, just as would domestic wines; and the provisions of § 4.35 relating to actual addresses and the use of terms such as "Produced by" would require foreign compliance.

Drafting Information

The principal author of this regulation was D. R. Royce of the Regulations and Procedures Division of the Office of Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices of the Bureau of Alcohol, Tobacco and Firearms and Treasury Department participated in developing the regulations, both on matters of substance and style.

In view of the foregoing, pursuant to section 5 of the Federal Alcohol Administration Act (49 Stat. 981 (as amended; 27 U.S.C. 205), it is proposed that the regulations in 27 CFR Part 4 be amended as follows:

Paragraph 1. Section 4.10 "vintage wine" is deleted.

Paragraph 2. Section 4.23 is completely revised, to read as follows:

§ 4.23 Varietal (grape type) labeling.

(a) *General.* The names of one or more grape varieties may be used as the type designation of a grape wine only if the wine is also labeled with an appellation of origin, as defined in § 4.25.

(b) *One variety.* The name of a single grape variety may be used as the type designation if: (1) at least 75 percent by weight of the grapes used to make the wine are of that variety; (2) the minimum percentage of the variety actually used to make the wine (unless it is 100 percent, in which case only the varietal name need be shown) is stated on the label, in direct conjunction with and as conspicuous as the varietal name; and (3) the entire minimum percentage of that variety shown on the label was in the labeled appellation of origin area.

(c) *Exception.* Wine made from a Vitis Labrusca variety (exclusive of hybrids with Labrusca parentage) may be so labeled if: (1) at least 51 percent by weight of the grapes used to make the wine are of that variety; (2) the minimum percentage of the named variety actually used to make the wine is stated on the label, in direct conjunction with, and as conspicuous as, the varietal name; and (3) the entire minimum percentage of that variety shown on the label was grown in the labeled appellation of origin area.

(d) *Two or more varieties.* The names of two or more grape varieties may be used as the type designation if: (1) all of the grapes used to make the wine are of the labeled varieties; (2) the wine is labeled with a controlled appellation under the provisions of § 4.26; and (3) the percentage by weight of each variety is shown on the label, in direct conjunction with and as conspicuous as the name of the variety (with a two percent tolerance).

(e) *Mandatory compliance date.* The provisions of this section become mandatory as to wine removed from bottling premises on or after January 1, 1981, except for wine bottled and labeled prior to January 1, 1979, which is exempt.

Paragraph 3. Section 4.25 is completely revised, to read as follows:

§ 4.25 Appellations of origin.

(a) *Definition.* (1) *Domestic wine.* A domestic appellation of origin is: (i) the United States; (ii) a State; (iii) a county (which must be identified with the word "county", in the same size and style of type, and in letters as conspicuous as the name of the county); or (iv) a controlled appellation, as defined in § 4.26.

(2) *Imported wine.* An appellation of origin for imported wine is: (i) a country, (ii) a State, province, territory, or similar political subdivision of a country equivalent to a State or county; or (iii) a controlled appellation, as defined in § 4.26.

(b) *Qualification.* (1) *Domestic wine.* A domestic wine is entitled to an appellation of origin other than a controlled appellation (see §4.26 for qualifications for controlled appellations) if: (i) at least 75 percent by weight of the fruit or agricultural products used to make the wine were grown in the appellation area indicated; (ii) it has been fully finished (except for cellar treatment pursuant to § 4.22(c), and blending which does not result in an alteration of class or type under § 4.22(b)) in the United States, if labeled "American", or within the labeled State, or the State in which the labeled county is located; and (iii) it conforms to the laws and regulations of the named appellation area governing the composition, method of manufacture, and designation of wines made in such place.

(2) *Imported wine.* An imported wine is entitled to an appellation of origin other than a controlled appellation (see § 4.26 for qualifications for controlled appellations) if: (i) at least 75 percent by weight of the fruit or agricultural products used to make the wine were grown in the area indicated by the appellation of origin; and (ii) it conforms to the laws and regulations of the country of origin, and where applicable, the laws and regulations of the labeled place or area within that country. Such wine must be legally available for home consumption within the country of origin.

Paragraph 4. A new section, § 4.26, is added immediately following § 4.25. § 4.26 reads as follows:

§ 4.26 Controlled appellations.

(a) *Viticultural area.* (1) *Definitions.* (i) *Domestic wine.* A delimited grape growing region distinguishable by geographical features, the boundaries of which have been recognized and defined in Part 9 of this title.

(ii) *Imported wine.* A delimited place or region, (other than an appellation defined in § 4.25(a)(2) (i) or (ii) or a vineyard, as defined in paragraph (b) of this section) the boundaries of which have been recognized and defined by the country of origin for use on labels of wine available for home consumption.

(2) *Establishment of domestic viticultural areas.* Petitions for establishment

of domestic viticultural areas may be made to the Director by any interested party, pursuant to the provisions of § 71.31(c) of this title. The petition may be in the form of a letter, and should contain the following information: (i) evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the application; (ii) historical or current evidence that the boundaries of the viticultural area are as specified in the application; (iii) evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas; (iv) the specific boundaries of the viticultural area, based on features which can be found on U.S. Geological Survey maps of the largest applicable scale; and (v) a copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

(3) *Requirements for use.* A wine may be labeled with a viticultural area designation if: (i) the designation has been approved by the Bureau or the appropriate foreign government; (ii) not less than 85 percent by weight of the grapes from which the wine was made were grown within the boundaries of the viticultural area; and (iii) in the case of domestic wine, it has been fully finished wihin the State, or one of the States, within which the labeled viticultural area is located (except for cellar treatment pursuant to § 4.22 (c), and blending which does not result in an alteration of class or type under § 4.22 (b)).

(b) *Vineyards.* (1) *Definition.* A continuous plot of land under common ownership, planted to grapes, the boundaries of which have been approved by the Bureau or the appropriate foreign government. Continuity shall not be affected by the presence of public waterways, thoroughfares, or carrier rights of way. The term "planted to grapes" does not preclude fallow land or other crops on the property.

(2) *Application for approval of domestic vineyard.* Applications shall be filed, in triplicate, with the regional regulatory administrator of the region in which the vineyard is located by the vineyard owner. The application may be in the form of a letter, and must set forth the legal title to the vineyard and its boundaries, and shall be accompanied by a U.S. Geological Survey map of the largest scale available, or other large scale map showing the applicable boundaries. Upon approval, the regional regulatory administrator will return an approved copy to the applicant and will forward the original to the Director, together with the map. The Bureau will make the application and the map available for public inspection and copying. Subsequent changes to the vineyard by purchase of adjoining property or sale of part of the existing property will require the filing of an amended application and map.

(3) *Requirements for vineyard labeling.* A wine may be labeled with a vineyard name if (i) the vineyard name and boundaries have been approved by the regional regulatory administrator or the appropriate foreign government; (ii) not less than 95 percent by weight of the grapes from which the wine was made were grown within the boundaries of the vineyard; (iii) in the case of domestic wine, the wine was fully finished within the State in which the vineyard is located (except for cellar treatment pursuant to § 4.22(c), and blending which does not result in an alteration of class or type under § 4.22(b)); and (iv) the wine conforms to the requirements of the State and local (or foreign equivalent) laws and regulations governing the composition, method of production, and designation of wines made in such county, State, etc. as appropriate.

(c) *Mandatory compliance date.* The provisions of this section become mandatory on January 1, 1981.

Paragraph 5. A new section 4.27 is added immediately following § 4.26. Section 4.27 reads as follows:

§ 4.27 Vintage wine.

(a) *General.* Vintage wine is wine labeled with the year of harvest of the grapes and made in accordance with the standards prescribed in Classes 1, 2, or 3 of § 4.21. Not less than 95 percent by weight of the grapes used to make the wine must have been grown in the labeled calendar year, and in the appellation of origin area (except for a country, which does not qualify for vintage labeling) shown on the label. The appellation shall be shown in direct conjunction with the designation required by § 4.32(a)(2), in the same size and style of type, and in lettering as conspicuous as that designation. In no event may the quantity of wine removed from the producing winery, under labels bearing a vintage date, exceed the volume of vintage wine produced in that winery during the year indicated by the vintage date.

(b) *Domestic wine.* A permittee who produced and bottled or packed the wine, or a permittee other than the producer who repackaged the wine in containers of five liters or less may show the year of vintage upon the label if the permittee possesses appropriate records from the producer substantiating the year of vintage and the appellation of origin; and if the wine is made in compliance with the provisions of paragraph (a) of this section.

(c) *Imported wine.* Imported wine may bear a vintage date if: (1) bottled in containers of five liters or less prior to importation, or bottled in the United States from the original container of the product (showing a vintage date); (2) the invoice is accompanied by, or the domestic bottler possesses, a certificate issued by a duly authorized official of the country of origin (if the country of origin authorizes the issuance of such certificates) certifying that the wine is of the vintage shown, that he laws of the country regulate the appearance of vintage dates upon the labels of wine produced for consumption within the country of origin, that the wine has been produced in conformity with those laws, and that the wine would be entitled to bear the vintage date if it had been sold within the country of origin.

Paragraph 6. Section 4.32 is amended (1) by adding a new paragraph (a)(5); (2) by adding a new paragraph (c); (3) by relettering paragraph (c) as paragraph (d); and (4) by making editorial changes in paragraph (a). As amended, paragraphs (a), (a)(5), (c), and (d) read as follows:

§ 4.32 Mandatory label information.

(a) Except as otherwise provided in paragraph (d) of this section, there shall be stated on the brand label:

* * * * *

(5) When required by this part, or voluntarily used, an appellation of origin.

* * * * *

(c) There shall be stated, on the brand label, back label, or on a separate label, a graphic or narrative description of the location of the labeled vineyard, when the wine is labeled with a vineyard name under the provisions of § 4.26 (b).

(d) In the case of imported wine, the name and address of the importer (when required to be shown) need not be stated upon the brand label if it is stated upon any other label affixed to the container. In the case of domestic wine bottled or packed for a retailer or other person under a private brand, the name and address of the bottler or packed need not be stated upon the brand label if the name and address of the person for whom bottled or packed appears upon the brand label, and the name and address of the bottler or packer is stated upon any other label affixed to the container.

Paragraph 7. Section 4.34 is editorially revised to read as follows:

§ 4.34 Class and type.

(a) The class of the wine shall be stated in conformity with Subpart C of this part if the wine is defined therein, except that "table" ("light") and "dessert" wines need not be designated as such. In the case of still grape wine there may appear, in lieu of the class designation, any grape-type designation, semi-generic geographic type designation, or geographic distinctive designation, to which the wine may be entitled. In the case of champagne, or crackling wines, the type designation "champagne" or "crackling wine" (petillant wine", "frizzante wine") may appear in lieu of the class designation "sparkling wine". In the case of wine which has a total solids content of more than 17 grams per 100 cubic centimeters the words "extra sweet", "specially sweetened", "specially sweet" or "sweetened with excess sugar" shall be stated as a part of the class and type designation. The last of these quoted phrases shall appear where required by Part 240 of this title, on wines sweetened with sugar in excess of the maximum quantities specified in such regulations. If the

class of the wine is not defined in Subpart C, a truthful and adequate statement of composition shall appear upon the brand label of the product in lieu of a class designation. In addition to the mandatory designation for the wine, there may be stated a distinctive or fanciful name, or a designation in accordance with trade understanding. All parts of the designation of the wine, whether mandatory or optional, shall be in direct conjunction and in lettering substantially of the same size and kind.

(b) An appellation of origin, such as "American", "California", "Napa Valley", "Jones Vineyard", "Chilean", "New York State", or "Spanish", disclosing the true place of origin of the wine, shall appear in direct conjunction with, in the same size and style of type, and in lettering as conspicuous as, the class and type designation if: (1) a grape type (varietal) designation is used under the provisions of § 4.23; (2) a semi-generic type designation is employed as the type designation of the wine, pursuant to § 4.24(b); or (3) the label bears any statement, design, device, or other representation which indicates or infers an origin other than the true place of origin of the wine.

Paragraph 8. Section 4.35 is completely revised, to read as follows:

§ 4.35 Name and address.

(a) *General.* Terms other than those specifically authorized by this section, whether or not synonymous with, or similar in meaning to, those terms, may not be used in place of the terms authorized. Combinations of authorized terms (such as "produced, blended and bottled by") may be used, if the name of the responsible person and the place where each operation occurred is also shown in accordance with the provisions of paragraph (e) of this section.

(b) *Authorized terms and meanings.* (1) *Produced.* Means that the person named produced not less than 95 percent of the wine in the bottle by fermenting the must or changed the class by secondary fermentation.

(2) *Prepared.* Means that the person named changed the class and/or type of the wine other than by fermentation (as by addition of wine spirits or flavors).

(3) *Blended.* Means that the person named blended wines made by different producers to taste and/or color standard.

(4) *Manufactured.* Means that the person named changed the type of the wine to imitation wine, as defined in § 4.21(h).

(c) *Domestic wine.* (1) The name of the bottler or packer and the place in which the wine was bottled or packed shall be stated on the labels of domestic wine, immediately preceded by the words "Bottled by" or "packed by".

(2) In addition to the name of the bottler or packer and the place where the wine was bottled or packed, the name and address of the person for wine was bottled or packed, the name and address of the person for whom the wine was bottled or packed, or the distributor, immediately preceded by the words "Bottled for," "Packed for," or "Distributed by," may be shown on the label.

(d) *Imported wine.* (1) If the wine is imported in bottles, the name of the person responsible for the importation, together with the principal place of business in the United States of that person, shall be stated on the label, immediately preceded by the words "Imported by".

(2) If the wine is blended and/or bottled (packed) in a foreign country other than the country of origin and the country of origin is stated or otherwise indicated on the label, there shall also be stated the name of the blender and/or bottler (packer) and the place where blended and/or bottled (packed), immediately preceded by the words "Blended by," "Bottled by", or "Packed by".

(3) If the wine is bottled or packed in the United States, the name of the bottler or packer and the actual place of bottling or packing, shall be stated on the label, immediately preceded by the words "Bottled (packed) by". In addition the name and address of the person for whom the wine was bottled or packed, or the distributor, or the importer, immediately preceded by the words "Bottled for", "Packed for", "Distributed by", or "Imported by" may be shown on the label.

(e) *Form of address.* The "place' or "address" stated shall be the post office address of the place in which the operation took place, except that the street address may be omitted if shown in a current city directory or telephone directory. No additional places or addresses shall be stated for the same person, unless that person is entitled to use and does use more than one of the terms authorized by this section, and performs the act(s) indicated by that term or terms at different locations under the same ownership. An example of such use would be "Produced at Gilroy, California and bottled at San Mateo, California by XYZ winery, BW-CA-10001".

(f) *Trade names.* The trade name of any permittee appearing upon any label shall be identical with the name in which his basic permit or notice is issued by the regional regulatory administrator, and, in addition, the registry number of the bonded winery, bonded wine cellar, taxpaid wine bottling house, or distilled spirits plant at which the wine was bottled (or, if bottled in a foreign country, the permit number of the importer) shall be shown on the label in direct conjunction with the name and address of the bottler or importer, in type as conspicuous as the name and address.

(g) *Mandatory compliance date.* The provisions of this section become mandatory on January 1, 1979.

Paragraph 9. Section 4.39 is amended to (1) make an editorial change in paragraph (a)(2); (2) delete the footnote and incorporate its contents into paragraph (a)(5); (3) make an editorial change to paragraph (a)(9); (4) completely revise paragraph (b); (5) delete paragraph (d); (6) reletter paragraphs (e) through (j) as (d) through (i); and (7) add new paragraphs (j), (k), and (l). As amended, § 4.39 (a)(2), (a)(5), (a)(9), (b), (j), (k) and (l) read as follows:

§ 4.39 Prohibited practices.

(a) *Statements on labels.* * * *

(2) Any statement that is disparaging of a competitor's products.

* * * * *

(5) Any statement, design, device, or representation of or relating to any guarantee, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Statements in substantially the following form are not considered misleading: "We will refund the purchase price to the purchaser if he or she is in any manner dissatisfied with the contents of this package."

(Name of proprietor)

* * * * *

(9) Any word in the brand name or class and type designation which is the name of a distilled spirits product or which simulates, imitates, or creates the impression that the wine so labeled is, or is similar to, any product customarily made with a distilled spirits base. Examples of such words are: "Manhattan", "Martini", and Daquiri" in a class and type designation or brand name of a wine cocktail; "Cuba Libre", "Zombie", and "Collins" in a class and type designation or brand name of a wine specialty or wine highball; "creme", "cream", "de", or "of" when used in conjunction with "menthe", "mint", or "cacao" in a class and type designation or a brand name of a mint or chocolate flavored wine specialty.

* * * * *

(b) *Statement of age.* No statement of age or representation relative to age (including words or devices in any brand name or mark) shall be made, except (1) for vintage wine, in accordance with the provisions of §4.27; or (2) truthful references of a general and informative nature relating to methods of wine production involving storage of aging, such as "This wine has been mellowed in oak casks," "Stored in small barrels," or "Matured at regulated temperatures in our cellars," may appear, but only in an inconspicuous manner, and then only on back labels or on other matter accompanying the containers.

* * * * *

(d) (Removed)

* * * * *

(j) *Geographical and vineyard names.* No specific geographical name, or name including the word "vineyard" or "vineyards" may appear anywhere on a label, except: (1) As provided in § 4.25; (2) in a brand name appearing on a label approved prior to November 12, 1976, if qualified by the word "brand" or the symbol "(TM)" or, if registered with the U.S. Patent and Trademark office, by the symbol (R). The word "brand" or the appropriate symbol shall be as conspicu-

ous and legible as the brand name itself, but may be in smaller type (within the limitations of § 4.38); or (3) in a trade or corporate name appearing on a label approved prior to November 12, 1976. Designs, devices, or other representations which indicate or infer an origin other than the true place of origin of the wine are prohibited.

(k) *"Estate bottled" labeling.* The term "Estate bottled" shall not be used on wine labels. Wine labeled "Estate bottled" covered by original label approval issued before June 15, 1977 may not be removed from winery premises after January 1, 1983. Labels containing the term "Estate bottled" received for original label approval on or after June 15, 1977 will be terminated automatically on effective date of final regulations).

(l) *Foreign terms.* Foreign terms which: (1) Describe a particular condition of the grapes at the time of harvest (such as "Auslese", "Eiswein", and "Trockenbeerenauslese"); or (2) denote quality under foreign law (such as "Grand Cru", "Qualitatswein", and "Kabinett") may not be used on the labels of domestic wine.

Paragraph 10. Section 4.64(c) is amended to agree with the provisions of § 4.39, and to agree with changed section numbers in other amended sections. § 4.64(e) is deleted, and subsequent paragraphs are relettered. As amended, § 4.64(c) (1) and (2) read as follows:

§ 4.64 Prohibited statements.

* * * * *

(c) *Statement of age.* (1) In the case of domestic vintage wine bottled or packed and labeled in accordance with the provisions of § 4.27(b) (1) or (2), the year of vintage may be stated but only if there is likewise stated, in direct conjunction with the class, type, or distinctive designation of the wine, in lettering substantially as conspicuous as such designation and in the same manner and form as such statements appear on the brand label of the container, the name of the appellation of origin area in which the grapes were grown and the wine fermented.

(2) In the case of imported vintage wine bottled and labeled in accordance with the provisions of § 4.27(b)(3) the year of vintage may be stated.

* * * * *

Requests to present oral testimony. All persons who desire to present oral testimony should so advise the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, not later than July 25, 1977 for the Washington hearing, and not later than August 16 for the San Francisco hearing. Requests shall be submitted in an original and one copy and must include: (1) The name and address of the party submitting the request; (2) the name and address of the person or persons who will present oral testimony; and (3) the approximate length of time desired for the presentation of testimony.

Submission of written material. Any interested party may submit to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, in an original and five copies, relevant written data, views, or arguments for incorporation into the record of hearing. Written material must be submitted not later than September 26, 1977. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol Tobacco and Firearms may be inspected by any person upon compliance with 27 CFR 71.22(d) (7). The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions exempt from disclosure. The name of any person submitting comments is not exempt from disclosure.

At the conclusion of the hearing, interested parties may examine the record and submit written arguments and briefs until 5 p.m. on September 26, at which time the record will close.

Although this notice proposes the specific terms and substance of the amendments to the regulations, we invite comments as to any modifications which should be made prior to final adoption. The final regulations may differ in terms of the various percentage requirements or other particulars after consideration of all of the comments received pursuant to this notice.

Signed: May 31, 1977.

REX D. DAVIS,
Director.

Approved: June 9, 1977.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc.77-17103 Filed 6-13-77;9:22 am]

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Part 1]

DEPOSIT OF COMPUTER PROGRAM LISTINGS

Proposed Rulemaking

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would amend the rules of practice to provide special procedures for presentation of computer program listings in patent applications. This proposal would reduce the present burden of presenting such listings on paper and would also reduce expenses for both the patent applicant and the Patent and Trademark Office.

DATES: Comments must be received on or before September 13, 1977. Hearing: September 13, 1977, beginning at 9:30 a.m.

ADDRESSES: Send comments to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. The hearing will be held in Room 11C24 of Building 3, Crystal Plaza, at 2021 Jefferson Davis Highway, Arlington, Virginia. Written comments and transcript of hearing will be available for public inspection in Room 11E10 of Building 3, Crystal Plaza, at 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. Louis O. Maassel by telephone at 703-557-3070, or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the authority contained in section 6 of the Act of July 19, 1952, as amended (66 Stat. 793; 85 Stat. 364; 88 Stat. 1949; 35 U.S.C. 6 as amended), the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations by amending §§ 1.21 and 1.77 and by adding a new §1.96.

NOTE.—This proposal has been reviewed pursuant to E.O. 11821 and OMB Circular A-107 and determined to have no major inflationary impact.

The purpose of the proposed rule change is to provide suitable procedures for presenting computer program listings where such listings are submitted with applications for patent to fulfill the disclosure requirements under 35 U.S.C. 112.

This proposal does not in any way imply that the Patent and Trademark Office considers computer programs per se to be patentable subject matter.

The provisions of 37 CFR 1.52 and 1.84 were developed for and are suitable for the specification and drawings of most patent applications. However, when lengthy computer program listings must be included in order to provide a complete disclosure, their presentation in the conventional manner can become burdensome.

The cost of printing long computer programs or routines in patent documents is very expensive to the Office. The issue fees for the applicant, which are based on the number of pages or sheets, are correspondingly high.

Proposed new § 1.96 sets forth alternative methods for presentation of such listings. Under paragraph (a), relatively short computer program listings (10 printout pages or less) will be printed as part of the patent. Paragraph (b) provides for submitting computer program listings which are 51 or more paper pages in length in the form of microfiche as an appendix. Computer program listing 11-50 pages in length may be submitted under the provisions of either paragraphs (a) or (b). Appendices on microfiche will not be printed in the patent but will become publicly available on the date the patent is issued. After patenting, the appendix will be prior art under 35 U.S.C. 102(e) as of the filing date of the application with which it was filed. Various incorporations by reference have been approved by the courts in General Electric Company v. Brenner, 159 USPQ 335; In re Hawkins, 179 USPQ 157, and In re Argoudelis et al., 168 USPQ 99.

Copies of publicly available computer program listing appendices may be purchased either as microfiche (148 mm x 105 mm card) at $1 per microfiche or as printed out on paper copy at 30¢ per page.

The micrographic standards referred to in proposed § 1.96(b)(2) may be obtained from either the National Micrographic Association, 8728 Colesville Road, Silver Spring, Maryland, 20910 or the American National Standards Institute, 1430 Broadway, New York, New York, 10018.

1. Section 1.21 is proposed to be amended by adding a new paragraph (l) to read as follows:

§ 1.21 Patent and miscellaneous fees and charges.

* * * * *

(l) The fee for obtaining a microfiche copy, per microfiche $1.

* * * * *

2. Section 1.77 is proposed to be amended by revising paragraph (c) to read as follows:

§ 1.77 Arrangement of application.

* * * * *

(c) (1) Cross-reference to related applications, if any.

(2) Reference to material incorporated by reference, if any. (See § 1.96 (b) and (c).)

* * * * *

3. A new § 1.96 is proposed to be added which reads as follows:

§ 1.96 Submission of computer program listings.

Computer program listings may be submitted in the following forms:

(a) *As part of application which is to appear in the patent.* If the computer program listing is contained on 10 printout pages or less, it may be submitted either as drawings or as part of the specification.

(1) *Drawings.* The listing may be submitted in the manner and complying with the requirements for drawings as provided in § 1.84. At least one figure numeral is required on each sheet of drawing.

(2) *Specification.* (i) The listing may be submitted as part of the specification in accordance with the provisions of § 1.52, at the end of the description but before the claims.

(ii) The listing may be submitted as part of the specification in the form of computer printout sheets (commonly 11 by 14 inches in size) for use as "camera ready copy" when a patent is subsequently printed. Such computer printout sheets must be original copies from the computer with dark solid black letters, on white, unshaded and unlined paper, the printing on each sheet must be limited to an area 9 inches high by 11 inches wide, and the sheets should be submitted in a protective cover. When printed in patents, such computer printout sheets will appear at the end of the description but before the claims and will be reduced about ½ in size with two printout sheets being printed as one patent specification page. Any corrections must be made by way of substitute sheets.

(b) *As an appendix which will not be printed.* If a computer program listing printout is more than 51 pages long, applicants must submit such listing in the form of microfiche, referred to in the specification. The microfiche filed with a patent application is referred to as an appendix. The microfiche appendix will not be part of the printed patent. Reference in the application to the appendix should be made at the location indicated in § 1.77(c).

(1) *Availability of appendix.* Such computer program listings on microfiche will be available to the public, and paper or microfiche copies will be available for purchase, after a patent is granted based on such an application. Any corrections must be made by way of revised microfiche.

(2) *Submission requirements.* Computer-generated information submitted as an appendix to an application for patent shall be in the form of microfiche in accordance with the standards set forth in National Micrographics Association (NMA) Standards—

MSI—*Quality Standards for Computer Output Microfilm*
MS2 (ANSI PH 5.18-1976)—*Format and Coding Standards for Computer Output Microfilm*
MS5 (ANSI PH 5.9-1975)—*Microfiche of Documents*
ANSI PH 2.19-1959—*Diffuse Transmission Density*

except as modified or clarified below:

(i) Film submitted shall be first generation (camera film) negative appearing microfiche (with emulsion on the back side of the film when viewed with the images right reading).

(ii) Either Computer-Output-Microfilm (COM) output or copies of photographed paper copy may be submitted. In the former case, NMA standards MS1 and MS2 apply; in the latter case, standard MS5 applies.

(iii) Reduction ratio of microfiche submitted should be 24:1 or a similar ratio where variation from said ratio is required in order to fit the documents into to image area of the microfiche format used.

(iv) Film submitted shall have a thickness of at least .005 inches (0.13 mm) and not more than .009 inches (0.23 mm) for either cellulose acetate base or polyester base type.

(v) Both microfiche formats A1 (98 frames, 14 columns x 7 rows) and A3 (63 frames, 9 columns x 7 rows) which are described in NMA standard MS2 (A1 is also described in MS5) are acceptable for use in preparation of microfiche submitted.

(vi) At least the left-most ⅓ (50 mm x 12 mm) of the header of each microfiche submittted shall be clear or positive appearing so that the Patent and Trademark office can apply serial number and filing date thereto in an eye-readable form. The middle portion of the header shall be used by applicant to apply an eye-readable application title together with inventor's name and any other bibliographic information the applicant sees fit to include. The final right-hand portion of the microfiche shall contain sequence information for the microfiche, such as 1 of 4, 2 of 4, etc.

(vii) Additional requirements which apply specifically to microfiche of filmed paper copy or COM microfiche:

(A) Microfiche of filmed paper copy.

(1) The first frame of each microfiche submitted shall contain a standard NBS Microcopy Resolution Test Chart (No. 1010A).

(2) The second frame of each microfiche submitted must contain a fully descriptive title.

(3) The pages appearing on the microfiche frames should be consecutively numbered.

(4) Pagination of the microfiche frames shall be left to right and from top to bottom.

(5) At a reduction of 24:1 resolution of the original microfilm shall be at least 120 lines per mm (5.0 target) so that reproduction copies may be expected to comply with provisions of paragraph 7.1.4 of NMA Standard MS5.

(6) Background density of negative-appearing camera master microfiche of filmed paper documents shall be within the range 0.9 to 1.2 and line density should be no greater than 0.08. The density shall be visual diffuse density as measured using the method described in ANSI Standard PH 2.19-1959.

(7) A suitable index should be included on each microfiche.

(B) Microfiche generated by COM.

(1) Background density of negative-appearing COM-generated camera master microfiche shall be within the range of 1.7 to 2.0 and line density should be no greater than 0.2. The density shall be visual diffuse density as described in ANSI PH 2.19-1959.

(2) The first frame of each microfiche submitted shall contain a resolution test frame in conformance with NMA standard MS1 (3.1.1).

(3) The second frame of each microfiche submitted must contain a fully descriptive title together with any other suitable index or other appropriate information.

(4) The pages appearing on the microfiche frames should be consecutively numbered.

(5) It is preferred that pagination of the microfiche frames be from left to right and top to bottom but the alternative, i.e., from top to bottom and from left to right, is also acceptable.

(c) *Optional use of either paragraph (a) or (b) of this Section.* If the computer program listing is 11-50 pages long, applicants may utilize either the

procedures of paragraph (a) or (b) of this section.

Dated: June 1, 1977.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved:

Dated: June 7, 1977.

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

[FR Doc.77-17030 Filed 6-14-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING

Valentine National Wildlife Refuge, Nebr.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given that it is proposed to add Valentine National Wildlife Refuge, Nebraska, to the list of refuge areas open for the hunting of migratory birds, which is published in 50 CFR 32.11. The Director has determined that a harvestable surplus of migratory game birds exists, that there is public demand for additional recreational opportunity, and that this action is compatible with the major purposes for which this refuge was established. The proposed hunting program will provide for the harvest of a renewable resource and for additional public recreational opportunity.

DATES: Comments must be received on or before July 18, 1977.

ADDRESS: Comments may be addressed to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Ralph H. Town, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 202-343-2374.

SUPPLEMENTARY INFORMATION: Ralph H. Town is also the primary author of this proposed rule. Pursuant to the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), an environmental assessment has been prepared on this proposal, which is available for public inspection and copying at Room 2024, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, or by mail, addressing the Director at the address given above. On the basis of this assessment, the Director has determined that this rulemaking does not constitute a major Federal action significantly affecting the human environment.

NOTE.—The U.S. Fish and Wildlife Service has also 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.

Accordingly, it is proposed to amend 50 CFR 32.11, as follows:

§ 32.11 List of open areas: migratory game birds.

* * * * *

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

* * * * *

Dated: June 10, 1977.

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

[FR Doc.77-16999 Filed 6-14-77;8:45 am]

[50 CFR Part 91]

MIGRATORY BIRD HUNTING AND CONSERVATION STAMP CONTEST

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to amend its regulations to change the name of the "Migratory Bird Hunting Stamp Contest" to the "Migratory Bird Hunting and Conservation Stamp Contest." This proposed amendment also changes contest rules. These changes are made to comply with requirements of the Wetlands Loan Extension Act of 1976.

DATES: All comments received on or before June 29, 1977 will be considered.

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

FOR FURTHER INFORMATION CONTACT:

Bob Hines, Chief, Office of Audio Visual, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. 202-343-5611.

SUPPLEMENTARY INFORMATION: The annual contest held by the Service to select the stamp design is the only art contest regularly sponsored by the Federal Government. These colorful stamps constitute the longest running annually issued series of stamps in revenue or postage stamp history. Popularly known as the "Duck Stamps," they are sold through post offices and must be carried by every migratory waterfowl hunter 16 years of age or older. All of the stamp revenues beyond printing and handling costs are used for the acquisition of refuge land for migratory birds. The Fish and Wildlife Service proposes to amend 50 CFR 91 by: (1) reflecting a change in the name of the "Migratory Bird Hunting Stamp Contest" to "Migratory Bird Hunting and Conservation Stamp Contest" (2) rewording § 91.14 to make it clear that a living species of North American migratory ducks or geese must be the dominant feature of any design entered in the contest (3) placing contestants on notice in § 91.17 that the Department of the Interior and Fish and Wildlife Service are not responsible for any entry that may be damaged in the mail or lost by fire or theft and (4) providing in §§ 91.22 and 91.31, respectively, that the winning entry will be selected by no later than November 10 of each year and that all entries will be returned to the participating artists within 60 days of the contest completion.

The Migratory Bird Hunting Stamp was authorized and required by the Migratory Bird Hunting Stamp Act of 1934, as amended (16 U.S.C. 718a). The name was changed to the Migratory Bird Hunting and Conservation Stamp by the Wetlands Loan Extension Act of 1976 (Pub. L. 94-215).

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Because of the rapidly approaching July 1 opening of the contest, the Service feels that it would be impractical and contrary to the public interest to extent the public comment period beyond 2 weeks after publication in the FEDERAL REGISTER.

NOTE: The Service 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.

Bob Hines is the principal author of this proposed rule.

Accordingly, it is proposed to amend Part 91 of Title 50 of the Code of Federal Regulations as follows:

1. Amend the heading of Part 91 to read as follows:

PART 91—MIGRATORY BIRD HUNTING AND CONSERVATION STAMP CONTEST

2. Amend §§ 91.1, 91.11, 91.14, 91.16, 91.17 and 91.31 by deleting the present text of each section and substituting instead the following language:

§ 91.1 Purpose of regulations.

The regulations contained in this part set forth the rules and procedures governing the annual Migratory Bird Hunting and Conservation Stamp Contest through which a design is chosen for the Migratory Bird Hunting and Conservation Stamp.

§ 91.11 Contest deadlines.

The contest to select the design for the annual Federal Migratory Bird Hunting and Conservation Stamp will officially open on July 1 of each year. All persons intending to submit an entry in the contest shall notify the Fish and Wildlife Service and request a copy of the contest's regulations and Reproduction Rights Agreement. Requests for the contest's regulations and Reproduction Rights Agreement should be sent to the Office of Audio Visual, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Entries may be received anytime after July 1, but must be received or postmarked no later than midnight of October 15.

§ 91.14 Restrictions on subject matter of entry.

A living species of North American migratory ducks or geese must be the dominant feature of any design. No such species shall be portrayed which has been selected for the Migratory Bird Hunting and Conservation Stamp during the preceding 5 years. The design must be the contestant's own original creation and may not be copied or duplicated from previously published art, including photographs. An entry submitted in a prior contest which was not selected for the stamp design may be resubmitted in the present contest at the contestant's discretion.

§ 91.16 Submission procedures for entry.

The lower, detachable portion of the contestant's Reproduction Rights Agreement must be attached to the back of the entry. The name of the species depicted shall also be printed on the back of the entry. Each entry shall be mounted on a mat and protected by a covering of acetate or cellophane. Entries will not be accepted that are in wooden frames or are under glass. Each entry should be protectively wrapped and mailed first class registered mail to "Migratory Bird Hunting and Conservation Stamp Contest," Office of Audio Visual, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Entries will be promptly processed when received. Each contestant must also sign and submit in the same envelope, the top portion of the Reproduction Rights Agreement. Identity of artists submissions will be kept completely confidential within the Fish and Wildlife Service during the judging process.

§ 91.17 Property insurance for entries.

All contestants are hereby notified of the advisability of obtaining adequate property insurance coverage for their respective entry. The Department of the Interior will not so insure the entries it receives. The Department and the Fish and Wildlife Service are not responsible for damage in the mails or loss by fire or theft.

§ 91.22 Date and location of contest.

The selection of the winning entry will take place as soon as possible after the closing date of the contest but in no event will it be later than November 10 of each year. The exact date, time and location of the contest will be announced a reasonable period of time prior to November 10 through the publication of a notice in the FEDERAL REGISTER.

§ 91.31 Return of entries after contest.

All entries will be returned, certified, to the participating artists within 60 days of completion of the contest.

Dated: June 9, 1977.

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

[FR Doc.77-17059 Filed 6-14-77;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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10 a.m., June 23, 1977, in the library of the Administrative Conference, Suite 500, 2120 L Street NW., Washigton, D.C.

The Committee will meet to discuss final action on the legislative control of agency rulemaking project being conducted by Dean Ernest, A. E. Gellhorn and Professor Harold H. Bruff. The Committee will also hear from Professor Barry B. Boyer who is conducting an in-depth examination of the new FTC trade regulation rulemaking procedures.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting, contact Emmett J. Gavin (202–254–7020). Minutes of the meeting will be available on request.

EMMETT J. GAVIN,
Executive Director.

JUNE 13, 1977.

[FR Doc.77–17306 Filed 6–14–77;9:41 am]

ADMINISTRATOR, EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77–111]

COLUMBIA GAS TRANSMISSION CORP.

Emergency Order

On May 13, 1977, Columbia Gas Transmission Corporation (Columbia) filed, pursuant to the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)) a request for a Declaratory Order (1) finding that Columbia's allocation of costs and billings for Section 6 gas during the months of February and March, 1977 are proper under Section 7 of the Act and consistent with Order No. 7, Docket No. E77–92 (April 22, 1977); and (2) authorizing Columbia to allocate the total costs associated with the acquisition of pay back volumes to its customers in the same proportion that previous costs associated with the Pacific Gas and Electric Company (PG&E) and Pacific Lighting Service Company (Pacific) purchases were allocated during the months of February and March, 1977. For the reasons set forth below, I grant Columbia's request.

Order No. 7 provides for the allocation of volumes and associated charges paid by interstate natural gas pipelines for purchases or deliveries under Section 6 of the Act. Prior to the issuance of Order 7 the Federal Power Commission (FPC) issued an order in Docket No. RM77–10 on February 5, 1977 which established accounting and billing procedures for gas acquired by interstate natural gas pipelines pursuant to Sections 4 and 6 of the Act.

Order No. 7 sets forth several billing procedures which Columbia may use in allocating costs to its customers. One of those procedures is that delinated in FPC Docket No. RM77–10.

Based on the foregoing, I find that Columbia's allocation of Section 6 gas and billings for the months of February and March, 1977 are appropriate under Section 7 of the Act and in accordance with Order No. 7. Further, I find that any subsequent costs incurred in obtaining gas volumes to satisfy Columbia's repayment obligations under prior transactions shall be allocated to Columbia's customers on the basis of the volumes received under such transactions and in the same proportion in which previous costs were allocated.

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 Columbia. 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.

[FR Doc.77–17212 Filed 6–14–77;8:45 am]

[Docket No. E77–117]

SOUTHERN NATURAL GAS CO.

Emergency Order

On May 20, 1977, Southern Natural Gas Company (Southern) filed, pursuant to the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)) a request for an order finding that Southern's allocation of costs for Section 6 gas during the month of February, 1977 will be proper under Section 7 of the Act and consistent with Order No. 7, Docket No. E77–92 (April 22, 1977). For the reasons set forth below, I grant Southern's request.

Order No. 7 provides for the allocation of volumes and associated charges paid by interstate natural gas pipelines for purchases or deliveries under Section 6 of the Act. Prior to the issuance of Order 7, the Federal Power Commission (FPC) issued an order in Docket No. RM77–10 on February 5, 1977 which established accounting and billing procedures for gas acquired by interstate natural gas pipelines pursuant to Sections 4 and 6 of the Act.

Order No. 7 sets forth several billing procedures which Southern may use in allocating costs to its customers. One of those procedures is that delinated in FPC Docket No. RM77–10.

Based on the foregoing, I find that Southern's proposed allocation of Section 6 gas and billings for the month of February, 1977 will be appropriate under Section 7 of the Act and in accordance with Order No. 7.

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 Southern. 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.

[FR Doc.77–17213 Filed 6–14–77;8:45 am]

DEPARTMENT OF AGRICULTURE

[Notice of Designation Number A481]

Farmers Home Administration

GEORGIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Georgia Counties as a result of excessive rainfall and flooding March 28 through 30, 1977, in Habersham, Haralson, Polk, and Rabun Counties; also tornado activity and high winds in Polk County March 28 and 29, 1977; and tornadoes April 4, 1977, in Bartow, Floyd, Habersham and Rabun Counties.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b)

including the recommendation of Governor George Busbee that such designation be made.

Applications for emergency loans must be received by this Department no later than July 21, 1977, for physical losses and February 21, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 8th day of June, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-16971 Filed 6-14-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 30182]

IOWA/ILLINOIS-ATLANTA ROUTE PROCEEDING

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on July 7 1977 (42 F.R. 29032) is postponed to July 13, 1977, 9:30 a.m. (local time), in Room 1003 (A) Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated in Washington, D.C., June 9, 1977.

MARVIN H. MORSE,
Administrative Law Judge.

[FR Doc.77-17028 Filed 6-14-77;8:45 am]

[Order 77-6-46; Docket 30710]

KINNIBURGH SPRAY SERVICE LTD.

Statement of Tentative Findings and Conclusions and Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of June, 1977.

Application of Kinniburgh Spray Service Ltd., for a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958.

By application filed April 8, 1977,[1] Kinniburgh Spray Service Ltd. (Kinniburgh) requests a foreign air carrier permit to engage in charter foreign air transportation with respect to persons and their accompanying baggage, and planeload charter foreign air transportation with respect to property, between any point or points in Canada and any point or points in the United States, utilizing "small aircraft"[2] pursuant to the Nonscheduled Air Service Agreement executed on May 8, 1974, by the Governments of the United States and Canada.

FITNESS OF APPLICANT FOR A FOREIGN AIR CARRIER PERMIT

Kinniburgh was incorporated under The Companies Act of the Province of Alberta on May 12, 1959. The Air Transport Committee of the Canadian Transport Commission has issued Kinniburgh license No. A.T.C. 457/72 (CF), dated October 14, 1976, a Class 9-4 license which authorizes the holder to operate international charter commercial air services from a base at Taber, Alberta. The licensee is restricted in its operations to the use of Groups A and B aircraft.[3] The Canadian Department of Transport, Civil Aviation Branch, has issued Kinniburgh Operating Certificate No. 1156 which certifies that the carrier is adequately equipped and able to conduct a safe operation.

The applicant's balance sheet as of December 31, 1975, shows current assets of $233,908.01 and current liabilities of $55,701.27. After allowing for depreciation, the company had fixed assets of $85,884.59 resulting in total assets of $319,792. Deferred liabilities totaled $28,-837.43 leaving owner's equity of $235,-253.90. The company's statement of income for the year ended December 31, 1975, shows net income for the year of $63,010.01. Since its inception, the applicant has always met its financial obligations and has never defaulted on any commitment to provide transportation.

In its operations to the United States the carrier plans to use the following two aircraft: a Piper PA-23, seating capacity of six and a maximum authorized takeoff weight of 5,200 pounds; and a Piper PA-31, seating capacity of ten and a maximum authorized takeoff weight of 7,000 pounds. The applicant states that it has had no safety or tariff violations during the last five years nor has it had any aircraft accidents.

"PUBLIC INTEREST" IN AWARD OF THE AUTHORITY SOUGHT

The applicant relies upon the Nonscheduled Air Service Agreement signed by the Governments of Canada and the United States on May 8, 1974, as the basis for the grant of the requested authority. By diplomatic Note No. ECT-850, dated May 9, 1974, the Government of Canada designated the applicant under the Agreement to perform charter services with small aircraft.[4] The aircraft the applicant plans to use in its operations between the United States and Canada are within the scope of the designation.

OWNERSHIP AND CONTROL OF THE APPLICANT

The officers of the corporation are Mr. Jack Kinniburgh, President and Director; and Mr. David Furman Kinniburgh, Director. Both officers are Canadian citizens. The company's issued stock of 3,000 shares is owned entirely by the officers of the corporation: Mr. Jack Kinniburgh (1,500 shares) and Mr. David Furman Kinniburgh (1,500 shares). The applicant lists the following persons or institutions as holding more than five percent of the company's debt: The Imperial Bank of Commerce, Taber, Alberta ($21,-400); and Mr. R. B. Kinniburgh, a Canadian citizen residing in Taber, Alberta ($21,400).

The applicant states that no officer, director, or stockholder of Kinniburgh holds any stock or interest in any U.S. carrier, any Canadian or other foreign air carrier, any person engaged in a phase of aeronautics, any common carrier, or in any persons whose principal business is the holding of stock in, or control of, any such entities.

In view of the foregoing and all the facts of record, the Board tentatively finds and concludes:

1. That Kinniburgh Spray Service Ltd. is substantially owned and effectively controlled by nationals of Canada;

2. That it is in the public interest to issue a foreign air carrier permit for small aircraft operations to Kinniburgh Spray Service Ltd. authorizing it to engage in charter foreign air transportation with small aircraft with respect to persons and their accompanied baggage and planeload charters of property between any point or points in Canada and any point or points in the United States;

3. That the public interest requires that the exercise of the privileges granted by said permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

4. That Kinniburgh Spray Service Ltd. is fit, willing, and able properly to perform the above-described foreign air transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

5. That except to the extent granted herein, the application of Kinniburgh Spray Service Ltd. in Docket 30710 should be denied; and

[1] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[2] "Small aircraft" are defined by the Nonscheduled Air Service Agreement as aircraft which are not "large aircraft." "Large aircraft" are defined as aircraft having both (a) maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds.

[3] Under Canadian Air Transport Committee regulations, Group A consists of aircraft with a maximum authorized takeoff weight not greater than 4,300 pounds, Group B consists of aircraft with a maximum authorized takeoff weight over 4,300 pounds, but not greater than 7,000 pounds.

[4] See Docket 26473.

6. That an evidentiary hearing is not required in the public interest.

Accordingly, it is ordered, That: 1. All interested persons be and they thereby are directed to show cause why the Board should not make final the tentative findings and conclusions stated herein, and why a foreign air carrier permit in the form of the specimen permit attached to this order should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Kinniburgh Spray Service Ltd.;

2. Any interested person having objection to the issuance, without hearing of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within 21 days after the adoption of this order. If an evidentiary hearing is requested, the objection should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; [2]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Kinniburgh Spray Service Ltd. and the Ambassador of Canada in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

SPECIMEN PERMIT

PERMIT TO FOREIGN AIR CARRIER FOR SMALL AIRCRAFT OPERATIONS

Kinniburgh Spray Service Ltd. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958 and the orders, rules, and regulations issued thereunder, to engage in charter foreign air transportation as follows:

Charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any point or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada as are now, or may hereafter be, prescribed for carriage by small aircraft in Annex B(III)(B) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including any amendments, supplements, reservations, or supersessions to that Agreement: *Provided*, That any such charters may be performed only to the extent authorized by the Air Carrier Regulations of the Canadian Transport Commission applicable to operations by small aircraft, and the authority of the holder to perform such charters shall be subject to those Regulations.[1] The authority of the holder to perform United States-originating charters shall, in accordance with Annex B(III)(A) of such Nonscheduled Air Service Agreement, be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such groups, or such small aircraft operations as may be authorized pursuant to any amendment, supplement, reservation or supersession to that Agreement.

This permit shall be subject to the following terms, conditions, and limitations:

(1) In the performance of the charter operations authorized by this permit, the holder shall not use "large aircraft" as defined in Annex A(I)(A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey, includes a prior, subsequent, or intervening movement by air (except for the movement of passengers independently of any group) to or from a point not in the United States or Canada: *Provided*, That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974 exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided*, That the Board may authorize the performance of charters not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on board in that country, and shall be considered as one flight whether the charter be one-way, round trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "small aircraft" flights of persons; and (ii) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation:

(i) Flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Transport Commission Regulations) not greater than 18,000 pounds; and

(ii) Flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when such flights serve either (a) a Canadian terminal point on such route, or (b) any Canadian intermediate point authorized for service on such route by such foreign air carrier permit.

(4) The holder may grant stopover privileges at any point or points in the United States only to passengers and their accompanied baggage moving on a Canadian-originating flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey: *Provided*, That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall conform to the airworthiness and airman competence requirements prescribed by the Government of Canada for Canadian international air service.

(7) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(8) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(9) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name

[2] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[1] Annex B(III)(B) presently authorizes Canadian-originating small aircraft charters of the types prescribed in section (II)(B); but only to the extent applicable to small aircraft pursuant to Canadian Transport Commission Regulations. The applicable types of charters presently authorized are: Single Entity Passenger, Single Entity Property, Pro Rata Common Purpose, and Inclusive Tour. (In some instances split passenger charters are authorized.)

and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(10) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on ---------. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the charter foreign air transportation hereby authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation hereby authorized, the authority granted herein shall be terminated to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder hereof, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974: *Provided, however*, That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ---------

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Secretary.

Issuance of this permit to the holder approved by the President of the United States, on ---------, in ---------

[FR Doc.77-17029 Filed 6-14-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. V, 1975), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on June 30, 1977 at 1:30 p.m. in Room 6802, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Ronald I. Levin, Acting Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

RONALD I. LEVIN,
Acting Director,
Office of Textiles.

JUNE 10, 1977.

[FR Doc.77-17024 Filed 6-14-77;8:45 am]

Maritime Administration

AMERICAN PRESIDENT LINES LTD.

Petition for Issuance of a Rule Section 605(c) Procedures

Notice is hereby given of the receipt by the Maritime Subsidy Board of a "Petition for Issuance of a Rule and Memorandum in Support of Petition" filed by counsel for American President Lines, Ltd. The proposed rules are purported to simplify and to expedite procedures under Section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 (c).

Before taking any further action in respect to the proposed rules, the Maritime Subsidy Board desires to afford all interested persons an opportunity to comment on the proposed rules set forth below and to submit any suggested revisions thereto. Accordingly, any person interested may file such comments by the close of business on July 18, 1977, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Street, NW., Washington, D.C. 20230. A copy of the "Petition for Issuance of a Rule and Memorandum in Support of Petition" will be available in the Office of the Secretary, Room 3099B, for inspection by any interested person.

By order of the Maritime Subsidy Board Maritime Administration.

Dated: June 13, 1977.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-17069 Filed 6-14-77;8:45 am]

National Oceanic and Atmospheric Administration

DRAFT FEE SCHEDULE FOR 1978

Fishing by Foreign Vessels in Waters Under the Jurisdiction of the United States of America

INTRODUCTION

The Director, National Marine Fisheries Service (hereinafter the "Director") hereby issues notice of a proposed fee schedule for the calendar year 1978, for fishing by foreign vessels in waters under the jurisdiction of the United States of America, pursuant to section 204(b)(10) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.) (hereinafter the "Act"). This proposed schedule establishes fees which must be paid by the owner or operator of any foreign fishing vessel wishing to fish within the United States Fishery Conservation Zone or beyond it as authorized by the Act, before actually engaging in any fishing activity except as otherwise authorized.

With establishment of the fee schedule for the year 1977 (notice in FEDERAL REGISTER, Vol. 42 No. 27, February 9, 1977) it was recognized that the schedule of fees requires flexibility and continuing review. It was also decided that after further public comments would be sought, and that revisions and changes deemed appropriate would be incorporated in the fee schedule for calendar year 1978.

PUBLIC COMMENTS SOLICITED

The Director intends that the fee schedule finally adopted be as equitable and effective as possible, within the intent of the Act. Therefore, written comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed fee schedule are solicited.

Written comments, views, and other documents should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All comments and other documents received no later than 30 days from the date of publication in the FEDERAL REGISTER will be considered. Comments and other documents received pertaining to this proposed fee schedule will be available for public review in the Fisheries Management Operations Division, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C., or may be obtained by writing the Director, National Marine Fisheries Service, Washington, D.C. 20235.

PERTINENT SECTIONS OF THE ACT

Section 201(d) of the Act provides that foreign fishermen may be allowed to fish for "* * * that portion of the optimum yield of such fishery which will not be harvested by vessels of the United States * * *."

Section 204(b)(10) of the Act further provides that reasonable fees shall be paid on behalf of any foreign fishing vessel for which a permit is issued. Fishing

vessels are defined by Section 3(11) of the Act to include many types of vessels in addition to those actually engaged in harvesting fish. This includes any vessel "* * * aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation or processing * * *."

Part of section 204(b)(10) of the Act provides: "In determining the level of such fees, the Secretary may take into account the cost of carrying out the provisions of this Act with respect to foreign fishing, including, but not limited to, the cost of fishery conservation and management, fisheries research, administration, and enforcement."

CRITERIA FOR ESTABLISHING FEE SCHEDULE

The following criteria were considered in developing the fee schedule for foreign fishing:

1. Fees will not be used as a management tool to restrict foreign fishing. Foreign fishing effort will be controlled by management plans.

2. The fees will not be so high as to prevent nations from utilizing the allocated surplus solely because of the fee level. The fee must be reasonable.

3. Fees will recover an appropriate part of the management costs related to foreign fishing.

4. The same rate must apply to all foreign nations and the rate will not change within a given calendar year.

5. Fees will be simple to compute and collect. Fees shall be paid as provided in the Act.

6. Every vessel, by law, must pay a fee and obtain a permit, but the fee may vary with size and function of the vessel.

FEES SCHEDULE

The fees charged each foreign nation for fishing for fishery resources subject to the jurisdiction of the United States will be as follows:

1. Permit Fee—(a) A fixed annual fee of $1.00 per gross registered tonnage (GRT) will be charged for any vessel engaged in, or attempting to engage in, the catching, taking, or harvesting of fish.

(b) A fixed annual fee of $0.50 per GRT will be charged for any vessel engaged in processing fish, but not catching, taking, or harvesting fish. There will be $2,500 per vessel upper limit on this charge.

(c) A fixed annual fee of $200 per vessel will be charged for any vessel engaged in aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing but not catching, taking, harvesting, or processing fish.

If a vessel participates in more than one of the above activities, the highest applicable fee will be charged.

2. Poundage Fee—For 1978, a poundage fee of 3.5 percent of the 1976 ex-vessel price of the fish will be charged on all fish allocated to each nation, including the by-catch when applicable.

The 1976 dockside prices for computing fees were obtained from "Fisheries of the United States, 1976," except where noted.

Species	Average ex-vessel value [1] (per metric ton)	
Armorheads, Pelagic	(?)	(614)
Butterfish	$622	(302)
Cod, Pacific	282	(251)
Crab, Tanner	441	(441)
Flounders, Pacific (except Halibut)	387	(318)
Hake, Pacific	32	(34)
Hake, Red	185	(156)
Hake, Silver	184	(194)
Herring, Atlantic	87	(73)
Herring, Pacific	344	(161)
Mackerel, Atka	(?)	(130)
Mackerel, Atlantic	259	(255)
Mackerel, Jack	110	(93)
Other fin fish, Atlantic	334	(328)
Other ground fish, Pacific	(?)	(45)
Pollock, Alaska	(?)	(98)
Rockfish, Pacific	298	(350)
Sablefish	399	(372)
Snails (meats)	(?)	(600)
Squid, Atlantic	[3] 414	(419)
Squid, Pacific	[3] 55	(82)

[1] The figures in parentheses are the ex-vessel values from the fee schedule for 1977.

[2] Species not landed in United States. Prices will be based on landings in foreign countries.

[3] Separate prices for Atlantic and Pacific squids are based on raw data used to develop the value for squid in fisheries of the United States, 1976. (Division of Data Management and Statistics, NMFS).

The total poundage fee owed to the United States for 1978 may be recomputed at the end of the year on the basis of actual catch data. If the catch is substantially lower than the allocation, a refund may be applied for, as described later.

OTHER CHARGES

Foreign nations will be required to reimburse the United States for the total costs of placing observers aboard foreign fishing vessels. All costs associated with the program, including salary, per diem, and transportation of observers, as well as overhead costs, will be included in the determination of this fee. Payment of observer costs will be made upon billing at the end of the calendar year. Procedures and charges for the observers are published in the FEDERAL REGISTER, Vol. 42, No. 64, April 4, 1977.

PAYMENT OF FEES AND REFUNDS

The amounts of all fees or other payments due will be in accordance with the prescribed guidelines as contained herein. Bills for collection (NOAA form 34-79) covering fee payments due will be sent to the Department of State, Office of the Deputy Assistant Secretary for Oceans and Fisheries, for forwarding to foreign nations after approval of applications and before permits have been issued. Payments should be made as follows:

1. Remittance for fees, and any other changes, should be sent to the Director, National Marine Fisheries Service, Attention: F3, Washington, D.C. 20235.

2. All payments for fees or other charges must be drawn in U.S. dollars, payable at a bank in the United States, and be made payable to the U.S. Department of Commerce—NOAA. Payments from private firms or individuals should be in the form of a certified check. To facilitate processing, each remittance should be accompanied by a copy of the applicable bill for collection for identification purposes.

Refunds will be made only upon written application to the Director, National Marine Fisheries Service, Attention: F3, Washington, D.C. 20235. Refunds should be requested as follows:

1. The amount involved should be more than $100.00.

2. The applicant must provide an explanation of the difference between the amount of actual catch and the amount authorized. Indicate the reason for the difference.

NOTE.—The National Marine Fisheries Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under E.O. 11821 and OMB Circular A-107.

Issued at Washington, D.C., and dated June 19, 1977.

WINFRED H. METBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-17001 Filed 6-14-77;8:45 am]

MARINE FISHERIES ADVISORY COMMITTEE

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC) subcommittee on the National Plan for Marine Fisheries.

The subcommittee meeting will be held on Wednesday, June 29, and Thursday, June 30, 1977, in the Penthouse Conference Room, Page Building I, 2001 Wisconsin Avenue NW., Washington, D.C. The subcommittee will meet at 9 a.m. on Wednesday, June 29, and recess at about 4:30 p.m., meeting again at 9 a.m. on Thursday, June 30, to consider the agenda items specified below. It is anticipated that the meeting will adjourn about noon on Thursday.

Items proposed for discussion at the subcommittee meeting are shown on the following agenda:

Review of recommendations contained in the General Accounting Office Report on the U.S. Fishing Industry, the National Eastland Fisheries Survey, the Office of Technology Assessment Report on Establishing the 200-mile Fisheries Zone.

Comparison of the recommendations with elements of the Secretary's Program for Marine Fisheries.

Amalgamation of appropriate recommendations into the draft implementation plan for the Secretary's Program.

The subcommittee meeting is open to the public and there will be seating for approximately 20 public members available on a first 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: Mr. Alfred J. Bilik, Executive Secretary, Marine Fisheries Advisory Committee, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235, Telephone 202–634–7269, on or about June 27, 1977.

At the discretion of the Chairman, interested members of the public may be permitted to speak at times which will allow the orderly conduct of subcommittee business, and a reasonable time relation between the subcommittee's discussion of a given subject and an address to that same subject by a member of the public.

Interested members of the public who wish to submit written comments should do so by addressing the same to the Executive Secretary, as above. To receive due consideration and facilitate their inclusion in the record of the meeting, written statements should be received within 10 days after the close of the committee meeting.

Dated: June 13, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–17210 Filed 6–14–77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

INTERAGENCY COMMITTEE ON PRIORITY CHEMICALS FOR TESTING

Availability and Request for Comments on the Preliminary List of Chemicals for Further Committee Evaluation

Section 4(e) of the Toxic Substances Control Act (Pub. L. 94–469) establishes the Interagency Committee on Priority Chemicals for Testing (ICPCT) to make recommendations to the Administrator of the Environmental Protection Agency respecting the chemical substances and mixtures to which the Administrator should give priority consideration for the promulgation of regulations under section 4(a) of that Act requiring the testing of such substances and mixtures. Section 4(a) authorizes the Administrator to promulgate regulations requiring the testing of substances and mixtures to develop data relevant to a determination of the risk to human health and the environment posed by the manufacture, distribution in commerce, processing, use, and disposal of such substances and mixtures.

Section 4(e) requires that the Interagency Committee make its initial recommendations to the Administrator not later than October 1, 1977. These recommendations are required to be in the form of a list of chemical substances or groups of chemicals set forth in the order in which the Committee determines the Administrator should take action under section 4(a). The Committee is also required to designate those substances or mixtures on the list (up to a maximum of 50) for which the Committee recommends the initiation of rulemaking by the Administrator under section 4(a) within 12 months of such designation. Following transmittal of the Committee's initial list of recommendations to the Administrator, the ICPCT is required to consider the need for revision of the list at least every six months thereafter.

As an intermediate step in developing its initial list of recommendations to the Administrator, the Committee is preparing a list of chemical substances or groups of chemicals judged to have the potential for significant human exposure and/or significant release to the environment. The chemicals on this preliminary list will be reviewed in more detail by the Committee to determine the extent to which additional testing data are needed to adequately evaluate the extent to which such chemicals may pose an unreasonable risk of injury to health or the environment.

The purpose of this Notice is to announce the forthcoming availability of this preliminary list for comment. The preliminary list and a background document describing the data sources and methods used by the Committee in developing the list will be made available to all interested parties. Comments are requested on the specific substances and mixtures to which ICPCT should give particular attention in the further development of its recommendations to the Administrator, as well as on the general methodology employed by the Committee in developing the preliminary list. Requests should be made prior to July 1, 1977, to permit distribution of the preliminary list and background document as soon as the documents become available, which is expected to be about July 5. Persons wishing to receive a copy of the preliminary list and background document should make written or telephone requests to:

Ms. Phyllis Tucker, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006, telephone: (202) 382–2027.

Because of the Committee's statutory deadline for making its initial recommendations to the Administrator, comments on the preliminary list are requested to be submitted by no later than August 8, 1977. Comments received after that date may not be considered by the Committee in preparing its initial recommendations but will be considered when those recommendations are reviewed by the Committee for possible revisions. Details regarding the types of data to be submitted and format to be used to facilitate the consideration of such comments by the Committee in preparing its initial recommendations, will be included in the background document which will be distributed with the preliminary list.

Copies of all comments received in response to this Notice will be available for public inspection from 9:00 a.m. to 5:00 p.m., Monday through Friday in Room 5020, New Executive Office Building, 726 Jackson Place NW., Washington, D.C.

Dated: June 8, 1977.

WARREN R. MUIR, Ph. D.,
Chairman, Interagency Committee on Priority Chemicals for Testing.

[FR Doc.77–16702 Filed 6–14–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 7, 1977.

The USAF Scientific Advisory Board Ad Hoc Committee on Avionics Acquisition will hold a meeting on July 5, 1977 from 9 a.m. to 5 p.m. in the Pentagon, Room 4E871.

The Committee plans to organize a study of the Air Force Avionics Acquisition Process.

The meeting will be open to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–4811.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77–16961 Filed 6–14–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of May 20, 1977 Through May 27, 1977

Notice is hereby given that during the week of May 20, 1977 through May 27, 1977 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

JUNE 8, 1977.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of May 20 through May 27, 1977*

Date	Name and location of applicant	Case No.	Type of submission
May 20, 1977	Arizona Fuels Corp., Salt Lake City, Utah. (If granted: Arizona Fuels Corp. would receive an extension of the relief granted in the FEA's Jan. 7, 1977 decision and order and would receive a reduction in its entitlement purchase obligations during the period July 1, 1977 through Dec. 31, 1977.)	FXE-4263	Extension of the relief granted in Arizona Fuels Corp., 5 FEA Par. 83,033 (Jan. 7, 1977).
Do.	Bayou State Oil Corp., Shreveport, La. (If granted: Bayou State Oil Corp. would receive retroactive exception relief from 10 CFR 212.83 which would permit the firm to allocate increased crude oil costs incurred during the period Mar. 1, 1975 through Aug. 31, 1976 on the basis of its sales volumes.)	FEE-4264	Price Exception (section 212.83).
Do.	Champlin Petroleum Co., Fort Worth, Tex. (If granted: Champlin Petroleum Co. would receive an extension of the exception relief granted in the FEA's Mar. 21, 1977 and Dec. 16, 1976 decisions and orders which permits the firm to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at its East Texas, Gulf Plains, Mayfield, Peoria and South Fullerton plants.	FXE-4267 FXE-4271	Extension of the relief granted in Champlin Petroleum Co., Case No. FXE-3703 (decided Mar. 21, 1977) (unreported decision), and Champlin Petroleum Co., 4 FEA Par. 83,235 (Dec. 16, 1976)
Do.	Chevron U.S.A., Inc., San Francisco, Calif. (If granted: The Apr. 20, 1977 order issued by the FEA's Office of Regulatory Programs would be rescinded and Chevron U.S.A., Inc. would not be required to supply Monsanto Co. at Alvin, Tex., with 503,000 bbl of crude oil for the crude oil allocation quarter commencing Mar. 1, 1977.	FEA-1332	Appeal of FEA order issued on Apr. 20, 1977.
Do.	Cities Service Co., Tulsa, Okla. (If granted: Cities Service Co. would receive an extension of the exception relief granted in the FEA's Apr. 1, 1977, Dec. 30, 1976 and Dec. 14, 1976 decisions and orders which permits the firm to increase its prices to reflect non-product cost increases in excess of $.005/gal for natural gas liquid products produced at its Bluitt, Citronell, Garret, Kimball, May, Midway, Myrtle Springs, Panola, Red Fish Bay, Rio Grande, Robstown, St. Amelia, Star Lacey and West World plants.)	FXE-4247 FXE-4260	Extension of the relief granted in Cities Service Co., Case Nos. FXE-3739 through FXE-3740 and FXE-3837 through FXE-3856 (decided Apr. 1, 1977) (unreported decision); Cities Service Co., Case Nos. FEE-3449 through FEE-3455 (decided Dec. 30, 1976) (unreported decision); Cities Service Co., Case Nos. FEE-3332 through FEE-3336 (decided Dec. 14, 1976) (unreported decision).
Do.	Florida Gas Exploration Co., Winter Park, Fla. (If granted: Florida Gas Exploration Co. would receive a stay of the refund requirements of the remedial order issued by Region IV on Apr. 19, 1977 pending a determination of the firm's Appeal.)	FRS-1329	Stay of the remedial order issued by FEA Region IV on Apr. 19, 1977.
Do.	Graves, Dougherty, Hearon, Moody & Garwood, Austin, Tex. If granted: The FEA information access officer would be directed to release to Ben F. Vaughan, III documents relating to 10 CFR 211.1(b)(1).	FFA-1328	Appeal of FEA's information request denial.
Do.	Jay Oil Co., Fort Smith, Ark. If granted: The remedial order issued by Region VI on May 6, 1977 would be rescinded and Jay Oil Co. would not be required to refund overcharges which it obtained in its sales of motor gasoline.	FRA-1330 FRS-1330	Appeal of the remedial order issued by FEA Region VI on May 6, 1977. Stay request.
Do.	Kern County Refinery, Inc., Bakersfield, Calif. If granted: The FEA's March 1977 Entitlement Notice would be modified and Kern County Refinery, Inc. would not be required to purchase entitlements as specified in the FEA's decision and order in Kern County Refinery, Inc., 4 FEA Par. 83,246 (Dec. 15, 1976).	FEA-1331 FES-1331	Appeal of FEA's March 1977 entitlement notice issued May 17, 1977. Stay request.
Do.	Marine Petroleum Co., Maryland Heights, Mo. If granted: Marine Petroleum Co. would be permitted to import 1,708,484 bbl of gasoline and 228,571 bbl of No. 2 fuel oil into districts I through IV on a fee-free basis during the allocation period May 1, 1977 through Apr. 30, 1978.	FPI-0118	Exception to section 213.35.
Do.	M. J. Mitchell, Dallas, Tex. If granted: M. J. Mitchell would receive an extension of the relief granted in the FEA's Dec. 17, 1976 decision and order which would permit Mitchell to sell the crude oil produced from the Mitchell State Minnelusa Sand Unit in the South Rozet Field, Campbell County, Wyo., at upper tier ceiling prices.	FXE-4266	Extension of the relief granted in M. J. Mitchell, 4 FEA Par. 83,250 (Dec. 17, 1976).
Do.	Shell Oil Co., Houston, Tex. If granted: The remedial order issued by Region VI on Apr. 26, 1977 would be rescinded and Shell Oil Co. would not be required to reinstate the use of Master Charge cards.	FRA-1319	Appeal of the remedial order issued by FEA Region VI on April 26, 1977.
Do.	Standard Oil Co. of Indiana, Chicago, Ill. (If granted: The decison and order issued by Region V on Dec. 5, 1976 would be rescinded and Standard Oil Co. of Indiana would not be required to supply Coyne Oil Corp. with an additional 480,000 gal of motor gasoline.)	FSG-0045	Request for special redress.
Do.	Walker, Trimble, Belts, Sanders & Harland, Fortuna, Calif., (If granted: Walker, Trimble, Belts, Sanders & Harland's Hutson 1-A well in Texas, Okla. would be classified as a stripper well property.)	FEE-4261	Price exception (section 212.73).
Do.	Whitco, Inc., Dallas, Tex. (If granted: Whitco, Inc. would receive an extension of the relief granted in the FEA's Mar. 10, 1977 decision and order which would require Sun Co., Inc. to continue supplying Whitco, Inc. directly.)	FXE-4265	Extension of the relief granted in Whitco, Inc., 5 FEA Par. 87,022 (Mar. 10, 1977).
May 23, 1977	Atlantic Richfield Co., Dallas, Tex. (If granted: Atlantic Richfield Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $.005/gal for natural gas liquid products produced at its Adair, Camrick, Elmwood, Fairway, Gillette, Headlee, Knox-Bromide, Seiling, Swanson River, and West Seminole plants.)	FEE-4274 FEE-4283	Price exception (section 212.165).
Do.	Douglas Edwards, Morgan City, La. (If granted: Douglas Edwards' C & C Myers well would be classified as a stripper well property.)	FEE-4272	Price exception (section 212.72).
Do.	Oxnard Refinery, Los Angeles, Calif. (If granted: Oxnard Refinery would receive a stay of the entitlement purchase obligation specified in FEA's March 1977 Entitlement Notice pending a determination on the appeal which it intends to submit.)	FES-1333	Stay of FEA's March 1977 Entitlement Notice issued May 17, 1977.

Date	Name and location of applicant	Case No.	Type of submission
Do.	Power Test Corp., Westbury, N.Y. If granted: The FEA's Apr. 19, 1977 decision and order would be rescinded and Power Test Corp. would be permitted to import on a license fee-exempt basis an average of 4,532 bbl/d of motor gasoline into districts I through IV during the current allocation period.	FPI-0119	Appeal of FEA's Decision and Order in Power Test Corp., 5 FEA par. ..... (April 19, 1977).
Do.	Texaco, Inc., New York, N.Y. If granted: Texaco, Inc. would receive an extension of time until June 30, 1977 in which to file written comments and information with respect to the Notice of Intention to Issue Construction Orders to Certain Major Fuel Burning Installations published in the FEDERAL REGISTER on May 13, 1977 (42 Fed. Reg. 24471).	FEE-4262 FES-4262	Exception from filing deadline. Stay request.
Do.	Vallery Corp., Sterling, Colo. If granted: Vallery Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $.005/gal for natural gas liquid products.	FEE-4273	Price exception (section 212.165).
May 24, 1977	Alpine Fuel Co., Minneapolis, Minn. If granted: The Remedial Order issued by Region V on May 13, 1977 would be rescinded and Alpine Fuel Co. would not be required to make the refunds specified in the remedial order.	FRA-1334	Appeal of the remedial order issued by FEA Region V on May 13, 1977.
Do.	American Service Stations (Edward Verdecanna and Charles Calderone) New York, N.Y. If granted. The FEA Region VI's Mar. 18, 1977 withdrawal of a Notice of Probable Violation issued to Exxon Company, U.S.A. would be vacated and the Office of Private Grievances and Redress would direct FEA Region VI to review Exxon's compliance with 10 CFR 212.83 with respect to its sales to American Service Stations.	FSG-0046	Request for special redress.
Do.	Lake Region Gas Co., Benton, Ky. If granted: The Remedial Order issued by Region IV on Apr. 21, 1977 would be rescinded and Lake Region Gas Co. would not be required to refund overcharges in its sales of propane.	FRA-1335 FRS-1335	Appeal of the remedial order issued by FEA Region IV on Apr. 21, 1977.
Do.	Upham Oil & Gas Co., Mineral Wells, Tex. If granted: Upham Oil & Gas Co. would receive an extension of the exception relief granted in the FEA's Mar. 23, 1977 decision and order which permits the firm to increase its prices to reflect nonproduct cost increases in excess of $.005/gal for natural gas liquid products.	FXE-4287	Extension of the relief granted in Upham Oil & Gas Co., Case No. FXE-3741 (decided Mar. 23, 1977) (unreported decision).
May 25, 1977	Chevron U.S.A., Inc., San Francisco, Calif. (If granted: The Apr. 26, 1977 order issued by the FEA's Office of Regulatory Programs would be rescinded and Chevron U.S.A., Inc. would not be required to supply Monsanto Company at Alvin, Texas, with 400,000 bl of crude oil for the crude oil allocation quarter commencing Dec. 1, 1977.)	FEA-1338	Appeal of the FEA order issued Apr. 26, 1977.
Do.	Drew Cornell, Inc., Lafayette, La. (If granted: Crude oil produced from the V. Boagni Lease wells in Landry Parish, La., would be sold without regard to the ceiling prices specified in section 212.73.)	FEE-4285	Price exception (section 212.73).
Do.	Kalama Chemical Co., Kalama, Wash. (If granted: Kalama Chemical Co. would be permitted to import 250,925 bbl of toluene into district V on a fee-free basis during the allocation period May 1, 1977 through Apr. 30, 1978.)	FPI-0120	Exception to section 213.35.
Do.	Seal's Service Station, Crozet, Va. If granted: Seal's Service Station would be supplied motor gasoline by Exxon Co., U.S.A. rather than its base period supplier, Walton Oil Company (BP).	FEE-4289	Exception to change suppliers.
Do.	Tenneco Oil Co., Houston, Tex. If granted: Tenneco Oil Co. would receive an extension of the exception relief granted in the FEA's Feb. 25, 1977 decision and order which permits the firm to increase its prices to reflect nonproduct cost increases in excess of $.005/gal for natural gas liquid products produced at its Pearce and Prentice plants.	FXE-4287 FXE-4288	Extension of the relief granted in Tenneco Oil Co., Case No. FEE-3609 and FEE-3610 (decided Feb. 25, 1977) (unreported decision).
Do.	W. E. Riley Oil Co., Petersburg, Va. If granted: The remedial order issued by Region III on May 9, 1977 would be rescinded and W. E. Riley Oil Co. would not be required to refund overcharges which it obtained in its sales of motor gasoline and middle distillates.	FRA-1337 FRS-1337	Appeal of the remedial order issued by FEA Region III on May 9, 1977. Stay request.
Do.	W. E. Shrider Co., Columbus, Ohio. (If granted: The remedial order issued by FEA Region V on May 9, 1977 would be rescinded and W. E. Shrider Co. would not be required to refund overcharges in its sales of crude oil.)	FRA-1336 FRS-1336	Appeal of the remedial order issued by FEA Region V on May 9, 1977. Stay request.
Do.	4-Way Grocery, Molalla, Oreg., (If granted: 4-Way Grocery would be supplied motor gasoline by Union Oil Co. rather than its base period supplier, Lion Oil Co.)	FEE-4284	Exception to change suppliers.
May. 26, 1977	Arden A. Anderson, Pensacola, Fla. (If granted: Crude oil produced from the J. O. McHenry No. 1 well, located in Junction City Field, Clarke County, Miss., would be sold at upper tier ceiling prices.)	FEE-4290	Price exception (section 212.73).
Do.	Arent, Fox, Kintner, Plotkin & Kahn, Washington, D.C. (If granted: The FEA information access officer would be directed to release to William J. Mutryn documents relating to FEA Form P-125-S-O entitled "Report of Refiner Profit Margins.")	FFA-1340	Appeal of the FEA's information request denial.
Do.	C & K Oil Co., Beckley, W. Va. (If grated: C & K Oil Company would be granted an exception from Section 212.93 which would permit the firm to increase its selling price for motor gasoline above the maximum permissible levels specified in the FEA mandatory petroleum price regulations.)	FEE-4291	Price exception (section 212.93).
Do.	Northern Illinois Gas Co., Aurora, Ill. (If granted: The April 26, 1977 order issued by the FEA Office of Regulatory Programs which assigned NI-Gas a base period use of propane, butane, natural gasoline and naptha for use in the firm's Aux Sable SNG facility during the period Mar. 31, 1977 through Sept. 30, 1977 would be rescinded.)	FEA-1339	Appeal of FEA assignment order dated Apr. 26, 1977.

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Union Camp Corp., Atlanta, Ga. (If granted: The public hearing scheduled for May 26 and 27, 1977 would be postponed and Union Camp Corp. would receive an extension of time in which to file written comments on the Notice of Intention to Issue Prohibition Order published in the FEDERAL REGISTER on May 16, 1977 (42 Fed. Reg. 24900).)	FSG-0047	Request for special redress.
May 27, 1977	Memphis Aero Corp., Washington, D.C. (If granted: The FEA's Apr. 29, 1977 decision and order would be rescinded and Memphis Aero Corp. would be permitted to increase its selling prices for aviation fuels on a retroactive basis.)	FXA-1341	Appeal of the FEA's decision and order in Memphis Aero Corp., 5 FEA par. ..... (Apr. 29, 1977).

[FR Doc.77-16857 Filed 6-14-77;8:45 am]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of May 27, 1977 Through June 3, 1977

Notice is hereby given that during the week of May 27, 1977 through June 3, 1977 the appeals and applications for exception or other relief listed in the Appendix to the Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

JUNE 8, 1977.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of May 27 through June 3, 1977*

Date	Name and location of applicant	Case No.	Type of submission
May 27, 1977	Automotive Sales, Inc., Gorham, N.H. (If granted: The FEA's May 19, 1977 remedial order would be rescinded.)	FRA-1344 FRS-1344	Appeal of FEA Region I's remedial order dated May 19, 1977. Stay requested.
Do.....	Mullins & Prichard, New Orleans, La. (If granted: The FEA's May 9, 1977 remedial order would be rescinded and Mullins & Prichard would not be required to refund to the Permian Oil Co. overcharges obtained in sales of crude oil produced from the Mabel G. Myers property.)	FRA-1342 FRS-1342	Appeal of FEA Region VI's remedial order dated May 9, 1977. Stay requested.
Do.....	Wel-Gas, Inc. (Possum Kingdom), Dallas, Tex. (If granted: Wel-Gas, Inc. would be permitted to increase its prices for natural gas liquid products produced at the Possum Kingdom Plant to reflect nonproduct cost increases in excess of $.005/gal.)	FEE-4292	Price exception (section 212.165).
Do.....	White's Union 76, Princeton, W. Va. (If granted: The FEA's May 5, 1977 Remedial Order would be rescinded.)	FRA-1343	Appeal of FEA Region III's remedial order dated May 5, 1977.
May 31, 1977	Adobe Oil and Gas Corp. (Adobe Sale Ranch), Midland, Tex. (If granted: The Adobe Oil and Gas Corp. would be permitted to increase its prices for natural gas liquid products produced at the Adobe Sale Ranch Gas Plant to reflect non-product cost increases in excess of $.005/gal.)	FEE-4295	Price exception (section 212.165).
Do.....	Belridge Oil Co., Los Angeles, Calif. (If granted: The Belridge Oil Co. would receive an extension of the relief granted in the FEA's Mar. 22, 1977 decision and order which would permit it to increase its prices for natural gas liquid products to reflect non-product cost increases in excess of $.005/gal.)	FXE-4298	Extension of relief granted in Belridge Oil Co., Case No. FXE-3745 (decided Mar. 22, 1977) (unreported decision)
Do.....	Hoxsey, Merwin, d.b.a. Hoxsey Shell Service, San Diego, Calif. (If granted: Merwin L. Hoxsey would be granted an exception from 10 CFR 212.93 which would permit him to increase his selling prices for motor gasoline.)	FEE-4293	Price exception (section 212.93).
Do	Maupin Retail Sales, Eaton Rapids, Mich. (If granted: The remedial order issued to Maupin Retail Sales would be rescinded and the firm would not be required to reduce its prices on sales of propane.)	FRA-1320	Appeal of FEA Region V's remedial order.
Do	Mobil Petroleum Company, Inc., New York, N.Y. (If granted: Mobil Petroleum Co., Inc. would be granted an exception from 10 CFR 212.83(c) which would permit the firm to reflect in its selling prices to Guam consumers the Guam gross receipts tax.)	FEE-4296	Price exception (section 212.83(c)).
Do.....	Sun Company, Inc. (Mayfield), Dallas, Tex. (If granted: Sun Company, Inc. would receive an extension of the relief granted in the FEA's Dec. 29, 1976 decision and order which would permit it to increase its prices for natural gas liquid products produced at the Mayfield plant to reflect non-product cost increases in excess of $.005/gal.)	FXE-4299	Extension of relief granted in Sun Oil Co., 5 FEA par. 83,030 (Dec. 29, 1976).
Do.....	The Superior Oil Co. (TXL), Houston, Tex. (If granted: The Superior Oil Co. would be permitted to increase its prices of natural gas liquid products produced at the TXL plant to reflect nonproduct cost increases in excess of $.005/gal.)	FEE-4297	Price exception (section 212.165).
Do.....	Willoughby Bay Marina, Inc., Norfolk, Va. (If granted: Willoughby Bay Marina, Inc. would be assigned a new, lower-priced supplier of motor gasoline to replace its base period supplier, Chesapeake Pure Fuels, Inc.)	FEE-4294	Exception to change base period supplier (section 211.9).

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, week of May 27 through June 3, 1977*—Continued

Date	Name and location of applicant	Case No.	Type of submission
June 1, 1977	Standard Oil Co. (Indiana) (Prentice), Chicago, Ill. (If granted: The Standard Oil Co. (Indiana) would receive an extension of the relief granted in the FEA's Dec. 29, 1976 decision and order which would permit it to increase its prices for natural gas liquid products produced at the Prentice plant to reflect nonproduct cost increases in excess of $0.005/gal.)	FXE-4307	Extension of relief granted in *Standard Oil Co. (Indiana)*, 5 FEA par. 83,029 (Dec. 29, 1976).
Do.	Texaco, Inc., New York, N.Y. (If granted: The FEA's Apr. 26, 1977 directed sales order would be rescinded and Texaco, Inc. would not be required to sell 500,000 bbl of lease condensate to the Monsanto Co.)	FEA-1345	Appeal of FEA's Directed Sales Order dated Apr. 26, 1977.
Do.	United Refining Co., Warren, Pa. (If granted: The United Refining Co. would be granted an exception to 10 CFR 213.35(d)(2)(i) which would extend the period during which crude oil import duties may be credited against import license fees.)	FPI-0121	Exception from base fee requirements. (Section 213.35(d)(2)(i)).
Do.	Kansas-Nebraska Natural Gas Co., Inc. (Yenter) Hastings, Nebr. (If granted: Kansas-Nebraska Natural Gas Co., Inc. would receive an extension of the relief granted in the FEA's Dec. 23, 1976 decision and order which would permit the firm to increase its prices for natural gas liquid products produced at the Yenter plant to reflect nonproduct cost increases in excess of $.005/gal.)	FXE-4301	Extension of relief granted in Kansas-Nebraska Natural Gas Co., Inc., 5 FEA par. 83,008 (Dec. 23, 1976).
Do.	Northwest Propane, Inc., Farmington, Mich. (If granted: Northwest Propane, Inc. would receive an extension of the relief granted in the FEA's March 17, 1977 decision and order which resulted in the temporary assignment of a lower-priced supplier of propane to replace the firm's base period supplier, Petrolane.)	FXE-4300	Extension of relief granted in Northwest Propane, Inc., 5 FEA par. 87,024 (Mar. 17, 1977).
Do.	Powerine Oil Co., Santa Fe Springs, Calif. If granted: Powerine Oil Co. would be granted a stay of the requirements specified in the FEA's Feb. 17, 1977 special report order pending a final determination of its petition for special redress.	FES-0096 FST-0043	Request for stay of FEA Region IX's special report order dated Feb. 17, 1977. Temporary stay requested.
Do.	Powerine Oil Co., Santa Fe Springs, Calif. If granted: Powerine Oil Co. would not be required to respond to a special report order which was issued to the firm on Feb. 17, 1977.)	FSG-0048	Request for special redress.
Do.	Standard Oil Co. (Indiana), Chicago, Ill. (If granted: The Standard Oil Co. (Indiana) would be permitted to increase its prices to reflect non-product cost increases in excess of $.005/gal for natural gas liquid products produced at the following plants: Calumet, Empire Abo, Ropes, Third Creek, and White Flat.)	FEE-4302 through FEE-4306	Price exception (section 212.165).
June 3, 1977	C&H Refinery, Inc., Washington, D.C. (If granted: C&H Refinery, Inc. would receive a stay of the provisions of 10 CFR 211.67(e)(2) pending a final determination of an application for exception which it intends to file.)	FES-4318	Stay request.
Do.	Buck's Butane & Propane Service, Inc., San Jose, Calif. (If granted: The FEA would issue subpoenas to 5 individuals who were involved in various FEA audits to Buck's Butane & Propane Service, Inc.)	FRX-0161	Supplemental order.
Do.	Texaco, Inc., Houston, Tex. (If granted: Texaco, Inc. would receive an extension of the relief granted in the FEA's Mar. 4, 1977, Jan. 25, 1977, and Nov. 19, 1976 decision and orders which would permit the firm to increase its prices to reflect non-product cost increases in excess of $.005 per gallon for natural gas liquid products produced at the following natural gas plants: Apache, Blessing, Lamesa, Lockridge, Mermentau, North Cowden, Old Ocean, Ozona, Pampa, and Wilcox.)	FXE-4308 through FXE-4317	Extension of relief granted in Texaco, Inc., Case No. FEE-3666 (decided Mar. 4, 1977) (unreported decision); Texaco, Inc., 5 FEA par. 83,058 (Jan. 25, 1977); Texaco, Inc., 4 FEA par. 83,201 (Nov. 19, 1976).

[FR Doc.77-16859 Filed 6-14-77;8:45 am]

COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Quarterly Update of Environmental Review Documents Available for Public Review

AGENCY: Federal Energy Administration.

ACTION: Notices of Availability and General Inquiry.

SUMMARY: Pursuant to 10 C.F.R. 208.15(b), the Federal Energy Administration (FEA) hereby supplements its listing of environmental review documents, prepared under the authority of the National Environmental Policy Act, 42 U.S.C. 4321 et seq., which are available for public inspection and review. Listed below are environmental review documents made available to the public during the period March 1, 1977, through May 31, 1977. The last update of the review document listing was published in the FEDERAL REGISTER on March 9, 1977 (42 FR 13148).

DOCUMENT AVAILABILITY: Single copies of the review documents are available upon request from the FEA Office of Communications and Public Affairs, Room 3138, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of the review documents are also available for public inspection in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FURTHER INFORMATION: For further information on this quarterly listing of FEA environmental review documents which are available for public inspection contact:

Dr. Robert J. Stern (Office of Environmental Impact), 12th & Pennsylvania Avenue, NW., Room 7119, Washington, D.C. 20461, 202-566-9760.

Issued in Washington, D.C., June 8, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

ATTACHMENT 1.—*FEA list of published environmental impact statements and supplements thereto, environmental assessments and negative determinations, Mar. 1, 1977, to May 31, 1977*

Program/project description	Type of document and number where applicable	Date made available to the public
Energy Supply and Production Act: Weatherization assistance for low-income persons.	Negative determination and environmental assessment.	Mar. 31, 1977
Energy Supply and Environmental Coordination Act: Proposed issuance of a notice of effectiveness to prohibit burning natural gas or petroleum products as the primary energy source, Ames Generating Station, Ames, Iowa.	...do...	Apr. 4, 1977
Energy Supply and Environmental Coordination Act: Proposed issuance of a notice of effectiveness to prohibit burning natural gas or petroleum products as the primary energy source, Port Wentworth Generating Station, Savannah, Ga.	.....do.....	Apr. 20, 1977
Strategic Petroleum Reserve: West Hackberry Salt Dome Storage Site, proposed pipeline siting change, Cameron Parish, La.	Supplement to final environmental impact statement (FES-76/77-4).	May 3, 1977
Energy Supply and Environmental Coordination Act: Proposed issuance of a notice of effectiveness to prohibit burning natural gas or petroleum products as the primary energy source, Weston Generating Station, Marathon County, Wisc.	Negative determination and environmental assessment.	May 5, 1977
Energy Supply and Environmental Coordination Act: Proposed issuance of a notice of effectiveness to prohibit burning natural gas or petroleum products as the primary energy source, Des Moines Generating Station, Des Moines, Iowa.	.....do.....	May 6, 1977
State Energy Conservation Program: Oklahoma energy conservation plan.	.....do.....	May 13, 1977
Coal conversion program: Energy Supply and Environmental Coordination Act, as amended, section 2.	Final revised environmental impact statement (FES-77-3).	May 17, 1977
Strategic Petroleum Reserve: Bayou Choctaw Salt Dome Storage Site, proposed pipeline siting change, Iberville Parish, La.	Supplement to the final environmental impact statement (FES-76-5).	May 18, 1977
Energy Supply and Environmental Coordination Act: Proposed issuance of a not ce of effectiveness to prohibit burning of natural gas or petroleum products as the primary energy source, Sheldon Generating Station, Columbis, Nebr.	Negative determination and environmental assessment.	May 23, 1977
Energy Supply and Environmental Coordination Act: Proposed issuance of a notice of effectiveness to prohibit burning natural gas or petroleum products as the primary energy source, McManus Generating Station, Brunswick, Ga.	Draft environmental impact statement (DES-77-5).	May 31, 1977

[FR Doc.77-16860 Filed 6-14-77;8:45 am]

ALASKA NATURAL GAS TRANSPORTATION SYSTEMS

Request for Comments

Notice is hereby given that the President, through the Office of Energy Policy and Planning, seeks the comments and recommendations of the public about proposed transportation systems that would bring natural gas from the North Slope of Alaska to the lower-48 States. This notice is published by the Federal Energy Administration (FEA) on behalf of the Office of Energy Policy and Planning, which is responsible for receiving and conveying such comments and recommendations to the President.

Pursuant to the requirements of the Alaska Natural Gas Transportation Act of 1976 (Pub. L. 94-596), the Federal Power Commission (FPC), on May 2, 1977, submitted a recommendation to the President concerning the selection of a transportation system. The FPC recommended the selection of an overland pipeline through Alaska and Canada to the Northern United States. The FPC did not choose between the two different overland routes under consideration. A third proposed system would bring natural gas by pipeline through Alaska and by liquefied natural gas tankers to the California coast. The President must decide which system, if any, should be approved. This decision will then take effect upon enactment of a joint resolution of Congress.

The Alaska Natural Gas Transportation Act of 1976 provides an opportunity for interested parties to bring their views to the President's attention. Section 6(b) states that:

> Not later than July 1, 1977, the Governor of any State, any municipality, State utility commission, and any other interested person may submit to the President such written comments with respect to the recommendation and report of the (Federal Power) Commission and alternative systems for delivering Alaska natural gas to the contiguous States as they determine to be appropriate.

In making his decision, the President is required to take into consideration the FPC recommendation and the comments received from Federal agencies, State Governors, municipalities, State utility commissions and other interested parties.

There are substantial reserves of natural gas underlying Alaska's North Slope. Developing and constructing a system for moving that gas to the lower-48 States raises many complex problems, including questions of environmental impacts, feasibility and methods of financing, and the price of natural gas ultimately delivered to consumers.

The public is urged to take advantage of the opportunity to present views by reviewing the FPC recommendation and related matters and providing written comments on the transportation alternatives. Interested persons are invited to submit on or before July 1, 1977, written comments and recommendations, together with any supporting data and analyses to:

Alaska Natural Gas Transportation Project, Federal Energy Administration, Executive Communications, Room 3317, Box NP, Washington, D.C. 20461.

No material submitted in response to this notice can be returned.

Any information or data considered by the person furnishing it to be confidential must be so identified and be submitted in writing, one copy only. The Federal Government reserves the right to determine the confidential status of the information or data and treat it according to its determination.

Issued in Washington, D.C., June 9, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-16972 Filed 6-14-77;8:45 am]

STATE AND LOCAL GOVERNMENTS

Procedures Regarding Information and Computer Requirements

AGENCY: Federal Energy Administration ("FEA").

ACTION: Notice of Proposed Revision to Computer Support Clause in Contracts Involving Data Collection or Processing.

SUMMARY: The purpose of this notice is to publish a proposed revision to FEA procedures, in response to OMB Circular A-90, Transmittal Memorandum No. 1, regarding information and computer requirements placed upon State and local governments by the Federal Government.

FEA policy in the past has been to avoid imposing undue restrictions on State and local government units in the use of Automatic Data Processing resources.

In order to emphasize this policy, and to ensure that it continues to be observed, it is proposed that the Government-furnished computer support clause, which is incorporated in all FEA contracts involving data collection or data processing services, be amended to include the following statement:

> Consistent with the provisions of OMB Circular No. A-90, nothing in this clause is intended to restrict the latitude of any State or local government unit in the selection and use of computer systems.

DATE: Comments by July 15, 1977.

ADDRESS: Comments to: Executive Communications, Room 3309, Federal Energy Administration, Box LE, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Albert H. Linden, Jr. (Program Office), 2000 M Street, NW., Room 7202, Washington, D.C. 20461, 202-254-3910.

SUPPLEMENTARY INFORMATION: Public comments are invited regarding the above proposed amendment. Interested parties should submit their comments in writing to Executive Communications, Federal Energy Administration, Box LE, Washington, D.C. 20461.

Handcarried comments may be delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except on legal public holidays.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Computer Support Clause/State and Local Governments." All comments received on or before July 15, 1977, and all other relevant information, will be considered by FEA before the new amendment is adopted.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one additional copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C. June 9, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-16979 Filed 6-14-77;8:45 am]

FEDERAL MARITIME COMMISSION

MATSON NAVIGATION CO.

Agreements Filed

Notice is hereby given that the following agreements have 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 agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreements 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 agreements (as indicated hereinafter) and the statement should indicate that this has been done.

MATSON NAVIGATION COMPANY AND HILO TRANSPORTATION & TERMINAL CO., INC.

Notice of Agreements Filed by:

Peter P. Wilson, Senior Counsel, Matson Navigation Company, 100 Mission Street, San Francisco, California 94105.

Agreement No. T-2740-A, between Matson Navigation Company (Matson) and Hilo Transportation & Terminal Co., Inc., (Hilo), provides for Hilo's lease of certain equipment from Matson so that Hilo can perform services for Matson as provided for under FMC Agreement No. T-2740, a cargo services agreement whereby Hilo provides Matson comprehensive terminal, stevedoring, container yard, container freight station, and other incidental services for Matson vessels calling at the Port of Hilo, Hawaii.

Agreement No. T-2740-B, between the same parties, also provides for Hilo's lease of certain equipment from Matson, so that Hilo can perform services for Matson at the Port of Hilo, Hawaii, as provided for under FMC Agreement No. T-2740.

By Order of the Federal Maritime Commission.

Dated: June 9, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-16954 Filed 6-14-77;8:45 am]

PORT OF PALM BEACH DISTRICT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. 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.

PORT OF PALM BEACH DISTRICT W. C. MARTIN, JR., THOMAS E. TWITTY, JR., AND R. R. JOHNSTON, JR. CONSOLIDATED TANK TERMINALS OF FLORIDA, INC. AND FLORIDA MOLASSES EXCHANGE, INC.

Notice of agreement submitted by:

Dwight Green, Traffic Consultant, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Agreement No. T-2926-B, between Port of Palm Beach District (Port); W. C. Martin, Jr., Thomas E. Twitty, Jr., and R. R. Johnston, Jr. (MT & J); Consolidated Tank Terminals of Florida, Inc., (Consolidated); and Florida Molasses Exchange, Inc., (Exchange), provides for the lease of a parcel of land consisting of 918 square feet, located at the Port of Palm Beach Terminal. The land will be used in association with a molasses storage operation which is facilitated by a pipeline and molasses storage tanks as set forth in Agreement No. T-2926, as amended, and T-2926-A. Consolidated, MT & J and Exchange will pay Port $100.98 per year plus applicable sales taxes.

By Order of the Federal Maritime Commission.

Dated: June 9, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-16955 Filed 6-14-77;8:45 am]

FEDERAL RESERVE SYSTEM

OMAHA STATE CORP.

Order Approving Action to Become a Bank Holding Company

Omaha State Corporation, Omaha, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)), of formation of a bank holding company through the acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of Omaha State Bank, Omaha, Nebraska ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank, which has deposits of $12.9 million.[1] Upon acquisition of Bank, Appli-

[1] All banking data are as of December 31, 1975.

cant would control the 115th largest bank in Nebraska, holding .21 per cent of the total deposits in commercial banks in the State. Bank is the 22nd largest of 41 banks in the relevant banking market, which is approximated by the Omaha Standard Metropolitan Statistical Area, and controls .69 per cent of the deposits therein.

Principals of Applicant are also principals in two other one-bank holding companies in Nebraska. The subsidiary banks of these holding companies, Southwest Bank of Omaha, Omaha, Nebraska, and Ralston Bank, Ralston, Nebraska, are located in the market area of Bank, and together with Bank control $90 million in deposits which approximates only 4 per cent of total market deposits. Considering the relatively small size of the banks involved, the growth of the Omaha banking market, and the large number of banks operating in the market, approval of this application would not have any significant adverse effects on competition. Since this proposal represents a restructuring of the existing ownership of Bank and since Applicant has no present operating subsidiaries, consummation of the transaction would eliminate neither existing nor potential competition, nor increase the concentration of banking resources in any relevant market. Thus, competitive considerations are consistent with approval.

The financial and managerial resources and future prospects of Applicant are entirely dependent upon those of Bank. Applicant's projected schedule for the retirement of acquisition debt appears to provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirement and to maintain an adequate capital position for Bank. The managerial resources of Applicant and Bank are considered satisfactory and the future prospects of each appear favorable. Accordingly, considerations relating to banking factors are consistent with approval of the application.

Although consummation of the proposal would effect no changes in the banking services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that consummation of the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective June 7, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-16991 Filed 6-14-77;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent, less directors' qualifying shares, of the voting shares of The City National Bank of Bryan, Bryan, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

First City Bancorporation of Texas, Inc., is also engaged in the following nonbank activities: life insurance and computer bookkeeping services through subsidiaries.

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 July 8, 1977.

Board of Governors of the Federal Reserve System, June 10, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-17051 Filed 6-14-77;8:45 am]

[Docket No. TCR 76-107]

REPUBLIC OF TEXAS CORP.

Prior Certification Pursuant to the Bank Holding Company Tax Act of 1976

Republic of Texas Corporation, Dallas, Texas ("Republic") has requested a prior certification pursuant to § 6158(a) of the Internal Revenue Code (the "Code"), as amended by § 3(a) of the Bank Holding Company Tax Act of 1976 (the "Tax Act"), that the proposed sale by The Howard Corporation ("Howard") of certain of its nonbanking assets, which assets are described in Schedule A hereto (the "Howard Assets"), is necessary or appropriate to effectuate § 4 of the Bank Holding Company Act (12 U.S.C. § 1843) ("BHC Act").

In connection with this request, the following information is deemed relevant for the purposes of issuing the requested certification: [1]

[1] This information derives from Republic's correspondence with the Board concerning its request for this certification, Republic's Registration Statement filed with the Board pursuant to the BHC Act as well as the Registration Statement of Republic National Bank and other records of the Board.

1. On July 7, 1970, Republic National Bank of Dallas ("Old Republic Bank"), a national banking association, indirectly controlled 29.9 per cent of the voting share of Oak Cliff Bank and Trust Company, Dallas, Texas ("Oak Cliff Bank").

2. On July 7, 1970, Old Republic Bank indirectly controlled, through Howard, a trusted affiliate, property, including the Howard Assets, the disposition of which would have been necessary or appropriate to effectuate § 4 of the BHC Act if Old Republic Bank were to have continued to be a bank holding company beyond December 31, 1980, which property was "prohibited property" within the meaning of §§ 6158(f)(2) and 1103(c) of the Code.

3. Old Republic Bank became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its indirect control at that time of more than 25 percent of the outstanding voting shares of Oak Cliff Bank, and it registered as such with the Board on September 24, 1971. Old Republic Bank would have been a bank holding company on July 7, 1970, if the BHC Act Amendments of 1970 had been in effect on such date, by virtue of its indirect control on that date of more than 25 percent of the outstanding voting shares of Oak Cliff Bank.

4. Republic is a corporation that was organized under the laws of the State of Delaware on July 12, 1972, for the purpose of effecting the reorganization of Old Republic Bank into a subsidiary of Republic.

5. On September 10, 1973, the Board ruled that in the event Republic were to become a bank holding company through the acquisition of the successor by merger to Old Republic Bank, Republic would not be regarded as a "successor" to Old Republic Bank as defined in § 2(e) of the BHC Act for the purposes of § 2(a)(6) of the BHC Act, or as a "company covered in 1970," as that term is defined in the BHC Act, and that Republic was not entitled to the benefit of any grandfather privileges that Old Republic Bank may have possessed pursuant to the proviso in § 4(a)(2) of the BHC Act.

6. By Order dated October 25, 1973, the Board approved Republic's application under § 3(a)(1) of the BHC Act to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Old Republic Bank and the indirect acquisition of control of 29.9 percent of the voting shares of Oak Cliff Bank. Pursuant to the provisions of § 4(a)(2) of the BHC Act, Republic was required by that order to divest itself, within two years from the date as of which it would become a bank holding company, of the impermissible nonbanking interests that would be directly or indirectly controlled by the successor by merger to Old Republic Bank, including such impermissible interests held by Howard.

7. On May 9, 1974, in a transaction described in § 368(a)(1)(A) and § 368(a)(2)(D) of the Code, Old Republic Bank was merged into the present Republic National Bank of Dallas ("New Republic Bank"), a national banking association that was a wholly-owned subsidiary (except for directors' qualifying shares) of Republic. New Republic Bank thereby acquired substantially all of the properties of Old Republic Bank and Republic thereupon became a bank holding company. By virtue of two one-year extensions granted by the Board, Republic presently has until May 9, 1978, to complete the divestitures required by the Board's Order of October 25, 1973.

8. As part of the same transaction by which Republic became a bank holding company, in

a transaction to which § 351 of the Code applied, Republic acquired beneficial interests in the shares of Howard held by trustees for the benefit of shareholders of New Republic Bank, which shares are shares described in § 2(g)(2) of the BHC Act.

9. The Howard Assets are a part of the property of Howard in which Republic acquired a beneficial interest pursuant to § 2(g)(2) of the BHC Act.

10. By a Purchase Agreement dated as of February 1, 1977 (the "Purchase Agreement"), Howard proposes to sell the Howard Assets, as well as certain other assets acquired by Howard after July 7, 1970, to AA Development Corporation ("Development"), a Texas consuming assets corporation. All of the outstanding voting shares of Development, consisting of 100,000 shares of common stock, are owned and controlled by American Airlines, Inc. ("AA"). As consideration for the purchase of the Howard Assets and the other assets to be sold pursuant to the Purchase Agreement, Development will pay Howard $52,825,654 in cash, and will assume various liabilities and obligations of Howard with respect to all the assets to be sold pursuant to the Purchase Agreement. As additional consideration for the purchase, Development will, simultaneously with the purchase of the Howard Assets, sell to Republic for $500,000 in cash a warrant to purchase all of the 5,000 authorized shares of Development's preferred stock (the "Warrant"). By its terms, the Warrant may be exercised for a period of 18 months after the occurrence of certain events specified in the Purchase Agreement. Simultaneously with the purchase of the Warrant by Republic, Data Center, Inc. ("Data"), a corporation formed under the laws of the State of Delaware all of the outstanding voting shares of which are owned and controlled by AA, will execute an Agreement for the Purchase and Sale of Warrant (the "Warrant Agreement"), under which, during the period the Warrant is exercisable, Republic will have the right to require Data to purchase the Warrant, and Data will have the right to require Republic to sell the Warrant to it. The purchase price to be paid for the Warrant by Data in the event either Republic or Data exercises its rights under the Warrant Agreement, is to be determined at a future date in accordance with a formula described in the Warrant Agreement. Republic has committed to the Board by letter dated May 24, 1977, that under no circumstances will it exercise the Warrant.

On the basis of the foregoing information, and in light of Republic's commitment to the Board with respect to the exercise of the Warrant, it is hereby certified that:

(A) Prior to May 9, 1974, Old Republic Bank was a "qualified bank holding corporation," within the meaning of subsection (b) of § 1103 of the Code, and satisfied the requirements of that subsection;

(B) New Republic Bank is a corporation that acquired substantially all of the properties of a qualified bank holding corporation, and as such is treated as a qualified bank holding corporation for the purposes of § 1103(b) and § 6158 of the Code, pursuant to § 3(d) of the Tax Act;

(C) Republic is a corporation in control (within the meaning of § 2(a)(2) of the BHC Act) of New Republic Bank, and as such is treated as a qualified bank holding corporation for the purposes of § 1103(b) and § 6158 of the Code, pursant to § 3(d) of the Tax Act;

(D) Howard is a subsidiary (within the meaning of § 2(d) of the BHC Act) of Republic, and as such is treated as a qualified bank holding corporation for the purposes of § 1103(b) and § 6158 of the Code, pursuant to § 3(d) of the Tax Act;

(E) Each of the Howard Assets described in Schedule A hereto is "prohibited property" for the purposes of § 6158 of the Code; and

(F) The sale of each of the Howard Assets is necessary or appropriate to effectuate § 4 of the BHC Act.

This certification is based upon the representations and commitment made to the Board by Republic and upon the facts set forth above. In the event the Board should hereafter determine that facts material to this certification are otherwise than as represented by Republic, or that Republic has failed to disclose to the Board other material facts, or has failed to meet its commitment, it may revoke this certification.

SCHEDULE A.—REPUBLIC OF TEXAS CORPORATION

(DOCKET NO. TCR 76-107)

The following is a summary description of the Howard Assets to be sold to AA to which this prior certification relates. These assets are described in detail in Schedule II to the Purchase Agreement,[2] and in an Instrument of Conveyance and Assignment dated as of May 26, 1977 from Howard to Development ("Conveyance Instrument"),[3] each of which is incorporated herein by reference insofar as it relates to the Howard Assets. For the purposes of this certification, the term "Howard Assets" refers to those assets described below only to the extent that such assets were either (1) acquired by Howard on or before July 7, 1970, or (2) acquired by Howard after July 7, 1970, under circumstances described in § 1101(c) of the Code such that the assets could be distributed without recognition of gain pursuant to § 1101(a)(1) of the Code.

1. Certain oil and gas interests, each of which is more particularly described in the Conveyance Instrument.

2. Real property described in Schedule II to the Purchase Agreement (excluding Town and Country Shopping Center, Midland, Texas and Uptown Shopping Center, Shreveport, Louisiana for which prior certifications have already been issued in connection with sales to parties other than Development).

3. Properties known as "The Walker-Louisiana Properties" that are more particularly described in the Conveyance Instrument.

By order of the Board of Governors acting through its General Counsel, pursuant to delegated authority (12 CFR § 265.2(B)(3)), effective May 25, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-17052 Filed 6-14-77;8:45 am]

[2] A complete copy of the Purchase Agreement and the Schedules thereto is on file with the Board.

[3] A complete copy of the Conveyance Instrument is on file with the Board.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Regulation F-427]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in a rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), *authority is delegated to the Secretary of* Defense to represent the consumer interests of the executive agencies of the Federal Government before the Utah Public Service Commission involving the application of the Mountain Fuel Supply Company for a general rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JOEL W. SOLOMON,
Administrator of General Services Administration.

JUNE 7, 1977.

[FR Doc.77-17000 Filed 6-14-77;8:45 am]

LISTS OF EIS'S UNDER PREPARATION AND PLANNED FOR PREPARATION

Public Notice

Pursuant to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et. seq.), and Section 1500.6(e) of the Council on Environmental Quality Guidelines for the Preparation of Environmental Impact Statements (38 FR 20550) the following is a list of administrative actions for which environmental impact statements were under preparation by the General Services Administration during December 1976 and January and February 1977 and a list of administrative actions for which environmental impact statements are planned in the future. These lists are divided into two types of GSA actions: (1) Real Property disposal actions and (2) New construction, leasing, and repair and alteration actions.

Dated: May 31, 1977.

T. L. PEYTON, Jr.,
Acting Commissioner, Public Buildings Service.

ENVIRONMENTAL IMPACT STATEMENTS: REAL PROPERTY DISPOSAL ACTIONS

A. IN PREPARATION

Baltimore, Maryland. Amended supplement to final EIS regarding disposal of approximately 227 acres of the former Fort Holabird.

San Diego, California. Final EIS regarding the disposal of 280 acres of the Camp Elliott Military Reservation by public sealed bid sale.

B. PLANNED

Charleston, Rhode Island. Draft EIS regarding the disposal of approximately 604 acres of the former Naval Auxiliary Landing Field.

Newport, Rhode Island. Draft EIS regarding the disposal of approximately 3,300 acres of the former Quonset Naval Air Station/Battalion Center and Newport Naval Base.

Matagorda Island, Texas. Draft EIS regarding the disposal of 19,000 acres of land comprising the former Matagorda Air Force Bombing Range and the Port O'Connor docking facility, Texas.

Novato, California. Draft EIS regarding the disposal of 1,740 acres of Government-owned land and 253 acres of easements for airport, park, education, and new Federal uses at Hamilton Air Force Base.

Glasgow, Montana. Draft EIS regarding the disposal of 4,664 acres of land and improvements at the former Glasgow Air Force Base.

NEW CONSTRUCTION, LEASING, AND REPAIR AND ALTERATION ACTIONS

A. IN PREPARATION

Providence, Rhode Island. Draft EIS for construction of a Federal Office Building and the repair and alternation of the existing Federal Building U.S. Courthouse.

Fort Kent, Maine. Draft EIS for construction of a new border station.

Springfield, Massachusetts. Draft EIS for construction of a new Courthouse-Federal Office Building Parking Facility.

New York, New York. Draft EIS for the repair and alternation of the facility at 201 Varick Street to include a detention facility for illegal aliens.

Suitland, Maryland. Draft EIS for the Suitland Federal Center Master Plan—Southern Portion—including the Smithsonian Institution Museum Support Center.

Washington, D.C. Draft EIS for the repair and alteration (complete restoration and renovation) of the Old Post Office, 12th Street and Pennsylvania Avenue, NW.

Washington, D.C. Draft EIS for the repair and alternation (modification to boilers and ancillary equipment) at the West Heating Plant, 29th and K Streets, NW.

East St. Louis, Illinois. Final EIS on the construction of a Federal Building-Courthouse.

Detroit, Michigan. Draft EIS on the repair and alteration of the Secondary Truck Inspection Facility of the U.S. Customs Service.

Omaha, Nebraska. Draft EIS on the construction of a Federal Office Building-Vehicle Maintenance Facility.

Lincoln, Nebraska. Final EIS for the construction of a laboratory for the Animal and Plant Health Inspection Service (USDA).

Anapra, New Mexico. Draft EIS for the construction of a border station.

Santa Fe, New Mexico. Draft EIS for the construction of a National Park Service building.

El Paso, Texas. Draft EIS for the construction of a Federal Building-Parking Facility and renovation of U.S. Courthouse-Federal Building.

Dallas, Texas. Final EIS on the repair and alteration of the Federal Building at 1114 Commerce.

Salt Lake City, Utah. Final EIS for the construction of the Metallurgy Research Center.

Jefferson County, Colorado. Final EIS on the Cumulative Effect of the GSA Leasing Program.

Los Angeles, California. Draft EIS for the construction of a parking facility.

West Los Angeles, California. Draft EIS for the construction of an FBI parking facility.

San Jose, California. Draft EIS for the construction of a Federal Building-Parking Facility.

San Francisco, California. Draft EIS for the construction of a Federal Building.

Phoenix, Arizona. Draft EIS for the construction of a Federal Building-Parking Facility.

Haines, Alaska. Final EIS on the construction of a border station.

B. PLANNED

Boston, Massachusetts. Draft EIS for lease construction of a new VA Outpatient Clinic Building.

Rainbow Bridge, Niagara Falls, New York. Draft EIS for the construction of a border station to replace the existing facility.

Washington, D.C. Draft EIS for the repair and alteration (extension and renovation) of the building at 1951 Constitution Avenue, NW.

Detroit, Michigan. Draft EIS for the construction of a U.S. Federal Courthouse Annex.

San Antonio, Texas. Draft EIS for the Master Plan on the Federal Center.

Tulsa, Oklahoma. Draft EIS for the construction of a Federal Building-Parking Facility and the repair and alteration (conversion) of an existing building.

Corpus Christi, Texas. Draft EIS for the construction of a courthouse.

Austin, Texas. Draft EIS for the construction of an Internal Revenue Service facility.

[FR Doc.77-17002 Filed 6-14-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Meeting of the National Commission on Digestive Diseases

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Commission on Digestive Diseases, National Institute of Arthritis, Metabolism, and Digestive Diseases on July 21-22, 1977, Conference Room 10, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland 20014. The entire meeting will be open to the public from 8:30 a.m. to 5 p.m. Attendance by the public will be limited to space available.

The meeting is being held to discuss scheduling of public hearings and logistical support of the Commission, and to establish the work groups who will be carrying out the mission of the Commission.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A-04, Bethesda, Maryland 20014, 301-496-3583, will provide summaries of the meeting and rosters of the Commission members.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

Dated: June 9, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-16963 Filed 6-14-77;8:45 am]

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Notice of Meeting of the Minority Access to Research Careers Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences, on July 21, 22, and 23, 1977, 9 a.m., National Institutes of Health, Building 31C, Conference Room 8.

This meeting will be open to the public on July 21, 9 to 10:30 a.m. The meeting will consist of opening remarks, discussion of procedural matters, and the annual report. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(6), the meeting will be closed to the public on July 21 from 10:30 a.m. to 5 p.m., and on July 22 from 9 a.m. to 5 p.m., and on July 23 from 9 a.m. to adjournment, for the review, discussion, and evaluation of individual and institutional grant applications. These applications could reveal personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, 5333 Westbard Avenue, Room 9A05, Bethesda, Maryland 20014, telephone 301-496-7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Prince Rivers, Executive Secretary, Westwood Building, Room 9A18, Bethesda, Maryland 20014, telephone 301-496-7357.

(Catalog of Federal Domestic Assistance Programs 13-859, 13-860, 13-861, 13-862, General Medical Sciences.)

Dated: June 9, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-16964 Filed 6-14-77;8:45 am]

Office of Human Development

FINANCIAL ASSISTANCE FOR URBAN INDIAN CENTER PROJECTS

Announcement of Grants for FY '77 (Program Announcement No. 1361-772)

The Office of Native American Programs (ONAP), Office of Human Development, announces that applications will be accepted until August 1, 1977, from urban Indian Centers serving one of the 14 cities referred to below in Section B which are presently not funded by ONAP and which wish to compete for grants in Fiscal Year 1977, authorized by Section 803 of the Native American Programs Act of 1974, Title VIII, Headstart, Economic Opportunity, and Community Partnership Act of 1974, P.L. 93-644.

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and consideration for a grant award.

Regulations applicable to Urban Indian Center grants were published in the FEDERAL REGISTER in 45 CFR Part 1336, on January 19, 1977.

A. Program purpose and objectives. The purpose of the Urban Indian Center Program is to support multipurpose Centers which promote or enhance the economic and social well being of Indian people. Therefore, grants will be awarded, pursuant to this announcement, to assist urban Indian Centers generate additional resources and programs to meet identified community needs, link urban Indian clientele to mainstream State and local services by means of outreach and referral activities, and improve planning, management and coordination capabilities of the overall Center operation. Funds under this program should not be used for direct services.

B. Eligible applicants. Urban Indian grants will be awarded to private nonprofit Centers serving cities with documented in-city Indian populations of 1,000 or more, the documentation for which has previously been approved by ONAP consistent with the March 17 FEDERAL REGISTER Notice (42 FR 14929, March 17, 1977). The following cities have received such approval:

Providence, RI	Ventura, CA
Charlotte, NC	Garden Grove, CA
Greensboro, NC	Honolulu, HI
Sioux City, IA	Grand Forks, ND
Lawrence, KS	Duluth, MN
Farmington, NM	Warren, MI
Houston, TX	Flint, MI

Only Urban Indian Centers serving the above mentioned cities will be considered as eligible applicants for purposes of this announcement.

In addition to serving one of the above mentioned cities an Urban Indian Center applicant must:

1. Have a governing board whose membership is at least 51% Indian and which has been openly and publicly elected by the Indian community which the Center is established to serve; and

2. Be a multi-purpose nonprofit private agency which has the potential of offering a range of services in order to meet the basic needs of the Indian community.

C. Available funds. An estimated $200,000 is available for new grantees pursuant to this program announcement during Fiscal Year 1977. It is anticipated that four (4) or five (5) grant awards will be made with an average range of $40,000 to $60,000 per award. The project period for a grant may be up to five years. Refunding on a non-competitive basis beyond the first year will depend upon the grantee's satisfactory completion of each year's objectives as stated in the approved application, availability of funds, and upon the grantee's compliance with the Native American Programs Rules and Regulations.

D. Grantee share of project. It is expected that grantees will provide 20 percent of the approved cost of the project. Grantee contributions may be in cash or in kind, including, but not limited to, plant, equipment, and services, and must be allowable under the Department's applicable cost principles in 45 CFR Part 74, Subpart Q.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ONAP. Further explanation is contained in Section 1336.52 of ONAP's Program Rules.

E. The Application Process.—A-95 Clearinghouse Notice. In compliance with the Department of Health, Education, and Welfare's implementation of Office of Management and Budget Circular No. A-95 Revised (interim procedures at 41 FR 3160, July 29, 1976), applicants who request grant support must, prior to submission of an application, notify both the State and Areawide A-95 Clearinghouse of the intent to apply for Federal assistance. Some State and Area Clearinghouses provide their own form for the notification of intent and others use the facesheet of the standard application form. Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A-95 requirements.

Application submission. In order to be considered for a grant under this program announcement, all applications must be submitted on the standard forms enclosed in the ONAP Application Kit and provided by the Office of Native American Programs from the address included under Section I of this program announcement.

The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the Native American Programs Rules and Regulations.

One signed original and two copies of the application, including all attachments, are required.

Application consideration. The Director of the Office of Native American Programs, in consultation with the Regional Offices, determines the final action to be taken with respect to each grant application. Applications which do not conform to this announcement or are late or are not complete will not be accepted and applicants will be notified accordingly. Otherwise, all applicants will be considered for funding.

All accepted grant applications are subjected to a competitive review and evaluation by an independent panel comprised of qualified persons. Such persons may not be members of the program office who have, or might have at a future date, responsibility for monitoring or administering this or any other grant of the applicant agency. The results of the competitive review supplement and assist the Director's consideration of the competing applications. The Director's consideration also takes into account the comments of the A-95 Clearinghouse, all Regional Offices, and other interested organizations.

After the Director has reached a decision either to disapprove or approve a competing grant application, the appropriate Regional Office will notify the applicant of ONAP's decision.

Grant award. The appropriate Regional Office makes grant awards consistent with the purpose of the Act, the regulations, and this program announcement within the limit of Federal funds available. The official grant award document is the Notice of Grant Awarded. The Notice of Grant Awarded sets forth in writing to the grantees the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of grantee financial participation. The initial award also specifies the total project period for which support is contemplated.

F. Criteria for review and evaluation of applications. Competing grant applications will be reviewed and evaluated by the independent panel against the following criteria: (100 points total)

That the project objectives include, are identical with, or are capable of achieving the specific objectives in the program announcement. (15 points)

That there are stated specific objectives and procedures to accomplish such objectives for the first year and a clear outline of the objectives and strategies for the following four years, if applicable, including a time frame for the achievement of specific project objectives of the entire project period. (15 points)

That insofar as practicable, the proposed work plan, if well executed, is capable of attaining project objectives. (15 points)

That the Center can demonstrate that it has community support. (10 points)

That the Center has established or has clear plans to establish linkage with local direct service programs. (10 points)

That the applicant demonstrates the organizational capability to achieve project objectives. (10 points)

That the system proposed by the applicant to monitor progress of the project is reasonable and consistent with the management system of the applicant. (10 points)

That the estimated cost to the Government of the project is reasonable considering the anticipated results. (8 points)

That (1) project personnel are well qualified and (2) the applicant organization has adequate facilities and resources to carry out the project. (7 points)

G. Closing date for receipt of applications. The closing date for receipt of applications under this program announcement is August 1, 1977. Applications must be mailed or hand delivered to the appropriaete Regional Receiving Office as specified below:

PROVIDENCE, RI REGION I

Grants Management Officer/Receiving Official, DHEW Region I, Office of Human Development, JFK Federal Bldg., Room 2000, Boston, Mass. 02203.

GREENSBORO, CHARLOTTE, NC REGION IV

Grants Management Officer/Receiving Official, DHEW Region IV, Office of Human Development, Room 462, 50 7th Street, NE., Atlanta, Georgia 30323.

WARREN, FLINT, MI; DULUTH, MN REGION V

Grants Management Officer/Receiving Official, DHEW Region V, Office of Human Development, Grants Management Branch, 15th Floor, 300 South Wacker Drive, Chicago, Illinois 60606.

FARMINGTON, NM; HOUSTON, TX REGION VI

Grants Management Officer/Receiving Official, DHEW Region VI, Office of Human Development, Fidelity Union Tower, Room 500, 1507 Pacific Avenue, Dallas, Texas 75202.

SIOUX CITY, IA; LAWRENCE, KS REGION VII

Grants Management Officer/Receiving Officer, DHEW Region VII, Office of Human Development, Federal Office Bldg., Room 384, 601 East 12th Street, Kansas City, Missouri 64106.

GRAND FORKS, ND REGION VIII

Grants Management Officer/Receiving Officer, DHEW Region VIII, Office of Human Development, Federal Bldg., Room 7440, 1961 Stout Street, Denver, Colorado 80202.

GARDEN GROVE, VENTURA, CA; HONOLULU, HI REGION IX

Grants Management Officer/Receiving Officer, DHEW Region IX, Office of Human Development, Federal Bldg., Room 41, 50 United Nations Plaza, San Francisco, California 94102.

Hand delivered applications are accepted during normal working hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.

An application will be considered to have arrived by the closing date if:

1. The application is at the Regional OHD Receiving Office on or before the closing date; or

2. The application is postmarked at least two days prior to the closing date.

H. Late applications. Late applications will not be accepted and applicants will be notified accordingly.

I. Availability of application forms. Application Kits which contain the prescribed forms and information for the applicant may be obtained by writing or calling:

Office of Native American Programs, Office of Human Development, DHEW, Room 357 G, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201, (202) 426-3960. (Attention: 13612-772).

(Catalog of Federal Domestic Assistance Program Number: 13.612 Native American Programs)

Dated: June 1, 1977.

DOMINIC J. MASTRAPASQUA,
Acting Director, Office of Native American Programs.

Approved: June 10, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77-17019 Filed 6-14-77;8:45 am]

Public Health Service

GRANTS FOR OCCUPATIONAL SAFETY AND HEALTH EDUCATIONAL RESOURCE CENTERS

Program Guidelines

The National Institute for Occupational Safety and Health (NIOSH) is implementing a new national competition for training project grants to support a limited number of Occupational Safety and Health Educational Resource Centers. It is proposed to establish by 1980, subject to the availability of funds, at least 10 Centers—at least one in each Department of Health, Education, and Welfare Region.

AUTHORITY

Grants for Educational Resource Centers will be awarded under the Institute's basic training grant authority, The Occupational Safety and Health Act of 1970 (29 U.S.C. 670a). Except as otherwise indicated in these guidelines, the basic policies of the Public Health Service Grants Policy Statement (HEW Publication No. (OS) 77-50.000 (Rev.) October 1, 1976) are applicable to this program as are the HEW regulations on Grants for Educational Programs in Occupational Safety and Health (42 CFR Part 86).[1]

BACKGROUND AND OBJECTIVES

In 1971 the Institute established training grant programs to assist public or private nonprofit educational institutions in establishing, strengthening or expanding graduate, undergraduate or special training of persons in the field of occupational safety and health in order to provide an adequate supply of qualified personnel to carry out the purposes of the Act.

Past and current training project grants have provided support for, primarily, single discipline and single level occupational safety and health training programs, e.g., in occupational medicine, occupational health nursing, industrial hygiene, safety engineering, etc., at either the graduate, undergraduate or technical and paraprofessional level. The multidisciplinary scope of occupational health and safety has been recognized by many to be diverse and complex. It has also been realized that special problems arise at the workplace from which new concepts develop that do not fall within any single, traditional discipline. Yet, within this framework, increased numbers of people must be educated to achieve effective prevention of the many occupational health and safety hazards that occur at the workplace.

The objective of this competition is to provide a mechanism for combining and expanding existing activities and arranging for coordinated multidiscipline and multilevel training and continuing education in occupational safety and health under a single grant servicing a geographic region. The program is intended to afford opportunity for full and part-time academic career training, for cross training of occupational safety and health practitioners, for mid-career training in the field of occupational health and safety, and access to many different and relevant courses for students pursuing various degrees. Further, the combination of these should result in cross fertilization among the various disciplines and levels of occupational safety and health practice.

It is anticipated that Centers will form from bases of ongoing educational, research and training activities in occupational safety and health. It is not intended to generate these activities de novo as this would not meet the objectives of this program.

ELIGIBILITY REQUIREMENTS

An eligible applicant is any public or private nonprofit educational or training agency or institution located in a State: *Provided*, That no agency or institution is eligible for assistance from NIOSH for a separate training project grant in any project period in which it receives an Educational Resource Center grant. However, this will not preclude an existing training grant from being incorporated into an Educational Resource Center grant award.

A Center may be comprised within one educational institution or agency or within an association of two or more institutions or agencies. Educational and administrative justification for any joint arrangement must, however, be fully documented in the application. If such proposals are made ,each institution proposing to participate in a joint arrangement must also participate in the application by delineating the educational and training activities that in totality constitute the Educational Resource Center and which, through interaction and proximity, will improve the probability of the success of the total program, as indicated in the guidelines below. Current Public Health Service policy covering consortia and collaborative arrangements must be complied with. A proposal for a Center which is in effect a collation of unrelated training activities will not be considered responsive.

CHARACTERISTICS OF AN EDUCATIONAL RESOURCE CENTER

An Occupational Safety and Health Educational Resource Center should be an identifiable organizational unit within the sponsoring organization and shall have the following characteristics:

1. Cooperative arrangements between a medical school (with an established program in preventive or occupational medicine); school of nursing and school of public health or its equivalent, and school of engineering or its equivalent. Other schools or departments with relevant disciplines and resources may be expected to be represented and contribute as appropriate to the conduct of the total program, e.g., toxicology, biostatistics, environmental health, law, business administration, education, etc.

2. A Director who possesses a demonstrated capacity for sustained productivity and leadership in occupational health and safety training. He shall oversee the general operation of the Center Program and shall, to the extent possible, directly participate in training activities.

[1] A Notice of Proposed Rulemaking for an amendment to 42 CFR Part 86 to include Educational Resource Center grants was published in the FEDERAL REGISTER Vol. 42, No. 95 Tuesday, May 17, 1977 (42 FR 25340).

3. A full-time professional staff representing various disciplines and qualifications relevant to occupational safety and health to be capable of planning, establishing, and carrying out or administering training projects undertaken by the Center.

4. Training and research expertise, appropriate facilities and ongoing training and research activities in occupational safety and health areas.

5. A program for conducting education and training of occupational physicians, occupational health nurses, industrial hygienists/engineers and safety personnel. There shall be full-time students in each of these core disciplines, with a goal of a minimum of 30 full-time students. Training may also be conducted in other occupational safety and health career categories, e.g., industrial toxicology, biostatistics and epidemiology, ergonomics, etc. Training programs shall include appropriate field experience including experience with public health and safety agencies and labor-management health and safety activities.

6. Impact on the curriculum taught by relevant medical specialties, including radiology, orthopedics, dermatology, internal medicine, neurology, perinatal medicine, pathology, etc.

7. A program to assist other institutions or agencies located within their region including schools of medicine, nursing, and engineering, among others, by providing curriculum materials and consultation for curriculum/course development in occupational safety and health, and by providing training opportunities for faculty members.

8. A specific plan for preparing, distributing and conducting courses, seminars, and workshops to provide short-term and continuing education training courses for physicians, nurses, industrial hygienists, safety engineers and other occupational safety and health professionals, paraprofessionals and technicians, including personnel of labor-management health and safety committees, in the geographical region in which the Center is located. The goals shall be that the training be made available each year to a minimum of 200-250 trainees representing all of the above categories of personnel, on an approximate proportional basis with emphasis given to providing occupational safety and health training to physicians in family practice, as well as industrial practice, and industrial nurses. Where appropriate, it shall be professionally acceptable in that Continuing Education Units (as approved for example by the American Medical Association, American Nursing Association, etc.) may be awarded. These courses should be structured so that either educational institutions, public health and safety agencies, professional societies or other appropriate agencies can utilize them to provide training at the local level to occupational health and safety personnel working in the workplace. Further, the Center shall have a specific plan and demonstrated capability for implementing such training directly and through other institutions or agencies in the region including cooperative efforts with labor unions and industry trade associations where appropriate, thus serving as a regional resource for addressing the problems of occupational safety and health that are faced by State and local governments, labor and management.

9. Specific mechanisms to implement the cooperative arrangements, e.g., between departments, schools/colleges, universities, etc., necessary to ensure that the comprehensive, multi- or core-disciplinary training and education that is intended shall be engendered.

10. A Board of Advisors or Consultants, with representation of the user and affected population, including representation of employers and employees, of the Center outreach and continuing education and training programs should be established by the grantee institution to assist the Director of the Center in periodic evaluation of the Center activities.

An application for a Center grant must address each of the above points. The nature and organization of the appropriate administrative, teaching and support staffs and necessary supplies, equipment, facilities, etc., should be clearly detailed in the proposal and clearly related to the budget requested. This program cannot provide funds for new construction or major alterations or renovations, thus facilities must be available for the primary needs of the proposed Center activities.

Criteria for Review

The applications for Occupational Safety and Health Educational Resource Centers solicited in this announcement will be evaluated in national competition. The review is expected to involve a site visit. The criteria to be utilized in reviewing the applications include:

1. The overall potential contribution of the project toward meeting the needs for qualified personnel to carry out the purposes of the Occupational Safety and Health Act of 1970, the expressed purpose of which is to "assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health."

2. The need for training in the areas outlined by the application, including projected enrollment, recruitment, regional needs both in quality and quantity, similar programs, if any within the geographic area.

3. The extent to which arrangements for day-to-day management, allocation of funds and cooperative arrangements are designed to effectively achieve Characteristics of an Educational Resource Center, above.

4. The extent to which curriculum content and design includes formalized training objectives, minimal course content to achieve certificate or degree, course descriptions, course sequence, related courses open to students, time devoted to lecture, laboratory, and field experience, the nature of the latter (primarily applicable to academic training).

5. Previous record of training in this or related areas, including placement of graduates.

6. Methods proposed to evaluate effectiveness of training.

7. The competence, experience and training of the Center Director and of other professional staff in relation to the type and scope of training and education involved.

8. Institutional commitment to Center goals.

9. Academic and physical environment in which the training will be conducted, including access to appropriate occupational settings.

10. Appropriateness of the budget required to support each component of the program.

Operational Aspects

Although the mechanism for support for the Center will be a training grant, it will differ from other grants in its emphasis on priority of occupational safety and health training in the medical and nursing disciplines and in conducting an outreach program in curriculum development and continuing education projects designed to increase admissions to and enrollment in occupational safety and health training of persons who by virtue of their background and interest or position are likely to engage or participate in the delivery of occupational health and safety services. While it is expected that each Center will plan, develop, direct and execute its own program, it must also be responsive to the identified needs of the National Institute for Occupational Safety and Health both in content and direction. The award of a Center grant will establish a special collaborative relationship between the National Institute for Occupational Safety and Health and the grantee institution. NIOSH staff, with consultation and assistance from representatives of the kinds of user groups of the Center program, e.g., academic, labor, management and public health and safety agencies, will provide initial and continuing review and evaluation of the Center programs.

Application and Award

Proposals for Educational Resource Centers should be submitted on the Training Grant Application Form PHS 2499–1, dated 7–75. The forms may be obtained from:

Training Grants Programs, Division of Training and Manpower Development, National Institute for Occupational Safety and Health, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Applications should be submitted to:

Division of Research Grants, National Institutes of Health, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20014.

These should be clearly identified as a proposal for an Educational Resource

Center, as indicated under Section IA, Form PHS 2499–1, Page 1, Title of Training Program and as Training Project in Occupational Safety and Health, as indicated under Section IB, Page 1, Federal Agency Program.

Only applications received by July 8, 1977, will be considered for funding in FY 1977. It is expected that the initial review will be completed by August 15, 1977. Applicants may expect to be advised of the review decision and funding decision by September 15, 1977. The project period beginning date is expected to be September 26, 1977. Awards made for FY 77 will be subject to the provisions of the final rule amending 42 CFR Part 86 to include Educational Resource Centers.

Future Application Deadlines are: March 1, July 1, and November 1.

Applications received after any deadline date will be considered with applications received for the next following deadline. The timetable will be the same, i.e., initial review, final review and decision, and project period beginning dates are expected to be 2 months, 4 months and 5 months, respectively following application deadline receipt date.

AVAILIBILITY OF FUNDS

Funds available for this program in FY 1977 are $3.25 million; 4 to 9 Centers are expected to be initiated, with initial funding of approximately $200,000–$500,000 per Center. It is expected that the funding level may be increased to approximately $300,000 to $750,000 in the second year and level off at approximately $1 million in the third or fourth year. Funds for Centers initiated in FY 78 and beyond are expected to be funded on the same schedule and level.

Ultimately it is expected, dependent upon availability of funds, to support 10–20 Centers at a level of approximately $1 million per year. The initial project period may be up to 5 years, with provision for a possible renewal project period, affording total support for up to 10 years to ensure solid establishment and operation. Continuation funding and level of funding within a project period is subject to annual appropriation of funds and determination that the Center Program is achieving the approved objectives. This guideline statement does not constitute an obligation to support this program at any predetermined fiscal level.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph West, Grants Management Officer, NIOSH, Rockville, MD. Phone: (301) 443–3122.

or

Mr. David S. Thelen or Dr. Alan D. Stevens, Div. of Training and Manpower Development, NIOSH, Cincinnati, OH. Phone: (513) 684–8224 or 8221.

The staff will provide, insofar as possible, consultation to all who desire it concerning the preparation of an application or on any other matter relevant to this Program. The inability to provide such consultation cannot, however, justify extension of the deadline for receipt of applications or any other special consideration.

(Catalog of Federal Domestic Assistance Program No. 13.263, Occupational Safety and Health Training Grants.)

Dated: June 10, 1977.

JOHN F. FINKLEA,
Director, National Institute for Occupational Safety and Health.

[FR Doc.77–17209 Filed 6–14–77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–3039–EM; Docket No. N–77–779]

OREGON

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Oregon (FDAA–3039–EM), dated April 29, 1977.

DATED: June 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202–634–7825.

NOTICE: The Notice of emergency for the State of Oregon dated April 29, 1977, and amended on May 3, 1977, May 12, 1977, and May 26, 1977, is hereby further amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of April 29, 1977:

The counties of:

Crook	Deschutes

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective the date of this amended Notice.

In addition, the Notice of emergency for the State of Oregon dated April 29, 1977, is amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of April 29, 1977:

The counties of:

Baker	Klamath
Crook	Lake
Deschutes	Malheur
Gilliam	Morrow
Grant	Sherman
Harney	Umatilla
Jackson	Union
Jefferson	Wasco
Josephine	Wheeler

The purpose of this designation is to continue to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 16, 1977.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

[FR Doc.77–16980 Filed 6–14–77;8:45 am]

[FDAA–3025–EM; Docket No. N–77–784]

COLORADO

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Colorado (FDAA–3025–EM), dated January 29, 1977.

DATED: May 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202–634–7825.

NOTICE: The Notice of emergency for the State of Colorado dated January 29, 1977, and amended on February 15, 1977, March 10, 1977, April 4, 1977 and May 18, 1977, is hereby further amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 29, 1977:

The counties of:

Crowley	La Plata
Douglas	Lincoln
Elbert	Las Animas
El Paso	Montezuma
Fremont	Otero
Huerfano	Pueblo

The purpose of this designation is to continue to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 1, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-16985 Filed 6-14-77;8:45 am]

[FDAA-536-DR; Docket No. N-77-781]

GEORGIA

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Georgia (FDAA-536-DR), dated June 2, 1977, and related determinations.

DATED: June 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on June 2, 1977, the President declared a major disaster as follows:

I have determined that the situation in certain areas of the State of Georgia resulting from damage to shrimp resources as a result of severe cold weather beginning about January 14, 1977, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Georgia.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Information available to me is that the primary need is for unemployment assistance for workers not otherwise covered by State and Federal programs and for Economic Injury Disaster Loans from the Small Business Administration during the period May 13-September 13, 1977. If other needs are identified, I expect to be so advised. I also expect regular reports on progress made in meeting the effects of this major disaster, the extent of Federal assistance already made available, and a projection of additional assistance required, if any.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle, FDAA Region IV, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas to have been adversely affected by this declared major disaster.

The counties of:

Bryan	Glynn
Camden	Liberty
Chatham	McIntosh

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-16982 Filed 6-14-77;8:45 am]

IDAHO

[FDAA-3040-EM; Docket No. N-77-785]

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Idaho (FDAA-3040-EM), dated May 5, 1977.

DATED: June 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Idaho dated May 5, 1977, is hereby amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of May 5, 1977:

The counties of:

Lincoln Washington

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-16986 Filed 6-14-77;8:45 am]

[FDAA-3040-EM; Docket No. N-77-783]

IDAHO

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Idaho (FDAA-3040-EM), dated May 5, 1977.

DATED: June 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Idaho dated May 5, 1977, and amended on June 1, 1977, and June 2, 1977, is hereby amended to make the following county determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of May 5, 1977, eligible for cattle transportation assistance effective the date of this amended Notice:

The county of:

Washington

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-16987 Filed 6-14-77;8:45 am]

[FDAA-3040-EM; Docket No. N-77-782]

IDAHO

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Idaho (FDAA-3040-EM), dated May 5, 1977.

DATED: June 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Idaho dated May 5, 1977, and amended on June 1, 1977, is hereby further amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of May 5, 1977:

The counties of:

Blaine Washington
Lincoln

The purpose of this designation is to continue to provide emergency livestock

feed assistance only in the aforementioned affected areas effective June 16, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-16983 Filed 6-14-77;8:45 am]

[FDAA-3034-EM; Docket No. N-77-787]

NEW MEXICO

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of New Mexico (FDAA-3034-EM), dated March 2, 1977.

DATED: May 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of New Mexico dated March 2, 1977, and amended on March 19, 1977, is hereby further amended to extend the termination date for the following county determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of March 2, 1977:

The county of:

San Juan

The purpose of this designation is to continue to provide emergency livestock feed assistance only in the aforementioned affected area effective on June 1, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-16988 Filed 6-14-77;8:45 am]

[FDAA-3024-EM; Docket No. N-77-780]

UTAH

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Utah (FDAA-3024-EM), dated January 20, 1977.

DATED: June 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Utah dated January 20, 1977, and amended on March 17, 1977, and 27, 1977 is hereby further amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 20, 1977.

The counties of:

Cache	Rich
Carbon	San Juan
Daggett	Summit
Davis	Tooele
Duchesne	Uintah
Grand	Wasatch
Iron	Wayne
Morgan	Weber

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FRDoc.77-16981 Filed 6-14-77;8:45 am]

[FDAA-3024-EM; Docket No. N-77-786]

UTAH

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Utah (FDAA-3024-EM), dated January 20, 1977.

DATED: May 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Utah dated January 20, 1977, and amended on March 17, 1977, is hereby further amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 20, 1977:

The counties of:

Beaver	Millard
Box Elder	Piute
Emery	Sanpete
Garfield	Sevier
Juab	Washington
Kane	

The purpose of this designation is to provide emergency livestock feed assistance only in the aforementioned affected areas effective June 2, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-16987 Filed 6-14-77;8:45 am]

[FDAA-3039-EM; Docket No. N-77-788]

OREGON

Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Oregon (FDAA-3039-EM), dated April 29, 1977.

DATED: May 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of emergency for the State of Oregon dated April 29, 1977, and amended on May 3, 1977, and on May 12, 1977, is hereby further amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of April 29, 1977:

The counties of:

Baker	Umatilla
Grant	Union
Morrow	

The purpose of this designation is to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective the date of this amended Notice.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-16989 Filed 6-14-77;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-77-789]

CITRUS GROVES INVESTMENT CORP.

Order of Suspension

In the matter of Sunset Groves, Section Four, Martin County, Florida Citrus Groves Investment Corporation, Respondent; OILSR No. 0-0266-09-62; Land Sales Enforcement Division No. 76-265.

Notice is hereby given that: On or about October 15, 1976 the Department of Housing and Urban Development, Office of Interstate Land Sales Regulation, attempted to serve upon B. J. Arthur Elliot, President Citrus Groves Investment Corporation, 1450 N.E. 123rd Street, North Miami, Florida, 33161, a Notice of Proceedings and Opportunity for Hearing by certified mail and service of process was not possible because the addressee could not be located. On January 18, 1977, the Department published the Notice of Proceedings and Opportunity for Hearing in the FEDERAL REGISTER (42 FR 3359) pursuant to 44 U.S.C. 1508. The developer has failed to respond or to request a hearing pursuant to 24 CFR 1720.160 within 15 days of the service by publication of the said Notice of Proceedings and Opportunity for Hearing. Accordingly, an Order of Suspension is being issued pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710 45 (b)(1), as follows:

ORDER OF SUSPENSION

1. The developer has filed a Statement of Record for the above-captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15, U.S.C. 1701 et seq. and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Assistant Secretary for Consumer Affairs and Regulatory Functions (41 FR 19365, May 12, 1976).

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Assistant Secretary for Consumer Affairs and Regulatory Functions at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the Statement therein not misleading, the Assistant Secretary may, after notice, and after any opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. On October 15, 1976, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon B. J. Arthur Elliot, Citrus Groves Investment Corporation, 1450 N.E. 123rd Street, North Miami, Florida 33161, a Notice of Proceedings and Opportunity for Hearing by certified mail and service of process was not achieved since the addressee could not be located. On January 18, 1977, a Notice of Proceedings and Opportunity for Hearing was served upon the developer by publication in the FEDERAL REGISTER (41 FR 19247). The notice informed the developer of information obtained by the Office of Interstate Land Sales Registration showing a change occurred affecting a material fact contained in the above-specified Statement of Record and Property Report. The developer has failed to answer or to request a hearing pursuant to 24 CFR 1720.160 within 15 days of receipt of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45 (b))(1) the Statement of Record filed by the developer covering its subdivision is hereby suspended, effective as of the date of the publication of this Order of Suspension in the FEDERAL REGISTER. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

This Order shall be served upon the Respondent by publication in the FEDERAL REGISTER pursuant to 44 U.S.C. 1508.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

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

GENO C. BARONI,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.77-17050 Filed 6-14-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[INT FES 77-19]

MANCOS CANYON INDIAN PARK

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Statement for the Mancos Canyon Indian Park, a proposal for an archeological park on the Ute Mountain Ute Indian Reservation, Montezuma County, Colorado.

The environmental statement considers human, economic and physical environmental affects associated with the federal assistance provided the Tribe in this venture. The park encompasses 125,000 acres of reservation land designated as a Historic District on the National Register of Historic Places. Written and oral comments received have been incorporated in the statement.

Copies are available for inspection at the following locations:

Bureau of Indian Affairs, Environmental Quality Services, Room 4554, Department of the Interior, Washington, D.C. 20245, Telephone: 202-343-8248.

Bureau of Indian Affairs, Albuquerque Area Office, First National Bank Building—East, 5301 Central Aveue, N.E., Albuquerque, New Mexico 87108, Telephone: 505-766-3060.

Bureau of Indian Affairs, Ute Mountain Ute Agency, Towaoc, Colorado 81334, Telephone: 303-565-8471.

Colorado State Division of Planning, 524 State Social Services Building, 1575 Sherman Street, Denver, Colorado 80203, Telephone: 303-892-2178.

Single copies of the Final Environmental Statement may be obtained from the Albuquerque Area Office, Bureau of Indian Affairs, First National Bank Bldg.—East, 5301 Central Avenue, N.E. Albuquerque, New Mexico 87108.

Dated: June 8, 1977.

HEATHER L. ROSS,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.77-16990 Filed 6-14-77;8:45 am]

Bureau of Land Management

[Serial No. I-13325]

IDAHO

Proposed Withdrawal and Reservation of Lands

JUNE 6, 1977.

The Corps of Engineers, Department of the Army, on May 31, 1977, filed application, Serial No. I-13325, for the withdrawal of the following described lands from settlement, sale, location or entry, under all of the general land laws, including the mining laws, subject to valid existing rights:

BOISE MERIDIAN, IDAHO

HUGHES POINT WILDLIFE MITIGATION PROJECT

T. 40 N., R. 4 E.,
Sec. 2, lots 3, 4, 6, and W½ of lot 7, SW¼NE¼, S½NW¼, W½SW¼, NE¼SW¼, NE¼SE¼SW¼, W½SE¼SW¼, NW¼NW¼SE¼;
Sec. 3, lots 1, 2, 3, 4, 5, 6, 7, 8, S½N½, E½SW¼, SE¼;
Sec. 10, N½, N½SW¼, W½SW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, SE¼;
Sec. 11, W½NW¼, SE¼NW¼, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, NW¼SE¼SW¼;
Sec. 12, E½SW¼SW¼, S½SE¼SW¼, S½SE¼;
Sec. 13, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 14, E½NE¼NE¼, SE¼SW¼NE¼, SE¼NE¼, SE¼NE¼SW¼, S½SW¼, SE¼;
Sec. 15, SE¼SE¼SE¼, N½NW¼NE¼, SE¼NW¼NE¼, W½NW¼NW¼, W½NW¼SW¼, SE¼NW¼SW¼;
T. 40 N., R. 5 E.,
Sec. 5, E½SW¼NE¼, SW¼SW¼NE¼, W½SE¼, SE¼SE¼;
Sec. 6, lots 3, 4, 5, W½SW¼NE¼, SE¼NW¼;
Sec. 7, E½ lot 5, lot 6, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, NE¼, E½NE¼NW¼, S½NW¼,

The areas described aggregates 4007.02 acres in Clearwater County.

The Corps of Engineers desires that the lands be withdrawn and developed for Wildlife Management and habitat improvement in cooperation with the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game. The reservation and development will serve to replace big game browse lost when the Dworshak Dam and Reservoir was created.

On or before July 15, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724 on or before July 15, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

Effective July 15, 1977, the land will be segregated from entry as specified above for a period of two years unless the application is approved or rejected prior to that date. If the withdrawal is approved, the segregation will continue for the time period specified in the withdrawal notice.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.77-16962 Filed 6-14-77;8:45 am]

[CA 2268]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 7, 1977.

The Bureau of Reclamation, U.S. Department of the Interior, filed application Serial No. CA 2268 on August 6, 1974, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

MODOC NATIONAL FOREST

T. 46 N., R. 7 E.,
Sec 27, SE¼SW¼ and SW¼SE¼.

The area described aggregates 80 acres in Modoc County.

The applicant desires that the land be reserved for the improvement and enlargement of a dike for the operation and maintenance of Clear Lake Reservoir.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on September 23, 1974, page 34083, FR Doc. 74-22007.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 18, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 18, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-17004 Filed 6-14-77;8:45 am]

[CA 2833]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 7, 1977.

The Forest Service, U.S. Department of Agriculture, filed application Serial No. CA 2833 on March 27, 1975, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

KLAMATH AND SHASTA-TRINITY NATIONAL FORESTS, LITTLE GLASS MOUNTAIN, PUMICE STONE MOUNTAIN, AND PAINT POT CRATER GEOLOGICAL AREA

T. 43 N., R. 2 E.,
Sec. 12, S½SE¼;
Sec. 13, All;
Sec. 14, All;
Sec. 23, N½, SE¼, and E½SW¼;
Sec. 24, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 25, W½NW¼;
Sec. 26, NE¼ and E½NW¼.
T. 43 N., R. 3 E.,
Sec. 7, SW¼;
Sec. 18, W½ and W½E½;
Sec. 19, NW¼, N½SW¼, and NW¼NE¼.

The area described aggregates 3,760 acres in Siskiyou County, California.

The applicant desires the land be reserved for the protection of unique volcanic features within the Medicine Lake Volcanic Highlands.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on July 17, 1975, page 30139, FR Doc. 75-18579.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 18, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 18, 1977.

The above described lands are temporarily segregated from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws.

Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-17005 Filed 6-14-77;8:45 am]

[SAC 070406]

CALIFORNIA

Order Providing for Opening of Lands

JUNE 7, 1977.

1. Pursuant to the Act of June 14, 1926, 44 Stat. 471, as amended by the Act of June 4, 1954, 68 Stat. 173, as amended, 43 U.S.C. 869, the following described lands have been reconveyed to the United States.

MOUNT DIABLO MERIDIAN

T. 8 S., R. 3 W.,
Sec. 23, NW¼NW¼.
T. 8 S., R. 4 W.,
Sec. 9, NE¼SW¼.

The area described contains 80.00 acres.

2. The lands are located in San Mateo County, approximately 7 air miles east of Pescadero, California, and 2 air miles south of La Honda.

3. At 10 a.m. on July 18, 1977, the lands shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C., Ch. 2) and the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 18, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considerd in the order of filing.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-17006 Filed 6-14-77;8:45 am]

[S 5303]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 7, 1977.

The Bureau of Indian Affairs, U.S. Department of the Interior, filed application Serial No. S 5303 on August 15, 1972 for a withdrawal in relation to the following described lands:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 14 S., R. 2 E.,
Sec. 7, Lot 6 (SW¼SW¼).

The area described aggregates 44.10 acres.

The applicant desires that the land be reserved for addition to the Barons Ranch Reservation, California.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on October 13, 1972, page 21655, FR Doc. 72-17488.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 18, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 18, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2) and from leasing under the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Land Section Branch of Lands and Minerals Operations.

[FR Doc.77-17007 Filed 6-14-77;8:45 am]

[CA 856]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 7, 1977.

The Bureau of Reclamation, U.S. Department of the Interior, filed application Serial No. CA 856 on December 12, 1973, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 47 N., R. 4 E.,
Sec. 1, A tract of land within the NW¼ NW¼ being all the southerly portion of Lot 4, also shown as Block 1 on the plat of "Tulelake Townsite Addition," approved September 11, 1973.

The area described aggregates 12.43 acres in Siskiyou County, California.

The applicant desires the land be reserved for townsite purposes and subdivision for residential lots for annexation to the City of Tulelake, California.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on April 25, 1974, page 14618, FR Doc. 74-9483.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 18, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 18, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2) and mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the

segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77–17003 Filed 6–14–77;8:45 am]

[M 34075]

MONTANA

Application

JUNE 7, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), The Montana Power Company has applied for a natural gas pipeline right-of-way for a 4-inch line across the following lands:

PRINCIPAL MERIDIAN, MONTANA

T. 26 N., R. 20 E.,
Sec. 15, NW¼NW¼.

This pipeline will convey natural gas across 0.18 miles of public lands in Blaine County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their names and addresses to the District Manager, Bureau of Land Management, Bank Electric Building, Drawer 1160, Lewistown, Montana 59457.

EDGAR D. STARK,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17008 Filed 6–14–77;8:45 am]

[NM 30791]

NEW MEXICO

Application

JUNE 8, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 32, NW¼SW¼.

This pipeline will convey natural gas across 0.157 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17014 Filed 6–14–77;8:45 am]

[NM 30781 and 30782]

NEW MEXICO

Applications

JUNE 8, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for three 4½-inch natural gas pipline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 5 W.,
Sec. 9, NW¼NW¼.
T. 32 N., R. 7 W.,
Sec. 35, NE¼SW¼.
T. 32 N., R. 8 W.,
Sec. 29, W½SE¼.

These pipelines will convey natural gas across 0.548 of a mile of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17015 Filed 6–14–77;8:45 am]

[NM 30773, 30775, 30776, 30777, 30778, 30779 and 30792]

NEW MEXICO

Applications

JUNE 8, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for seven 4½–inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29N., R. 8 W.,
Sec. 8, SW¼SE¼;
Sec. 15, SW¼SE¼;
Sec. 26, NW¼SE¼.
T. 30 N., R. 9 W.,
Sec. 18, NW¼NE¼ and NE¼NW¼.
T. 31 N., R. 10 W.,
Sec. 17, lots 3 and 5;
Sec. 31, lots 8 and 9.
T. 31 N., R. 11 W.,
Sec. 10, SW¼NW¼.

These pipelines will convey natural gas across 0.874 of a mile of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P. O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17013 Filed 6–14–77;8:45 am]

[NM 30761 and 30784]

NEW MEXICO

Applications

JUNE 7, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch and one 20-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 10 W.,
Sec. 10, lots 15 and 16;
Sec. 15, lots 1 and 2.
T. 30 N., R. 14 W.,
Sec. 7, N½SW¼ and SW¼SW¼.
T. 30 N., R. 15 W.,
Sec. 12, SE¼SE¼;
Sec. 13, N½NE¼, SW¼NE¼ and NW¼SE¼;
Sec. 24, N½NW¼, SW¼NW¼ and W½SW¼;
Sec. 25, NW¼NW¼.

These pipelines will convey natural gas across 3.062 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O.

Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17012 Filed 6-14-77;8:45 am]

[NM 30788]

NEW MEXICO

Application

JUNE 7, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO
T. 17 S., R. 29 E.,
Sec. 31, N½NE¼ and SE¼NE¼.

This pipeline will convey natural gas across 0.591 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interestd persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17011 Filed 6-14-77;8:45 am]

[NM 30783]

NEW MEXICO

Application

JUNE 7, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for four 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO
T. 32 N., R. 11 W.,
Sec. 8, lot 2;
Sec. 17, NE¼NE¼, NE¼NW¼, SE¼SW¼ and SW¼SE¼.

These pipelines will convey natural gas across 0.412 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17010 Filed 6-14-77;8:45 am]

[NM 30760, 30763, 30764, 30766, 30767 and 30769]

NEW MEXICO

Applications

JUNE 7, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO
T. 31 N., R. 10 W.,
Sec. 9, lot 12.
T. 32 N., R. 11 W.,
Sec. 23, N½SE¼;
Sec. 25, N½NW¼;
Sec. 26, N½SE¼ and SW¼SE¼;
Sec. 28, SW¼SE¼;
Sec. 34, SW¼NW¼.

These pipelines will convey natural gas across 0.720 of a mile of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17009 Filed 6-14-77;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: J. Stephen McCusker, Washington Park Zoo, 4001 S.W. Canyon Road, Portland, Oregon 97221.

OMB NO. 42-R1677

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*rate only one*)

☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:

to ship 1 male golden cat, Felis temmincki, to Mich Ken Breeding Farms, Montreal, Quebec, Canada

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)

J. Stephen McCusker, General Curator
Washington Park Zoo
4001 SW Canyon Road
Portland, Oregon 97221

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☐ MISS ☐ MS. — HEIGHT — WEIGHT

DATE OF BIRTH — COLOR HAIR — COLOR EYES

PHONE NUMBER WHERE EMPLOYED — SOCIAL SECURITY NUMBER

OCCUPATION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

Municipal, non-profit zoological park dedicated to education, family recreation, conservation and scientific enrichment

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

Warren Iliff, Director - (503) 226-1561

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

shipped from Washington Park Zoo, 4001 SW Canyon Rd., Portland, OR 97221, to Mich Ken Breeding Farm, 01314 Charlevoix St., Montreal, Quebec H3K 279 Canada

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit numbers*)

PRT-2-0125-PT

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*)

pending - they are in the process of getting their permit

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

$50 CFR 13.11 individual basis

10. DESIRED EFFECTIVE DATE

immediately

11. DURATION NEEDED

120 days

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.

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*) J S McCusker

DATE 31 Mar 77

3-200 (6/76) GPO 895-242

(1) 1 male golden cat, *Felis temmincki* to be shipped to Canada. Age: born in captivity on 22 May 1976.

(2) Born in captivity.

(3) N/A.

(4) Born at Washington Park Zoo, Portland, Oregon, 97221, U.S.A.

(5) Mich Ken Breeding Farm, 01314 Charlevoix St., Montreal, Quebec H3K 279 Canada.

This institution has a history of successfully housing, breeding and maintaining a large number of exotic animals including felines.

(6) (i) Presently housed in suitably sized, sanitary enclosure.

(ii) The Washington Park Zoo personnel have successfully raised this species in captivity.

(iii) We are willing to cooperate with or assist in any breeding programs and/or stud book concerning this species.

(iv) Transportation time for this animal will be less than 12 hours of crate time. It will be shipped in a crate strong enough to confine it, and large enough to allow total posture variation. Water will not be necessary if the flight schedule is kept; however, a water pan and access hole will be available should the animal be delayed in route.

(v) No serious health problems have been realized with any of our felidae. A few newborns have been lost as a result of birth trauma and neglectant parents; however, no pathogens were found on post-mortem. Ear mites have been realized in some of our cats and have been successfully treated.

(8) (i) To ship a male golden cat to another facility for breeding purposes.

(ii) To be housed with the same species of opposite sex, under preferred management techniques.

(iii) Captive breeding of this species is important in trying to keep the species extant.

(iv) No disposition is planned.

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 2-772-C07; please refer to this number when submitting comments. All relevant comments received on or before July 15, 1977 will be considered.

Dated: June 10, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-16968 Filed 6-14-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicants: William L. Pflieger, Missouri Department of Conservation, Fish and Wildlife Research Center, 1110 College Avenue, Columbia, Missouri 65201.

OMB NO. 42-R1470

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Use only one): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
The collecting of the Higgins eye pearly mussel, Lampsilis higginsi, by myself, Fisheries Biologist Alan Buchanan, and an assistant not yet hired, for the purpose of scientific research.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
William L. Pflieger
Missouri Dept. of Conservation
Fish & Wildlife Research Center
1110 College Ave.
Columbia, Missouri 65201

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT
	5' 10"	170 lbs.
DATE OF BIRTH	COLOR HAIR	COLOR EYES
10/26/32	Blonde	Gray
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
314/449-3761	274-28-1214	

OCCUPATION
Senior Fisheries Research Biologist

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Missouri Dept. of Conservation
Fish & Wildlife Research Center
1110 College Avenue
Columbia, Missouri 65201

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF 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
Scientific collecting in the Meramec River Basin, Missouri.

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
(If yes, list jurisdictions and type of document)

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: July 1, 1977

11. DURATION NEEDED: 2 years

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.

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) William L. Pflieger APR 25 1977 — DATE: April 22, 1977

3-200
10/76

GPO 835-048

Following is the information required under Section 17.22 of Subchapter B of Chapter 1 of Title 50 of the Federal Regulations:

1. We are seeking a permit to collect postlarval forms of both sexes of the Higgins eye pearly mussel (*Lampsilis higginsi*), presently on the national endangered species list. Collecting will be by the crowfoot bar or brial, and by hand. This species and other, nonendangered species will be collected in an attempt to determine the distribution and abundance of mussel species in the Meramec River Basin, Missouri. As few of the above endangered species will be taken as necessary to establish its presence in a particular mussel bed. Generally only one or two, and never more than five individuals of the species will be taken per bed.

2. The animals we propose to collect are currently in the wild.

3. The above species is difficult to identify. To assure accurate identification of the mussels collected, specimens from each sample site will be sent to a nationally recognized mussel authority for positive identification. Any additional individuals collected from the same mussel bed will be immediately returned to the river.

4. N/A.

5. Missouri Department of Conservation, Fish and Wildlife Research Center, 1110 College Avenue, Columbia, Missouri 65201.

6. N/A.

7. Initial contract attached. The initial contract is for a literature search, project planning, and a Status of Knowlege Report. The collecting permit is needed for the second, field phase of the study, for which the contract has not yet been written.

8. (i) Biologists of the Columbia Area Office, as part of their normal duties in the management and protection of the region's aquatic resources, sample areas of the Meramec River Basin to locate and determine the species composition, distribution, and abundance of freshwater mussels.

(ii) Sampling will be conducted between March and November at selected sites. Collection will be by the crowfoot bar or brial, and by hand.

(iii) By knowing the distribution and abundance of the endangered species, we will be better able to manage and protect them.

(iv) Individuals of all species found will be kept as voucher specimens in a collection to be maintained at the Fish and Wildlife Research Center in Columbia.

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 2-803-07; please refer to this number when submitting comments. All relevant comments received on or before July 15, 1977 will be considered.

Dated: June 10, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-16969 Filed 6-14-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Alan M. Springer, University of Alaska, Div. of Life Sciences, Fairbanks, Alaska 99701.

OMB NO. 42-R1275

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.
Peregrine Falcon investigations in Alaska to determine:

a. numbers
b. reproductive success
c. habitat availability
d. food habits
e. pollutant residue burdens
f. egg shell thicknesses

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Alan M. Springer
Division of Life Sciences
University of Alaska
Fairbanks, Alaska 99701
(907) 479-7542

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'10" WEIGHT: 170
DATE OF BIRTH: 13 August 1947 COLOR HAIR: Brown COLOR EYES: Blue
PHONE NUMBER WHERE EMPLOYED: (907) 497-7542 SOCIAL SECURITY NUMBER: 521-60-7402
OCCUPATION: Biologist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
see Attachment 1.

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
N.A.
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:
see Attachment 2.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
PRT 2-179

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)

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: 1 July 1977

11. DURATION NEEDED: 1Jul77-30Jun78

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.
Section 17.22; to cover prohibitions listed under paragraph C parts 3ii and 3iii and paragraph d(1), section 17.21.

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): Alan M. Springer
DATE: 5 April 1977

3-200
(6/74)

The information contained in this attachment applies to part 17.22, Title 50, Code of Federal Regulations as amended 26 September 1975.

1. Species: Peregrine Falcon (*Falco peregrinus anatum* and *F. p. tundrius*).

Activity:

A. To survey the Alaskan portion of the Procupine River for Peregrine Falcons; to evaluate nesting habitat and locate active and known historical nest sites; to acquire data on current productivity including clutch size, brood size, hatching success and fledging success.

B. To survey the lower Yukon River for peregrine nesting habitat; to locate nesting pairs and nesting sites.

C. To receive and salvage addled eggs, dead young and dead adult Peregrine Falcons found in Alaska.

D. To analyse Peregrine Falcon tissues salvaged in Alaska for environmental pollutants.

E. To receive and salvage Peregrine Falcon prey remains found in Alaska.

2. All birds, their eggs and their young which will be studied are in the wild.

3. All surveys and salvage activities will be conducted in a manner which will insure that harrassment, injury, death of removal from the wild of all living adult birds, their viable eggs and their living young does not occur. Addled eggs, dead young and dead adult birds will be salvaged when possible.

4. N.A.

5. Prey remains will be identified at the Division of Life Sciences, University of Alaska, Fairbanks, Alaska, and will be placed in the custody of the curator Terrestrial Vertebrates Collection, University of Alaska Museum, University of Alaska, Fairbanks, Alaska.

Pollutant residue analysis will be made at the University of California, Bodega Marine Laboratory, Bodega Bay, California, and at the Lawrence Berkeley Laboratory, University of California, Berkeley, California.

6. N.A.

7. Support is being sought from the U.S. Fish and Wildlife Service and the Bureau of Land Management. Limited personal contributions have also been made.

8. Methods:

A. Ground surveys of the porcupine River will be made between its mouth and the Canadian border during the period 1 June-1 September. The surveys will be conducted from a riverboat or raft and from foot. Nests will be viewed from distant vantage points whenever possible. When this is not practicable, one investigator will rope down beside the nest. This method will also be used to salvage specimen material. No visits to nests will be attempted until the eggs have hatched and the young are thermoregulatory. No nests will be visited more than once during occupancy; however, certain nests may be revisited after all young have fledged so that additional specimen material may be salvaged. Surveys of the Porcupine River will be in cooperation with a general patrol of this drainage by Mr. Virgil James, Special Agent in Charge, U.S.F.W.S. Division of Law Enforcement, Fairbanks, Alaska.

B. An aerial survey of the lower Yukon River from Tanana to Mountain Village will be made between 1 June and 1 September. The survey will be conducted from a fixed-wing aircraft, the flight path of which will be far enough from the nest sites to avoid harassment of young adult birds. The survey of the Yukon River will be made in cooperation with Mr. Don Frickle, Refuge Manager, Clarence Rhode National Wildlife Refuge.

C. Dead young and dead adult peregrines will be frozen intact until analysed. Contents of addled eggs will be stored in precleaned glass containers and frozen. Care will be taken to insure that egg shells remain intact so that shell thickness determinations can be accurately made. Qualitative and quantitative analyses of pollutant residues will be made using gas-liquid chromatography and mass spectrometry.

D. Prey remains will be salvaged from throughout the state whenever possible and will be identified using standard taxonomic keys and preserved material.

JUSTIFICATION

Arctic and subarctic peregrines are dependent in large measure on the protection afforded them by the inaccessibility of much of their habitat. Current state-wide trends in resource development could easily jeopardize this advantage. Efforts should be made, therefore, to identify all portions of the State in which peregrines might be found so that they will be given proper consideration in land use planning decisions. A considerable body of data is available concerning peregrines on the upper and middle sections of the Yukon River. However, little information exists on the numbers or status of birds along the lower portion of this river or on the extent and quality of habitat found there. The survey which we propose for the lower Yukon will increase our knowledge of peregrines in that area of Alaska.

The general health and stability of Alaskan peregrines vary from one population to another. A strong relationship appears to exist between the current status of different populations and the levels of certain environmental pollutants, principally DDE, which are found in eggs and tissues of birds from the various groups. Among the factors which probably contribute to the pollutant burdens which any population carries, the rela-

tive trophic position of the population as a whole may be one of the most important.

Peakall et al. (1975) suggested that tundra peregrines will no longer nest on the Colville River by 1980 if the current rate of decline continues. Reproductive failures have been common (Peakall et al. 1975) and shells of eggs laid by peregrines along this river averaged 21.7 percent thinner than eggs laid before wide spread use of DDT began. (Cade et al. 1971). A reduction in eggshell thickness of 20 percent or more has been associated with other population declines (Anderson and Hickey 1972). Anatum peregrines in the interior are nearly extinct along the Tanana River although they appear to be relatively healthy on the upper Yukon River and its major tributaries above Circle (White and Cade 1975). Eggs from interior peregrines contained an average of 673 ppm DDE (compared to 889 ppm in eggs from tundra birds) and shells averaged 16.8 percent thinner than pre-DDT eggshells (Cade et al. 1971). Populations of Peale's peregrines from the Aleutians are comparatively stable (White et al. 1971). DDE levels in eggs from these birds were lower (167 ppm) and eggshell thicknesses averaged only 7.5 percent less than normal (Cade et al. 1971).

Aleutian peregrines are resident on the islands and feed primarily on alcids so that their pollutant residue burdens are probably of marine origin (White et al. 1971). Tundra and Taiga peregrines are both long distance migrants and are probably exposed to higher and more variable pollutant levels throughout the year. These levels may be generally different, however, for the two subspecies depending upon what they eat. White and Cade (1971) have provided considerable data on prey of tundra peregrines from the Colville River. Rather less information is currently available on food habits of interior peregrines (Cade 1960; Springer and Roseneau unpublished data; Mossop unpublished data), and conclusions should be made carefully concerning the similarity of prey taken by the two populations. Additional data are needed to help elucidate the trophic relationships between these subspecies.

Except for the Tanana River birds, interior peregrine populations appear to be maintaining relatively good health even though pollutant burdens are high and their eggshells are dangerously thin. Because less information on the Porcupine River is available than for other interior regions and because the Porcupine River supports a substantial number of breeding peregrines, additional data on the status of these birds—their numbers, productivity, food habits and pollutant burdens—would be particularly valuable. Furthermore, because of the precarious position in which peregrines in general find themselves as a result of pollution effects, residue levels in birds from throughout the state should be continually monitored.

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 2-809-07; please refer to this number when submitting comments. All relevant comments received on or before July 15, 1977 will be considered.

Dated: June 10, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-16970 Filed 6-14-77;8:45 am]

NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

CALIFORNIA COORDINATING COMMITTEE, CALIFORNIA WOMEN'S MEETING

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 02-463, 5 U.S.C. App. 1), announcement is made of the California Women's Meeting to be held on June 17-19, 1977 in Los Angeles at the University of Southern California.

The purposes of the meeting are to:

(1) Recognize the contributions of women to the development of our country;

(2) Assess the progress that has been made to date by both the private and public sectors in promoting equality between men and women in all aspects of life in the United States;

(3) Assess the role of women in economic, social, cultural, and political development;

(4) Assess the participation of women in efforts aimed at the development of friendly relations and cooperation among nations and to the strengthening of world peace;

(5) Identify the barriers that prevent women from participating fully and equally in all aspects of national life, and develop recommendations for means by which such barriers can be removed;

(6) Make nominations for and elect 96 representatives to the National Women's Conference in accordance with regulations promulgated by the National Commission on the Observance of International Women's Year and consistent with the requirement that the National Women's Conference shall be composed of:

(a) Representatives of local, State, regional, and national institutions, agencies, organizations, unions, associations, publications, and other groups which work to advance the rights of women; and

(b) Members of the general public, with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages.

The meeting is scheduled to begin at 8 a.m. on June 17, 1977 and end at 12 noon on June 19, 1977.

Workshops and other discussions have been scheduled for June 17, 10.30 a.m. to 12 noon; 4:30 p.m. to 6 p.m. June 18, 10:30 a.m. to 12 noon; 4:30 p.m. to 6 p.m.

Topics to be discussed during these periods include various issues of concern to women including health, education, employment, and the legal and economic status of women.

The election of delegates to the National Women's Conference is scheduled as follows:

Nominating Committee Report and Floor Nominations, 9 a.m., June 17. Election of delegates, 9 a.m. to 3 p.m., June 18.

This Meeting is open to the public. All persons 16 years old or over who are residents of the State or enrollees at educational institutions in the State may register to participate in all activities. Participation in some activities may be limited by the available space.

Registration is premised upon a satisfactory showing of residency or educational institution enrollment and the payment of a nominal fee. All participants may vote on recommendations and delegates if they have registered before 12 noon, June 18.

All communications regarding this Meeting should be addressed to Sally Martinez or Anita Miller, co-chairs, International Women's Year Coordinating Committee, Room L1, Stonier Hall, University of Southern California, 837 West 36th Place, Los Angeles, California, 90007 or call 213-747-5500.

General notice of this meeeting has been publicized in the media and the time available for organizing the details of the program schedule have made it necessary on an emergency basis to postpone publication of this notice until this time.

Dated: June 13, 1977.

WILLIAM WALLACE,
Deputy General Counsel, National Commission on the Observance of International Women's Year.

[FR Doc.77-17292 Filed 6-14-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332-87]

CONDITIONS OF COMPETITION IN THE WESTERN U.S. STEEL MARKET BETWEEN CERTAIN DOMESTIC AND FOREIGN STEEL PRODUCTS

Investigation and Public Hearings

The United States International Trade Commission on May 23, 1977, instituted, on its own motion, an investigation under section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(g)), to study the conditions of competition in the western U.S. steel market between certain domestic and foreign products of steel, other than alloy steel. Such products of steel include articles of the types provided for in part 2B of schedule 6 of the Tariff Schedules of the United States.

In its investigation and report issued in connection therewith, the Commission will be concerned with, among other things, the effects on the western U.S. steel market and western U.S. steel producers in such market area of (1) imports of such steel products, (2) owner-

ship by foreign interests of domestic facilities producing such articles in such market area, and (3) practices of importers marketing such articles.

Public hearings in connection with the investigation will be held between October 1977 and March 1978 in Denver, Colo., Los Angeles and San Francisco, Calif., and Portland, Oreg., at times and places to be announced.

By order of the Commission.

Issued: June 10, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-17065 Filed 6-14-77;8:45 am]

LEGAL SERVICES CORPORATION

PRAIRIE STATE LEGAL SERVICES, INC.

Grants and Contracts

JUNE 9, 1977.

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

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

Prairie State Legal Services, Inc. to serve the counties of Peoria, Tazewell, McLean, Will, DuPage, Kane, Lake, Ogle, Stephenson, Winnebago and Boone.

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

Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,
President.

[FR Doc.77-16997 Filed 6-14-77;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

EDUCATION PROGRAMS PANEL

Meeting

JUNE 8, 1977.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended,) notice is hereby given that a meeting of the Education Programs Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1023, from 9 a.m. to 5:30 p.m. on July 7 and 8, 1977.

The purpose of the meeting is to review Pilot Program applications submitted to the National Endowment for the Humanities for projects beginning after September 1, 1977.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 28, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contract the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.77-17025 Filed 6-14-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

[OMB Circular A-76; Rev Transmittal Memorandum 3]

OFFICE OF FEDERAL PROCUREMENT POLICY

Government Reliance on the Private Sector

OMB Circular No. A-76 expresses the Government's general policy of reliance on the private sector for needed goods and services, and provides guidance for its implementation. Statutory responsibility for this policy is assigned to the Administrator for Federal Procurement Policy by Public Law 93-400.

With the exception of minor changes in 1967, no revisions were made in Circular A-76 until Transmittal Memorandum No. 2 was issued in October 1976. That memorandum provided standard factors for computing the cost of Government employee retirement and insurance benefits to be used in comparing the cost of Government and commercial sources for products and services.

The Office of Management and Budget is undertaking a complete review of all aspects of Circular A-76 and the methods for its implementation to ensure that the policy and its application are predictable, consistent, fair and equitable. I will direct the review.

Because the validity of the standard factor for retirement of 24.7%, issued in Transmittal Memorandum No. 2, has been questioned, a standard factor of 14.1% will be used in lieu of 24.7%, pending completion of our review. The figure of 14.1% reflects the current net payment by the Federal Government to employee annuitants. This change is explained in Transmittal Memorandum No. 3 which follows.

All interested parties are invited to submit their views and comments on the policy expressed in OMB Circular A-76 and its implementation for consideration in our review. Responses should be received by July 13, 1977 and should be addressed to Administrator for Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place NW., Washington, D.C. 20503.

LESTER A. FETTIG,
Administrator, Office of Federal Procurement Policy.

CIRCULAR NO. A-76, REVISED TRANSMITTAL MEMORANDUM NO. 3

POLICIES FOR ACQUIRING COMMERCIAL OR INDUSTRIAL PRODUCTS AND SERVICES FOR GOVERNMENT USE

JUNE 13, 1977.

1. *Purpose.* This Transmittal Memorandum amends Transmittal Memorandum No. 2, dated October 18, 1976, to revise, pending further review, the cost factor for computing retirement costs of civilian personnel services, and to provide interim guidance.

2. *Change.* The following change to Paragraph 4 of Transmittal Memorandum No. 2 is effective immediately:

The cost factor for retirement is changed from 24.7% to 14.1%

3. *Explanation of Change.* The retirement cost factor of 24.7% was based upon the accrual method of computation; that is, the factor represented a projection of the present value of future retirement benefits for Government employee annuitants. Both the validity of this figure and the use of the accrual method have been questioned. Consequently, and pending a complete review of this matter, as discussed in Paragraph 4, the retirement cost factor of 14.1% will be used. This factor is based upon the nonaccrual method of computation. It represents current total payments to employee annuitants, reduced by current employe contributions, expressed as a percentage of current civil service payroll.

4. *Interim Guidance.* a. This Administration has undertaken a complete review of OMB Circular No. A-76 and its implementation change in the retirement cost factor is made at this time, as an interim measure, pending completion of the review.

b. No moratorium is to be placed on the implementation of OMB Circular No. A-76 because of the review action. It is expected, however, that agencies will be careful and judicious in the selection of activities for consideration as to whether they should be performed in-house or by contract. In this connection, the quota requirement established by the previous Administration under the Presidential Management Initiatives Program and incorporated in OMB Circular No. A-113 is not an acceptable approach and is no longer to be followed.

BERT LANCE,
Director.

[FR Doc.77-17316 Filed 6-14-77;10:46 am]

SMALL BUSINESS ADMINISTRATION

MADISON DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Madison District Advisory Council will hold a public meeting at 10:00 a.m., Friday, July 15, 1977, in the Conference Room of the Small Business Administration, Madison District Office, 122 West

Washington Avenue, Madison, Wisconsin, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, white or call Lucian G. Schlimgen, Jr., District Director, U.S. Small Business Administration, 122 West Washington Avenue, Madison, Wisconsin 53703, 608/252-5287.

Dated: June 9, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-17021 Filed 6-14-77;8:45 am]

DEPARTMENT OF STATE

SHIPPING COORDINATING COMMITTEE

Subcommittee on Safety of Life at Sea; Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea concerned with nuclear ships will hold an open meeting at 10 a.m. on Wednesday, July 13, 1977, in Room 8236 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of this meeting will be to discuss the proposed IMCO Code of Safety for Nuclear Ships and results of the June meeting of the IMCO ad hoc working group on nuclear ships.

Requests for further information on the meeting should be directed to Mr. John Deck, III, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2197.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

JUNE 8, 1977.

[FR Doc.77-17017 Filed 6-14-77;8:45 am]

[Public Notice CM 780]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee will hold an open meeting at 1:30 p.m. on Thursday, July 21, 1977, in Room 6324 A of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the 18th Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London September 12-16, 1977. In particular, the working group will discuss the following topics:

Code of safety requirements for mobile offshore drilling units.

Operational standards for shipboard radio equipment.

Operational requirements for emergency position-indicating radio beacons and portable radio apparatus for survival craft.

Matters resulting from the World Maritime Administrative Radio Conference, 1974, and the work of the International Radio Consultative Committee.

Requests for further information on the meeting should be directed to LT F. N. Wilder, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1345.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

JUNE 6, 1977.

[FR Doc.77-16916 Filed 6-14-77;8:45 am]

Agency for International Development

COORDINATOR, REIMBURSABLE DEVELOPMENT PROGRAMS

Redelegation of Authority No. 99.1.86

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 from the Assistant Administrator for Program and Management Services of the Agency for International Development, amended effective September 1, 1976 (41 F.R. 39355), I hereby redelegate to the Coordinator, Reimbursable Development Programs the authority to sign and approve agreements with any agency of the U.S. Government to undertake specific projects or programs under which A.I.D. funds are used to finance travel, per diem and related costs incurred by personnel of such agency in the carrying out of activities authorized by Section 661 of the Foreign Assistance Act of 1961, as amended. This redelegation of authority does not include authority to execute general agreements.

The authority redelegated herein may not be further redelegated, but may be exercised by duly authorized persons who are performing the functions of such persons in an "Acting" capacity.

Actions within the scope of this redelegation heretofore taken by the official designated herein are hereby ratified and confirmed.

This redelegation of authority is effective immediately.

Dated: May 27, 1977.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc.77-17018 Filed 6-14-77;8:45 am]

VETERANS ADMINISTRATION

CALIFORNIA NATIONAL CEMETERY AT RIVERSIDE, CALIFORNIA

Availabiltiy of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Impact Statement for New Veterans Administration National Cemetery, Riverside, California," dated May 1977, has been prepared as required by the National Environmental Policy Act of 1969.

The proposed National Cemetery is to be located on 750± acres near Riverside, California. This proposed development will provide burial space for approximately 437,000 gravesites and will have an administration building, a memorial center, and a maintenance complex to provide for all associated cemetery functions.

This Draft Statement discusses the environmental impact of the proposed California National Cemetery. The document is being placed for public examination in the Veterans Administration Office of Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Jack Westall, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Single copies of the Final Statement may be obtained on request to the above office.

Dated: June 8, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc.77-16995 Filed 6-14-77;8:45 am]

PRIVACY ACT OF 1974

Amendment of System Notice; Additional Routine Uses

On page 10758 of the FEDERAL REGISTER of February 23, 1977, there was published a notice that the Veterans' Administration was considering adding two new routine use statements to the VA system of records entitled, "Patient Medical Records—VA" (24VA136). This system of records was originally set forth on page 37730 of the FEDERAL REGISTER of September 7, 1976. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed new routine uses.

No comments were received regarding the first additional routine use (No. 13). Therefore, this routine use statement is adopted without change.

Three written comments were received regarding the second additional routine use (No. 14). One comment objected to any release of medical information without the consent of the individual or the individual's legal guardian, except in the event of life threatening or grave circumstances which hamper the well-being of the individual. Additionally, the commenter suggested that the individual be given 30 days in which to consent or deny consent before any release of medical information was considered. The Privacy Act of 1974 specifically authorizes an agency to adopt routine uses for disclosure of information without the consent of the individual or his or her

guardian, provided the routine use is compatible with the purpose for which the information is maintained. In the instant routine use, although the medical records are primarily maintained for the care and treatment of the patient, an important secondary purpose is to support claims on behalf of the agency, as authorized by law.

Two comments suggested changing "Workers' Compensation Appeals Boards" to "courts, boards, or commissions" and "the Medical Care Recovery Act" to "Federal, State, or local laws", respectively. These suggested changes would more accurately describe the types of forums in the various states which could be considered "Workers' Compensation Appeals Boards", and they would allow presentation by the agency in all types of authorized claims, rather than just claims under the "Medical Care Recovery Act." Accordingly, the second additional routine use (No. 14) is amended by replacing "Workers' Compensation Appeals Boards" and "Medical Care Recovery Act" with "courts, boards, or commissions" and "Federal, State, or local laws", respectively. The second additional routine use statement (No. 14) is adopted as changed.

In the public interest the VA will welcome for future consideration any comments, suggestions, or changes to routine use statement No. 14 of the "Patient Medical Records—VA".

Effective date: These two additional routine use statements (No. 13 and No. 14) are effective September 27, 1975, the effective date of section 3, Pub. L. 93–579.

Approved: June 6, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

NOTICE OF SYSTEM OF RECORDS

In the system identified as 24VA136, "Patient Medical Records—VA", appearing at 41 FR 37730, the following routine use statements are added to read as follows:

System name:

Patient Medical Records—VA.

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * *

13. For the purpose of justifying emergency leave, disclosure to the Red Cross of the nature of the patient's illness, probable prognosis, estimated life expectancy and need for the presence of the related service member.

14. A record from this system of records may be disclosed to attorneys, insurance companies, employers, and to courts, boards, or commissions to the extent necessary to aid the Veterans Administration in preparation, presentation, and prosecution of claims authorized under Federal, State, or local laws, and regulations promulgated thereunder.

* * * * *

[FR Doc.77–16996 Filed 6–14–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 413]

ASSIGNMENT OF HEARINGS

JUNE 10, 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 61403 Sub 242, The Mason & Dixon Tank Lines, Inc., now assigned July 29, 1977, at Louisville, Ky. (1 day) in a hearing room to be later designated.

MC 111397 Sub 119, Davis Transport, Inc., now being assigned August 1, 1977, (1 day) at Louisville, Ky., in a hearing room to be later designated.

MC 124951 Sub 36, Wathen Transport, Inc., now being assigned August 2, 1977, (2 days) at Louisville, Ky., in a hearing room to be later designated.

MC 16903 Sub 42, Moon Freight Lines, Inc., now being assigned August 4, 1977, (2 days), at Louisville, Ky., in a hearing room to be later designated.

MC 142999, Transport Management Service Corporation, now being assigned July 18, 1977 (1 day) at New York, New York, in a hearing room to be later designated.

MC 142920, Oliver Trucking Corp., now being assigned July 20, 1977 (1 day) at New York, New York, in a hearing room to be later designated.

MC 142487 (Sub-1), J. & K. K., Inc., now being assigned September 7, 1977 (3 days) at Olympia, Washington, in a hearing room to be later designated.

MC 141033 Sub 9, Continental Contract Carrier Corp. now assigned June 20, 1977 at Washington, D.C. is postponed indefinitely.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–17057 Filed 6–14–77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 10, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before June 30, 1977.

FSA No. 43378—*Perlite Rock to Points in Western Trunk Line Territory.* Filed by Western Trunk Line Committee, Agent, (No. A–2737), for interested rail carriers. Rates on perlite rock, crude, not further processed than broken, crushed or ground, in carloads, as described in the application, from Antonito and Florence, Colorado, to points in western trunkline territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 27 to Western Trunk Line Committee, Agent, tariff W-200–E, I.C.C. No. A–4936. Rates are published to become effective on June 10, 1977.

FSA No. 43379—*Hominy Feed from and to Points in Southwestern, WTL and Southern Territories.* Filed by Southwestern Freight Bureau, Agent, (No. B–686), for interested rail carriers. Rates on hominy feed, in carloads, as described in the application, from and to points in southwestern, western trunk-line and southern territories.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplements 206 and 56 to Southwestern Freight Bureau, Agent, traiffs 189–L and 225–N, I.C.C. Nos. 4901 and 5212, respectively. Rates are published to become effective on July 10, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77–17056 Filed 6–14–77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 10, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 27, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 40215 (Sub-No. E18) (Partial correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of April 27, 1977, and republished, as corrected, this issue. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. Fifth Avenue, Salina, Kans. 67401. Applicant's representative: James F. Flint, Ephraim and Polydoroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House-*

hold goods, as defined by the Commission. (8) From points in Missouri on and west of a line beginning at the Missouri-Iowa State line and extending south along U.S. Highway 69, to junction Missouri Highway 13, thence south along Missouri Highway 13 to junction Missouri Highway 39, thence south along Missouri Highway 39 to the Missouri-Arkansas State line, to points in Ohio. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

NOTE.—The purpose of this partial correction is to state the correct destination description. The remainder of this letter-notice remains as previously published.

No. MC 52657 (Sub-No. E11) (Partial correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of May 7, 1975, and republished, as corrected, this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck bodies*, from points in Nevada and that part of California on and north of a line beginning at the Nevada-California State line on U.S. Highway 6 near Benton Station, Calif., thence along U.S. Highway 6 to its junction with California Highway 120 at Benton Station, Calif., thence west on California Highway 120 to its junction with Interstate Highway 205 near Mantica, Calif., thence along Interstate Highway 205 to its junction with Interstate Highway 580 at Mountain House, Calif., thence along Interstate Highway 580 to its junction with California Highway 92 at Castro Valley, Calif., thence along California Highway 92 to the Pacific Ocean near Half Moon Bay., Calif., to points in Alabama, that part of Arkansas on and east of a line beginning at the Arkansas-Tennessee State line near West Memphis, Ark., thence along Interstate Highway 55 to the junction of U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 62 and 67 at Hoxie, Ark., thence along U.S. Highway 62 and 67 to the Arkansas-Missouri State line near Corning, Ark., Connecticut, Delaware, Florida, Georgia, Louisiana (except that part west of a line beginning at Houma, La., thence along U.S. Highway 90 to the junction of Lake Pontchartrain Causeway near New Orleans, thence along Lake Pontchartrain Causeway to the junction of Louisiana Highway 25, thence along Louisiana Highway 25 to the Louisiana-Mississippi State line near Franklinton, La.), Maine, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi (except that part west of a line beginning at the Louisiana-Mississippi State line near Tylertown, Miss., extending along Mississippi Highway 27 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Mississippi-Tennessee State line near Hermandy, Miss.), that part of Missouri on and west of a line beginning at the Arkansas-Missouri State line near Naylor, Ark., extending along U.S. Highway 67 to the junction of Interstate Highway 55, thence along Interstate Highway 55 to junction Interstate Highway 244, thence along Interstate Highway 244 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri Highway 79, thence along Missouri Highway 79 to Louisiana, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, that part of Wisconsin west of a line beginning at the Illinois-Wisconsin State line near Beloit, Wis., extending along Interstate Highway 90 to the junction of Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 151, thence along U.S. Highway 151 to the junction of U.S. Highway 41 near Fond du Lac, Wis., thence along U.S. Highway 41 to Marinette, Wis., and the District of Columbia, restricted against the transportation of fuel tanks to Arkansas, Louisiana, Missouri, and Tennessee; and

The purpose of this filing is to eliminate the gateways of (1) Mattoon, Coles County, Ill., and (2) Coles County, Ill., and St. Claire, Mo.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 60014 (Sub-No. E150) (Correction), filed August 28, 1976, published in the FEDERAL REGISTER issue of May 18, 1977, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison, P.O. Box 308, Monroeville, Pa. 15146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire* in coils, between points in Wisconsin on the one hand, and, on the other, points in Delaware, New Jersey, New York, Pennsylvania, points in Virginia on and east of a line beginning at a point on Virginia Highway 311 at Alleghany, Virginia, near the Virginia-West Virginia State line, thence south on Virginia Highway 311 to Roanoke, Virginia, thence south on the Blue Ridge Parkway to the Virginia-North Carolina State Line, points in West Virginia on and east of a line beginning at St. Marys, West Virginia, thence south on Alternate U.S. Highway 50 to junction West Virginia Highway 16 at Grantsville, thence east on West Virginia Highway 5 to Napier, thence south on U.S. Highway 19 to junction U.S. Highway 60, thence south on U.S. Highway 60 to the West Virginia-Virginia State line, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Columbiana County, Ohio, and points in that part of Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pa., thence along Interstate Highway 83 to Harrisburg, thence along Pennsylvania Highway 147 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to Trout Run, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line.

NOTE.—The purpose of this correction is to correct the territorial description.

No. MC 61231 (Sub-No. E6) (Correction), filed May 15, 1974, previously published in the FEDERAL REGISTER issue of July 2, 1975, and republished, as corrected, this issue. Applicant: ACE LINES, INC., 4143 E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, including road building materials, *structural steel* and *tanks* (except commodities in bulk commodities requiring special equipment), from Chicago, Ill., and Portage, Ind., to that part of Missouri on and west of a line beginning at the Iowa-Missouri state line, thence along U.S. Highway 69 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas state line. The purpose of this filing is to eliminate the gateways of points in Indiana within the Chicago, Ill., commercial zone, and Kansas City, Mo.

NOTE.—The purpose of this correction is to state the correct Sub-No. E6 which was previously published incorrectly as Sub-No. E93.

No. MC 61231 (Sub-No. E7) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of July 2, 1975, and republished, as corrected, this issue. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel mill products* (except commodities in bulk, and commodities requiring special equipment), from Chicago and Cicero, Ill., and Gary, Ind., to Ames, Boone, Ft. Dodge, Webster City, Mason City, Perry, Des Moines, Oskaloosa, Chariton, Newton, and Marshaltown Iowa. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

NOTE.—The purpose of this correction is to state the correct Sub-No. E7 which was previously published incorrectly as Sub-No. E94.

No. MC 61231 (Sub-No. E13) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of July 2, 1975, and republished, as corrected, this issue. Applicant: ACE LINES, INC., 4143

E. 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, including road building materials, *structural steel* and *tanks* (except commodities in bulk, and those requiring special equipment), between Omaha, Nebr., on the one hand, and, on the other, Kansas City, Mo., and Kansas City, Kans. The purpose of this filing is to eliminate the gateway of points within ten miles of Omaha and Council Bluffs, Iowa in Iowa.

NOTE.—The purpose of this correction is to state the correct Sub-No. E13 which was previously published incorrectly as Sub-No. E95.

No. MC 61825 (Sub-No. E887), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Pennsylvania bounded by a line beginning at the Pennsylvania-New Jersey state line and extending along U.S. Highway 202 to junction U.S. Highway 422, to junction U.S. Highway 15, to junction U.S. Highway Business 15 to the Pennsylvania-Maryland state line, thence along the Pennsylvania-Maryland state line to the Pennsylvania-Delaware state line to junction Interstate Highway 95, to junction U.S. Highway 1, to the Pennsylvania New Jersey state line, thence along the Pennsylvania-New Jersey state line to the point of beginning, to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at the Mexico-United States International Boundary line at the New Mexico-Texas state line, thence along the New Mexico-Texas state line to the Oklahoma-New Mexico state line, thence along the Oklahoma-New Mexico state line to the Oklahoma-Colorado state line, thence along the Oklahoma-Colorado state line to the Colorado-Kansas state line, thence along the Colorado-Kansas state line to the Kansas-Nebraska state line, thence along the Kansas-Nebraska state line to the Nebraska-Missouri state line, thence along the Nebraska-Missouri state line to junction Nebraska Highway 4, to junction Neb. Highway 14, to junction U.S. Highway 6, to junction U.S. Highway 283, to junction U.S. Highway 30, to junction Neb. Highway 97, to junction Neb. Highway 2, to junction U.S. Highway 385, to the Nebraska-South Dakota state line, to junction U.S. Highway 385, to junction South Dakota Highway 79, to junction U.S. Highway 212, to junction S.D. Highway 73, to junction U.S. Highway 12, to the North Dakota-South Dakota state line, to junction North Dakota Highway 49, to junction N.D. Highway 200, to junction U.S. Highway 83, to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Lynchburg, Va., and points in Smyth County, Va.

No. MC 61825 (Sub-No. E888), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (A) Between points in Pennsylvania on and bounded by a line beginning at the New York-Pennsylvania state line at U.S. Highway 219, to junction U.S. Highway 6, to junction Pennsylvania Highway 66, to junction PA Highway 68, to junction U.S. Highway 19, to junction U.S. Highway 40 to the Pennsylvania-West Virginia state line, thence along the Pennsylvania-West Virginia state line to U.S. Highway 119, to junction PA Highway 982, to junction Interstate Highway 70, to junction U.S. Highway 219, to junction Pennsylvania Highway 403, to junction PA Highway 271, to junction U.S. Highway 22, to junction U.S. Highway 220, to junction PA Highway 287, to junction U.S. Highway 15, to the Pennsylvania-New York state line to the point of beginning, on the one hand, and, on the other, points in Arizona an California on and west of a line beginning at the Mexico-United States International Boundary line at U.S. Highway 95 and extending to junction Interstate Highway 10, to the Arizona-California state line, to junction unnumbered Highway beginning at Blythe, Calif., to junction U.S. Highway 66 near Cadiz, Calif., to junction California Highway 58, to junction Calif. Highway 99, to junction Calif. Highway 198, to junction U.S. Highway 101, to junction Calif. Highway 68 to the Pacific Ocean.

(B) Between points in Arizona and California on and west of a line beginning at the Mexico-United States International Boundary line at U.S. Highway 95 and extending to junction Interstate Highway 10 to the Arizona-California state line, to junction unnumbered Highway beginning at Blythe, Calif., to junction U.S. Highway 66 near Cadiz, Calif., to junction California Highway 58, to junction Calif. Highway 99, to junction Calif. Highway 198, to junction U.S. Highway 101, to junction Calif. Highway 68 to the Pacific Ocean, on the one hand, and, on the other, points in Pennsylvania on and bounded by a line beginning at the New York-Pennsylvania state line at U.S. Highway 219 to junction U.S. Highway 6, to junction Pennsylvania Highway 66, to junction PA Highway 68, to junction U.S. Highway 19, to junction U.S. Highway 40, to the Pennsylvania-West Virginia state line, thence along the Pennsylvania-West Virginia state line to U.S. Highway 119, to junction PA Highway 982, to junction Interstate Highway 70, to junction U.S. Highway 219, to junction PA Highway 403, to junction PA Highway 271, to junction U.S. Highway 22, to junction U.S. Highway 220, to junction PA Highway 287, to junction U.S. Highway 15, to the Pennsylvania-New York state line, thence west along Pennsylvania-New York state line to the point of beginning. The purpose of this filing is to eliminate the gateways of Pulaski, Va., Lynchburg, Va., and points in Smyth County, Va.

No. MC 61825 (Sub-No. 889), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by moto vehicle, over irregular routes, transporting: New furniture (A) Between points in Pennsylvania bounded by a line beginning at the Pennsylvania-New York state line at Pennsylvania Highway 652, to junction U.S. Highway 6, to junction Interstate Highway 81, to junction U.S. Highway 15, to junction U.S. Highway Business 15, to the Pennsylvania-Maryland state line, thence along the Pennsylvania-Maryland state line to the Pennsylvania-West Virginia state line, to junction U.S. Highway 119, to junction PA Highway 982, to junction Interstate Highway 70, to junction U.S. Highway 219, to junction PA Highway 403, to junction PA Highway 271, to junction U.S. Highway 22, to junction U.S. Highway 220, to junction PA Highway 287, to junction U.S. Highway 15, to the Pennsylvania-New York state line to the point of beginning, on the one hand, and, on the other, points in Arizona, California, Nevada, New Mexico and Oregon on and west of a line beginning at the Mexico-United States International Boundary line and extending along New Mexico Highway 11, to junction U.S. Highway 180, to the New Mexico-Arizona state line, to junction U.S. Highway 180, to junction U.S. Highway 60, to junction Arizona Highway 260, to junction Ariz. Highway 87, to junction unnumbered Highway, to junction Interstate Highway 17, to junction Interstate Highway 40, to junction U.S. Highway 93, to the Arizona-Nevada state line, to junction U.S. Highway 93, to junction U.S. Highway 95, to junction U.S. Alternate Highway 95, to junction Nevada Highway 2B, to junction U.S. Highway 50, to junction U.S. Highway 395, to the California-Nevada state line, to junction California Highway 36, to junction Calif. Highway 89 to junction Interstate Highway 5, to the California-Oregon state line, to junction U.S. Highway 26, to junction Oregon Highway 47 to the Oregon-Washington state line near Clatskanie, Oreg., thence along the Oregon-Washington state line to the Pacific Ocean.

(B) Between points in Arizona, California, Nevada, New Mexico and Oregon on and west of a line beginning at the Mexico-United States International Boundary line, and extending along New Mexico Highway 11, to junction U.S. Highway 180, to the New Mexico-Ari-

zona state line, to junction U.S. Highway 180 to junction U.S. Highway 60, to junction Arizona Highway 260, to junction Ariz. Highway 87, to junction unnumbered Highway, to junction Interstate Highway 17, to junction Interstate Highway 40, to junction U.S. Highway 93, to the Arizona-Nevada state line, to junction U.S. Highway 93, to junction U.S. Highway 95, to junction U.S. Alternate Highway 95, to junction Nevada Highway 2B, to junction U.S. Highway 50, to junction U.S. Highway 395, to the California-Nevada state line, to junction California Highway 36, to junction California Highway 89, to junction Interstate Highway 5, to the California-Oregon state line, to junction U.S. Highway 26, to junction Oregon Highway 47, to the Oregon-Washington state line near Clatskanie, Oreg., thence along the Oregon-Washington state line to the Pacific Ocean, on the one hand, and, on the other, points in Pennsylvania bounded by a line beginning at the Pennsylvania-New York state line at Pennsylvania Highway 652, to junction U.S. Highway 6, to junction Interstate Highway 81, to junction U.S. Highway 15 to the Pennsylvania-Maryland state line, thence along the Pennsylvania-Maryland state line to the Pennsylvania-West Virginia state line, to junction U.S. Highway 119, to junction PA Highway 982, to junction Interstate Highway 70, to junction U.S. Highway 219, to junction Pennsylvania Highway 403, to junction PA Highway 271, to junction U.S. Highway 22, to junction U.S. Highway 220, to junction PA Highway 287, to junction U.S. Highway 15, to the Pennsylvania-New York state line to the point of beginning. The purpose of this filing is to eliminate the gateways of Pulaski, Va., Lynchburg, Va., and points in Smyth County, Va.

No. MC 61825 (Sub-No. E890), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, (A) Between points in Pennsylvania bounded by a line beginning at the New York-Pennsylvania state line and extending along Pennsylvania Highway 652 to junction U.S. Highway 6, to junction Interstate Highway 81, to junction Interstate Highway 83, to junction U.S. Highway 422, to junction U.S. Highway 202, to the Pennsylvania-New Jersey state line, thence north along Pennsylvania-New Jersey state line to the Pennsylvania-New York state line to the point of beginning, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington on and west of a line beginning at the New Mexico-Texas-Mexico International Boundary line near El Paso, Tex., thence along the Texas-New Mexico state line to junction U.S. Highway 66, to junction New Mexico Highway 39, to junction U.S. Highway 56, to junction U.S. Highway 85, to the New Mexico-Colorado state line, to junction U.S. Highway 85, to junction Colorado Highway 69, to junction U.S. Highway 50, to junction U.S. Highway 285, to junction U.S. Highway 24, to junction Colo. Highway 82, to junction U.S. Highway 6, to the Utah-Colorado state line, to junction U.S. Highway 6, to junction Interstate Highway 70, to junction Utah Highway 26, to junction U.S. Highway 50 to the Nevada-Utah state line, to junction U.S. Highway 93, to the Nevada-Idaho state line, to junction U.S. Highway 93, to junction Idaho Highway 21, to junction Idaho Highway 55, to junction U.S. Highway 95, to junction U.S. Highway 12, to the Washington-Idaho state line, to junction U.S. Highway 12, to junction Washington Highway 261, to junction U.S. Highway 10, to junction Washington Highway 21, to the Canadian-United States International Boundary line.

(B) Between points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington on and west of a line beginning at the New Mexico-Texas-Mexico International Boundary line near El Paso, Tex., thence along the Texas-New Mexico state line to junction U.S. Highway 66, to junction New Mexico Highway 39, to junction U.S. Highway 56, to junction U.S. Highway 85, to the New Mexico-Colorado state line, to junction U.S. Highway 85, to junction Colorado Highway 69, to junction U.S. Highway 50, to junction U.S. Highway 285, to junction U.S. Highway 24, to junction Colorado Highway 82, to junction U.S. Highway 6, to the Utah-Colorado state line, to junction U.S. Highway 6, to junction Interstate Highway 70, to junction Utah Highway 26, to junction U.S. Highway 50, to the Nevada-Utah state line, to junction U.S. Highway 93, to the Nevada-Idaho state line, to junction U.S. Highway 93, to junction Idaho Highway 21, to junction Idaho Highway 55, to junction U.S. Highway 95, to junction U.S. Highway 12, to the Washington-Idaho state line, to junction U.S. Highway 12, to junction Washington Highway 261, to junction U.S. Highway 10, to junction Washington Highway 21 to the Canadian-United States International Boundary line, on the one hand, and, on the other, points in Pennsylvania bounded by a line beginning at the New York-Pennsylvania state line and extending along Pennsylvania Highway 652, to junction U.S. Highway 6, to junction Interstate Highway 81, to junction Interstate Highway 83, to junction U.S. Highway 422, to junction U.S. Highway 202, to the Pennsylvania-New Jersey state line, thence north along Pennsylvania-New Jersey state line to the Pennsylvania-New York state line to the point of beginning. The purpose of this filing is to eliminate the gateways of Pulaski, Va., Lynchburg, Va., and points in Smyth County, Va.

No. MC 61825 (Sub-No. E891), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (A) between points in Maryland on and south of a line beginning at the District of Columbia-Maryland state line and extending along Maryland Highway 4, thence east along Maryland Highway 4 to junction Maryland Highway 260, to the Chesapeake Bay, thence east across the Chesapeake Bay to Maryland Highway 343, to junction U.S. Highway 50, to junction Maryland Highway 313, to junction Maryland Highway 54, to the Maryland-Delaware state line, thence east along the Maryland-Delaware state line to the Atlantic Ocean, on the one hand, and, on the other, points in Minnesota; (B) Between points in Minnesota, on the one hand, and, on the other, points in Maryland on and south of a line beginning at the District of Columbia-Maryland state line and extending along Maryland Highway 4, thence east along Maryland Highway 4 to junction Maryland Highway 260, to the Chesapeake Bay, thence east across the Chesapeake Bay to Maryland Highway 343, to junction U.S. Highway 50, to junction Maryland Highway 313, to junction Maryland Highway 54, to the Maryland-Delaware state line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Lynchburg, Va., and points in Smyth County, Va.

No. MC 61825 (Sub-No. E892), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (A) between points in Maryland on and bounded by a line beginning at the Pennsylvania-Maryland state line and extending along U.S. Highway 222, to junction U.S. Highway 1, to junction Maryland Highway 32, to junction Maryland Highway 108, to junction Maryland Highway 97, to junction Maryland Highway 28, to junction Maryland Highway 107 to the Virginia-Maryland state line, thence east along the Maryland-Virginia state line to the Maryland-District of Columbia state line, to junction Maryland Highway 4, thence east along Maryland Highway 4 to junction Maryland Highway 260 to the Chesapeake Bay, thence east across the Chesapeake Bay to Maryland Highway 343, to junction U.S. 50, to junction Maryland Highway 313, to junction Maryland Highway 54 to the Maryland-Delaware state line, thence north along the Maryland-Delaware state line to the Maryland-Pennsylvania state line, thence west along the Maryland-Pennsylvania state line to the point of beginning, on the one hand, and, on

the other, points in Minnesota on, west and north of a line beginning at the South Dakota-Minnesota-Iowa state line and extending east along the South Dakota-Minnesota-Iowa state line to Minnestoa Highway 60, to junction U.S. Highway 71, to junction Minnesota Highway 28, to junction Minnesota Highway 27, to junction Minnesota Highway 371, to junction Minnesota Highway 18, to junction Minnesota Highway 169, to junction Minnesota Highway 1, to Lake Superior, thence north along the shores of Lake Superior to the United States-Canadian International Boundary line.

(B) Between points in Minnesota on, west and north of a line beginning at the South Dakota-Minnesota-Iowa state line and extending east along the South Dakota-Minnesota-Iowa state line to Minnesota Highway 60, to junction U.S. Highway 71, to junction Minnesota Highway 28, to junction Minnesota Highway 27, to junction Minnesota Highway 371, to junction Minnesota Highway 18, to junction Minnesota Highway 169, to junction Minnesota Highway 1, to Lake Superior, thence north along the Shores of Lake Superior to the United States-Canadian International Bounday line, on the one hand, and, on the other, points in Maryland on and bounded by a line beginning at the Pennsylvania-Maryland state line and extending along U.S. Highway 222, to junction U.S. Highway 1, to junction Maryland Highway 32, to junction Maryland Highway 108, to junction Maryland Highway 97, to junction Maryland Highway 28, to junction Maryland Highway 107, to the Virginia-Maryland state line, thence east along the Maryland-Virginia state line to the Maryland-District of Columbia state line, to junction Maryland Highway 4, thence east along Maryland Highway 4 to junction Maryland Highway 260, to the Chesapeake Bay, thence east across the Chesapeake Bay to Maryland Highway 343, to junction U.S. Highway 50, to junction Maryland Highway 313, to junction Maryland Highway 54, to the Maryland-Delaware state line, thence north along the Maryland-Delaware state line to the Maryland-Pennsylvania state line, and thence west along the Maryland-Pennsylvania state line to the point of beginning. The purpose of this filing is to eliminate the gateways of Lynchburg, Va. and points in Smyth County, Va.

No. MC 61825 (Sub-No. E893), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (A) between points in Maryland on and bounded by a line beginning at the Virginia-Maryland state line and extending along U.S. Highway 340 to junction U.S. Highway 15, to junction Maryland Highway 194 to the Maryland-Pennsylvania state line, thence east along the Pennsylvania-Maryland state line to junction U.S. Highway 222, to junction U.S. Highway 1, to junction Maryland Highway 32, to junction MD Highway 108, to junction MD Highway 97, to junction MD Highway 28, to junction MD Highway 107, to the Virginia-Maryland state line near White's Ferry, MD, thence west along the Maryland-Virginia state line to the point of beginning, on the one hand, and, on the other, points in Minnesota on and north of a line beginning at the Minnesota-North Dakota state line and extending along U.S. Highway 2 to junction U.S. Highway 71, to the United States-Canadian International Boundary line. (B) Between points in Minnesota on and north of a line beginning at the Minnesota-North Dakota state line at U.S. Highway 2 to junction U.S. Highway 71 to the United States-Canadian International Boundary line, on the one hand, and, on the other, points in Maryland on and bounded by a line beginning at the Virginia-Maryland state line and extending along U.S. Highway 340 to junction U.S. Highway 15, to junction Maryland Highway 194, to the Maryland-Pennsylvania state line, thence east along the Pennsylvania-Maryland state line to junction U.S. Highway 222, to junction U.S. Highway 1, to junction Maryland Highway 32, to junction MD Highway 108, to junction MD Highway 97, to junction MD Highway 28, to junction MD Highway 107, to the Virginia-Maryland state line near White's Ferry, MD, thence west along the Maryland-Virginia state line to the point of beginning. The purpose of this filing is to eliminate the gateways of Lynchburg, Va. and points in Smyth County, Va.

No. MC 61825 (Sub-No. E894), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (A) between points in Maryland on and west of a line beginning at the Pennsylvania-Maryland state line and extending along U.S. Highway 522 to junction U.S. Highway 522 to the Maryland-Virginia state line, on the one hand, and, on the other, points in Arkansas, Kansas, Oklahoma and Texas, on and south of a line beginning at the Tennessee-Arkansas state line and extending along Arkansas Highway 140, thence west along Arkansas Highway 140 to junction Ark. Highway 77, to junction Ark. Highway 18, to junction U.S. Highway 63, to junction U.S. Highway 62, to junction Ark. Highway 56, to junction Ark. Highway 5, to junction Ark. Highway 14, to junction Ark. Highway 27, to junction U.S. Highway 65, to junction Ark. Highway 123, to junction Ark. Highway 74, to junction Ark. Highway 16, to the Arkansas-Oklahoma state line, to junction Oklahoma Highway 33, to junction Okla. Highway 51, to Junction Interstate Highway 35, to junction U.S. Highway 64, to junction U.S. Highway 281 to the Kansas-Oklahoma state line, to junction U.S. Highway 160, to junction Kansas Highway 34, to junction U.S. Highway 154, to junction U.S. Highway 50 to the Kansas-Colorado state line. (B) Between points in Arkansas, Kansas, Oklahoma and Texas on and south of a line beginning at the Tennessee-Arkansas state line and extending along Arkansas Highway 140, thence west along Arkansas Highway 140 to junction Ark. Highway 77, to junction Ark. Highway 18, to junction U.S. Highway 63, to junction U.S. Highway 62, to junction Ark. Highway 56, to junction Ark. Highway 5, to junction Ark. Highway 14, to junction Ark. Highway 27, to junction U.S. Highway 65, to junction Ark. Highway 123, to junction Ark. Highway 74, to junction Ark. Highway 16, to the Arkansas-Oklahoma state line, to junction Oklahoma Highway 33, to junction Okla. Highway 51, to junction Interstate Highway 35, to junction U.S. Highway 64, to junction U.S. Highway 281 to the Kansas-Oklahoma state line, to junction U.S. Highway 160, to junction Kansas Highway 34, to junction U.S. Highway 154, to junction U.S. Highway 50, to the Kansas-Colorado state line, on the one hand, and, on the other, points in Maryland on and west of a line beginning at the Pennsylvania-Maryland state line at U.S. Highway 522 and extending south along U.S. Highway 522 to the Maryland-Virginia state line. The purpose of this filing is to eliminate the gateways of Lynchburg, Va. and points in Smyth County, Va.

No. MC 61825 (Sub-No. E895), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (A) between points in Maryland on and east of a line beginning at the Pennsylvania-Maryland state line and extending along U.S. Highway 522, thence along U.S. Highway 522 to the Maryland-Virginia state line, on the one hand, and, on the other, points in Arkansas, Kansas, Oklahoma and Texas. (B) Between points in Arkansas, Kansas, Oklahoma and Texas, on the one hand, and, on the other, points in Maryland on and east of a line beginning at the Pennsylvania-Maryland state line, and extending along U.S. Highway 522, thence along U.S. Highway 522 to the Maryland-Virginia state line.

The purpose of this filing is to eliminate the gateways of Lynchburg, Va. and points in Smyth County, Va.

No. MC 61825 (Sub-No. E896), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New fur-*

niture, from points in North Carolina on and east of a line beginning at the Virginia-North Carolina state line and extending along Interstate Highway 85 to junction U.S. Highway 70 to the Atlantic Ocean, to points in Virginia on and west of a line beginning at the Virginia-West Virginia state line and extending along U.S. Highway 250 to junction U.S. Highway 220, to junction Virginia Highway 39, to junction U.S. Highway 11, to junction U.S. Highway 60, to junction U.S. Highway 29, to junction U.S. Highway 501, to junction VA Highway 24 west, to junction U.S. Highway 11, to junction VA Highway 311, to the Virginia-West Virginia state line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E897), filed May 13, 1974. Applicant: Roy STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and south of a line begining at the Atlantic Ocean and extending along the Neuse River to junction U.S. Highway 17, to junction U.S. Highway 70, to junction U.S. Highway 70-A, to junction U.S. Highway 301, to the North Carolina-South Carolina state line, to points in Virginia on and northwest of a line beginning at the West Virginia-Virginia state line and extending along Virginia Highway 311, to junction U.S. Highway 11, to junction VA Highway 24, to junction U.S. Highway 501, to junction VA Highway 24, to junction U.S. Highway 460, to junction VA Highway 24, to junction U.S. Highway 60, to junction U.S. Highway 15, to junction VA Highway 229, to junction U.S. Highway 211, to junction VA Highway 688, to junction VA Highway 647, to junction U.S. Highway 17, to junction VA Highway 55, to junction VA Highway 626, to junction U.S. Highway 50, to junction U.S. Highway 15, to the Maryland-Virginia state line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E898), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the South Carolina-North Carolina state line and extending along Interstate Highway 77 to junction Interstate Highway 85, to junction U.S. Highway 70, to junction U.S. Highway Alternate 70, to junction U.S. Highway 301 to the North Carolina-South Carolina state line to the point of beginning, to points in Virginia on and bounded by a line beginning at the West Virginia-Virginia state line and extending along Virginia Highway 39 to junction U.S. Highway 11, to junction U.S. Highway 60, to junction VA Highway 43, to the Blue Ridge Parkway, to junction VA Highway 43, to junction VA Highway 24, to junction U.S. Highway 501, to junction VA Highway 24, to junction U.S. Highway 460, to junction VA Highway 24, to junction VA Highway 636, to junction VA Highway 640, to junction U.S. Highway 15, to junction VA Highway 28, to junction U.S. Highway 29, to junction Interstate Highway 495, to the Virginia-Maryland state line, thence to the Virginia-West Virginia state line to the point of beginning. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E899), filed May 13, 1977. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and southwest of a line beginning at the Tennessee-North Carolina state line and extending along U.S. Highway 421 to junction U.S. Highway 321, to junction North Carolina Highway 16, to junction Interstate Highway 77 to the North Carolina-South Carolina state line, to points in Virginia on and north of a line beginning at the West Virginia-Virginia state line and extending along Virginia Highway 39 to junction U.S. Highway 11, to junction U.S. Highway 60, to junction U.S. Highway 501, to junction U.S. Highway 221, to junction VA Highway 811, to junction VA Highway 24, to junction U.S. Highway 501, to junction VA Highway 24, to junction U.S. Highway 460, to junction VA Highway 36, to junction VA Highway 10, to junction VA Highway 156, to the James River, thence to the Chesapeake Bay, and the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E900), filed May 13, 1977. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Tennessee-North Carolina state line and extending along U.S. Highway 421, to junction U.S. Highway 321, to junction North Carolina Highway 16, to junction Interstate Highway 85, to junction Interstate Highway 40, to junction U.S. Highway 52, to the North Carolina-Virginia state line, thence west along the North Carolina-Virginia state line to the North Carolina-Tennessee state line, thence south along the North Carolina-Tennessee state line to the point of beginning, to points in Virginia on and north of a line beginning at the West Virginia-Virginia state line and extending along U.S. Highway 250 to junction Virginia Highway 42, to junction VA Highway 39, to junction U.S. Highway 11, to junction U.S. Highway 60, to junction U.S. Highway 501, to junction U.S. Highway 221, to junction VA Highway 811, to junction VA Highway 24, to junction U.S. Highway 501, to junction VA Highway 24, to junction U.S. Highway 460, to junction VA Highway 307, to junction U.S. Highway 360, to junction Interstate Highway 64, to junction VA Highway 33, to the York River, thence south along the York River to the Chesapeake Bay, thence along the Chesapeake Bay to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E901), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and north of a line beginning at the Virginia-North Carolina state line and extending along U.S. Highway 52 to junction Interstate Highway 40, to junction U.S. Highway 70, to junction Interstate Highway 85 to the North Carolina-Virginia state line, to points in Virginia on and bounded by a line beginning at the West Virginia-Virginia state line and extending along U.S. Highway 250 to junction VA Highway 42, to junction VA Highway 39, to junction U.S. Highway 11, to junction U.S. Highway 60, to junction U.S. Highway 501, to junction U.S. Highway 29, to junction U.S. Highway 250, to junction VA Highway 22, to junction VA Highway 231, to junction U.S. Highway 15 to the Maryland-Virginia state line, thence west along the Virginia-Maryland state line to the Virginia-West Virginia state line, thence southwest along the Virginia-West Virginia state line to the point of beginning. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E902), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Alabama on and west of a line beginning at the Tennessee-Alabama state line and extending along U.S. Highway 72 to junction Alabama Highway 79, to junction U.S. Highway 31, to junction U.S. Highway 11, to junction Ala. Highway 5, to junction U.S. Highway 82, to junction Ala Highway 219, to junction Ala. Highway 14, to junction Ala. Highway 22, to junction Ala. Highway 5, to junction U.S. Highway 43, to junction U.S. Highway 45, to junction U.S. Highway 90, to the Mobile Bay, thence to the Gulf of Mexico, to points

in North Carolina on, north and east of a line beginning at the Virginia-North Carolina state line and extending along US. Highway 220 to junction Interstate Highway 85, to junction U.S. Highway 70, thence east along U.S. Highway 70 to the Atlantic Ocean. The purpose of tihs filing is to eliminate the gateway of points in Smyth County, Va. adn Martinsville, Va.

No. MC 61825 (Sub-No. E903), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth, St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Florida on and south of a line beginning at the Gulf of Mexico, and extending along U.S. Highway 41 to the Atantic Ocean, to points in North Carolina on and north of a line beginning at the North Carolina-Virginia state line and extending along U.S. Highway 52 to junction North Carolina Highway 65, to junction N.C. Highway 66, to junction U.S. Highway 421, to junction U.S. Highway 70, to junction North Carolina Highway 49, to the Virginia-North Carolina state line. The purpose of this filing is to eliminate the gateway of Pulaski, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E904), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *New furniture*, from points in South Carolina on and east of a line beginning at the North Carolina-South Carolina state line and extending along U.S. Highway 21 to junction U.S. Highway 1, to junction South Carolina Highway 12, to junction U.S. Highway 601, to junction Interstate Highway 26, to the Atlantic Ocean, to points in Virginia on and north of a line beginning at the West Virginia-Virginia state line and extending along U.S. Highway 60 to junction U.S. Highway 220, to junction Virginia Highway 43, to junction U.S. Highway 29, to junction VA Highway 699, to junction U.S. 699, to junction U.S. Highway 501, to junction VA Highway 600, to junction VA Highway 615, to junction VA Highway 47 to junction U.S. Highway 460, to junction VA Highway 45, to junction VA Highway 606, to junction VA Highway 629, to junction U.S. Highway 522, to junction U.S. Highway 33, to junction VA Highway 609, to junction VA Highway 618, to junction VA Highway 601, to junction VA Highway 715, to junction VA Highway 739, to junction VA Highway 639, to junction U.S. Highway 301 to the Potomac River. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E905), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in South Carolina on and west of a line beginning at the North Carolina-South Carolina state line and extending along U.S. Highway 21, to junction U.S. Highway 1 to junction Interstate Highway 20, to the Georgia-South Carolina state line, to points in Virginia on and north of a line beginning at the James River and extending along Virginia Highway 31 to junction VA Highway 10, to junction VA Highway 40, to junction U.S. Highway 501, to junction VA Highway 699, to junction U.S. Highway 29, to junction VA Highway 43, to junction U.S. Highway 220, to junction U.S. Highway 60 to the Virginia-West Virginia state line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub-No. E906), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending along Interstate Highway 26 to junction U.S. Highway 601, to junction South Carolina Highway 12, to junction U.S. Highway 1, to junction Interstate Highway 20 to the Georgia-South Carolina state line, to points in Virginia on and north of a line beginning at the York River at Virginia Highway 33 and extending along VA Highway 33 to junction Interstate Highway 64, to junction U.S. Highway 360, to junction VA Highway 40, to junction VA Highway 834, to junction VA Highway 670, to junction VA Highway 116, to junction U.S. Highway 460, to junction VA Highway 311 to the Virginia-West Virginia state line. The purpose of this filing is to eliminate the gateway of Lynchburg, VA.

No. MC 61825 (Sub-No. E907), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except commodities in bulk), from points in Washington to points in Florida and Georgia on and east of a line beginning at the Gulf of Mexico and extending north along Florida Highway 67 to junction Fla. Highway 65 to the Florida-Georgia state line and extending along Georgia Highway 309 to junction Ga. Highway 1, to junction Ga. Highway 45, to junction Ga. Highway 41 to junction Ga. Highway 85, to junction U.S. Highway 19, to junction Ga. Highway 11 to the Georgia-North Carolina state line and points in Tennessee on and east of a line beginning on the North Carolina-Tennessee state line and extending along U.S. Highway 441 to junction U.S. Highway 411 to junction Tennessee Highway 92, to junction on U.S. Highway 11W, to junction Tenn. Highway 31, to junction Tenn. Highway 33 to the Tennessee-Virginia state line. The purpose of this filing is to eliminate the gateways of points in Smyth County, Va., Lynchburg, Va. and Martinsburg, Va.

No. MC 61825 (Sub-No. E908), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials* (except commodities in bulk), from points in Idaho to joints in Florida and Georgia on and east of a line beginning on the Gulf of Mexico and extending along the Suwannee River to Florida Highway 349, to junction U.S. Highway 129, to the Florida-Georgia state line and extending along U.S. Highway 129 to junction Georgia Highway 11, to junction U.S. Highway 221, to junction Ga. Highway 15, to junction Ga. Highway 248, to junction Ga. Highway 16, to junction U.S. Highway 278, to junction Ga. Highway 47, to junction Ga. Highway 17, to junction Ga. Highway 77, to junction Ga. Highway 368, to the Georgia-South Carolina state line and to points in Pennsylvania, New Jersey and New York, on, east and south of a line beginning on the Maryland-Pennslyvania state line and extending along Pennsylvania Highway 24 to junction Pa. Highway 624, to junction U.S. Highway 30, to junction U.S. Highway 22, to junction Pa. Turnpike Extension, to junction U.S. Highway 22, to the Pennsylvania-New Jersey state line and extending along New Jersey Highway 57 to junction U.S. Highway 46, to junction U.S. Highway 202, to junction N.J. Highway 23, to junction Interstate Highway 80, to junction the Garden State Parkway, to junction New Jersey Highway 502, to the Hudson River and extending north along the Hudson River to Interstate Highway 287, to junction Hutchinson River Parkway to the New York-Connecticut state line, and to points in Delaware. The purpose of this filing is to eliminate the gateway of a point in Smyth County, Va., Lynchburg, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E909), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Furniture* and *furniture materials* (except commodities in bulk), from points in Montana to points in Florida and Georgia on and east of a line beginning on the Gulf of Mexico and extending along Florida Highway 40 to junction U.S.

Highway 19, to junction Fla. Highway 121, to the Florida-Georgia state line, and extending along Georgia Highway 121 to junction U.S. Highway 1, to junction U.S. Highway 23, to junction U.S. Highway 221, to junction Ga. Highway 15, to junction Ga. Highway 77 to the Georgia-South Carolina state line, and to points in Delaware and New Jersey on and south of a line beginning on the Maryland-Delaware state line and extending along Delaware Highway 8 to the Delaware River, and extending across the Delaware River to the Mouth of the Cohansey Creek, and extending along the Cohansey Creek to New Jersey Highway 553, to junction N.J. Highway 49, to junction N.J. Highway 555, to junction N.J. Highway 552 Spur, to junction N.J. Highway 552, to junction U.S. Highway 40, to junction U.S. Highway 9, to junction U.S. Highway 30 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E910), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials*, (except commodities in bulk), from points in Montana on and north of a line beginning on the Idaho-Montana state line and extending along Montana Highway 43 to junction U.S. Highway 91, to junction U.S. Highway 10, to junction U.S. Highway 287, to junction U.S. Highway 12, to junction U.S. Highway 191, to junction U.S. Highway 87, to junction Montana Highway 200, to junction Montana Highway 200S, to junction U.S. Highway 10, to the Montana-North Dakota state line, to points in Florida and Georgia on and east of a line beginning on the Gulf of Mexico and extending along the Aucilla River to Florida Highway 257, to junction U.S. Highway 19, to the Florida-Georgia state line and extending along Georgia Highway 333 to junction U.S. Highway 319, to junction Interstate Highway 75, to junction Ga. Highway 112, to junction Ga. Highway 11, to junction Georgia Highway 26, to junction Georgia Highway 87, to junction Georgia Highway 112, to junction Interstate Highway 16, to junction Ga. Highway 18, to junction Ga. Highway 243, to junction U.S. Highway 441, to the Georgia-North Carolina state line and points west of a line beginning on the Gulf of Mexico and extending along Florida Highway 40, to junction U.S. Highway 19, to junction Fla. Highway 121 to the Florida-Georgia state line and extending along Ga. Highway 121 to junction U.S. Highway 1, to junction U.S. Highway 23, to junction U.S. Highway 221, to junction Ga. Highway 15, to junction Ga. Highway 77 to the Georgia-South Carolina state line. The purpose of this filing is to eliminate the gateway of a point in Smyth County, Va., Lynchburg, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E911), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials*, (except commodities in bulk), from points in Montana on and west of a line beginning on the Wyoming-Montana state line and extending along U.S. Highway 212 to junction Interstate Highway 90, to junction U.S. Highway 87, to junction Montana Highway 200, to junction Mont. Highway 24, to junction Mont. Highway 247, to the United States-Canada Boundary line to points in New Jersey on and south of a line beginning on the Pennsylvania-New Jersey state line and extending along New Jersey Highway 537 to the Garden State Parkway, to junction N.J. Highway 547, to junction N.J. Highway 36 to the Atlantic Ocean and points north of a line beginning on the Delaware River and extending along the Cohansey Creek to New Jersey Highway 553, to junction New Jersey Highway 49, to junction New Jersey Highway 555, to junction N.J. Highway 552 Spur, to junction N.J. Highway 552, to junction U.S. Highway 40 to junction U.S. Highway 9, to junction U.S. Highway 30, to the Atlantic Ocean and to points in Delaware north of Delaware Highway 8. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E912), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials*, (except commodities in bulk), from points in Oregon to points in Delaware, New Jersey, Pennsylvania and New York on and east and south of a line beginning at the Maryland-Pennsylvania state line and extending along Interstate Highway 83 to junction U.S. Highway 22/322, to junction Pennsylvania Highway 147, to junction U.S. Highway 220, to junction Pa. Highway 87, to junction U.S. Highway 6, to junction Pa. Highway 706, to junction U.S. Highway 11, to junction Pa. Highway 171, to junction Pa. Highway 92, to the Pennsylvania-New York state line and extending along the Pennsylvania-New York state line to junction New York Highway 17, to junction N.Y. Highway 8, to junction N.Y. Highway 7, to junction N.Y. Highway 50, to junction N.Y. Highway 9, to junction N.Y. Highway 196, to junction N.Y. Highway 40, to junction N.Y. Highway 149, to the New York-Vermont state line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg and Martinsburg, Va.

No. MC 61825 (Sub-No. E913), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials*, (except commodities in bulk), from points in Oregon to points in Florida and Georgia on and east of a line beginning at the Gulf of Mexico and extending along Florida Highway 361-A to junction U.S. Highway 19-27, to junction U.S. Highway 19, to the Florida-Georgia state line and extending along U.S. Highway 19 to junction U.S. Highway 319, to junction Georgia Highway 33, to junction U.S. Highway 41, to junction Ga. Highway 96, to junction U.S. Highway 441, to junction Ga. Highway 24, to junction U.S. Highway 278, to junction U.S. Highway 129-441, to junction U.S. Highway 441, to junction Ga. Highway 15, to junction U.S. Highway 23-441 to the Georgia-North Carolina state line. The purpose of this filing is to eliminate the gateway of a point in Smyth County, Va., Lynchburg, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E914), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials* (except commodities in bulk), from points in California on and north of a line beginning at the Pacific Ocean, and extending along U.S. Highway 101 to junction California Highway 36, to junction Calif. Highway 99, to junction Calif. Highway 149, to junction Calif. Highway 70, to junction U.S. Highway 395, to the California-Nevada state line, to points in Florida and Georgia on and east of a line beginning at the Gulf of Mexico, and extending along Florida Highway 361-A to junction U.S. Highway 221, to the Florida-Georgia state line, to junction U.S. Highway 84, to junction U.S. Highway 41, to junction Georgia Highway 11, to junction U.S. Highway 129, to junction Ga. Highway 44, to junction U.S. Highway 129, to junction U.S. Highway 441, to junction Ga. Highway 24, to junction U.S. Highway 278, to junction U.S. Highway 129-441, to junction U.S. Highway 78, to junction U.S. Highway 129, to junction U.S. Highway 19-129, to junction Georgia Highway 11 to the Georgia-North Carolina state line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg and Martinsville, Va.

No. MC 61825 (Sub-No. E915), filed May 13, 1974. Applicant: ROY STONE

TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials*, from points in California to points in New Jersey, Delaware and points in Pennsylvania and New York on and east of a line beginning at the Maryland-Pennsylvania state line and extending along U.S. Highway 15 to junction U.S. Highway 11/15, to junction U.S. Highway 15 to the Pennsylvania-New York state line, and extending along U.S. Highway 15 to junction New York Highway 414, to junction Interstate Highway 90, to junction U.S. Highway 11 to junction New York Highway 13 to Lake Ontario. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va. Lynchburg and Martinsville, Va.

No. MC 61825 (Sub-No. E916), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials*, from points in North Dakota to points in Florida and Georgia on and east and south of a line beginning at the Gulf of Mexico and extending along Florida Highway 24 to junction Florida Highway 121, to the Florida-Georgia state line, and extending along Georgia Highway 121 to junction U.S. Highway 1, to junction U.S. Highway 221 to the Georgia-South Carolina state line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg and Martinsville, Va.

No. MC 61825 (Sub-No. E917), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials*, from points in South Dakota on and north of a line beginning at the Minnesota-South Dakota state line and extending along U.S. Highway 14 to junction U.S. Highway 281, to junction South Dakota Highway 34, to junction South Dakota Highway 47, to junction U.S. Highway 16, to junction South Dakota Highway 73, to the White River, and extending along the White River to U.S. Highway 18 to the South Dakota-Wyoming state line, to points in Florida on and east of a line beginning at the Atlantic Ocean, and extending along Florida Highway 520 to junction Interstate Highway 95, to junction Florida Highway 60, to junction U.S. Highway 1, to junction Florida Highway 70, to junction Interstate Highway 95, to junction U.S. Highway 1 to Key West, Florida. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg and Martinsville, Va.

No. MC 61825 (Sub-No. E918), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials*, from points in Wyoming on and south and west of U.S. Highway 87 to points in Delaware and New Jersey on and south of a line beginning on the Maryland-Delaware state line and extending along U.S. Highway 40 to the Delaware-New Jersey state line, and extending along U.S. Highway 40 to the New Jersey Turnpike, to junction New Jersey Highway 70, to junction New Jersey Highway 37 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg and Martinsville, Va.

No. MC 61825 (Sub-No. E919), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials*, from points in Wyoming on and north and west of a line beginning on the Utah-Wyoming state line, and extending along Interstate Highway 80 to junction U.S. Highway 187, to junction Wyoming Highway 28, to junction U.S. Highway 287, to junction Wyo. Highway 789, to junction U.S. Highway 26 to the South Fork Powder River, to the Powder River, to Interstate Highway 90, to junction U.S. Highway 14, to the Wyoming-South Dakota state line to points in Florida on and east of a line beginning on the Gulf of Mexico and extending along Florida Highway 40 to junction Fla. Highway 121 to the Florida-Georgia state line and points located west and north of a line beginning on the Atlantic Ocean and extending along Fla. Highway 520 to junction Interstate Highway 95, to junction Fla. Highway 60, to junction U.S. Highway 441, to junction U.S. Highway 27, to junction Fla. Highway 27, to junction U.S. Highway 1 to Key West, Fla.; and to points in Georgia on and east of a line beginning on the Florida-Georgia state line and extending along Georgia Highway 121 to junction Ga. Highway 15, to junction U.S. Highway 1, to junction U.S. Highway 221, to the Georgia-South Carolina state line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E920), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials*, from points in Wyoming to points in Florida on and east and south of a line beginning on the Atlantic Ocean, and extending along Florida Highway 520 to junction Interstate Highway 95, to junction Florida Highway 60, to junction U.S. Highway 441, to junction U.S. Highway 27, to junction Florida Highway 27, to junction U.S. Highway 1 to Key West, Fla. The purpose of this filing is to eliminate the gateway of a point in Smyth County, Va., Lynchburg, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E921), filed May 13, 1974. Applicant: ROY STONE 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials*, from points in Nevada on and north of U.S. Highway 50 to points in Florida and Georgia on and east of a line beginning on the Gulf of Mexico, and extending along Florida Highway 40 to junction Florida Highway 121 to the Saint Mary's River, to junction Florida Highway 94, to the Florida-Georgia state line, and extending along Georgia Highway 94 to junction U.S. Highway 441, to junction U.S. Highway 221, to junction Georgia Highway 47, to junction Georgia Highway 17, to junction Georgia Highway 77, to junction Georgia Highway 368, to the Georgia-South Carolina state line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg, and Martinsville, Va.

No. MC 61825 (Sub-No. E922), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts* and *furniture materials*, from points in Nevada to points in Delaware, New Jersey, Pennsylvania and New York on, east and south of a line beginning at the Maryland-Pennsylvania state line, and extending along U.S. Highway 522 to junction U.S. Highway 11, to junction U.S. Highway 6, to junction Pennsylvania Highway 652, to the Pennsylvania-New York state line, and extending along New York Highway 97 to junction New York Highway 52, to junction U.S. Highway 209, to junction Interstate Highway 87, to junction New York Highway 7, to the New York-Vermont state line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va., Lynchburg, and Martinsville, Va.

No. MC 61825 (Sub-No. E923), filed May 13, 1974. Applicant: ROY STONE

TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials*, from points in Utah on and north of a line beginning at the Nevada-Utah state line, and extending along Utah Highway 21 to junction Interstate Highway 15, to junction Utah Highway 4, to junction U.S. Highway 89, to junction Interstate Highway 70, to junction Utah Highway 10, to junction U.S. Highway 6, to junction Utah Highway 53, to junction U.S. Highway 40, to the Utah-Colorado state line, to points in Florida and Georgia on and east of a line beginning at the Gulf of Mexico, and extending along the Caloosahatcher River to Florida Highway 29, to junction U.S. Highway 27, to junction Interstate Highway 4, to junction U.S. Highway 17, to the Florida-Georgia state line and extending along U.S. Highway 17 to junction U.S. Highway 341, to junction Georgia Highway 23, to junction U.S. Highway 25, to the Georgia-South Carolina state line. The purpose of this filing is to eliminate the gateway of Smyth County, Va., Lynchburg and Martinsville, Va.

No. MC 61825 (Sub-No. E924), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware*, except commodities in bulk, those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, (A) between Washington, Pa., on the one hand, and, on the other, points in South Carolina on and south of a line beginning at the Georgia-South Carolina state line, and extending east along U.S. Highway 123 to junction U.S. Highway 76, to junction South Carolina Highway 72, to junction South Carolina Highway 9, to junction South Carolina Highway 109, to the South Carolina-North Carolina state line, and thence east along the South Carolina-North Carolina state line to the Atlantic Ocean; (B) between points in South Carolina on and south of a line beginning at the Georgia-South Carolina state line and extending east along U.S. Highway 123 to junction U.S. Highway 76, to junction South Carolina Highway 72, to junction South Carolina Highway 9, to junction South Carolina Highway 109 to the South Carolina-North Carolina state line, and thence east along the South Carolina-North Carolina state line to the Atlantic Ocean, on the one hand, and, on the other, Washington, Pa. The purpose of this filing is to eliminate the gateway of (A) Coketown, Brooke County, W.Va., Clarksburg, W.Va., and Lynchburg, Va. and (B) Lynchburg, Va. and Weirton, W.Va.

No. MC 61825 (Sub-No. E925), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel products*, except commodities in bulk, those of unusual value, Class A and B explosives and commodities requiring special equipment, (A) between Columbus, Ohio, on the one hand, and, on the other, points in North Carolina and Virginia, on the southeast of a line beginning at the Atlantic Ocean near Kure Beach, N.C. and extending north along U.S. Highway 421 to junction North Carolina Highway 55, to junction U.S. Highway 501, to junction Virginia Highway 603, to junction Virginia Highway 668, to junction U.S. Highway 29, to junction U.S. Highway 460, to junction U.S. Highway 58 to Virginia Beach, Va., and thence to the Atlantic Ocean; (B) Between points in North Carolina and Virginia on and southeast of a line beginning at the Atlantic Ocean near Kure Beach, N.C., and extending north along U.S. Highway 421 to junction North Carolina Highway 55, to junction U.S. Highway 501, to junction Virginia Highway 603, to junction Virginia Highway 668, to junction U.S. Highway 29, to junction U.S. Highway 460, to junction U.S. Highway 58 to Virginia Beach, Va., and thence to the Atlantic Ocean, on the one hand, and, on the other, Columbus, Ohio. The purpose of this filing is to eliminate the gateway of (A) Weirton, W. Va. and Lynchburg, Va. and (B) Lynchburg, Va. and Weirton, W. Va.

No. MC 61825 (Sub-No. E926), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products* and *hardware*, except commodities in bulk, those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, (A) between Columbus, Ohio, on the one hand, and, on the other, points in North Carolina and Virginia on and southeast of a line beginning at the Atlantic Ocean near Kure Beach, N.C., and extending north along U.S. Highway 421 to junction North Carolina Highway 55, to junction U.S. Highway 501, to junction Virginia Highway 603, to junction Virginia Highway 668, to junction U.S. Highway 29, to junction U.S. Highway 460, to junction U.S. Highway 58 to Virginia Beach, Va., and thence to the Atlantic Ocean; (B) between points in North Carolina and Virginia on and southeast of a line beginning at the Atlantic Ocean near Kure Beach, N.C., and extending north along U.S. Highway 421 to junction North Carolina Highway 55, to junction U.S. Highway 501, to junction Virginia Highway 603, to junction Virginia Highway 668, to junction U.S. Highway 29, to junction U.S. Highway 460, to junction U.S. Highway 58 to Virginia Beach, Va., and thence to the Atlantic Ocean, on the one hand, and, on the other, Columbus, Ohio. The purpose of this filing is to eliminate the gateway of (A) Coketown, Brooke County, W. Va. and Lynchburg, Va. and (B) Lynchburg, Va. and Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E927), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products*, and *hardware*, except commodities in bulk, those of unusual value, class A and B Explosives, household goods as defined by the Commission, and commodities requiring special equipment, (A) between Lancaster, Ohio, on the one hand, and, on the other, points in North Carolina and Virginia on and southeast of a line beginning at the Atlantic Ocean near Kure Beach, N.C., and extending north along U.S. Highway 421 to junction U.S. Highway 117, to junction U.S. Highway 70, to junction North Carolina Highway 50, to junction U.S. Highway 15, to junction North Carolina Highway 96, to junction Virginia Highway 96, to junction U.S. Highway 501, to junction U.S. Highway 460, to junction Virginia Highway 40, to junction Virginia Highway 35, to junction U.S. Highway 158 to Elizabeth City, N.C., thence to the Pasquotank River, thence to the Albemarle Sound to Point Harbor, N.C., thence U.S. Highway 158 to the Atlantic Ocean; (B) Between points in North Carolina and Virginia on and southeast of a line beginning at the Atlantic Ocean near Kure Beach, N.C. and extending north along U.S. Highway 421 to junction U.S. Highway 117, to junction U.S. Highway 70, to junction North Carolina Highway 50, to junction U.S. Highway 15, to junction North Carolina Highway 96, to junction Virginia Highway 96, to junction U.S. Highway 501, to junction U.S. Highway 460, to junction Virginia Highway 40, to junction Virginia Highway 35, to junction U.S. Highway 58, to junction U.S. Highway 258, to junction U.S. Highway 158, to Elizabeth City, N.C., thence to the Pasquotank River, thence to the Albemarle Sound to Point Harbor, N.C., thence U.S. Highway 158 to the Atlantic Ocean, on the one hand, and, on the other, Lancaster, Ohio.

The purpose of this filing is to eliminate the gateway of (A) Coketown, Brooke County, W. Va. and Lynchburg, Va. and (B) Lynchburg, Va. and Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E930), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products,* and *hardware*, except commodities in bulk, those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, (A) between Clarion, Pa., on the one hand, and, on the other, points in North Carolina and Virginia on and bounded by a line beginning at the North Carolina-South Carolina state line, and extending north along U.S. Highway 321 to junction North Carolina Highway 150, to junction Interstate Highway 77, to junction Interstate Highway 40, to junction North Carolina Highway 8, to junction U.S. Highway 58, to junction Virginia Highway 57, to junction Virginia Highway 108, to junction Virginia Highway 890, to junction Virginia Highway 40, to junction Virginia Highway 834, to junction Virginia Highway 122, to junction U.S. Highway 221, to junction U.S. Highway 460, to junction Virginia Highway 47, to junction U.S. Highway 1, to junction U.S. Highway 158, to junction U.S. Highway 401, to junction North Carolina Highway 58, to junction North Carolina Highway 70, to Beaufort, N.C., thence to the Atlantic Ocean, thence to the North Carolina-South Carolina state line, and to the point of beginning; (B) between points in North Carolina and Virginia on and bounded by a line beginning at the North Carolina-South Carolina state line, and extending north along U.S. Highway 321 to junction North Carolina Highway 150, to junction Interstate Highway 77, to junction Interstate Highway 40, to junction North Carolina Highway 8, to junction Virginia Highway 8, to junction U.S. Highway 58, to junction Virginia Highway 57, to junction Virginia Highway 108, to junction Virginia Highway 890, to junction Virginia Highway 40, to junction Virginia Highway 834, to junction Virginia Highway 122, to junction U.S. Highway 221, to junction U.S. Highway 460, to junction Virginia Highway 47, to junction U.S. Highway 1, to junction U.S. Highway 158, to junction U.S. Highway 401, to junction North Carolina Highway 58, to junction North Carolina Highway 70, to Beaufort, N.C., thence to the Atlantic Ocean, thence to the North Carolina-South Carolina state line, and to the point of beginning, on the one hand, and, on the other, Clarion, Pa. The purpose of this filing is to eliminate the gateway of (A) Coketown, Brooke County, W. Va., and Lynchburg, Va., and (B) Lynchburg, Va., and Coketown, Broke, County, W. Va.

No. MC 61825 (Sub-No. E931), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products,* and *hardware*, except commodities in bulk, those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, (A) between Brockway, Pa., on the one hand, and, on the other, points in North Carolina on and south of a line beginning at the Tennessee-North Carolina state line and extending east along U.S. Highway 129, to junction U.S. Highway 19, to the Blue Ridge Parkway, to junction U.S. Highway 23, to junction U.S. Highway 276, to the Blue Ridge Parkway, to junction U.S. Highway 70, to junction U.S. Highway 64, to junction U.S. Highway 220, to junction U.S. Highway 70, to junction North Carolina Highway 87, to junction U.S. Highway 15, to junction U.S. Highway 421, to junction U.S. Highway 301, to junction North Carolina Highway 210, to junction U.S. Highway 421, to Carolina Beach, N.C., and to the Atlantic Ocean; (B) Between points in North Carolina on and south of a line beginning at the Tennessee-North Carolina state line and extending east along U.S. Highway 129 to junction U.S. Highway 19, to the Blue Ridge Parkway, to junction U.S. Highway 23, to junction U.S. Highway 276, to the Blue Ridge Parkway, to junction U.S. Highway 70, to junction U.S. Highway 64, thence east to junction U.S. Highway 220, to junction U.S. Highway 70, to junction North Carolina Highway 87, to junction U.S. Highway 15, to junction U.S. Highway 421, to junction U.S. Highway 301, to junction North Carolina Highway 210, to junction U.S. Highway 421, to Carolina Beach, N.C., and to the Atlantic Ocean, on the one hand, and, on the other, Brockway, Pa. The purpose of this filing is to eliminate the Gateway of (A) Coketown, Brooke County, W. Va., and Lynchburg, Va., and (B) Lynchburg, Va., and Coketown, Brooke County, W. Va.

No. MC 61825 (Sub-No. E932), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, those of unusual value, and those requiring special equipment, from points in New Jersey on and southeast of a line beginning at the New Jersey-New York state line and extending along U.S. Highway 202, to the New Jersey-Pennsylvania state line, to points in North Carolina on and west of a line beginning at the Virginia-North Carolina state line and extending along U.S. Highway 501 to junction U.S. Highway 501 Business, to junction North Carolina Highway 55, to junction U.S. Highway 401, to junction North Carolina Highway 87, to junction U.S. Highway 701, to junction North Carolina Highway 211 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E933), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, those of unusual value, and those requiring special equipment, from New York, N.Y., to points in North Carolina on and west of a line beginning at the Virginia-North Carolina state line, and extending along U.S. Highway 15 to junction North Carolina Highway 96, to junction U.S. Highway 701, to junction U.S. Highway 421 to Carolina Beach, N.C. and to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E934), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk, those of unusual value, and those requiring special equipment, from points in Pennsylvania on and south of a line beginning at the New Jersey-Pennsylvania state line and extending along U.S. Highway 202 to junction U.S. Highway 422, to junction U.S. Highway 15 to junction U.S. Highway 15 Business, to junction U.S. Highway 15, to the Pennsylvania-Maryland state line, to points in North Carolina on and west of a line beginning at the Virginia-North Carolina state line and extending along U.S. Highway 501 to junction North Carolina Highway 157, to junction North Carolina Highway 57, to junction North Carolina Highway 86, to junction U.S. Highway 15, to junction North Carolina Highway 87, to junction U.S. Highway 701, to junction North Carolina Highway 130 to junction North Carolina Highway 905, to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E935), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk and those of unusual value, from points

in Maryland on and north of a line beginning at the Pennsylvania-Maryland state line, and extending along U.S. Highway 40 to Hagerstown, Md., thence along U.S. Highway 40 Alternate to junction U.S. Highway 40, to junction Maryland Highway 144 to Baltimore, Md., thence along the shores of the Chesapeake Bay and Elk River to the Chesapeake and Delaware Canal, to the Maryland-Delaware state line, to points in North Carolina on and west of a line beginning at the Virginia-North Carolina state line, and extending along U.S. Highway 501 to junction North Carolina Highway 157 to junction North Carolina Highway 57, to junction North Carolina Highway 86, to junction U.S. Highway 15, to junction North Carolina Highway 87, to junction U.S. Highway 701, to junction North Carolina Highway 211 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E936), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk and those of unusual value, from the District of Columbia and points in Maryland on and southeast of a line beginning at the Pennsylvania-Maryland state line, and extending southeast along U.S. Highway 40 to Hagerstown, Md., thence along U.S. Highway 40 Alternate to junction U.S. Highway 40, to junction Maryland Highway 144, to Baltimore, Md., thence along the shores of Chesapeake Bay and Elk River to the Chesapeake and Delaware Canal, to the Maryland-Delaware state line, to junction U.S. Highway 301, to junction U.S. Highway 50, to the Potomac River to the Maryland-West Virginia state line, to the Maryland-Pennsylvania state line to the point of beginning, to points in North Carolina on and west of a line beginning at the Virginia-North Carolina state line and extending along U.S. Highway 501 to junction North Carolina Highway 157, to junction North Carolina Highway 57, to junction North Carolina Highway 86, to junction U.S. Highway 15, to junction North Carolina Highway 211, to junction North Carolina Highway 41 to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateways of Lynchburg and Martinsville, Va.

No. MC 61825 (Sub-No. 937), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk and those of unusual value, from points in Maryland on and southwest of a line beginning at the Delaware-Maryland state line and extending southwest along U.S. Highway 301 to junction U.S. Highway 50, to the Potomac River, to the Chesapeake Bay, to the Virginia-Maryland state line, thence to the Atlantic Ocean, to the Maryland-Delaware state line, to the point of beginning, to points in North Carolina on and west of a line beginning at the Virginia-North Carolina state line, and extending south along U.S. Highway 220 to junction U.S. Highway 158, to junction U.S. Highway 52, to junction U.S. Highway 29, to junction U.S. Highway 21 to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateways of Lynchburg, and Martinsville, Va.

No. MC 61825 (Sub-No. E938), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except commodities in bulk and those of unusual value, from points in Delaware on and north of a line beginning at the Maryland-Delaware state line, and extending along Delaware Highway 20 to junction U.S. Highway 113, to junction Delaware Highway 26 to Bethany Beach, Dela., and to the Atlantic Ocean, to points in North Carolina on and west of a line beginning at the Tennessee-North Carolina state line and extending along U.S. Highway 421 to junction U.S. Highway 321, to junction North Carolina Highway 18, to junction North Carolina Highway 27, to junction North Carolina Highway 274 to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of Pulaski and Martinsville, Va.

No. MC 92983 (Sub-No. E18) (Clarification), filed June 4, 1974, published in the FEDERAL REGISTER October 7, 1975. Republished, as corrected, October 30, 1975, and republished, as a Clarification, this issue. Applicant: AMERICAN BULK TRANSPORT, CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Vegetable oils* and *vegetable oil products* (except soap products and paint), in bulk, in tank vehicles; (2) from points in Florida located in Broward, Dade, and Monroe Counties to points in Louisiana located in, north, and west of Winn, Jackson, Quachita, and Morehouse Parishes and points located north of Louisiana Highway 6 (excluding points in the *Many* commercial zone (*Many* is a municipality in west central Louisiana)); (F) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, from Panama City, Fla., and points within five miles thereof to points in Colorado, points in Iowa located in and west of Allamakee, Fayette, Buchanan, Benton, Iowa, Keokuk, Wapello, and Davis Counties, points in Kansas, points in Missouri located in, North, and west of Vernon, St. Clair, Henry, Pettis, Saline, Chariton, Linn, Adair, and Schuyler Counties and to points in Oklahoma within Ottawa, Craig, Nowata, Washington, Osage, Kay, Grant, Alfalfa, Woods, Harper, Beaver, Texas, and Cimmarron Counties; (J) *Acids* and *chemicals*, in bulk; (9) from points in Florida located in and east of Gladsden, Leon, and Wakulla Counties to points in Kansas and points in Oklahoma located, in, north, and west of Roger Mills, Dewey, Major, Garfield, Noble, Pawnee, Osage, Washington, and Nowata Counties. The purpose of this filing is to eliminate the gateways of: in (A)(2) above, Memphis, Tenn.; in (A)(F) above, points in Arkansas within the Memphis, Tenn., commercial zone, and Olathe, Kans. (points in the Kansas City, Mo., commercial zone); and in (J) above, Olathe, Kans. (at points in the Kansas City, Mo. Commercial zone). The purpose of this clarification is to correct a typographical error. The remainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E37) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER March 3, 1976, republished, as corrected, April 21, 1976, and republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (V) *Such paints, resins, varnishes,* and *lacquers, as are embraced within petroleum products,* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (3) from points in Colorado on and north of a line beginning at the Colorado-Kansas state line, and extending along U.S. Highway 40 to junction Colorado Highway 96, thence along Colorado Highway 96 to U.S. Highway 24, to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 291, thence along Colorado Highway 291 to junction U.S. Highway 50, to junction Colorado Highway 90, to the Colorado-Utah state line, to points in Arkansas on and south and west of a line beginning at the Arkansas-Oklahoma state line, and extending along Arkansas Highway 92 to junction Arkansas Highway 7, to the Arkansas-Louisiana state line. The purpose of this filing is to eliminate the gateway of Kansas City, Mo. The purpose of this republication is to correct part (V)(3). The remainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E59) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of May 5, 1976, and partially republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City,

Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Crude soybean oils* and *inedible fats, tallows*, and *grease*, (restricted against the transportation of animal and vegetable fats from Terminal Island and South Fontana, Calif., and of inedible fats, tallow, and grease to New York City, and Port Ivory, N.Y.), in bulk, in tank vehicles, from (1) points in California on and north of Santa Cruz, Santa Clara, Tuolumne, and Alpine Counties, and those points in Stanislaus County on and north of California Highway 132, to Kansas City, Mo.; (2) from points in California to St. Louis, Mo., Chicago, Chicago Heights, Decatur, East St. Louis, and Rockford, Ill., Cincinnati and Ivorydale, Ohio, New York City and Port Ivory, N.Y. The purpose of this filing is to eliminate the gateway of Iowa City, Iowa. The purpose of this republication is to describe the territory involved, previously omitted. The remainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E60) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of May 5, 1976, and partially republished, as corrected, this issue. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (Q) (4) *Vegetable oils*, in bulk, in tank vehicles, from San Francisco, and Los Angeles, Calif., to points in Michigan located in the Lower Peninsula and those points in the Upper Peninsula in the Counties of Luce, Mackinac and Chippewa, and those points in Schoolcraft County on and east of Michigan Highway 94 * * *. The purpose of this filing is to eliminate the gateways of Colorado and Memphis, Tenn. The purpose of this partial republication is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 108449 (Sub-No. E229), filed June 4, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., P.O. Box 3355, St. Paul, Minn. 55165. Applicant's representative: W. A. Myllenbeck. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Jamestown, N. Dak., to points in Iowa. The purpose of this filing is to eliminate the gateway of Marshall, Minn.

No. MC 108676 (Sub-No. E13), filed June 4, 1974. Applicant: A. J. METLER HAULING & RIGGING, 117 Chicamauga Avenue, Knoxville, Tennessee 37917. Applicant's representative: A. J. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* and *coke mining machinery, equipment* and *vehicle* and *mine cars*, consisting of *maintenance machinery* and *equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' machinery and equipment), *Iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips*, consisting of *construction machinery, tools*, and *equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' machinery and equipment), *maintenance machinery, tools* and *equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools* and *equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools* and *equipment*, and *parts, accessories* and *attachments* therefor (not including contractors' machinery and equipment), (A) (1) Between points in Alabama on and west of a line beginning at the Alabama-Tennessee state line, and extending along U.S. Highway 72, thence along U.S. Highway 72 to junction Interstate Highway 65, thence north along Interstate Highway 65 to the Alabama-Tennessee state line, on the one hand, and on the other, points in Georgia on and south of a line beginning at the Georgia-South Carolina state line, and extending along Interstate Highway 85 to the Barrow-Gwinnette County line, thence along the Barrow-Gwinnette County line to points in or east of Barrow, Oconee, Greene, Hancock, Washington, Johnson, Laurens, Dodge, Telfair, Ben Hill, Irwin, Berrien and Lowndes Counties, Ga.

(2) between points in Alabama on and west of a line beginning at the Alabama-Tennessee state line, and extending along U.S. Highway 72 to the Alabama-Mississippi state line, on the one hand, and, on the other, points in Georgia on and south of a line beginning at the Georgia-South Carolina state line, and extending along Interstate Highway 20 to Greene-Taliaferro county line, and from Greene-Taliaferro county line to points in or east of Taliaferro, Hancock, Washington, Johnson, Laurens, Dodge, Telfair, Ben Hill, Irwin, Berrien, and Lowndes Counties, Ga., at the Georgia-Florida state line; (3) between points in Alabama in or north of Franklin, Lawrence, Morgan, Marshall and Jackson Counties, on the one hand, and, on the other, points in Georgia in or east of Effingham, Bryan, Liberty, Long, Wayne, Pierce, Ware and Clinch Counties; (4) between points in Alabama on and south and west of a line beginning at the Alabama-Mississippi state line, and extending along U.S. Highway 80 to junction U.S. Highway 331, to the Alabama-Florida state line, on the one hand, and, on the other, Blairsville, Ga. (B) (1) Between points in Alabama on and west of a line beginning at the Alabama-Tennessee state line, and extending along U.S. Highway 72, thence along U.S. Highway 72 to the Alabama-Mississippi state line, on the one hand, and, on the other, points in South Carolina on and east and north of a line begining at the North Carolina-South Carolina state line, and extending along U.S. Highway 276 to junction Interstate Highway 26, thence along Interstate Highway 26 to the Atlantic Ocean; (2) between points in Alabama in or north of Franklin, Lawrence, Morgan, Marshall and DeKalb Counties, on the one hand, and, on the other, points in South Carolina on and east and north of a line beginning at the North Carolina-South Carolina state line, and extending along Interstate Highway 26, thence along Interstate Highway 26 to the Atlantic Ocean; (3) between points in Alabama on, north and west of DeKalb, Marshall, Cullman, Walker, Tuscaloosa, Hale, Marengo, Clarke and Washington Counties, on the one hand, and, on the other, points in South Carolina on and north and east of a line beginning at the North Carolina-South Carolina state line and extending along South Carolina Highway/to junction South Carolina Highway 97, to junction U.S. Highway 34, thence along U.S. Highway 34 to Bishopsville, S.C., points in or north of Darlington, Florence, Marion and Horry Counties, S.C.; (4) between points in Alabama in and north or west of DeKalb, Marshall, Blount, Jefferson, Tuscaloosa, Hale, Marengo, Clarke, and Washington counties, on the one hand, and, on the other, points in South Carolina located in or north of Chesterfield, Darlington, Florence, Marion and Horry Counties; (5) between points in Alabama on and north of a line beginning at the Alabama-Georgia state line and extending along Interstate Highway 59 to the Alabama-Mississippi state line, and points in or west of Tuscaloosa, Hale, Marengo, Clarke, and Washington Counties, on the one hand, and, on the other, Myrtle Beach, S.C. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn., and points within 75 miles thereof.

No. MC 112304 (Sub-No. E44), filed October 15, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum articles*, which by reason of size or weight require the use of special equipment, from points in Indiana on, south and west of a line beginning at the Indiana-Illinois state line and extending east along Interstate Highway 70 to junction U.S. Highway 231, thence south along U.S. Highway 231 to the Indiana-Kentucky state line, to points is Delaware. The purpose of this filing is to eliminate the gateway of the facilities of Consolidated Aluminum Corporation at or near Carrollton, Ky.

No. MC 112304 (Sub-No. E46), filed October 15, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 E. Broad St. Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum articles* which by reason of size or weight require the use of special equipment, from points in Indiana on, south, and west of a line beginning at the Indiana-Illinois state line, and extending east along Interstate Highway 70 to junction U.S. Highway 231, thence south along U.S. Highway 231 to the Indiana-Kentucky state line, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of the facilities of Consolidated Aluminum Corporation at or near Carrollton, Ky.

No. MC 112304 (Sub-No. E47), filed October 15, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 E. Broad St., Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum articles* which by reason of size or weight require the use of special equipment, from points in Indiana on, south and west of a line beginning at the Indiana-Illinois state line and extending east along Interstate Highway 70 to junction U.S. Highway 231, thence south along U.S. Highway 231 to the Indiana-Kentucky state line, to points in Vermont. The purpose of this filing is to eliminate the gateway of the facilities of Consolidated Aluminum Corporation at or near Carrollton, Ky.

No. MC 112304 (Sub-No. E48), filed October 15, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 E. Broad St., Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum articles* which by reason of size or weight require the use of special equipment, from points in Indiana on, south and west of a line beginning at the Indiana-Illinois state line and extending east along Interstate Highway 70 to junction U.S. Highway 231, thence south along U.S. Highway 231 to the Indiana-Kentucky state line, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of the facilities of Consolidated Aluminum Corporation at or near Carrollton, Ky.

No. MC 114552 (Sub-No. E60), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials as roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line beginning at the Virginia-North Carolina State line, and extending along U.S. Highway 501 to junction Virginia Highway 304, thence along Virginia Highway 304 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Wayne County, N.C.

No. MC 114552 (Sub-No. E88), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gymsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the Georgia-South Carolina State line, and extending along U.S. Highway 76 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Highway Alternate 17, thence along U.S. Alternate Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, to points in Ohio, on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of Wayne County, N.C.

No. MC 119443 (Sub-No. E9), filed May 30, 1974. Applicant: P. E. KRAMME, INC., Main St., Monroeville, N.J. 08343. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coatings, liquid chocolate liquor*, and *liquid cocoa butter*, in bulk, in tank vehicle, (1) from New York, N.Y., to points in Delaware, the District of Columbia, and points in Maryland on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (2) From New York, N.Y., to points in North Carolina, Winchester, Va., and points in Virginia on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. (3) From New York, N.Y., to points in Maryland, North Carolina, Virginia, Birmingham, Ala., Frankfort, and Huntington, Ind., and Bryan, Ohio. The purpose of this filing is to eliminate the gateway of Litity, Pa. (4) From New York, N.Y., to points in Iowa, Michigan, Minnesota, Missouri and Wisconsin. The purpose of this filing is to eliminate the gateways of Litity, Pa. and Elizabethtown, Pa. (5) From New York, N.Y., to Chicago, Ill. The purpose of this filing is to eliminate the gateway of Litity, Pa. (6) From New York, N.Y., to Buffalo, N.Y., Frankfort, Ind., and Chicago, Ill. The purpose of this filing is to eliminate the gateway of Hershey, Pa. (7) From New York, N.Y., to points in Louisiana. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and Dover, Del. (8) From New York, N.Y., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and Dover, Del. (9) From New York, N.Y., to points in New Jersey, on and south of a line beginning at the New Jersey-Pennsylvania state line and the Delaware River and extending along New Jersey County Highway 537 Spur to junction New Jersey County Highway 537, thence along New Jersey County Highway 537 to junction New Jersey Highway 73, thence along New Jersey Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction unnumbered highway, thence along unnumbered highway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

(10) From New York, N.Y., to points in West Virginia on and south of a line beginning at the West Virginia-Virginia state line and extending along U.S. Highway 50 to the West Virginia-Maryland state line, thence south and north along the West Virginia-Maryland state line to junction U.S. Highway 50, thence west along U.S. Highway 50 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction West Virginia Highway 7, thence along West Virginia Highway 7 to the Ohio-West Virginia state line. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and Dover, Del. (11) From New York, N.Y., to points in Ohio on and west of a line beginning on the West Virginia-Ohio state line and extending along Ohio Highway 536 to junction Ohio Highway 78, thence west over Ohio Highway 78 to junction Ohio Highway 800, thence north over Ohio Highway 800 to junction Ohio Highway 147, thence south over Ohio Highway 147 to junction Ohio Highway 265, thence west over Ohio Highway 265 to junction Ohio Highway 513, thence north over Ohio Highway 513 to junction U.S. Highway 22, thence north over U.S. Highway 22 to junction Ohio Highway 800, thence north over Ohio Highway 800 to junction U.S. Highway 250, thence north over U.S. Highway 250 to junction Ohio Highway 259, thence north over Ohio Highway 259 to New Philadelphia and junction Ohio Highway 416, thence over Ohio Highway 416 to junction Ohio Highway 800, thence north over Ohio Highway 800 to junction Ohio Highway 183, thence east

over Ohio Highway 183 to junction Ohio Highway 43, thence over Ohio Highway 43 to junction U.S. Highway 30, thence west over U.S. Highway 30 to junction Ohio Highway 93, thence north over Ohio Highway 93 to junction unnumbered Highway 2 miles south of Ohio Highway 21, thence west over unnumbered Highway to junction Ohio Highway 94, thence north over Ohio Highway 94 to Marshallville and junction unnumbered Highway, thence west over unnumbered highway to junction Ohio Highway 585, thence south over Ohio Highway 585 to Smithville to junction unnumbered highway, thence west over unnumbered highway to junction Ohio Highway 3, thence south over Ohio Highway 3 to Madisonburg to junction unnumbered highway, thence west over unnumbered highway through Overton to junction Ohio Highway 539, thence north over Ohio Highway 539 to junction Ohio Highway 604, thence west over Ohio Highway 604 to junction Ohio Highway 302, thence west over Ohio Highway 302 to junction U.S. Highway 250, thence north over U.S. Highway 250 to junction Ohio Highway 162, thence west over Ohio Highway 162 to junction Ohio Highway 99, thence north over Ohio Highway 99 to junction Ohio Highway 4, thence north over Ohio Highway 4 to junction Ohio Highway 2, thence east over Ohio Highway 2 to junction U.S. Highway 250, thence north over U.S. Highway 250 to Sandusky and Lake Erie. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and Dover, Del.

No. MC 125777 (Sub-No. E30), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from points in La Salle County, Ill., to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Arizona, Nevada, California, Oregon, Washington, Montana, Idaho, and Louisiana. The purpose of this filing is to eliminate the gateways of Troy Grove, Ill., Michigan City, Ind., and Bridgman, Mich.

No. MC 125777 (Sub-No. E86), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Milwaukee, Wis., to points in Washington, Oregon, California, Idaho, Wyoming, Utah, Arizona, New Mexico, Louisiana, Nevada, Missouri, Texas, Oklahoma, Kansas, Nebraska, Arkansas, Tennessee, Kentucky (except points on and east of Interstate Highway 75), Ohio, and Colorado. The purpose of this filing is to eliminate the gateways of Keokuk, Iowa and Chicago, Ill.

No. MC 125777 (Sub-No. E96), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in dump vehicles, from Calvert City, Ky., to points in Washington, Oregon, California, Idaho, Montana, Wyoming, Utah, Colorado, Arizona, North Dakota, South Dakota, Nebraska, Nevada, and Virginia (except points on and west of U.S. Highway 21). The purpose of this filing is to eliminate the gateways of Keokuk, Iowa and Vanadis, Ohio.

No. MC 125777 (Sub-No. E101), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Loose pig iron*, in dump vehicles, from Toledo, Ohio, to points in Washington, Oregon, California, Idaho, Montana, Wyoming, Colorado, Utah, Arizona, New Mexico, Nebraska, Kansas, Nevada, Missouri (except points on, east, southeast, and south of Interstate Highway 44), points in Illinois, Minnesota, Wisconsin (except points on, east, southeast, and south of U.S. Highway 151), and Iowa. The purpose of this filing is to eliminate the gateways of Gary, Ind., Chicago, Ill., Keokuk, Iowa, Kentland, Ind., and Terre Haute, Ind.

No. MC 125777 (Sub-No. E102), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Cleveland, Ohio, to points in Kansas, Nevada, Washington, Oregon, California, Idaho, Montana, Wyoming, Colorado, Utah, Oklahoma, Texas, Arkansas, Illinois, Iowa, Minnesota, Wisconsin (except points on, east, southeast, and south of U.S. Highway 151), Missouri (except points on, east, southeast and south of Interstate Highway 44), Arizona, New Meixco, and Nebraska. The purpose of this filing is to eliminate the gateways of Gary, Ind., Chicago, Ill., Keokuk, Iowa, Kentland, Ind., and Terre Haute, Ind.

No. MC 125777 (Sub-No. E103), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, dump vehicles, from Buffalo, N.Y., to points in Washington, Oregon, California, Idaho, Montana, Wyoming, Utah, Colorado, Arizona, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas (except points on and north of U.S. Highway 64), Wisconsin (except points on and east, southeast, and south of U.S. Highway 151), and Nevada. The purpose of this filing is to eliminate the gateways of Chicago, Ill. and Keokuk, Iowa.

No. MC 125777 (Sub-No. E104), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicle, from Dubuque, Iowa, to points in Michigan (except points on and west of U.S. Highway 41 and Michigan Highway 35), Ohio (except points in Cuyahoga, Geauga, Lorain, and Portage Counties), and Indiana. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Hammond, Ind., Gary, Ind., Terre Haute, Ind., and Danville, Ill.

No. MC 125777 (Sub-No. E106), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, from Chicago, Ill., to points in Colorado, Nebraska, Kansas, Oklahoma, Arizona, New Mexico, Louisiana, Nevada, Washington, Oregon, California, Idaho, Montana, Wyoming, Utah, Arkansas (except points on and north of U.S. Highway 64), Texas, Florida (except points on and north of Florida Highway 50), North Carolina, and Virginia, restricted against service from the plant site of Stauffer Chemical Company, Victor Division, at Chicago, Ill. The purpose of this filing is to eliminate the gateways of Keokuk, Iowa and Graham, W. Va.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17054 Filed 6-14-77;8:45 am]

[No. MC-C-9727]

MAROTTA AIR SERVICE, INC.

Petition for Declaratory Order—Exemption for Motor Carrier Service Incidental to Transportation by Aircraft

Petitioner's representative: Thomas F.X. Foley, Bowes, Millner, Rodgers & Liberstein, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. By petition filed May 26, 1977, Marotta Air Service, Inc., seeks a ruling that certain operations it conducts are within the scope of the "incidental to transportation by aircraft" exemption afforded by Section 203(b)(7a) of the Interstate Commerce Act (49 U.S.C. 303(b)(7a)) and 49 CFR 1047.40, "Motor transportation of property incidental to transportation by aircraft."

Petitioner states that it conducts incidental ground transportation of freight that has received a prior or subsequent movement by aircraft for air carriers and air freight forwarders certified by the Civil Aeronautics Board; that the territory encompassed by petitioner's operation is between various New Jersey points and the facilities of the certified air carriers and air freight forwarders located at or near Newark International Airport and, to a limited extent, locations at or near La Guardia and John F. Kennedy International Airports in New York, N.Y.; that all freight moves on a through air bill of lading of the certified air carrier or air freight forwarder; that petitioner does not utilize bills of lading of its own; that the ground transportation provided by petitioner is to or from a point within the terminal area of the certified air carrier or air freight forwarder as set forth in the appropriate tariff on file with the Civil Aeronautics Board, in conjunction with the certified carrier's operations at Newark International Airport, La Guaradia Airport and John F. Kennedy Airport; that petitioner provides only pickup or delivery service incidental to a prior or subsequent movement by air within the New York terminal area as variously described by the air carriers' and air freight forwarders' tariffs; and that the air carriers and air freight forwarders (not the shippers or consignees) pay petitioner for the specified ground transportation. The Commission is asked specifically whether petitioner's operations are within the exemption provided by Section 203(b)(7a) of the Interstate Commerce Act and 49 CFR 1047.40.

Any interested person or persons desiring to participate in this proceeding may file an original and six (6) copies of his or her written representations, views, or arguments in support of or against the petition on or before July 15, 1977.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-17055 Filed 6-14-77;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).

CONTENTS

1

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 30022, June 10, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 14, 1977.

CHANGE IN THE MEETING: The following item, originally announced for the open session, has been deleted from the agenda since the information requested under the Freedom of Information Act has been disclosed and no appeal is necessary: (1) *Freedom of Information Act Appeal No. 77-4-FOIA-75.* A request by the attorney for a party who filed a charge of discrimination for a copy of the Commission's conciliation proposal sent to the charged employer.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This notice issued June 13, 1977.

[S-658-77 Filed 6-13-77;10:46 am]

2

AGENCY HOLDING THE MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (to be published June 14, 1977).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: June 16, 1977, 2:00 p.m.

CHANGE IN THE MEETING: Addition of P-10, Docket No. E-9538, Conservation of Natural Resources Electric Energy Utilization in the State of Texas Reducing Natural Gas Consumption for Boiler Fuel M-1(A), Docket No. RM76-15. Regulation of Small Producers, M-1(B), Phillips Petroleum Company, FPC Gas Rate Schedule Nos. 553, 555, 556, 557, 559 and 560, Sun Oil Company, FPC Gas Rate Schedule Nos. 538, 539, 561, 562, 567, 569, 572, 576 and 577, G-10, Docket No. RP76-38, Arizona Electric Power Cooperative Inc., and The City of Willcox Arizona v. El Paso Natural Gas Company, G-11, Docket No. RP74-50-5, Florida Gas Transmission Company, Florida Hydrocarbons Company, G-12, Docket No. RP75-79, *Lehigh Portland Cement Company Complainant* v. *Florida Gas Transmission Company Respondent.*

KENNETH F. PLUMB,
Secretary.

[S-652-77 Filed 6-10-77;3:30 pm]

3

AGENCY HOLDING THE MEETING: Federal Reserve System.

ADDITION OF PREVIOUSLY ANNOUNCED AGENDA ITEM

The Board of Governors previously announced a meeting to be held on Monday, June 13, 1977, which was closed to public observation under exemption(s) of the Government in the Sunshine Act (5 U.S.C. § 552b(c)). One of the items announced for inclusion at that meeting was consideration of any agenda items carried forward from a previous meeting. The purpose of this announcement is to inform the public that the following such item was rescheduled for this meeting:

A staff study of the private placement activities of commercial banks requested by the House Committee on Banking, Finance and Urban Affairs. This matter was originally scheduled for a meeting on June 6, 1977.

Previously announced items: 1. Proposed sale of the building currently occupied by the Federal Reserve Bank of Richmond.

2. Possible amendments to Section 23A of the Federal Reserve Act to be submitted to the Congress. This matter was originally scheduled for a meeting on May 4, 1977.[1]

The meeting remains scheduled for 10:00 a.m. in the Board's offices at 20th Street and Constitution Avenue, N.W., Washington, D.C. Information may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, June 10, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[S-654-77 Filed 6-13-77;9:17 am]

[1] Thirty days has expired since the initial meeting at which this item was announced, and a new vote has been taken.

4

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Monday, June 20, 1977, at 10:00 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue, N.W., Washington, D.C., to consider the following items of official Board business:

1. Computer purchases by (1) the Federal Reserve Bank of Dallas, and (2) the Federal Reserve Bank of San Francisco.

2. Any agenda items carried forward from a previously announced meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. § 552b(c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, June 10, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[S-655-77 Filed 6-13-77;9:17 am]

5

FEDERAL RESERVE SYSTEM

Notice of Change in Time of Meeting

The time of the June 15, 1977 (42 FR 30023), open meeting of the Board of Governors of the Federal Reserve System at the Board's offices at 20th Street and Constitution Avenue, NW., Washington, D.C., has been changed from 10:00 a.m. to 10:30 a.m.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, June 13, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-659-77 Filed 6-13-77;2:35 pm]

6

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: 9:30 a.m., June 23, 1977.

PLACE: Room 119, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public: 1. Petitions and complaints: b. Predatory pricing in steel—see memorandum from Commissioner Minchew, dated June 9, 1977; c. Pressure-sensitive tape from West Germany (if necessary). 2. Reorganization. 3. Swimming Pools (Inv. AA1921-165)—briefing and vote. 4. Solder-Removal Wicks (Inv. 337-TA-26)—vote. 5. East-West Trade Report. 6. Agenda. 7. Report by the General Counsel on the Justice Department Proposal on the Customs Court. 8. Policy Manual changes—see action jacket AD-77-32.

PORTIONS CLOSED TO THE PUBLIC: 1. a. Airbus Lease by Eastern Airlines—see action jacket CO1X77-98 and memoranda dated June 8, 1977, from Commissioners Parker, Moore, and Bedell. 2. Reorganization (portions respecting the selection of personnel).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-653-77 Filed 6-10-77;4:27 pm]

7

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: June 10, 1977, 10 a.m.
PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Open meeting.

The Commission met at 10 a.m. on Friday, June 10, 1977, to review testimony to be submitted to the Subcommittee on Reports, Accounting and Management of Senate Committee on Governmental Affairs.

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 10, 1977.

[S-656-77 Filed 6-13-77;9:17 am]

federal register

WEDNESDAY, JUNE 15, 1977

PART II

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Statement of Organization, Practices, and Procedures

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Statement of Organization, Practices, and Procedures

Pursuant to section 302(f)(6) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), each Regional Fishery Management Council is responsible for determining its organization and prescribing its practices and procedures for carrying out its functions under the Act in accordance with such uniform standards as are prescribed by the Secretary of Commerce. Further, each Council must publish and make available to the public a statement of its organization, practices, and procedures. As required by the Act, the Mid-Atlantic Fishery Management Council has prepared and is hereby publishing its Statement of Organizations, Practices, and Procedures.

Dated: June 8, 1977.

WINIFRED H. MEIBOHM,
Associate Director.

I. NAME, ADDRESS AND GEOGRAPHICAL AREA OF AUTHORITY

The Mid-Atlantic Fishery Management Council, created by Section 302(a)(7) of the Fishery Conservation and Management Act of 1976 (hereinafter referred to as the "Act"), hereby publishes a statement of Operational Procedures and Practices, as required by Section 302(f)(6) of the Act. This statement of Operational Procedures and Practices was adopted by the Mid-Atlantic Fishery Management Council (hereinafter referred to as the "Council"), during its public meeting held on March 9th and 10th, 1977, in Ocean City, Maryland.

The Council's permanent offices are located in Rooms 2115 and 2112, Federal Building, New Street, Dover, Delaware 19901.

The Council's geographical area of authority includes all fishery resources within the fishery conservation zone adjacent to the member States of New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia.

II. PURPOSE

1. The Council will prepare and submit to the Secretary of Commerce or his delegate a fishery management plan with respect to each fishery within its geographical area and from time to time such amendments to each plans as are necessary.

1. (a) In the case where the range of the stock in a fishery extends beyond the geographical area of jurisdiction of the Council, the Council expects to consult with the appropriate other Council in the preparation of a joint plan.

2. The Council will prepare comments on any fishery management plan or amendments thereto prepared by the Secretary or his delegate which are transmitted to it under Section 304(c)(2) of the Act.

3. The Council will prepare comments on any application for foreign fishing transmitted to it under a governing international fishery agreement by the Secretary of State or his delegate under the terms of this Act.

4. The Council will conduct public hearings at appropriate times and at appropriate locations in the Council's geographical area so as to allow all interested persons an opportunity to be heard in the development of fishery management plans and amendments thereto and with respect to the administration and implementation of the provisions of the Act.

5. The Council will review on a continuing basis and revise as appropriate the assessments and specifications contained in each fishery management plan for each fishery within its geographical area with regard to (a) the present and probable future condition of the fishery, (b) maximum sustainable yield from the fishery, (c) the optimum yield from the fishery, (d) the capacity and the extent to which fishery vessels of the United States will harvest and optimum yield on an annual basis, (e) the portion of such optimum yield on an annual basis which will not be harvested by fishing vessels of the United States and can be made available for foreign fishing and other items as may be deemed appropriate.

6. The Council will submit to the Secretary a report before February 1st of each year on the Council's activities during the immediate preceding year, and shall submit such other periodic and relevant reports as the Council or the Secretary deem appropriate.

7. The Council will establish a Scientific and Statistical Committee and other advisory panels as the Council deems necessary.

8. The Council will conduct any other activities which are required by or provided for in the Act, or which are necessary and appropriate to the foregoing functions.

9. The Council expects to participate in international negotiations concerning any fishery matters under the cognizance of the Council. The Council also expects to be consulted during preliminary discussions leading to U.S. positions on international fishery matters.

III. COUNCIL COMPOSITION

The Mid-Atlantic Fishery Management Council shall have nineteen voting members and four non-voting members. Twelve voting members are appointed by the Secretary of Commerce and six of the voting members consist of the principal State officials (or his designee) with marine fishery management responsibility and expertise in each of the member states as appointed by the Governor of the State. The one remaining voting member is the Regional Director of the National Marine Fisheries Service for the Northeast Region (or his designee).

The non-voting members of the Council shall be:

1. The Regional Director of the United States Fish and Wildlife Service for the Northeast Region (or his designee).

2. The Commander of the Coast Guard district for the Mid-Atlantic area (or his designee).

3. The Executive Director of the Atlantic States Marine Fisheries Commission (or his designee).

4. One representative of the Department of State designated for such purpose by the Secretary of State (or his designee).

IV. COUNCIL OFFICERS AND TERMS OF OFFICE

A Chairman and a Vice Chairman are elected from the voting members of the Mid-Atlantic Council; both officers serve for a period of one year and may succeed themselves. A recording secretary may be appointed by the Chairman for a term of one year. The Council may establish and appoint other officers as it deems necessary.

V. STANDARDS OF CONDUCT

The Council is responsible for maintaining high standards of ethical conduct among themselves and their staff. Such standards will include the following:

1. No employee of the Council shall use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the results or an election to or a nomination for any national, State, county or municipal elective office.

2. No employee of the Council will be deprived of employment, position, work, compensation or benefit provided for or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate of any political party in any national, State, county or municipal election or on account of his or her political affiliation.

3. No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm or corporation, either as a political contribution or a personal emolment, any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining for any person any appointive office, or place of employment under the Council.

4. No employee of the Council shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties.

5. No Council member or employee of the Council shall use or allow the use, for other than official purposes, any information obtained through or in connection with his or her Council employment which has not been made available to the general public.

6. No Council member or employee of the Council shall engage in criminal, infamous, dishonest, notoriously immoral, or disgraceful conduct prejudicial to the Council.

7. No Council member or employee of the Council shall use Council property on other than official business. Such property shall be protected and preserved from improper or unauthorized operation or use.

VI. LINE AUTHORITY

Council members must submit all requests for task performance that they desire to be carried out by the Executive Director or his staff to the Council for his approval and transmittal. The Chairman of the Council (or his designee, so stated in writing), is the only one so designated to exercise line supervision over the Executive Director.

Similarly, the other members of the Executive Staff receive their line supervision solely from the Executive Director.

VII. PERSONNEL FILES

A file for each Council member containing pertinent data and official papers will be centrally maintained under security and safeguard conditions required of files subject to the Privacy Act. This file will be available to the Council member, and to other persons only where a need to know has been established. The Council will maintain personnel files on their employees under similar safeguards.

VIII. SECURITY INVESTIGATIONS

When it is anticipated that security classified information will be kept or handled in Council offices, certain employees shall be designated to be permitted access to the information in accordance with Federal standards and must receive appropriate security clearance from the Office of Investigations and Security of the Department of Commerce.

IX. STANDING COMMITTEES OF COUNCIL MEMBERS

A. *Names*—The Mid-Atlantic Fishery Management Council has established the following Standing Committees:

1. Budget and Finance Committee.
2. Standing Review Committee.
3. Steering Committee.

B. *Composition*—The above standing committees shall be composed of a Chairman, Vice Chairman and such additional members of the Council as may be appointed by the Council Chairman.

C. *Function*—The function of the above standing committees will be such as are assigned to them from time to time by the Council Chairman.

X. Council Meetings

1. *General*—The Council will meet at the call of the Chairman of the Council or upon request of a majority of the voting members. Advisory bodies will meet with the approval of the Chairman of the Council, after proper notification in the "Federal Register."

2. *Frequency and Duration*—The Council will ordinarily meet in a plenary session at least once a month; but workload will determine the actual frequency and duration of meetings.

The Chairman of the Council will determine the frequency with which any advisory panels will meet.

3. *Location*—In addition to the requirement that Council meetings be held in the Mid-Atlantic area (unless it is a joint meeting with another Council), the meeting place will be of a capacity large enough to accommodate the anticipated public attendance and it will be easily accessible to those interested in attending.

Statutory subgroups and subgroups consisting of Council members, as well as the full Council, will meet in particular areas of interest within the Council's jurisdiction, consistent with budgetary constraints, except Council subgroups may meet outside the Council's jurisdiction as necessary to conduct the business of the Council.

4. *Agendas*—Suggested agendas for all Council meetings will be drawn up by the Executive Director and approved by the Chairman. The Chairman will be assisted by the Vice Chairman, the Executive Staff and the members of the Council who wish to contribute. The agenda and supporting documents shall be distributed to the Council members at least ten (10) calendar days before the subject meeting transpires.

5. *Minutes of Meetings*—Detailed minutes of each meeting must be kept and their accuracy should be certified by the recording secretary or the Chairman. Such minutes will include, to the extend possible, the following information:

a. The time and place of the meeting;

b. A list of Council or advisory panel members, staff and others present;

c. A complete and informative summary of matters discussed and conclusions reached;

d. A listing with copies of all reports and papers received, issued, or approved by the Council or advisory panels;

e. An accounting of any portion of the meeting which was closed to the public;

f. The names of members of the public who attend, the number or an estimate where a register is impractical, or the members of the public decline to be identified;

g. An explanation of the extent of public participation including a list of those presenting written or oral statements;

h. A copy of the agenda; and

i. Copies of any written transcripts or any oral statements.

6. *Conduct—General Rules of Procedure*—Meetings shall be conducted in a manner to permit the greatest possible participation by all members of the Council. Notice of any meeting must appear in the "Federal Register" twenty (20) days prior to the meeting. Meetings may be closed to the public only in certain instances, where the Chairman determines that the reasons for excluding the public are valid, except where prior approval of the Department of Commerce Assistant Secretary for Administration is required.

Parliamentary procedures should be used as a guide, but need not be rigidly adhered to—this is the Chairman's prerogative. Decisions by consensus are permitted, except where the issue is Council approval of a Fishery Management Plan or amendment (including any proposed regulations), or comments for the Secretary on foreign fishing applications; in these cases, a vote is required.

Miscellaneous statutory requirements for meetings include:

1. A majority of the voting members of the Council shall constitute a quorum.

2. One or more Council members or staff designated by the Council may hold non-Council meetings.

3. Where there is a vote, the majority of the voting members present and voting shall rule. The use of proxy is not permitted.

4. Voting members of the Council who dissent on any issue that is to be submitted to the Secretary are permitted to submit a statement of their reasons for dissent to the Secretary.

XI. Authority of the Chair

The Council Chairman shall be the chief executive officer of the Council. Subject only to the authority of the Council, he shall have general charge and supervision over, and responsibility for, the business and affairs of the Council. Unless otherwise directed by the Council, the Chairman may enter into and execute in the name of the Council, contracts or other instruments in the regular course of business or contracts or other instruments not in the regular course of business which are authorized, either generally or specifically, by the Council. He shall have the general powers and duties of management usually vested in the office of Chairman of the Board of a corporation.

XII. Advisory Panels

1. *General*—The Mid-Atlantic Fishery Management Council will establish such advisory panels as are necessary or appropriate to assist the Council in carrying out the functions of the Act. The Secretary of Commerce or the Council shall pay the actual expenses of the members of such panels, except those who are Federal employees, while engaged in the performance of Council business.

The panels shall meet in the area encompassed by the Council's constituent States as deemed necessary by the Council Chairman. No staff is assigned to these panels, but staff support may be requested from the Chairman of the Council or the Executive Director. Each advisory panel shall have its own charter, separate from those of other panels and separate from the Scientific and Statistical Committee and from the Mid-Atlantic Council.

2. *Panel Names*—The Mid-Atlantic Fishery Management Council has to date established the following advisory panels: A.———. B.———. C.———.

3. Any committee or subcommittee meetings held should be done with the approval of the Chairman.

XIII. Financial Management System

The Procurement and Property Management System of the Council will be the direct responsibility of the Staff Administrative Officer.

OMB Circular 110 will be adhered to in procurement and Council will provide a clear audit trail for all Council expenditures.

XIV. Staff

The voting members of the Mid-Atlantic Fishery Management Council shall hire an Executive Director. The duties and functions of the Executive Director are as follows:

1. Supervise, direct and account for the administration and operation of the Council.

2. Appoint and affix the salary of the staff of the Council within the guidelines approved by the Council.

3. Assign the duties of the personnel as may be necessary to accomplish the goals of the Council.

4. Make and enter into any and all contracts, agreements or stipulations, and retain, employ and contract for the services of private and public consultants, research and technical personnel, and procure by contract, consulting, research, technical and other services and facilities, whenever the same shall be deemed necessary or desirable in the performance of the functions of the Council and whenever funds have been made available for such purposes. All legal procedures and applicable regulations shall be followed. The Council shall approve all contracts for services costing over one thousand ($1,000.00) dollars.

5. Establish and promulgate such rules and policies as may be necessary for the administration and operation of the Council consistent with applicable laws.

6. Maintain such facilities as may be required for the effective and efficient operation of the Council.

7. Prepare an annual budget for approval by the Council.

8. Prepare annual reports to the Council, and for the Council, to the Secretary of Commerce.

9. Coordinate efforts of the Council with other Councils and related Federal agencies.

10. The Executive Director may transfer funds between line items up to 10 percent of the line except transfer between salary and non-salary items.

11. Prepare a Manual of Practice for the operation of the Council.

12. The Executive Director shall have the authority to adopt an accounting procedure consistent with and within Federal guidelines.

XIV. (a) Additional Staff (on a Loan Basis)

The Council may request the head of any Federal agency to detail to the Council on a reimbursable basis, any personnel of such agency to assist the Council in the performance of its functions under the Act. The length of such details shall be mutually determined by the Council, the Federal employee and his or her agency. Federal employees so detailed retain all benefits, rights and status as they are entitled to in their regular employment. The Council may negotiate arrangements with State or local governments to utilize employees of those governments also.

XV. Employment Practices

1. Nondiscrimination. All activities of the Council must operate under a policy of equal employment opportunity. Council staff positions shall be filled solely on the basis of merit, fitness, competence, and qualifications. Employment actions shall be free from discrimination based on race, religion, color, national origin, sex, age, or physical handicap.

2. Salary and Wage Administration. In setting rates of pay for Council Staff, the principal of equal pay for substantially equal work should be followed. Variations in basic rates of pay should be in proportion to substantial differences in the difficulty and responsibilities of the work performed.

The duties of any new position shall be contained in a brief description to be submitted to the NOAA Personnel Office servicing the NMFS Regional Office assigned to the Council prior to the submission of a budget

in which the salary of that position is requested. The Council will be provided a salary range appropriate to the position. The Council may fill the position at any salary level within that range, except that, unless recruitment of exceptionally qualified employees is hampered, the policy of hiring at the beginning rate shall be recognized. The annual pay for any staff position may not exceed the equivalent of the top step of GS-15 of the Federal General Schedule at any time. After a position has been filled, the employee may be promoted annually and recognized for superior performance with the specified salary ranges in accordance with Council policies.

XVI. EMPLOYEES BENEFITS

A. *Pay Grade and Rates*—Each position classification in the list of class titles shall have asigned to it a pay grade for compensation purposes. The pay of employees occupying position in the Council employ shall be according to the published rates prescribed for the pay grades assigned by equivalent, current GS ratings.

B. *Work Schedule*—The standard work week for all full time employees shall be 37½ hours. The standard work day shall be 8:00 A.M. to 4:30 P.M. with a one hour lunch period. Deviation may be authorized by the Executive Director to meet operational needs. Cases of continuing or permanent schedule deviation shall be subject to the approval of the Executive Director or Council.

For positions in classes of Grade 5 and above, grades are established in consideration of supervisory, administrative, executive and professional duties and responsibilities of the positions, and not of any fixed hours of work to be required; provided that employees in such positions shall be required by their appointing authority to work at least for the minimum hours required in the Council service and during hours authorized by supervision and approved by the Executive Director.

a. *Part Time Employees*—A part time employee working on a regular and continuous schedule of less than 37½ hours per week shall be paid the hourly rate appropriate to the grade and step of the employee for the hours actually worked. Such schedules shall be established as the work situation requires, with report to and approval by the Executive Director.

b. *Incremental Increases for Full Time Employees*—All incremental increases shall be at the beginning of the new budget year. Those employees who have been employed six (6) months or longer shall be eligible for pay raise advancement. Those employees with less than six (6) months service shall not be eligible for pay raise advancement until the following budget year.

c. *Step Increments*— A Council employee will normally have his pay rate advanced one increment in the paygrade upon completion of one year service, including six consecutive months of satisfactory performance immediately prior to the effective date. These increments shall be made no more often than yearly until the employee has reached the maximum step for the grade of his position. An annual increment is not to be construed as an automatic "right", but rather as an adjunct to satisfactory service.

d. *Pay for Exceptional Merit*—The most commendable and distinguished employees of the Council who have exhibited such competence and exemplary effort for a period of at least one year, may have their pay advanced two increments within the paygrade upon recommendation of the appointing authority and approval by the Council provided that not greater than 10% of the employees shall be considered for meritorious increase in any one year. Such exceptional increment shall be recommended at the time of a normal increment in pay is due and shall not be again recommended for at least one year.

e. *Paid Holidays*—Paid holidays shall be the same as those received by Federal employees.

D. *Annual Leave*—Employees of the Council shall be entitled to twenty (20) working days per year as annual leave which will accumulate at the rate of 1¾ days per month. Though accruing, employees shall not normally be granted paid annual leave until the completion of six (6) months service.

This liberal leave policy recognizes the necessity for staff to work unusual and at times long hours to accomplish the Council's goals.

Vacation credits may be accumulated up to two times the annual allowable rate. Credits beyond this amount will be forfeited.

Employees shall request annual leave as per the guidelines established by the Executive Director.

If an employee resigns or is terminated for any reason including dismissal, or dies with unused annual leave credit, the employee or in the case of his death, his estate, shall be paid in cash for any accumulated annual leave.

E. *Sick Leave*—All employees, except temporary, seasonal and emergency, shall accrue paid sick leave credit at the rate of one and one-quarter (1¼) work days for each completed calendar month of service. Permanent part-time employees shall accrue on a pro rata basis.

Unused sick leave credit may be accumulated without limit, but for cash payment (see *1 below) a maximum of 100 (one-hundred days credit shall apply.

*1. An employee may be reimbursed for unused accumulated sick leave under the following conditions:

a. At retirement which shall be defined in accordance with the provisions of the Social Security Act.

b. If laid off without prejudice for lack of work at the rate of one day's pay for each two days of unused sick leave.

c. In the event of death of the employee, payment shall be made to his estate at the rate of one day's pay for each day of unused sick leave.

E. (a) *Sick Leave Usage*—An employee eligible for sick leave with pay may use such sick leave for absence due to illness, injury, temporary disability, exposure to contagious disease, or due to serious illness of a member of the employee's immediate family requiring the employee's personal attendance. In addition, sick leave can be used for appointments with doctors, dentists, or other recognized practitioners, subject to prior approval of the appointing authority. An employee at his option may also use sick leave to provide full regular pay during periods when he is paid less than full pay under workmen's compensation provisions. Such leave shall be charged in proportion to the difference between workmen's compensation pay and full pay. Employees cannot take sick leave with pay in excess of the days actually accrued.

An employee needing sick leave shall inform his immediate supervisor of the fact and the reason in advance when possible, or otherwise before the expiration of the first hour of absence or as soon thereafter as practicable; failure to do so may be cause for denial of pay for the period of absence. Before approving pay for sick leave, an appointing authority or the Executive Director may at their discretion require either a doctor's certificate or a written statement signed by the employee setting forth the reason for the absence. In the case of an absence of more than three (3) consecutive days, a doctor's certificate is required as a condition of approval.

F. *Personal Leave*—Upon a permanent employee's written request, the Executive Director may approve a leave without pay, not to exceed three (3) months. Such leave may be renewed for an additional period not to exceed three (3) months by formal action of the Executive Director and written approval by the Chairman of the Council.

G. *Jury Duty*—An employee, other than temporary, seasonal or emergency, who is required to report daily to serve on a jury, shall be excused with pay, but shall return to work within a reasonable time on days he is released from jury duty.

Any employee appearing as part of his duty or under subpoena before a court, legislative committee or judicial or quasi-judicial body will be excused with pay.

Any employee appearing on his own behalf in litigation involving personal or private matters, before a court, legislative committee or judicial or quasi-judicial body, may be excused without pay, or may take annual leave.

H. *Military Leave*—Consistent with applicable Federal laws.

I. *Maternity Leave*. Not to exceed six (6) months.

J. *Life Insurance*—Council will pay twenty-five cents per thousand dollars up to two times the employee's salary, non-contributory.

K. *Health Insurance*—Council will pay the basic rate for the employee under the plan chosen plus one half the family portion.

L. *Retirement*—Council will pay ten (10) percent of an employee's salary into a deferred compensation plan. Said plan vesting 10 percent per annum so at the end of ten (10) years service vesting will be 100 per cent.

M. *Long Term Disability*—After a three month waiting period. If the staff is covered by state disability our plan should be worked out to coincide with that.

XVII. PERSONNEL POLICIES

1. *Probation*—All appointments shall be for an established probationary period during which the individual's fitness for permanent appointment shall be evaluated. The Executive Director (or his designee) is responsible for insuring the effectiveness of this working test period and for insuring that probationary employees are given help in meeting the job requirements for permanent employment. The probationary period for all employees shall be one (1) year.

At any time during the probationary period, the Director may dismiss the employee for reasons of unsatisfactory service or conduct. The Executive Director shall notify the employee in writing of the action, giving the reasons.

2. *Unauthorized Absences*—Any absence from duty that is not in compliance with the various authorized leaves (as herein stated) shall be considered an absence without leave and is cause for disciplinary action.

No employee shall absent himself from duty without authorization by the appointing authority, except in case of emergency illness, accident, or serious unforeseen circumstances. Such emergency conditions shall be brought to the attention of the supervisor as soon as practicable.

Any employee who is absent from work without a valid leave of absence for three (3) consecutive working days, may be deemed to have abandoned his position and to have resigned from the staff unless in the period of three working days succeeding such three days he proves to the satisfaction of the Executive Director that such absence was excusable.

Nothing herein contained shall be construed as preventing the Director from taking disciplinary action against an employee because of unauthorized absence.

3. *Employee Inquiries, Requests, Suggestions and Grievances*—In the interest of harmonious and cooperative working relationships, employees and their immediate supervisors are encouraged to informally discuss and resolve all employee inquiries, requests and suggestions. It must be recognized that authority exists for resolving problems at various levels of an organization and that all problems are not subject to immediate resolution. However, the emphasis on interpersonal relationship problem solving is to be focused on informal solutions developed at the lowest organizational level possible.

When problems arise regarding employment, an employee shall discuss the problem first with his immediate supervisor. It is the responsibility of each supervisor to conduct such discussions objectively and to initiate action to resolve problems. If after such informal action, the problem is not resolved to the employee's satisfaction and he wishes to take formal action, he may present his written grievance to the Executive Director.

Should the employee not be satisfied with the Executive Director's resolution of the grievance, he may appeal directly to the Council.

4. *Disability*—Action may be initiated by the employee, his legal representative, or the appointing authority, but in all cases it must be supported by medical evidence acceptable to the Executive Director and the Council.

5. *Reprimand or Suspension Without Pay*—In situations where a verbal warning has not resulted in the expected improvement, or where more severe action is warranted, the employee may be reprimanded in writing and a copy shall be placed in the employee's personnel folder.

An employee may be suspended without pay by the Executive Director for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence, or other justifiable reasons when alternate personnel action would not be appropriate. Suspensions without pay shall not exceed thirty (30) calendar days unless approved by the Council. In no case shall suspension with pay be utilized, but retroactive pay may be granted should the suspension subsequently prove unfounded.

6. *Reasons for Disciplinary Action*—Disciplinary action may be taken for any conduct not in keeping with reasonable standards, as to be determined by the Executive Director and/or Council.

7. *Performance Evaluations*—The Executive Director shall provide a system for evaluating the work performance of all employees in the Council's service. The purpose of the employee performance evaluation shall be primarily to inform employees of the acceptability of their work and how they can improve their work performance; therefore, it is not to be construed as a disciplinary action. Performance ratings shall be considered in determining salary advancements and in making promotions, dismissals, and in determining the order of separation due to layoffs and in determining the order of re-employment.

All employees shall be counseled throughout the year as needed. Written performance evaluations shall be prepared and recorded after completion of six (6) months service, and annually thereafter. In the case of unsatisfactory performance, quarterly evaluation will be compulsory.

8. *Attendance*—Every employee is required to report to work on time each day. When because of emergency or sudden illness, the employee cannot report for work, he shall notify his immediate supervisor promptly giving reason for his absence.

9. *Personnel records*—A master personnel record for each employee shall be established and maintained in the office of the Executive Director which shall include a copy of the application or resume of said Council employee and a copy of each personnel transaction. Supplementary records, verification of education and employment and any other pertinent information shall also be maintained by the Executive Director's office. Those records of a confidential nature shall be kept separately and inspected only with the approval of the Executive Director. Unauthorized disclosure of any portion of an employee's personnel record will be grounds for dismissal.

10. *Employee Access to Records*—Employees shall have controlled access to their personnel records. After obtaining permission of the Executive Director, the employee shall be scheduled to examine his records under the supervision of those charged with maintaining such records.

XVIII. Amendments to Operational Procedures and Practices Manual

These Operational Procedures and Practices may be amended from time to time by majority vote of the voting members present and voting provided notice of the specific proposed change has been sent in writing to all voting members of the Council at least ten (10) days in advance of the meeting in which the matter shall be presented.

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federal register

WEDNESDAY, JUNE 15, 1977

PART III

FEDERAL MARITIME COMMISSION

■

ALASKA PIPELINE

Financial Responsibility for Oil Pollution

FEDERAL MARITIME COMMISSION

[46 CFR Part 543]

[Docket No. 77-24]

ALASKA PIPELINE

Financial Responsibility for Oil Pollution

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Maritime Commission hereby proposes to issue regulations which will enable vessel operators to comply with subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act. That subsection makes the owners and operators of vessels which load certain oil at the terminal facilities of the trans-Alaska pipeline jointly, severally, and strictly liable for damages resulting from the discharge of oil from such vessels. That subsection further requires that financial responsibility in the amount of $14 million be demonstrated before oil is loaded abroad a vessel. This proposed rulemaking is to provide the manner by which that financial responsibility can be demonstrated to the Federal Maritime Commission, and to provide for the issuance of Certificates attesting to that demonstration.

DATES: Comments on or before June 30, 1977.

ADDRESS: Comments should be directed 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: The Trans-Alaska Pipeline Authorization Act, Public Law 93-153 (Act), was enacted in order to expedite the completion of the trans-Alaska pipeline, and to provide protection to the public from injury resulting from that construction and the subsequent movement of oil from the North Slope of the State of Alaska through the pipeline and by vessels to ports under the jurisdiction of the United States. The Commission is informed that oil will begin moving through the trans-Alaska pipeline in June of 1977, and will probably be available for loading aboard vessels at the terminal facilities of the pipeline as early as July or August of 1977.

The Act makes owners and operators of vessels, upon which is loaded oil that has been transported through the pipeline, jointly, severally, and strictly liable without regard to fault for all damages, including cleanup costs, sustained by any person or entity, public or private, including residents of Canada, as the result of discharges of oil from such a vessel. The Act limits that strict liability to $14 million, but requires that the availability of $14 million to meet that liability be demonstrated prior to the loading of oil upon a vessel. That financial responsibility is to be demonstrated in accordance with the provisions of section 311(p) of the Federal Water Pollution Control Act, insofar as that latter act is not inconsistent with the purposes of the Trans-Alaska Pipeline Authorization Act.

The purpose of this rulemaking is to provide a method whereby that financial responsibility may be demonstrated and maintained, and to provide a means of certifying to enforcement authorities that the owner or operator of the vessel upon which oil is to be loaded at the terminal facilities of the pipeline is financially responsible within the meaning of the Act. To that end, it would appear necessary to identify those persons subject to the provisions of the Act; provide alternative methods for those persons to demonstrate to the Commission their financial responsibiliy in accordance with the Act: devise a document which will attest to that demonstration; provide an orderly and efficient procedure whereby persons may obtain that document; provide methods for ascertaining the validity of representations made to the Commission; provide methods for ascertaining whether persons to whom a certificate has been issued continue to be financially responsible, including reporting requirements, inspections, and hearings; and provide orderly and efficient methods for denying applications for certificates and revoking certificates once issued, which will permit rapid action on the part of the Commission where the protection to the public is in immediate jeopardy.

This rulemaking shall cover the entire scope of the Commission's responsibilities under the Act. For the purpose of providing a starting point for comment, there are incorporated herein proposed rules which might effectuate the purposes of the Act. Comments are invited on the entire scope of the Commission's responsibilities under the Act, including alternative methods of effectuating its purposes and the proposed rules. In particular, attention is directed to those portions of the proposed rules which permit vessel operators only to apply for certificates; which restrict the issuance of certificates to vessel operators only; which limit the scope of the rules to vessels which load oil at the terminal facilities of the trans-Alaska pipeline, as compared to a broader scope which would include vessels on to which oil so loaded is transshipped at locations other than those terminal facilities; which require the financial responsibility provided pursuant to the Act to be an addition to that provided, if any, pursuant to the Federal Water Pollution Control Act; which permits revocation of certificates upon short notice in certain instances; and which require applicants who seek a certificate without providing an insurance policy, surety bond, or guarantee to demonstrate the possession of quick assets located in the United States.

Because the promulgation of the final rules intended to result from this rulemaking proceeding will not be a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), the issuance of an environmental impact statement is not required in this rulemaking proceeding.

Because the time at which Alaskan oil will be available for loading aboard vessels is near, persons desiring to comment upon this proposed rulemaking will be afforded only 20 days in which to do so. Extensions of time within which to comment will be granted only upon a definite showing of extreme necessity and impairment of the public interest. All commentators participating in this rulemaking proceeding shall file an original and 15 copies of their comments with the Commission.

Accordingly, it is proposed that Title 46 CFR be amended by the addition of a new Part 543 reading as set forth below.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

Sec.

AUTHORITY: The provisions of this Part 543 are issued under sec. 204(c)(3) of the Trans-Alaska Pipeline Authorization Act; secs. 311(p)(1) and 311(p)(2) of the Federal Water Pollution Control Act (86 Stat. 870); and sec. 3 of Executive Order 11735.

§ 543.1 Scope.

These regulations implement subsection (c) of section 204 of the Trans-Alaska Pipeline Authorization Act, and apply to all operators of vessels loading oil at terminal facilities of the trans-Alaska pipeline for carriage to a port under the jurisdiction of the United States.

§ 543.2 Definitions.

For purposes of this Part the following terms shall have the below-listed meanings:

(a) "'Act" means Title II of Pub. L. 93-153, the Trans-Alaska Pipeline Authorization Act (87 Stat. 584 et seq.).

(b) "Applicant" means any vessel "operator," as defined in paragraph (i) of this section, who has applied for a Certificate.

(c) "Application" means Application for Certificate of Financial Responsibility (Alaska Pipeline), Form FMC-224P.

(d) "Certificant" means any operator, as defined in paragraph (i) of this section, who has been issued a Certificate.

(e) "Certificate" means a Certificate of Financial Responsibility (Alaska Pipeline) issued by the Federal Maritime

Commission pursuant to these regulations.

(f) "Commission" means the Federal Maritime Commission.

(g) "Insurer" means one or more acceptable insurance companies, corporations or associations of underwriters, shipowners' protection and indemnity associations, or other persons acceptable to the Commission.

(h) "Oil" means petroleum in any form.

(i) "Operator" or "vessel operator" means any person, including a demise charterer, who conducts or who is responsible for the operation of a vessel.

(j) "Owner" or "vessel owner" means any person holding legal or equitable title to a vessel; *Provided, however,* That a person holding legal or equitable title to a vessel solely as security shall not be deemed to be an owner. In a case where a Certificate of Registry has been issued, the owner shall be deemed to be the person or persons whose name or names appear on the vessel's Certificate of Registry; *Provided, however,* That where a Certificate of Registry has been issued in the name of the President or Secretary of an incorporated company pursuant to 46 USC 15, such incorporated company will be deemed to be the owner. An "owner" of a vessel shall not be eligible to apply for a Certificate unless such owner also is the vessel operator as defined in paragraph (i) of this section.

(k) "Part 542" means Part 542 of Chapter IV, Title 46, Code of Federal Regulations.

(l) "Person" includes, but is not limited to, an individual, a government, a firm, a corporation, an association, a partnership, a joint-stock company, a business trust, or an unincorporated organization.

(m) "Public vessel" means a vessel, the operator of which is the Government of the United States or the government of a foreign nation, not engaged in commerce.

(n) "Underwriter" means an insurer, a surety company, or a guarantor.

(o) "United States" means any place under the jurisdiction of the United States, including, but not limited to, the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(p) "Vessel" means every description of watercraft or other artificial contrivance used or capable of being used, as a means of transportation on water.

§ 543.3 General.

No vessel, except a public vessel, shall load oil at a terminal facility of the trans-Alaska pipeline, unless the operator of that vessel has been issued a Certificate covering that vessel. This prohibition applies only to oil that has been transported through the trans-Alaska pipeline.

§ 543.4 Certificates, How Obtained.

(a) Any person who wishes to be issued a Certificate shall file, or cause to be filed, with the Commission an application, fees, and evidence of financial responsibility, at the following address: Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

(b) Application forms may be obtained from the address set forth in paragraph (a) of this section, and at the Commission offices at New York, New York; New Orleans, Louisiana; San Francisco, California; and Hato Rey, Puerto Rico.

(c) A completed application, evidence of financial responsibility, and the required fees shall be filed at least 45 days prior to the date upon which the vessel to be covered by the Certificate for which application is made is to load oil at terminal facilities of the trans-Alaska pipeline. Applications will be processed in order in which they are filed.

(d) All spaces on the application shall be filled in before filing. Spaces may be filled in only with the information requested, the phrase "Not Applicable," or the word "None." Each application shall contain:

(1) Complete name and mailing address of applicant;

(2) Applicant's form of organization;

(3) Date and state of applicant's incorporation or organization;

(4) Names and addresses of each partner, if applicable;

(5) Name and address of applicant's U.S. agent for service of process;

(6) Identifying data for all vessels to be covered by the Certificates for which application is made; and

(7) Identification of the evidence of financial responsibility upon which the Certificates being applied for are based.

(e) All applications and supporting documents shall be in English. All monetary terms shall be set out in U.S. currency.

(f) The application shall be signed by the applicant. The title of the signer shall be shown on the application. Except where the signer is disclosed as an individual applicant, a partner in a partnership applicant, or an officer of a corporate applicant, the signer shall accompany the application with a written authority to sign.

(g) If, prior to the issuance of a Certificate, the applicant becomes aware of a change in any of the facts contained in the application, the applicant shall, in writing, immediately notify the Commission of the change.

§ 543.5 Financial responsibility, amount.

Each applicant shall establish that it has $14 million to meet its liability under subsection (c) of section 204 of the Act. The $14 million required by this Part is in addition to the amount, if any, required of the applicant pursuant to Part 542 of this Title.

§ 543.6 Financial responsibility, how established.

(a) An applicant shall establish its financial responsibility within the meaning of this Part by electing one or more of the following methods:

(1) Filing with the Commission an insurance Form FMC-225P, executed by an insurer which is acceptable to the Commission for purposes of this Part.

(2) Filing with the Commission a surety bond Form FMC-226P, executed by the applicant and by a surety company which is acceptable to the Commission for purposes of this Part. To be acceptable, surety companies, among other things, must be certified by the United States Department of the Treasury with respect to the issuance of Federal bonds in the face amount of $14 million.

(3) By maintaining, in the United States, quick asssets $14 million in excess of current liabilities, and net worth in the amount of $14 million. For purposes of this Part, "quick assets" shall be those current assets readily convertible into U.S. currency within a period of one month, including cash on demand deposits, callable loans receivable, marketable securities, and accounts receivable due within one month. In calculating the required amounts of quick assets and net worth acceptable for purposes of this Part, the following are not to be included: Assets which are pledged as security for any indebtedness, including any amounts required by the applicant/certificant pursuant to § 542.5(a)(3) of this Title; investments, the value of which are not readily ascertainable by reference to current trades in a public exchange; deposits in banks located outside the United States; stock in foreign organizations; vessels of foreign registry; and assets (except vessels of U.S. registry) physically located outside the United States. Maintenance of the required assets shall be demonstrated by submitting with the initial application, the items specified in paragraph (a)(3)(i) of this section. Thereafter, so long as the application is pending or the certificant is holding a Certificate, the applicant/certificant shall submit the items specified in paragraph (a)(3)(i) and (ii) of this section and shall be subject to the provisions of paragraphs (a)(3)(iii), (iv), and (v) of this section:

(i) An annual, current, nonconsolidated balance sheet and an annual, current, nonconsolidated statement of income and surplus, certified by an independent Certified Public Accountant. Said financial statements are to be accompanied by an additional statement from the Certified Public Accountant, certifying to the total amount of all assets, included in the accompanying balance sheet, which are acceptable for purposes of this Part, and also certifying to the amount of quick assets, included in the said balance sheet, which are acceptable for purposes of this Part.

If the balance sheet and statement of income and surplus cannot be submitted in nonconsolidated form, but are submitted in consolidated form, there must also be submitted an additional statement prepared by the involved Certified Public Accountant, certifying to the amount by which the applicant's/certificant's total assets, acceptable for purposes of this Part, exceed its total liabilities and also certifying to the amount by which the applicant's/certificant's quick assets, acceptable for purposes of this Part, exceed its current liabilities. Such additional statement must specifically name the applicant/certificant, must indicate that the amounts so certified relate only to the applicant/certificant apart from any other entity, and must identify the consolidated financial statement to which it applies.

(ii) First, a statement prepared by the Certified Public Accountant, certifying that, as of the end of the first six months of the applicant's/certificant's fiscal year, the applicant's/certificant's net worth and quick assets, calculated in accordance with paragraph (a)(3) of this section, have not fallen below the required amounts and, second, a quarterly affidavit filed by the corporate Treasurer or equivalent stating that the quick assets in excess of current liabilities and the net worth at no time fell below the required amounts during the preceding three-month period. Such affidavits are required only for the first and third fiscal-year quarters.

(iii) Such additional financial information as the Commission may deem necessary in appropriate cases shall be submitted.

(iv) All persons complying with the provisions of this paragraph (a)(3) must notify the Commission as soon as it is known that the required amounts of quick assets or net worth fall below the amounts required by this Part.

(v) All annual financial statements required under this paragraph (a)(3) shall be received by the Commission within two calendar months after the close of the applicant's/certificant's fiscal year, and the six-month statements within eight calendar months after close of such fiscal year. Quarterly affidavits shall be received within 30 days of the close of the quarter being attested to. Upon written request, the Commission may grant a reasonable extension of the said time limits, provided that the request is received 15 days before the statements are due, and provided further that such request sets forth good and sufficient reason to justify the requested extension, including an estimate of the final calculation of quick assets less current liabilities and of net worth. In no event, however, will the Commission entertain a request for an extension of more than 60 days. Failure to timely file any statement, data, or affidavit required by this paragraph (a)(3) shall cause the revocation of the Certificate.

(4) Filing with the Commission a guaranty Form FMC-227P, executed by a guarantor acceptable to the Commission on behalf of the applicant. An acceptable guarantor must comply fully with all of the provisions of paragraph (a)(3) of this section. However, the amounts of quick assets and net worth required to be demonstrated by such guarantor shall not be less than the aggregate amounts underwritten as a guarantor pursuant to this Part 543 and Part 542 and as an applicant/certificant pursuant to this Part 543 and Part 542. Joint guarantors, i.e., two or more entities which pool assets in order to qualify as guarantors on behalf of an applicant/certificant, will not be permitted.

(b) The Commission's application Form FMC-224P, insurance Form FMC-225P, surety bond Form FMC-226P, and guaranty Form FMC-227P, as set forth in and appended to this Part, are hereby incorporated into this Part. If more than one insurer or surety joins in executing a Form FMC-225P or FMC-226P, respectively, such action shall be permitted only if such underwriters undertake joint and several liability.

(c) Forms FMC-225P, -226P, and -227P, filed pursuant to the provisions of this Part 543, shall expressly permit the institution of claims for costs and damages incurred under the provisions of subsection 204(c) of the Act directly against the insurer or other person providing the evidence of financial responsibility required by this Part. Said forms also shall provide that, in the event such claim is brought directly against the insurer or other person providing the evidence of financial responsibility, such insurer or other person shall be entitled to invoke only those rights and defenses permitted by the Act.

(d) Each Form FMC-225P, -226P, and -227P submitted to the Commission under the rules of this Part shall set forth in full the correct name of the applicant to whom Certificates are to be issued.

(e) Except in connection with hearings conducted pursuant to this Part, financial data filed by applicants, certificants, guarantors, and insurers shall, if specifically requested, be confidential, to the extent permitted by the Freedom of Information Act.

§ 543.7 Certificates, issuance.

(a) When financial responsibility as required by this Part has been established in support of a properly completed application, a separate Certificate for each vessel listed on such application shall be issued by the Commission. Certificates will be issued only to vessel operators. The period covered by each Certificate shall be not more than two years from the date of issue and will be indicated on each Certificate. The original Certificate issued pursuant to this Part shall be carried on the vessel named on the Certificate, and erasures or other alterations thereon are prohibited.

(b) Certificates are void if erasures or other alterations are made thereon. Certificants shall request the Commission, in writing, to issue a renewal Certificate. That request shall be filed with the Commission at least 45 days, but not earlier than 60 days, prior to the termination date of the existing Certificate. That request also shall identify any item of information on the application which has changed since the application was filed, and shall set forth the correct information in full; and shall state that all other items on the application remain correct.

(c) If for any reason, including a vessel's demise or transfer to a new operator, a certificant ceases to be responsible for future liabilities in connection with such vessel, the certificant shall, as soon as possible, complete the reverse side of the Certificate covering that vessel and return it to the Commission. Such Certificate is void whether or not returned to the Commission, and the use of such Certificate is prohibited. If such Certificate has been lost or destroyed, the certificant shall submit the following written information to the Commission as soon as possible:

(1) The number of the Certificate and the name of the vessel.

(2) The date and reason why the certificant ceased to be the responsible operator of the vessel.

(3) The location of the vessel on the date the certificant ceased to be the responsible operator.

(4) The name and mailing address of the person to whom the vessel was sold or transferred, if any.

§ 543.8 Certificates, denial or revocation.

(a) A Certificate shall be denied or revoked for any of the following reasons:

(1) Making any willfully false statement to the Commission in connection with an application for an initial or renewal Certificate;

(2) Failure of an applicant or certificant to establish or maintain financial responsibility in accordance with the requirements of this Part;

(3) Failure to comply with or respond to lawful inquiries, regulations, or orders of the Commission;

(4) Failure to timely file the statements required by paragraph (a)(3) of § 543.6 of this Part; or

(5) Cancellation or termination of any insurance form, surety bond, or guaranty issued pursuant to this Part.

(b) Prior to the denial or revocation of a Certificate, the Commission shall advise the applicant or certificant, in writing, of its intention to deny or revoke the Certificate, and shall state the reason therefore. If the reason for the intended denial or revocation is the cancellation or termination of any insurance, surety, or guaranty (§ 543.8(a)(5)), the denial or revocation shall be effective on the effective date of the cancellation or termination, unless the certificant shall provide, prior to such date, acceptable substitute evidence of financial responsibility, or the certificant shall demonstrate that the insurance, bond, or guaranty has not been cancelled. If the reason for the intended denial or revocation is the failure to file required statements (§ 543.8(a)(4)), the denial or revocation

shall be effective 10 days after the date of the notice of intention to deny or revoke, unless the certificant shall demonstrate that the required statements were timely filed. If the intended denial or revocation is based upon any other reason, the applicant or certificant may request, in writing, a hearing to show that the applicant or certificant is in compliance with the provisions of this Part, and, if such request is received within 30 days after the date of the notification of intention to deny or revoke, such hearing shall be granted by the Commission. Hearings pursuant to this Part shall be conducted in accordance with the Commission's Rules of Practice and Procedure (46 CFR Part 502).

§ 543.9 Fees.

(a) This section establishes the application fee which shall be imposed by the Commission for processing application Form FMC–224P and also establishes the certification fee which shall be imposed for the issuance of Certificates of Financial Responsibility (Alaska Pipeline).

(b) Every application filed pursuant to this Part should be accompanied by the application and/or certification fees set forth in paragraphs (d) and (e) of this section. Fees may, however, be submitted separately.

(c) Fees must be paid in U.S. Dollars by check, draft, or postal money order made payable to the Federal Maritime Commission.

(d) Each applicant submitting application Form FMC–224P for the first time is subject to an initial application fee of $100 which shall not be refundable. If at a later date the same applicant chooses to submit another application Form FMC–224P (rather than a letter) in connection with a request for a Certificate to cover an additional or renamed vessel, an additional application fee will not be required. However, once an application Form FMC–224P is cancelled or withdrawn for any reason and the same applicant, holding no valid Certificates, wishes to reapply for Certificates covering the same or additional vessels, a new application form and application fee of $100 will be necessary.

(e) In addition to the $100 application fee, a vessel certification fee of $20 for each vessel listed in, or later added to, the application form shall be paid by the applicant. In a case necessitating the reissuance of a Certificate due to a change of owners, a name change, or a replacement of a lost Certificate, the certification fee of $20 shall apply.

(f) Certification fees will be refunded on receipt of written request of the application is withdrawn (either by direct withdrawal action of the applicant or by the Commission due to the applicant's failure to prosecute to completion a pending application) prior to issuance of the Certificates. Refund of excess fees will be made only if overpayment is $10 or more. However, any amounts not refunded will be credited for a period of two years from date of receipt for the applicant's possible future use in connection with the purposes of this Part.

§ 543.10 Enforcement.

The U.S. Coast Guard may detain a vessel subject to this Part at the port or place in the United States from which it is about to depart for any other port or place in the United States when such vessel does not produce evidence furnished by the Federal Maritime Commission that the financial responsibility provisions of this Part have been complied with.

§ 543.11 Notice and Service of Process.

(a) Notice to the public of the issuance, denial, or revocation of a Certificate shall be published in the FEDERAL REGISTER.

(b) When executing the required forms, each applicant, insurer, surety, and guarantor is required to designate thereon a person in the United States as legal agent for service of process for the purposes of subsection (c) of section 204 of the Act and of this Part. Each such designation shall be acknowledged in writing by the designee unless the designee has furnished the Commission with a "master" or "blanket" concurrence whereby the designee has agreed in advance to act as the U.S. agent for service of process for certain applicants or underwriters if so designated. In any instance in which the designated agent cannot be served because of death, disability, or unavailability, the Secretary, Federal Maritime Commission, will be deemed to be the agent for service of process. When serving the Secretary of the Federal Maritime Commission, in accordance with the above provision, the server must also serve the applicant, certificant, or underwriter, as the case may be, by registered mail at its last known address on file with the Commission.

Form Approved:
OMB No.:

Form FMC-224P Federal Maritime Commission
Washington, D.C. 20573

GENERAL
(PART I OF 4 PARTS)

APPLICATION FOR CERTIFICATE OF FINANCIAL RESPONSIBILITY (ALASKA PIPELINE)

INSTRUCTIONS: Please type or print clearly in ink and submit this application to the Secretary, Federal Maritime Commission, Washington, D.C. 20573. APPLICANT MUST ANSWER ALL APPLICABLE QUESTIONS. If a question cannot be answered, please type or print "Not Applicable," "None," or "Will be Supplied." If more space is needed, please attach supplemental sheets.

THIS SPACE FOR USE BY FMC ONLY

1.(a) Legal name of applicant (name of legally liable operator of all vessels listed in Part II):

(b) English equivalent of legal name if customarily written in language other than English:

(c) Trade name, if any:

2.(a) Is this the first time the above-named applicant is submitting application Form FMC-224P for an Alaska Pipeline Certificate?

☐ Yes ☐ No

If "No," please complete item "b" below.

(b) What FMC control number was assigned to the first Form FMC-224P?_____

3.(a) State applicant's legal form of organization, i.e., whether operating as an individual, corporation, partnership, association, joint stock company, business trust, or other organized group of persons (whether incorporated or not), or a receiver, trustee, or other liquidating agent, and briefly describe current business activities and length of time engaged therein:

(b) If a corporation, association, joint stock company, business trust, or other organization, please give:

Name of state or foreign country in which incorporated or organized:	Date of incorporation or organization:

(c) If a partnership, please give name and address of each partner:

4. Name and address of applicant's United States agent (person or firm) authorized by applicant to accept legal service in the United States (See Part IV):

EVIDENCE OF FINANCIAL RESPONSIBILITY (PART II OF 4 PARTS)

5. List each vessel which will carry oil that has been transported through the Trans-Alaska pipeline and which will require a Certificate of Financial Responsibility (Alaska Pipeline). Vessels for which the operator named in item 1(a) is not responsible should not be listed in this form. In Column (f) indicate the number "1" if the operator is also the registered owner. Indicate "2" in column (f) if the operator is not the registered owner.

(a) NAME OF VESSEL	(b) TYPE OF VESSEL	(c) COUNTRY OF REGISTRY	(d) REGISTRATION NUMBER	(e) GROSS TONS	(f) "1" or "2"

(g) If applicant indicated "2" for any vessel listed above, give:

NAME OF VESSEL	REGISTERED OWNER	OWNER'S MAILING ADDRESS

NOTE: This list of owners must be kept current by applicant.

6. Items 7 through 10 are the optional methods of establishing financial responsibility. Check the appropriate box(es) below and answer only the item(s) which are applicable to this application:

☐ Insurance (Answer item 7) ☐ Surety Bond (Answer item 8) ☐ Guaranty (Answer item 9) ☐ Self-Insurer (Answer item 10)

7. Name and address of applicant's insurer (Evidence of insurance acceptable to the Federal Maritime Commission must be filed before a Certificate will be issued):

8.(a) Amount of surety bond (Surety Bond Form FMC-226P must be filed before a Certificate will be issued):$_____

(b) Name and address of applicant's surety:

9.(a) Name and address of applicant's guarantor (Guaranty Form FMC-227P and all required financial data must be filed before a Certificate will be issued):

(b) Guarantor's Fiscal Year: _____ (Month) _____ (Day) to _____ (Month) _____ (Day)

10. If applicant intends to qualify as a self-insurer, attach all required financial data and indicate fiscal year:

_____ (Month) _____ (Day) to _____ (Month) _____ (Day)

DECLARATION (PART III OF 4 PARTS)

11.(a) Applicant's mailing address; street, number post office box, city, state, or country (and zip code if in the United States):	(b) Type or print in this space the name and title of the official who is signing this application below: (c) Address of principal office in United States (if any): (d) Area code and telephone no:

I declare that I have examined this application, including any accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Furthermore, I declare that the applicant named in item 1(a) of Part I above is responsible for all vessels now listed in or later added to this application. I agree that in the event the agent designated in item 4 of Part I above, or his replacement as may be appointed later with the approval of the Federal Maritime Commission, cannot be served due to his death, disability or unavailability, the Secretary, Federal Maritime Commission, shall be deemed to be the agent for service of process. I have signed this application in my above-indicated capacity as an authorized official of the applicant or, if acting under a power of attorney, pursuant to the power vested in me by the said applicant as evidenced by the attached document.

Date_____ Signature of above official_____

PLEASE NOTE:

-Be sure that Parts I, II, and III have been completed as fully as possible and that Part III has been dated and signed.

-All applicants must complete question 4 concerning U. S. agents for service of process. Any questions should be submitted to the Federal Maritime Commission or the underwriter (insurer, surety, etc.).

-If number "2" appears in column 5(f) for any vessels listed in column 5(a), the registered owners of those vessels must be listed in question 5(g) and kept current.

The statements hereinabove set forth are made subject to penalties prescribed by law for any person who knowingly and willfully makes false statements on any matter within the jurisdiction of an agency of the United States (18 USC 1001).

CONCURRENCE OF AGENT (PART IV OF 4 PARTS)

Part IV-A must be completed by the person or firm designated in item 4 of Part I to serve as applicant's United States legal agent for service of process. Part IV-B must be completed by the applicant. After Parts IV-A and IV-B are completed, Part IV should be submitted to the Commission by the applicant or by the agent, either separately or together with Parts I, II, and III. Part IV need not be completed if (1) the agent designated in item 4 of Part I already has submitted to the Commission an acceptable blanket Concurrence of Agent, agreeing to serve on behalf of any applicant who designates such agent, or (2) the applicant is a United States entity and has appointed itself as legal agent.

PART IV-A

It is hereby agreed that_____
(type name of United States agent)

shall serve as the herein named applicant's United States legal agent for service of process pursuant to the provisions of Section 543.4, Title 46, C.F.R. This designation and agreement shall cease immediately in the event that said applicant designates a new agent acceptable and agreed to by the Federal Maritime Commission.

Date:_____

Signature of person signing on behalf of agent:_____

(Title)

(Business address)

Part IV-B TO BE COMPLETED BY APPLICANT

Name of applicant (from item 1(a)):_____

Signature of person signing on behalf of applicant:_____
(Person signing here must also sign in appropriate place on Part III)

Date:_____

Type or print name and title:_____

FEDERAL MARITIME COMMISSION

INSURANCE FORM NO. _____ FURNISHED AS EVIDENCE OF FINANCIAL RESPONSIBILITY UNDER SUBSECTION 204(c) OF THE TRANS-ALASKA PIPELINE AUTHORIZATION ACT (PUBLIC LAW 93-153) 46 CFR 543

_____
(Name of Insurer)

(hereinafter "Insurer") hereby certifies that for purposes of complying with the provisions of subsection 204(c), Trans-Alaska Pipeline Authorization Act (hereinafter "Act"), each of the vessel operators specified in the schedules below is insured by it, in respect to each of the vessels respectively specified therein, against liability to which such vessel operators could be subjected under subsection 204(c) of the Act in the amount of $14 million any one incident.

_____, with offices at _____, is hereby designated as the United States legal agent of the Insurer for service of process in any direct action authorized by the next paragraph. In the event that the designated agent cannot be served due to his death, disability or unavailability, the Secretary, Federal Maritime Commission, shall be deemed to be the agent for service of process.

The Insurer consents to be sued directly in respect of any claim against any of said operators arising under subsection 204(c) of the Act; provided, however, that in any such direct action (a) its liability in any one incident shall not exceed $14 million per vessel and (b) it shall be entitled to invoke only the rights and defenses permitted by subsection 204(c) of the Act.

The insurance evidenced by this document shall be applicable only in relation to incidents giving rise to claims under subsection 204(c) of the Act in respect of any of the below-listed vessels, occurring on or after the effective date of this document, which, as to each of such vessels, shall be the date such vessel is named in Schedule A or added to Schedule B below, and before the expiration date of this document, which, as to each of such vessels, shall be a date 30 days after the date of receipt by the Federal Maritime Commission (FMC) of notice in writing that the Insurer has elected to terminate the insurance evidenced by this document in respect of any such vessel, and has so notified said vessel's operator; provided, however, that such notice to FMC shall have no effect hereunder if the election to terminate is based at least in part on the assured's failure, real or apparent, to pay premiums, calls or similar obligations when due unless such notice indicates that failure to pay is the reason for notice of termination.

If during the currency of this document a below-named operator requests that an additional vessel be made subject to this document, and if the Insurer should accede to such request and should so notify FMC, then such vessel shall be deemed included in Schedule B hereof.

If more than one insurer joins in executing this document, such action shall constitute joint and several liability on the part of such insurers.

Form FMC-225P

Effective Date of Coverage for Vessels on Schedule A: _____
day/month/year

_____
(Name of Insurer)

_____
(Mailing Address)

_____

_____

By: _____
(Signature of Official Signing on Behalf of Insurer)

_____
(Typed Name and Title of Signer)

Insurance Form No._____

SCHEDULE A
VESSELS AND OPERATORS

VESSEL	OPERATOR	GROSS TONS*

*For identification purposes only.

Insurance Form No._____

SCHEDULE B
ADDITIONAL VESSELS

VESSEL	OPERATOR	GROSS TONS*	DATE ADDED

*For identification purposes only.

Insurance Form No._____

SURETY CO. BOND NO._____

FEDERAL MARITIME COMMISSION

ALASKA PIPELINE
OIL DISCHARGE SURETY BOND (46 CFR 543)

KNOW ALL MEN BY THESE PRESENTS, that We _____
(Name of Vessel Operator)

_____ of _____
(City)

_____, as Principal (hereinafter called
(State and Country)

Principal), and _____
(Name of Surety)

a company created and existing under the laws of _____
(State and

_____, and authorized to do business in the United
Country)

States as Surety (hereinafter called Surety) are held and firmly bound unto the United States of America and other claimants for damages under subsection 204(c of the Trans-Alaska Pipeline Authorization Act (hereinafter "Act") in the penal sum of $14,000,000, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, joint and severally, firmly by these presents.

WHEREAS, the Principal intends to become or is a holder of a Certificate of Financial Responsibility (Alaska Pipeline) pursuant to the provisions of Part 543 of Title 46, Code of Federal Regulations, and has elected to file with the Federal Maritime Commission such a bond as will insure financial responsibility

Form FMC-226F

to meet any liability incurred under subsection 204(c) of the Act, and

WHEREAS, this bond is written to assure compliance by the Principal with the requirements of the said subsection 204(c) of the Act, and shall inure to the benefit of claimants under said subsection 204(c),

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay or cause to be paid to claimants any sum or sums for which the Principal may be held legally liable under subsection 204(c) of the Act, then this obligation shall be void, otherwise, to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond. In no event shall the Surety's obligation hereunder exceed the amount of said penalty, provided that the Surety furnishes written notice to the Secretary of the Federal Maritime Commission forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

Any claim for damages which the Principal may be liable for under the provisions of subsection 204(c) of the Act may be brought directly against the Surety; provided, however, that in the event of such direct claim the Surety shall be entitled to invoke only the rights and defenses permitted by subsection 204(c) of the Act.

This bond is effective the _____ day of _____, 19___, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The above-named Principal or the Surety may at any time terminate this bond by written notice sent by certified mail to the other party with a copy to the

Federal Maritime Commission at its office in Washington, D. C., such termination to become effective thirty (30) days after actual receipt of said notice by the Commission. The Surety shall not be liable hereunder in connection with an incident occurring after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety in connection with an incident occurring prior to the date such termination becomes effective.

The Surety designates _____ _____, with offices at _____ _____, as the Surety's agent for service of process for the purposes of subsection (c) of section 204 of the Act and for the purposes of the Rules of the Federal Maritime Commission (Part 543 of Title 46 Code of Federal Regulations). If the designated agent cannot be served due to his death, disability or unavailability, the Secretary, Federal Maritime Commission, shall be deemed to be the agent for service of process.

If more than one surety company joins in executing this bond, such action shall constitute joint and several liability on the part of such insurers.

In witness whereof, the above-named Principal and Surety have executed this instrument on the _____ day of _____, 19_____.

(Please type name of signer under each signature. In the case of a partnership, each partner must sign.)

PRINCIPAL

_____ (Individual Principal or Partner) _____ (Business Address)

_____ (Individual Principal or Partner) _____

_____ (Individual Principal or Partner) _____

_____

_____
Corporate Principal

_____
Business Address

_____

_____
By (Affix Corporate Seal)

_____
Title

_____

SURETY

_____
Corporate Surety

_____
Business Address

_____

_____
By (Affix Corporate Seal)

_____
Title

Only surety companies which are acceptable to the Federal Maritime Commission and which are certified by the U. S. Treasury Department with respect to issuance of Federal bonds in the face amount of $14 million may execute this bond.

FEDERAL MARITIME COMMISSION

GUARANTY IN RESPECT OF
LIABILITY FOR DISCHARGE OF OIL
ALASKA PIPELINE
(46 CFR 543)

1. WHEREAS_____
(Name of Vessel Operator)

(hereinafter referred to as the "Operator") is the Operator of the Vessel(s) specified in the annexed schedules (hereinafter "Vessel" or "Vessels") and the Operator desires to establish its financial responsibility in accordance with subsection 204(c) of the Trans-Alaska Pipeline Authorization Act (P.L. 93-153) (hereinafter referred to as "the Act"), the undersigned Guarantor hereby guarantees to discharge the Operator's legal liability in respect to a claim under subsection 204(c) of the Act, in the event that such legal liability has not been discharged by the Operator within 21 days after the claimant has obtained a final judgment (after appeal, if any) against the Operator from a United States Federal or State Court of competent jurisdiction, or has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the Operator, with the approval of the Guarantor, whereby, upon payment of the agreed sum, the Operator is to be fully, irrevocably and unconditionally discharged from all further liability to the claimant with respect to such claim.

2. The Guarantor's liability under this Guaranty shall in no event exceed $14 million, provided that the Guarantor furnishes written notice to the Federal Maritime Commission forthwith of all suits filed, judgments rendered, and payments made by said Guarantor under this Guaranty.

3. The Guarantor's liability under this Guaranty shall attach only in relation to incidents giving rise to causes of action against the Operator in respect of any of the Vessels for damages under subsection 204(c) of the Act, occurring on or after the effective date of this Guaranty, which, as to any of such Vessels, shall be the date such Vessel is named in Schedule A or added to Schedule B below, and before the expiration date of this Guaranty, which, as to any of such Vessels, shall be the date 30 days after the date of receipt by the Federal Maritime Commission of notice in writing that the Guarantor has elected to terminate this Guaranty, with respect to any such Vessels, and has so notified Operator.

4. Any claim for damages which the Operator may be liable for under the provisions of subsection 204(c) of the Act may be brought directly against the Guarantor; provided, however, that in the event of such direct claim the Guarantor shall be entitled to invoke only the rights and defenses permitted by subsection 204(c) of the Act.

5. If, during the currency of this Guaranty, the Operator requests that a vessel operated by the Operator, and not specified in the annexed Schedules A and B, should become subject to this Guaranty, and if the Guarantor accedes to such request and so notifies the Commission in writing, then such vessel shall thereupon be deemed to be one of the Vessels included in Schedule B and subject to this Guaranty.

FORM FMC-227P

6. The Guarantor hereby designates _____ with offices at _____ , as the Guarantor's agent in the United States for service of process for purposes of subsection (c) of section 204 of the Act and for the purposes of Part 543 of Title 46, Code of Federal Regulations. If the designated agent cannot be served due to his death, disability or unavailability, the Secretary, Federal Maritime Commission, shall be deemed to be the agent for service of process.

EFFECTIVE DATE: _____
(Month/Day/Year and Place of Execution)

_____
(Type Name of Guarantor)

_____
(Type Address of Guarantor)

_____

_____

By: _____
(Signature)

_____
(Type Name and Title of Person Signing Above)

_____

SCHEDULE A
VESSELS INITIALLY LISTED

VESSELS	GROSS TONS	OPERATOR

NOTE: Gross tons are for identification purposes only.

SCHEDULE B
VESSELS ADDED IN ACCORDANCE WITH CLAUSE 6

VESSEL	GROSS TONS	OPERATOR	DATE ADDED

NOTE: Gross tons are for identification purposes only.

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